



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

Abbe Nelligan
Assistant Deputy Commissioner of Re-entry
Massachusetts Department of Correction
50 Maple Street
Milford, MA 01757

April 7th, 2025

Dear Ms. Nelligan,

We are writing to request a meeting with you as soon as possible to discuss why the Department of Correction (DOC) is systematically and widely placing incarcerated individuals in higher security than determined by the DOC's own objective point based classification score.¹ This was raised in last year's Ways and Means hearing and multiple times at our quarterly meetings with the DOC. We were surprised when you expressed that having so few people in minimum security or below is a positive outcome.

We care about this issue for many reasons, but as we deliberate the FY2026 budget, we are imminently concerned that overclassification drives the ballooning expense for security staff by DOC allocating the budget to more medium security prisons than necessary. As an illustrative statistic of this mismanagement, the ratio of DOC full-time employee (FTE) to incarcerated individual is 1.4, with 4,067 FTEs and about 5,659 people in custody. This expense does not include the cost of healthcare which comprises 27% of DOC's budget.²

We are also alarmed that overclassification and DOC policy unnecessarily limit incarcerated individuals' access to meaningful and transferable work experience at equal and fair pay. Such opportunities should be available prior to their parole hearing, but it appears it is exceedingly rare for individuals to step down before the Parole Board has voted to grant parole. It is morally unconscionable that the only work opportunities at a medium security facility are DOC institutional jobs that pay a mere \$1.45 to \$2.90 per day, or \$341 to \$684 per year,³ or MassCor Industries jobs that pay \$0.45 to \$1.75 per hour, or \$846 to \$3,290 per year.⁴ Although there is work release at minimum and pre-release facilities, DOC policy greatly limits what jobs individuals can work, regardless of their educational and vocational qualifications, and pay is still limited to \$20 to \$40 a week, or \$1,040 to \$2,080 per year.

Similarly, placing more individuals in minimum or pre-release has the potential to increase access to programming and education, which also prepares individuals for re-entry. At lower security, individuals

¹ Inmate Security Classification, <https://www.mass.gov/info-details/inmate-security-classification>

² Report on MA DOC Expenditures and Staffing Levels for Fiscal 2024, Lifer's Group Inc. MCI-Norfolk. <https://www.realcostofprisons.org/writing/haas-ma-doc-expenditures-and-staffing-for-FY-2024.pdf>.

³ 103 CMR 405.07, <https://www.mass.gov/doc/cmr-405-fund-accounts/download>.

⁴ MassCor Industries Offender Workforce Position Series Report, obtained from MCI-Norfolk, https://drive.google.com/file/d/12Yat8kHqVq6Yqh0jZ-93lQIA5iTUMrgI/view?usp=drive_link.

and volunteer groups that provide programming have fewer security barriers to overcome and according to 103 CMR 468, individuals at lower security could leave the facility on electronic monitoring, permitting them to take classes or programming in-person and in the community.

Additionally, pursuant to Mass. Gen. Laws ch. 124, § 1(q) and Mass. Gen. Laws ch. 127, § 90A, and 103 CMR 463, Furloughs remain an unutilized opportunity to support re-entry. Individuals would be able to bond with their family and community, attend funerals, weddings, graduations, and other monumental life events, take care of administrative needs such as obtaining a Mass ID or drivers license, and access healthcare at a lower cost than prison health care providers.

DOC places incarcerated individuals in higher security despite objective measures:

Based on DOC data, the vast majority of incarcerated individuals have the points to be placed in minimum security or below, yet only 10% of the population are placed in minimum security. This is not due to space limitations: Boston Pre-Release is only at 28% capacity, with 144 beds available, and NECC at Concord and Pondville Correctional Center are at 74% and 73% capacity, respectively. All minimum and pre-release facilities combined have 271 beds available right now.⁵

Furthermore, DOC decided to close or not utilize several minimum and pre-release facilities with a total of 701 beds.⁶ South Middlesex Correctional Center (minimum and pre-release) and MCI-Shirley Minimum were both suspended in 2021, citing “low prisoner population.”⁷ Bay State Correctional Center was a medium security facility with 266 beds that closed in 2015 but was repurposed to house homeless families in 2024.

