



CRIMINAL JUSTICE POLICY COALITION

Collective Action for Humane, Healing, and Effective Criminal Justice Policy in Massachusetts

A Quarterly Newsletter

Spring 2010

Evidence-Based Practices In Criminal Justice

“Unlike 30 years ago, there is today an enormous body of sophisticated research proving that unlike incarceration, which actually increases offender recidivism, properly designed and operated recidivism reduction programs can significantly reduce offender recidivism. Such programs are more effective, and more cost-effective, than incarceration in reducing crime rates.” –

Roger K. Warren (National Center for State Courts)

In light of such evidence, the CJPC has devoted this newsletter to the further elucidation of Evidence Based Practices in Criminal Justice reform. The newsletter’s perspective is particularly from those that have experienced the Massachusetts criminal justice system from the inside and therefore, have special insight to provide.

TABLE OF CONTENTS

The Pew Studies On EBP.....pg. 2

***Merger Fever* by Pippin Ross.....pg. 3**

***A View From Inside* – Letter From Jorge Zerquera.....pg. 4**

Q+ A With Board Member Arthur Bembury.....pg. 5

A Final Word On EBP From Chairman, Eric Tennen.....pg. 6



The Pew Center on the states has released a new [Prison Count](http://www.cjpc.org/Prison_Count_2010) (www.cjpc.org/Prison_Count_2010 Pew Center report.pdf) report showing that for first time in 38 years the number of prisoners held in state prisons decreased. Massachusetts was part of this decrease with 252 less prisoners at the end of 2009, a decrease of 2.2 percent. Other states have shown much bigger decreases, mainly for budget reasons. At the present time the Executive Office of Public Safety is planning a “maintenance” budget for the Department of Correction (DOC). Over the past two years according to Secretary of Public Safety Mary Beth Heffernan and Commissioner of Correction Harold Clarke the DOC has cut its budget by \$65 million dollars [out of approximately \$1.2 billion dollars]. These cuts have been in health and mental health care services. Not a single guard has been laid off because of the contract with the Massachusetts Correctional Officers Union. Meanwhile the total budget shortfall for the coming fiscal year is reported to be \$2 billion dollars to balance a \$28 billion dollar budget, and the legislature is proposing a \$200 million dollars cut to local aid, which will result in laying off teachers, firefighters and local police.

Can corrections cost in Massachusetts be cut? Texas of all places provides one model of how to do this. “In January 2007, Texas faced a projected prison population increase of up to 17,000 inmates in just five years. Rather than spend nearly \$2 billion on new prison construction and operations to accommodate this growth, policy makers in Texas reinvested a fraction of this amount—\$241 million—in a network of residential and community-based treatment and diversion programs” (Pew Center Report p. 3.) Even better models for cutting corrections costs are contained in two reports published by the National Institute of Corrections of the United States Department of Justice during the Bush Administration: Evidence Based Practice to [Reduce Recidivism](http://www.cjpc.org/Reduce_Recidivism.pdf) (http://www.cjpc.org/Reduce_Recidivism.pdf) and [Re-engineering Probation](http://www.cjpc.org/ReEngineeringProb_ct1105.pdf) (http://www.cjpc.org/ReEngineeringProb_ct1105.pdf). The choice is between maintaining very costly and ineffective prison system for sake seeming to be tough on crime, at the expense of other basic services including education, roads and public safety in the community; or implementing evidence based practices, which will actually reduce recidivism and thereby reduce crime. This will require the political will to take on entrenched special interests, especially the guards union, and groups that seek harsher punishment for the sake of punishment.

For further information on these studies, visit the CJPC website at www.cjpc.org.

Merger Fever
By Pippin Ross

Governor Deval Patrick wants to merge the state's probation department with parole to create one entity called the *Office of Community Supervision*. It's part of a plan to dodge tax hikes by making radical redesigns to state government as we know it. The parole-probation consolidation is intended to accomplish two goals: Save \$40-100 million dollars in the next 10 years, and lop off a lot of bureaucratic redundancy and inefficiency in a move that's been done, and is working well, in many other states.

