



# Governor's Commission on Criminal Justice Innovation

## Final Report

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*Governor*

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## EXECUTIVE SUMMARY

### A. BACKGROUND

On July 10, 2003, Lieutenant Governor Kerry Healey announced the creation of the Governor's Commission on Criminal Justice Innovation. The Commission was tasked with advising Governor Mitt Romney on cutting-edge crime fighting techniques that might enhance the safety of the people of Massachusetts.

The bi-partisan Commission brought together a broad range of professionals and experts from the criminal justice system to make a comprehensive, cross-disciplinary assessment of the criminal justice system in Massachusetts, and to identify best practices and emerging innovative solutions with an eye toward statewide implementation.

The charge to the Commission was to examine the criminal justice system at every level and to leave no current practice unquestioned in searching for innovative solutions to our crime problems. The Commission brought together, in some cases for the first time, leaders from federal, state and local criminal justice agencies with representatives of human services, education, community and religious groups, and experts in the field of prisoner re-entry, forensic science, and information technology.

#### *Commission Process*

Throughout the Fall of 2003, the Commission, comprised of over 150 representatives from criminal justice related fields, met regularly at various locations throughout the Commonwealth. There were five formal sessions, each of which included a presentation from one of the subcommittees highlighting key issues in their respective fields. Several of the subcommittees met between the formal sessions to continue developing ideas or completing necessary research. The Commission was organized into the following five subcommittees covering a broad spectrum of criminal justice topics:

- **Urban Crime Strategies.** Assistant U.S. Attorney Marianne Hinkle and Boston Police Superintendent Paul Joyce chaired the Urban Crime Strategies Subcommittee. This subcommittee focused on researching crime prevention and intervention strategies for urban areas and examined best practices that could be replicated in other jurisdictions.
- **Re-Entry and Post-Release Supervision.** Frank Cousins, Essex County Sheriff, and Maureen Walsh, Chair of the Parole Board, chaired the Re-Entry and Post-Release Supervision Subcommittee. This subcommittee examined the state's current approach to prisoner re-entry and post-release supervision and produced recommendations as to how best to create a seamless continuum of services for offenders leaving jail or prison. The goal for this group was to reduce future victimization and increase the chances for success for offenders leaving incarceration and returning to our communities.
- **Forensic Technology.** Plymouth County District Attorney Tim Cruz and Suffolk County Prosecutor David Meier chaired the Forensic Technology Subcommittee. This



committee evaluated the present state of forensic sciences in Massachusetts with an emphasis on expanding the capacity of the state's testing labs.

- **Cross-Agency Information Sharing.** The Commonwealth's Chief Information Officer, Peter Quinn, chaired the Cross-Agency Information Sharing Subcommittee. This subcommittee examined the uses of the latest information and telecommunications technology to enhance criminal justice agencies' effectiveness, productivity, and officer safety, as well as to ensure coordination of federal, state and local criminal justice information systems.
- **Criminal Justice Education and Training.** Robert Haas, Undersecretary of Public Safety, and Elizabeth Scheibel, District Attorney for the Northwestern District, chaired the Criminal Justice Education and Training Subcommittee. This group examined how to improve training for state and local law enforcement professionals and state prosecutors.
- **Executive Board.** The subcommittees provided their recommendations for review to the Executive Board of the Commission. That Executive Board represents a wide range of areas of expertise and influence, and its membership is listed below.

- Lieutenant Governor Kerry Healey, Chair
- Attorney General Thomas Reilly
- United States Attorney Michael Sullivan
- Secretary of Public Safety Edward Flynn
- Health and Human Services Secretary Ron Preston
- Senate Minority Leader Brian Lees
- Senate Criminal Justice Committee Chair Thomas McGee
- House Minority Leader Bradley Jones
- House Criminal Justice Committee Chair James Vallee
- Special Agent Ken Kaiser, Boston FBI Agent in Charge
- First Assistant United States Attorney Gerard T. Leone, Jr.
- Massachusetts State Police Colonel Thomas Foley
- Boston Police Commissioner Paul Evans
- Probation Commissioner John O'Brien
- Massachusetts District Attorneys Association Executive Director Geline Williams

- Black Ministerial Alliance of Greater Boston Executive Director Harold Sparrow
- Juvenile Justice Advisory Committee Chair Robert Gittens
- Massachusetts Office of Victim Assistance Executive Director Janet Fine

This report reflects the findings and recommendations of the Executive Board, based on the work of the five subcommittees. The hard work and dedication of all Commission members was critical to the development of the final report, and the Governor thanks them for their contribution.