Table 1: Comparing security level determined by objective point based classification score with security level decided by the DOC for the entire DOC population, December 2024⁸

	<u>Security level set by objective points</u>		<u>Security level decided by DOC</u>	
	# of individuals	%	# of individuals	%
Minimum or below	3,386	65%	525	10%
Medium	959	19%	3924	76%
Maximum	826	16%	722	14%
Total	5,171	100%	5,171	100%

We observe a similar and even more drastic divergence for incarcerated women, in which 84% of women at MCI-Framingham have the points to be placed in minimum security or below, yet only 26% are placed in minimum security. Had DOC followed its own objective point based classification score, only 28 women fit the criteria for medium security prison. This score is based on the severity of their conviction(s), disciplinary behavior, program and work participation, and age. With such a small

⁵ Most recent MA DOC Weekly Count Sheet, March 24, 2025.

<https://www.mass.gov/doc/weekly-inmate-count-3242025/download>.

⁶ This includes South Middlesex Correctional Center with 185 beds, Old Colony Correctional Center with 160 beds, NCCI Gardner with 30 beds, and MCI-Shirley with 326 beds.

⁷ Becker, Deborah, “Mass. DOC Suspends Operations At 2 Facilities.” WBUR, January 8, 2021.

⁸ MA DOC Classification Scored Level and Facility Final Level for 12/1/2024, obtained by public records request, https://drive.google.com/file/d/1KicGFM5HCprfeZMdxBibRfa5WP5MYarb/view?usp=drive_link.

population, it is hard to comprehend the rationale behind the proposal to build a new women’s prison.

Table 2: Comparing security level determined by objective point based classification score with security level decided by the DOC for women, March 2024⁹

	<u>Security level set by objective points</u>		<u>Security level decided by DOC</u>	
	# of individuals	%	# of individuals	%
Minimum or below	149	84%	46	26%
Medium	28	16%	131	74%
Total	177	100%	177	100%

This wide divergence between objective point based classification score and security level ultimately decided by the DOC, are made through applying “discretionary overrides codes” and “non-discretionary restriction codes.”¹⁰ A significant percentage of overrides and restrictions applied (86% at MCI-Norfolk)¹¹ are classification factors that the National Institute of Corrections (NIC) deemed the least predictive, including sentence length, severity of the offense, and time left to serve.¹²

Meanwhile, the factors that the NIC deemed most predictive of prisoner behavior are current age, gender, history of violence, mental illness, gang membership, program participation, and recent disciplinary actions. These factors have a smaller impact on security level placement, not only because none of these factors are incorporated into overrides and restrictions, but also because the points received are smaller in magnitude compared to factors deemed least predictive. For example, severity of the offense, which is deemed one of the least predictive factors, individuals may receive up to 7 points and 89% at MCI-Norfolk receive the maximum 6 points. In contrast, for program participation one can receive 0 to -2 points, and for age individuals can receive 1 to -3 points and. See Appendix A for a full breakdown in points and codes.

One exception to this pattern is that recent disciplinary actions are weighted heavily into the objective points score with three out of the eight factors used to calculate the score are related to recent disciplinary actions. Yet a very small percentage of individuals at MCI-Norfolk received any points in these categories. Only 1% received points for prior institutional violence, 8% received points for the number of disciplinary reports received within the past year, and 8% had a violent disciplinary report within the past year. Among this sample of men at MCI-Norfolk, unsurprisingly 85% have the score for minimum security and yet remain in medium security.

⁹ Suffolk University Women and Prison Security Classification in Massachusetts <https://drive.google.com/file/d/1atykiF4t5EJ0JNiGVTCRqTot8bVgMld/view>, pg 12, Active Female Incarcerated Individuals at MCI Framingham as of 3/25/2024.

¹⁰ Inmate Security Classification, <https://www.mass.gov/info-details/inmate-security-classification>, pp. 20 & 24.