Parole, probation, and the court view the plan as a sure-fire way to snap two agencies already stretched too thin. But, those who know and experience the costly dysfunction regularly demonstrated by supervising people on probation and parole, consider the consolidation long overdue.

The Patrick administration's primary motivation is the \$46.2 million dollars in cost cuts the probation-parole merger would immediately bring. Beyond budgetary CPR, according to Mary Beth Heffernan, secretary of the Executive Office of Public Safety and Security, the justification is to 'create one coherent organization that would improve safety through better coordination and sharing of services and information'. As she put it, "The system is broken and needs to be fixed." The consolidation will force probation

to move to the Executive Office of Public Safety, where Parole already resides.

The loudest protests over the merger come from court and probation. Aside from the additional layoffs, furloughs and courthouse closures the merger brings, Robert Mulligan, chief justice for the court system's Administration and Finance, says their complaint is, 'A bureaucracy with a hierarchy will promote greater distance between the judge and probation officer.' Essentially, probation considers their task much more a function of court, not government. Parole is simply a function of public safety, not court.

Although cost and efficiency are defined as the merger's primary intent, the down-low has two parts: First, it's part of the administration's effort to shunt probation's reputation as a mecca of legislative patronage. In fact, a study of who's employed in probation reads like a family tree connecting numerous lawmakers, many of who are on judiciary committees, to probation officers, managers, or deputy commissioners. A 'good old boy(girl)' arrangement that won't do well when, and if, 'transparency in government' actually takes effect.

What's generating widespread, but softly spoken, support for the merger is that parole and probation are both in dire need of transparency to ensure their oversight is fair, reasonable, and just. Those who work the criminal

justice beat are pushing for the reformation plan with a couple of goals in the forefront: To ensure a rational consistency in how parole and probation officers treat and handle their clients; and to ease and consolidate the tremendous financial and logistical burdens placed on probationers and parolees that often interferes with their effort to return to and/or sustain lives as productive citizens. A probation officer who requested anonymity summed it up by saying, 'Parole exercises no justice; and many probation officers behave as though they are secretly dreaming of being prosecutors. The ones who pay the price are people just out, or those just about in (prison).'

The final scene is a hard call. Probation's opposition carries clout. The chief justice of the state's Supreme Judicial Court, Margaret Marshall suggests the merger threatens the court's efficient use of probation as an alternative to prison. Numerous lawmakers are not happy with the prospect of their husbands/wives/kids losing their probation jobs. By comparison, criminal justice proponents hold a toothless majority. The fair and reasonable treatment of probation and parolees has minimal strength against Beacon Hill, and court's, power elite. Governor Patrick holds the advantage—no one wants to openly object to trimming and tightening state government.

“A View From Inside” - A Letter From Jorge Zerquera

...It should come as no surprise that my position is after the jury found you guilty, after the judge handed down his sentence, once the gavel fell to seal your fate, the punishment was over. At that precise moment, the rehabilitation should begin. We have an overpriced system which has affixed itself to state and federal funding and is swelling up like a tic. Bloated on the wealth which would be more prudently invested in the nation's future (i.e. education and healthcare).

Because they can, because it wins votes to be “tough on crime,” because they are so overly funded: the bar for getting put in prison continues to be lowered, the hurdles to getting back out are arbitrarily raised and the threshold for violating a parole or probation is brought lower. This is a vortex.

To fall into the hands of the criminal justice system, is the fall into a black hole.

I have argued in class that we need first to rid ourselves of mandatory sentencing. Allow judges to judge.

Secondly, we need parole reform. The default setting should be: “today you are eligible for parole, so out you go – unless we see a reason to detain you further such as... ‘I see you did not learn a trade, we’ll give you 15 more months to complete a vocational training program...Or, we see you did not attend C.R.A. (Correctional Recovery Academy) to address your drug and anger issues, we will give you two more years to complete C.R.A.’” Once the candidate returns having completed what was asked of him/her, out you go. Currently the system is set up with a five year set back default. You automatically get a five year hit, for what? What more can you learn about a second degree lifer in five years that you have not mentioned in the last fifteen years? Do you want to see how he/she handles adversity, disappointment and setbacks? Trust me, that person has had their share of those in the past fifteen years. Then there is parole and probation. These entities should be geared to assist and support. However, more often than not probation and parole is like a couching beast looking to pounce upon and destroy its subject. Look at it this way, when a small child is learning to walk, he/she often falls, and the nurturing parent picks the child up and encourages the child to try again. That is what parole and probation should be. Helping a person to become his/her potential – not stocking the prison with more despair, distrust and disappointment.