## **B. SUMMARY OF RECOMMENDATIONS**

Massachusetts is fortunate to have many model programs in place at both the state and local levels. The recommendations of the Commission are comprehensive and wide-ranging. In broad terms, they suggest systemic, legislative, policy, and programmatic changes. Highlights include:

### ***Urban Crime Strategies***

While some urban police departments have shown that through research, targeting of specific offenses, and focused attention to specific problems, they have been able to effect significant reductions in crime, other communities have not been successful in implementing these approaches. The challenge for this subcommittee was to identify specific crime strategies beyond enforcement that could be replicated in urban jurisdictions across the state. Highlights of the recommendations include:

- Fund prevention programs that have been demonstrated, through research, to reduce crime.
- In crime control strategies, focus on the “impact players” who are most at risk of criminality and are often responsible for a large number of offenses.
- Create an “Innovations Institute” comprised of police, prosecutors, parole/probation, and corrections representatives and criminal justice researchers to provide a forum for continued innovation and assessment of ongoing programs, building on research and evaluation results.
- Develop statewide standards for community-oriented policy and crime analysis and condition receipt of state grant funding upon adherence to these standards.
- Foster partnerships among both criminal justice and human service agencies to identify and intervene with at-risk juveniles before they are on the law enforcement radar screen – prevent them from “graduating” from DSS to DYS, or endangering fellow students or family members.

- Form regional criminal justice information networks to share information and work collectively to address the most significant local or regional crime problems.
- Increase community-based prosecution and provide incentives for prosecutors to remain in the field for a career.
- Consider tax incentives to encourage employers to hire offenders returning to communities.
- Review and improve statutes addressing organized crime and gang activity, including creating a statewide witness protection program to help encourage witness participation in the criminal justice system.

### ***Re-Entry and Post-Release Supervision***

Currently, of the 20,000 offenders released from incarceration each year in Massachusetts, only 57% of those returning to the community from medium and maximum security facilities receive post-release supervision.<sup>1</sup> Recommendations to address this problem include:

- Adopt mandatory post-release supervision.
- Strengthen mandatory post-release supervision for sex offenders.
- Finalize sentencing reform so that parole eligibility is available to more prisoners, and intermediate sanctions can be applied, where appropriate.
- Establish a standardized offender assessment process that can gather and share information that enables effective placement and programming at every step of the criminal justice process, from arraignment to commitment to release and community re-entry.
- Begin re-entry planning early in the period of incarceration.
- Increase collaboration among the re-entry stakeholders at the state, local, county and community level.
- Increase job training and work to remove obstacles to obtaining employment and housing.
- Increase access to treatment for drug and alcohol addicted offenders.

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<sup>1</sup> Boston Bar Association Task Force on Parole and Community Reintegration, *Parole Practices in Massachusetts and their Effect on Community Reintegration*, 2002.

### ***Forensic Technology***

This group endeavored to identify the current strengths and weaknesses in our capability to analyze forensic data in a number of areas: the forensic pathology services of the Office of the Chief Medical Examiner; the forensic laboratory services provided by the Massachusetts State Police Crime Lab, and the Boston Police Crime Lab, the forensic drug services provided by the Massachusetts State Police Crime Lab, the University of Massachusetts Medical School and the Department of Public Health; and the forensic computer services provided by various local and state law enforcement agencies. A summary of the recommendations of this group is as follows.

- Creation of a Forensic Sciences Advisory Board, appointed by the Governor, to oversee management of forensic services in the Commonwealth and to advocate for additional resources to address existing challenges.
- Improve current forensic science infrastructure and lab space.
- Increase the Commonwealth's personnel capacity for forensic analysis.
- Improve the management of the forensic science labs.
- Improve the Commonwealth's current capacity to conduct computer forensic investigations.
- Create a centralized forensic computer laboratory for analysis and storage of electronic evidence.
- Develop a strategy to address and reduce the backlog of pending DNA analyses.

### ***Cross-Agency Information Sharing***

This group was charged with examining the disparate systems and processes for sharing data and information among organizations and individuals in the criminal justice system and related fields. Highlights of the recommendations include:

- Establish a governance structure to oversee continued development and implementation of an integrated criminal justice information system.
- Develop an integrated strategic plan and model architecture, for criminal justice technologies and link it to a compelling business case outlining why it is cost-effective to invest in these technologies.
- Increase the linkages between the Registry of Motor Vehicles and the Criminal History Systems Board for criminal justice data sharing.
- Establish uniform criminal justice data privacy guidelines.