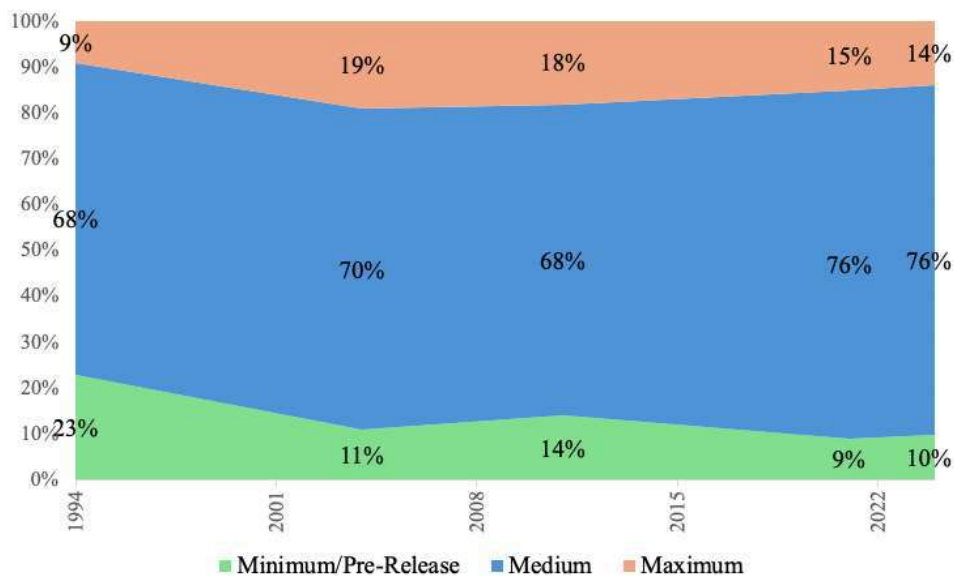
¹¹ Based on a sample of 74 classification reports at MCI-Norfolk for the month of January, 2024. Obtained through public records request.

¹² Austin, National Institute of Corrections, Findings in Prison Classification and Risk Assessment at 5 (2003), <https://s3.amazonaws.com/static.nicic.gov/Library/018888.pdf>.

Over time, DOC has placed a greater percentage of the population in higher security, including immediately prior to their release:

Reviewing DOC data since the 1990s, the percentage of individuals placed in minimum or pre-release has decreased over time, while the percentage of individuals in medium security or maximum security has increased. Since 2004, the percent of the population placed in minimum security or below has stubbornly remained at 9% to 14%. This is far below longstanding national estimates that among the incarcerated population, approximately 35-40% of prisoners are housed in minimum, 35-45% in medium, and 10-15% in maximum.¹³ Although Massachusetts, unlike other states, sends incarcerated men serving shorter sentences to county facilities, this does not fully explain the disparity.

Graph 3: DOC Population Security Level Placement from 1994 to 2024¹⁴



Furthermore, DOC is failing to step down individuals with sufficient time prior to their release. A staggering 76% of the DOC population was not stepped down at all and was released directly from medium or maximum security to the community.¹⁵ Speaking from my own experience of interviewing dozens of incarcerated individuals and returning citizens, everyone we have spoken to was only stepped down after they received a positive parole decision. Many were delayed from being stepped down and required significant advocacy to the DOC administration to step them down or to be released by the DOC.

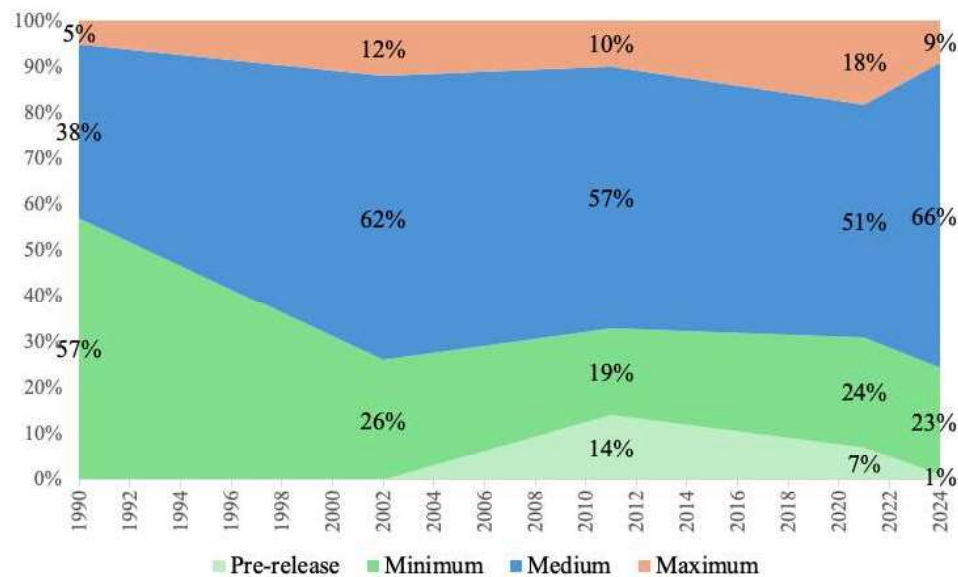
¹³ James Austin & Kenneth McGinnis, Classification of High-Risk and Special Management Prisoners: A National Assessment of Current Practices, U.S. Dep’t of Justice, Nat’l Inst. of Corr., at 3 (2004), <https://www.hsdl.org/c/view?docid=451773> (Exhibit 2. Nationwide Estimated Inmate Classification Levels for the Average Daily Population); see also Alexander & Austin, Handbook for Evaluating Objective Prison Classification Systems, National Council on Crime and Delinquency at 4-5 (June 1992), <https://www.ojp.gov/pdffiles1/Digitization/139891NCJRS.pdf> (“Most states are discovering that 25 to 40 percent of their inmates can be safely housed in minimum custody.”).

