

Evidence for Reform

By the Board of Directors of the Criminal Justice Policy Coalition (CJPC)

For those familiar with the functioning of a state whose political annals have historically been predicated on cronyism, the news of the past week is nothing new. As the scandal over corruption and nepotism in the Massachusetts Probation Department continues to roil, it is crucial that we collectively examine the flawed political culture that pervades our Commonwealth.

While Paul F. Ware's special counsel report is dismaying, it is anything but surprising. The system of probation in Massachusetts, like many other aspects of the state's criminal justice system, is riddled with inconsistencies and inefficiencies that stem from the whims of relationships trumping justice, rehabilitation, and cost-effective productivity.

Nepotism is but one manifestation of the dysfunctional dynamics that permeate all aspects of our state's public safety system. While it is worthwhile to focus on the consequences of fraud specific to the Probation Department, Parole and Corrections are also both long overdue for scrutiny. Individuals on all sides—from probationers and parolees to case workers—can relate ample anecdotes about the chaos and impasse that result from the rampant hiring of individuals ill-equipped for, and apathetic about, anything beyond the copious pay and benefits that their jobs award. It's amazing that such a lack of credentialing oversight in the realm of public safety doesn't come close to the stringent employment regulations required for barbers, cosmetologists and sheet metal workers in Massachusetts.

Parolees or probationers are forced to navigate, and make monthly payments to a system pockmarked by inconsistencies. Often people are simultaneously on both probation and parole, which requires often weekly—and randomly timed—reporting to multiple, uncoordinated agents by traveling by public transit to do little more than sign a paper. Forcing people trying to rebuild productive lives to devote less time and energy to their own rehabilitation and re-integration creates hassles and extraneous red tape that often result in VOP's (Violations of Probation/Parole) which ultimately return, or send, people to prison. Aside from prison's exorbitant costs (largely derivative from staff salaries) the hostility of disengaged staff breeds an 'us versus them' dynamic, and the chasm between ex-prisoners and mainstream society is widened.

Governor Patrick has repeatedly emphasized his desire to bring the Probation Department under the purview of the Executive Office of Public Safety and Security, a move that the legislature broadly opposes. (Perhaps, from what we've just learned, because they have been paid under-the-table to do so!).

However, housing Probation under EOPSS might seem a more palatable option if an oversight commission was created, as per the recommendation of former Attorney General Scott Harshbarger's 2004 Corrections Commission Report. An overseeing body for both Probation and Parole would be relatively easy to implement, and it is a move that could garner multilateral support. For instance, State Representative Ellen Story (D-

Amherst) recently announced that her highest personal legislative priority is to establish a civilian oversight board to oversee the Department of Corrections.

Alternatively, Massachusetts could elect to follow the example of the federal government, or that of other states, to unify the dual functions of probation and parole (the Judicial and the Correctional) under a single administrative department. Doing so would help to our state to stop missing out on the federal funds that carry the name that Probation and Parole are supposed to be all about: Second Chance!

Reform, in whatever form it may take, should be driven by data and managed through firm oversight. Massachusetts should follow the findings elucidated through research of best practices employed by the federal government and other states, while simultaneously incorporating the results of objective analyses of needs conducted locally within the Commonwealth, as outlined succinctly in a 2010 report from the Crime and Justice Institute.

The costs at stake for Probation Department reform transcend political vacillations and the ebb and flow of election cycles. At question will be Massachusetts' willingness and ability to shed the shackles of its archaic system of criminal justice, and to modernize its practices according to principles of economy, justice, and political neutrality.

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