We need to break this cycle of pain.

Well, I have to go work. May God richly bless you friend.

Yours in the struggle,
Jorge

Q & A With Board Member Arthur Bembury

How long have you been on CJPC's board and why did you decide to serve?

I was invited to join the board of CJPC in the summer of 2009 and after accepting the offer I became a board member that fall. I decided to serve because of my need to be affiliated with capable people who are bringing change to issues related to prison reform, a cause I strongly believe in and am constantly involved with.

What is one interesting thing about yourself which is not in your bio?

Due to my experience in Real Estate, I have an unbridled passion for support of Chapter 40B, a state statute enabling local Zoning Boards of Appeals to approve affordable housing in areas that would not normally entertain the idea. The controversy surrounding the matter has basically created feuding between housing advocates and open space advocates. Hopefully some of the proposals for reconciliation will prevail and a comprehensive plan for development can be adopted.

What experience(s) in your life most influenced your viewpoint(s) about criminal justice issues?

My *personal* viewpoint about the criminal justice system is influence by the need of involvement regarding solutions to systemic components in communities that do not offer long term, hopeful answers to violence, drugs and unemployment, thus creating a cycle of recidivism, much of it generational. It's a natural connection and William Milhomme of the Department of Corrections Reentry Services is someone who is doing a great job of embracing it.

What is the single most important criminal justice issue facing Massachusetts right now?

It's difficult to pinpoint just *one* because there are several that have weighted importance, including sentencing reform, reentry programming (including education and job training), CORI reform, and overcrowding. That's the short list.

What is one thing that Massachusetts does well when it comes to criminal justice?

Under this *current* administration sincere attempts are being made to isolated areas of concern and address them. One of the major changes is the availability of officials for dialog sessions with community members and leaders. Mary Beth Heffernan, the Secretary of the Executive Office of Public Safety, has the support and belief of many communities and is viewed as someone who listens and hears what issues people would like this administration to know about and focus on.

What is one thing that Massachusetts needs to improve when it comes to criminal justice?

Identifying and bridging the gap between what looks good on paper and what actually works, and then following through. A lot of times written intentions do not transpire into a serviceable and functional feasibility. In order to ensure a successful outcome it's imperative to engage all parties who will be affected by the desired change. Dialog should include administrators within the criminal justice system, people incarcerated, people who are on parole, families of those incarcerated, as well as other members of the community. Without each having a voice, the act of truly improving, repairing and making progress will be difficult to achieve.

Other causes or organizations do you support outside of CJPC?

CLU (Community Labor United), FAMM (Families Against Mandatory Minimums), Habitat For Humanity, and of course, in the interest of shameless promotion, Partakers, Inc. where I have been employed as the Volunteer and Community Liaison for the past five years.



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A Final Word On Evidence Based Practice:

CJPC has long advocated for smart, thoughtful criminal justice polices as the only sensible approach to punishment and rehabilitation. We have supported and pushed for evidence based practices long before others saw the wisdom in them. Thankfully, people are now listening. Whether motivated by the need for budgetary reductions, or simply because we have finally learned emotionally fueled legislation does not work, evidence based reform is slowly on its way. Across the nation, states are enacting evidence based polices. While Massachusetts still has a long way to go, our leaders have been vocal about using evidence based practices.

This newsletter attempts to shed some light on this issue. It begins by highlighting several recent studies that are helping to shape our thinking about this issue. Pippen Ross contributes her analysis to a new plan to merge parole and probation, why that is efficient, and who still opposes it. Our "view from inside" is a letter with an inmate's perspective about the inefficiencies still present with our incarcerated population. And, lastly, Arthur Bembury, a former inmate himself, answers questions with a unique viewpoint.

Chairman,
Eric Tennen



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