¹⁴ See Appendix B for data sources.

¹⁵ MA DOC Custody Population Releases between 2023-2024, obtained by public records request, https://drive.google.com/file/d/1kb-9Izf73EHnDujFpVVIk11zL0NuWCn1/view?usp=drive_link.

This not only undermines public safety but also runs afoul of Massachusetts General Laws, regulations, and case law¹⁶ and further drives up costs for the Commonwealth. When incarcerated individuals are set up to fail upon their re-entry, this leads to higher recidivism and a greater need for shelters and support services.

Graph 4: Release from Prison by Security Level from 1990 to 2024¹⁷



DOC prison population has nearly dropped by half while the DOC budget continues to increase:

Over the past twelve years, the DOC prison population has nearly dropped by half from 11,034 in 2014¹⁸ to 5,995 in 2025¹⁹ and yet the DOC budget (line item #8900-0001) has increased 11.7% from FY14 to the most recent Governor’s proposed FY26 budget (adjusted for inflation). This puts Massachusetts among one of the most expensive prison systems per incarcerated individual in the country at \$139,844 per person,²⁰ compared to the federal average of \$42,672 per person²¹ and the average across all states of \$47,057 per person.²² Despite this, DOC’s overall expenditure on programming has stubbornly remained at a mere 2% of the DOC’s budget.²³ It is clear that one of the most significant factors driving up DOC’s

¹⁶ See Appendix A for relevant statutes and case law pertaining to classification, rehabilitation, and programming.

¹⁷ See Appendix C for data sources.

¹⁸ Mass. Dep’t of Corr., January 1 Snapshot Dashboard, <https://www.mass.gov/info-details/january-1-snapshot-dashboard>.

¹⁹ Mass. Dep’t of Corr., Weekly Inmate Count January 6, 2025, <https://www.mass.gov/lists/weekly-inmate-count-2025>.

²⁰ The Governor’s budget proposes \$838,364,488 for the Dep’t of Corr. Facility Operations (8900-0001) divided by the 5,995 individuals incarcerated on January 6, 2025.

²¹ Bureau of Prisons, “Annual Determination of Average Cost of Incarceration Fee (COIF).” September 22, 2023. [https://www.federalregister.gov/documents/2023/09/22/2023-20585/annual-determination-of-average-cost-of-incarceration-fee-coif#:~:text=Based%20on%20FY%202022%20data,%2439%2C197%20\(%24107.39%20per%20day\).](https://www.federalregister.gov/documents/2023/09/22/2023-20585/annual-determination-of-average-cost-of-incarceration-fee-coif#:~:text=Based%20on%20FY%202022%20data,%2439%2C197%20(%24107.39%20per%20day).)

²² The Vera Institute, “The Price of Jails, Measuring the Taxpayer Cost of Local Incarceration.” May, 2015. <https://www.vera.org/publications/the-price-of-jails-measuring-the-taxpayer-cost-of-local-incarceration>.

²³ Report on Mass. Dep’t Corr. Expenditures and Staffing Levels for Fiscal 2024, Lifer’s Group Inc. MCI-Norfolk. <https://www.realcostofprisons.org/writing/haas-ma-doc-expenditures-and-staffing-for-FY-2024.pdf>.

expenditures, despite a decreasing prison population, is the ever-increasing overclassification to high security. If the DOC followed current statutes and its own regulations pertaining to objective classification review,²⁴ not only would DOC expenditures decrease significantly, but this would be the most cost-effective way to reduce recidivism,²⁵ ensure people have smoother and better supported returns to their communities, and fulfill our statutory responsibility to rehabilitate individuals in DOC custody.²⁶

Next steps in investigating costs to the Commonwealth of overclassification:

We believe that things that are not measured will not change. There are immense costs to overclassification both directly in DOC's budget and the broader negative impact on the financial stability of returning citizens through their lack of savings and their limited access to programming and education. Medium security facilities are more expensive to operate than minimum security, pre-release, or serving time in the community. These costs are further compounded not only by more security staff but also on the cost of healthcare, especially for an increasingly aging prison population. We look forward to discussing with you next steps and further understanding the magnitude of these costs.

Sincerely,

Erika Uytterhoeven
State Representative
27th Middlesex District

Russell Holmes
State Representative
6th Suffolk District

²⁴ 103 CMR 420, <https://www.mass.gov/doc/103-cmr-420-classification-0/download>. Inmate Security Classification, <https://www.mass.gov/info-details/inmate-security-classification>, see Male and Female Objective Point Base Classification Manuals.

²⁵ MADOC One-Year Recidivism Rates of Men Released 2013-202: A Multi-Year Descriptive Analysis of Correctional Recovery Academy and High School Equivalency Credential. EOPSS 2023. <https://www.mass.gov/doc/one-year-recidivism-rates-of-male-releases-2013-2020-a-multi-year-descriptive-analysis-of-correctional-recovery-academy-and-high-school-equivalency-credential/download>.

²⁶ Mass. Gen. Laws ch. 124, § 1.

Appendix A: Factors that determine the Objective Point Based Classification Score, and Override and Restriction Codes

A1: Point-based classification decision:

	Minimum	Medium	Maximum
Men	6 or fewer	7 to 11	12 or more
Women	9 or fewer	10 or more	Not Applicable

A2: Breakdown of 8 Factors for Objective Point Base:

Note: “Predictive NIC factor” column informs whether each classification factor is among those that the National Corrections found to be most predictive of prisoner behavior.

	Predictive NIC factor	Min Pts	Max Pts	Avg Pts	% of MCI-Norfolk Population
1. Severity of Current Offense <ul style="list-style-type: none"> Low, moderate, high, highest 	No	1	7	5.7	89% have 6 pts
2. Severity of Convictions within last 4 years <ul style="list-style-type: none"> None, low, moderate, high, highest 	No	0	7	0	100% have 0pts
3. History of Escape or Attempts to Escape <ul style="list-style-type: none"> Walk-away from non-secure custody: 1 pt if over 1 year ago or 3 pts if within the past year Possession of cell phone in secure custody or any other attempt: 1 pt if over 10 years ago, 5 pts if between 5-10 years, and 7 pts if within past 5 years 	No	0	7	0.1	85% have 0 pts, all incidents happened more than 10 years ago
4. History of Prior Institutional Violence within the last 3 years	Yes	0	5	0.04	99% have 0 pts
5. Number of Guilty Disciplinary Reports within the last 12 months <ul style="list-style-type: none"> None or one, Two, and Three or more 	Yes	0	4	0.27	92% have 0 pts
6. Most Severe Guilty Disciplinary Report within the last 12 months <ul style="list-style-type: none"> 4 Categories of Disciplinary Reports Incidents of violence or distributing drugs is 6 to 7 pts 	Yes	0	7	0.8	84% have 0 pts 8% are violent
7. Age <ul style="list-style-type: none"> 1 pt if 24 years old or younger 0 pts if 25 to 38 years old -2 pts if 39 to 59 years old -3 pts if 60 years old or older 	Yes	-3	1	-2.1	0% have 1 pt 9% have 0 pts 57% have -2 pts 34% have -3 pts

8. Program Participation or Work Assignment <ul style="list-style-type: none"> 0 pts if refuse/decline to participate -1 pt if currently on a program or work wait list or actively involved in a program or work assignment -2 pts if satisfied all program requirements 	Yes	-2	0	-0.9	32% have 0 pts 41% have -1 pt 27% have -2 pts
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----	----	---	------	-----------------------------------------------------

A3: Non-Discretionary Restrictions:

Codes that restrict individuals from minimum security	Predictive NIC factor
A: Length of time to serve- Inmates with more than 5 years to their earliest release date are not to be considered for minimum or below.	No
B: Outstanding Legal – Inmates whose data critical to decision making is outstanding and inmates with unresolved / nonpermissible legal issues are to remain in medium or above until the legal issue is resolved. Inmates may be placed in minimum security with permissible legal issues, as noted in Table D	Unclear
C: Possible Civil Commitment - Inmates who are subject to civil commitment post release are not to be considered for minimum or below.	Unclear
D: Pending immigration status – Inmates whose immigration status is pending or those with an immigration detainer or Deportation Order are not to be considered for minimum or below.	Unclear
E: Inmate Serving Life Without Parole - Inmates Serving Life Without Parole are not to be considered for minimum or below.	No
F: Inmates currently convicted of a crime while incarcerated or Murder of a Public Official, are not to be considered for minimum security unless either (1) the Parole Board approved a release plan and granted a positive parole vote which may include conditions which must be fulfilled before an inmate can be released, such as program comp	Likely
G: Health coverage necessary – Health Status Report reflects medical / mental health restrictions preventing lower security.	Unclear
H: Inmates currently convicted of a crime that resulted in loss of life, excluding those who committed their crime before the age of twenty one (21), are not to be considered for minimum security unless either (1) the Parole Board approved a release plan and granted a positive parole vote which may include conditions which must be fulfilled before an inmate can be released, such as program completion or a specified amount of time to be served in lower security; or (2) are within three years of a defined release date.	No

A4: Discretionary Overrides:

Codes that override individuals to higher security	Predictive NIC factor
P: Pending Disciplinary Report- Inmates who have pending disciplinary report(s)	Yes
Q: Investigative Hold- Those inmates who are currently under investigation or awaiting action and a transfer to lower security may jeopardize the investigation.	Unclear
R: Nature of Offense/ High Notoriety- The facts or notoriety of the offense presents a seriousness that cannot be captured in the score	No
S: Prior Criminal History- The criminal history presents a seriousness that cannot be captured in the score.	No
T: Institutional Negative Adjustment- The institutional adjustment presents a seriousness that cannot be captured in the score	In contradiction with objective points
U: Relates to the Safe Orderly Operation of the Facility-Those inmates whose behavior, while not always negative enough to warrant disciplinary action, may serve to threaten security or undermine the exercise of proper control and maintenance of order within the institution or other correctional facility.	In contradiction with objective points
V: STG Issues-Those inmates who should remain in higher custody based on their STG involvement.	Yes

Appendix B: Percentage Breakdown of DOC Population by Security Level and DOC Releases by Security Level Since 1990s

Table 4: Percent of DOC Custody Population by Security Level²⁷

	<u>1994</u>	<u>2004</u>	<u>2011</u>	<u>2021</u>	<u>2023-2024²⁸</u>
Maximum	9%	19%	18%	15%	14%
Medium	68%	70%	68%	76%	76%
Minimum & Pre-Release	23%	11%	14%	9%	10%

Table 5: Percent of Release from Prison by Security Level²⁹

	<u>1990</u>	<u>2002</u>	<u>2011</u>	<u>2021</u>	<u>2023-2024³⁰</u>
Maximum	5%	12%	10%	18%	9%
Medium	38%	62%	57%	51%	66%
Minimum	57%	26%	19%	24%	23%
Pre-release	-	-	14%	7%	1%

²⁷ All figures rounded to the nearest whole number. Data sources include the 2004 Governor’s Commission on Corrections Reform report and the 2011 and 2021 Prison Population Trends reports produced by the DOC. Mass. Governor’s Comm’n on Corrections Reform, Strengthening Public Safety, Increasing Accountability, and Instituting Fiscal Responsibility in the Department of Correction at 7-8 (June 3, 2004), <https://static.prisonpolicy.org/scans/gccr2004.pdf> (Figure 3 and associated text); Mass. Dep’t of Corrections, Prison Population Trends 2011 at 8 (June 2012), <https://www.mass.gov/doc/prison-population-trends-2011/download> (out of an average 11,475 people in DOC custody in 2011, on average 2,027 were held in Maximum security settings, 7,838 in Medium security settings, and 1,610 in Minimum or Pre-Release security settings); Mass. Dep’t of Corr., Prison Population Trends 2021 at 8 (May 2022), <https://www.mass.gov/doc/prison-population-trends-2021/download>.

²⁸ MA DOC Custody Population Releases between 2023-2024, obtained by public records request, https://drive.google.com/file/d/1kb-9Izf73EHnDujFpVVIk11zL0NuWCn1/view?usp=drive_link.

²⁹ Data sources include the 2004 Governor’s Commission on Corrections Reform report and the 2011 and 2021 Prison Population Trends reports produced by the DOC. In the later two reports, the DOC had a third major category of releases besides paroled to the street and released by expiration of sentence, labeled “Parole or Expiration of Sentence to Other”, which includes a variety of outcomes such as going on parole or via expiration of sentence to an out of state sentence, a federal authority, immigration detention, a from and after House of Correction sentence or separate DOC sentence, being detained on a warrant, etc. This is why the figures in those columns do not add to 100. See generally Mass. Governor’s Comm’n on Corrections Reform, Strengthening Public Safety, Increasing Accountability, and Instituting Fiscal Responsibility in the Department of Correction at 9 (June 3, 2004), <https://static.prisonpolicy.org/scans/gccr2004.pdf> (Figure 4); Mass. Dep’t of Corrections, Prison Population Trends 2011 at 28, 38, 55 (June 2012), <https://www.mass.gov/doc/prison-population-trends-2011/download>; Mass. Dep’t of Corr., Prison Population Trends 2021 at 28, 39, 56 (May 2022), <https://www.mass.gov/doc/prison-population-trends-2021/download>.

³⁰ MA DOC Custody Population Releases between 2023-2024, obtained by public records request, https://drive.google.com/file/d/1kb-9Izf73EHnDujFpVVIk11zL0NuWCn1/view?usp=drive_link.

Appendix C: Relevant statutes and case law pertaining to classification, rehabilitation, and programming

- Mass. Gen. Laws ch. 124, § 1 (e) (f) and (g) requires the DOC Commissioner to establish programs of rehabilitation, a system of classification, and custody requirements. Furthermore it states “each such person”, requiring individual assessment, which calls to question the use of restriction (or non-discretionary override) codes that are applied without individual assessment;
- Mass. Gen. Laws ch. 127, § 21 that classification exists so “as to promote their reformation and safe custody and the economy of their support” for incarcerated people;
- Mass. Gen. Laws ch. 127, § 32 requires prisoners to be treated with kindness;
- Mass. Gen. Laws ch. 127, § 39E requires that even prisoners in restrictive housing have access to “vocational, educational and rehabilitative programs to the maximum extent possible consistent with the safety and security of the unit and shall receive good time for participation at the same rates as the general population”;
- Mass. Gen. Laws ch. 127, § 48 requires the provision of educational, training, and employment programs in correctional facilities;
- Mass. Gen. Laws ch. 127, § 49 allows incarcerated people, in certain circumstances, to participate in education, training, and employment programs outside of correctional facilities; in addition, it permits an inmate “eligible for parole within eighteen months” to participate in education, training, or employment programs outside a correctional facility;
- Mass. Gen. Laws ch. 127, § 129D encourages participation in programming and education through the awarding of good time credits;
- The Criminal Justice Reform Act of 2018, Session Laws of 2018, Chapter 69, Section 89(a) defined “Criminal justice agencies”, as “agencies at all levels of government which perform as their principal function, activities relating to: (a) crime prevention, including research or the sponsorship of research; (b) the apprehension, prosecution, adjudication, incarceration or rehabilitation of criminal offenders; or (c) the collection, storage, dissemination or usage of criminal offender record information.”
- 103 CMR 420.00: Classification establishes rules and procedures which govern the DOC inmate classification system but does not define restriction or override codes and as such incarcerated individuals are classified by unpromulgated regulations. Codes R, T, and U are in direct contravention to 420.06(a) which states the goals and objections of the classification system to “use a reliable, validated set of variables to support classification decisions.” Additionally, 420.06(b) sets the objective to “promote, successful reintegration to a law abiding and productive community life.”
- Commonwealth v. Donohue, 452 Mass. 256, 265-270 (2008) ruled that the placement of select inmates in the GPS program does not violate article 30 of the Massachusetts Declaration of Rights and does not constitute an ultra vires act by the sheriff.

<http://masscases.com/cases/sjc/452/452mass256.html>