- Update local law enforcement systems to allow all cities and towns access to a minimum technology baseline. In particular, increase access to electronic fingerprinting by municipal law enforcement agencies through the establishment of regional booking facilities.
- Mandate the use of the Offense Based Tracking Number (OBTN) for any new criminal justice data system.
- Increase the capability to share information across the criminal justice and health and human services systems, especially in regard to at-risk juveniles.

### ***Criminal Justice Education and Training***

This group was charged with examining the quality, quantity, and appropriateness of both the content and format of current training provided to state and local law enforcement professionals. The group was asked to recommend methods to improve the overall level of preparedness and professionalism in the field. Highlights of the recommendations include:

- Conduct a skills assessment to determine the skills that are now required for law enforcement and evaluate whether existing offerings are consistent with the current needs of the job.
- Implement a career oriented approach to education and training, with separate emphasis on entry level and supervisory personnel.
- Create state certification for various educational and professional areas of specialization.
- Establish a minimum entry-level requirement of an associate's degree for all police officers.
- Increase use of "distance learning" for law enforcement education, either through use of the existing Massachusetts State Police online academy or by leveraging the capabilities of the Municipal Police Training Council.
- Review and update current law enforcement curricula, and enhance the mechanisms for including evaluation feedback into course improvements.

## URBAN CRIME STRATEGIES

### A. CURRENT SYSTEM

Urban crime areas across Massachusetts have significant commonalities in crime and offender patterns. Urban crime problems are usually concentrated among a small number of high-activity offenders, repeat victims and hot spot locations.<sup>2</sup> Chronic offenders, who are often well known to the criminal justice system and involved in criminally active groups and gangs, generate a large share of homicide and gun violence in our cities.<sup>3</sup> There is also a substantial overlap between violent crime victims and offenders, as today's offender is often tomorrow's victim and vice-versa. Chronic offenders are also responsible for a large percentage of other types of violent crime that plague urban areas, such as robbery, breaking and entering, domestic violence and drug dealing. Research suggests that criminal justice agencies can be effective in preventing crime by focusing limited resources on these high-risk individuals and places.<sup>4</sup> Current research also notes the importance of agencies and personnel employing "what works" — best and promising practices — as opposed to what may be traditional and customary but often has never been evaluated nor proven effective.

The arrest and prosecution of offenders are important responses to crime. Yet enforcement alone will not solve urban crime problems. The most appropriate response to this issue is a comprehensive approach that involves prevention and intervention activities as well as enforcement actions.

### B. PROBLEMS, SHORTFALLS AND GAPS

Pursuant to a congressionally mandated evaluation of state and local crime prevention programs, the National Institute of Justice (NIJ) closely examined the effectiveness and noted deficiencies in the structure and implementation these programs.<sup>5</sup> The following programs were not found to be effective in preventing crime:

- Gun "buyback" programs;
- Community mobilization against crime in high-crime poverty areas;

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<sup>2</sup>Anthony A. Braga, *Problem-Oriented Policing and Crime Prevention*, (2002).

<sup>3</sup>See e.g. David Kennedy, Anne Piehl & Anthony Braga, *Youth Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use-Reduction Strategy*, 59 *Law and Contemporary Problems* 147-197 (1996); Anthony Braga, Jack McDevitt, & Glenn Pierce, *Understanding and Preventing Gang Violence Problems: Problem Analysis and Response Development in Lowell, Massachusetts*, Police Quarterly (forthcoming 2004).

<sup>4</sup>See e.g. Lawrence Sherman et al., *Preventing Crime: What Works, What Doesn't, What's Promising*, Office of Justice Programs, U.S. Department of Justice (1997).

<sup>5</sup>*Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, July 1998.

- Police counseling visits to homes of couples days after domestic violence incidents;
- Counseling and peer counseling of students in schools;
- Drug abuse resistance education (DARE);
- Drug prevention classes which focused on fear and other emotional appeals, including self-esteem;
- School-based leisure-time enrichment programs;
- Summer jobs or subsidized work programs for at-risk youth;
- Short-term, nonresidential training programs for at-risk youth;
- Diversion from court to job training as a condition of case dismissal;
- Neighborhood watch programs organized with police;
- Arrests of juveniles for minor offenses;
- Arrests of unemployed suspects for domestic assault;
- Increased arrests or raids on drug market locations;
- Storefront police offices;
- Police newsletters with local crime information;
- Correctional boot camps using traditional military basic training;
- “Scared straight” programs whereby minor juvenile offenders visit adult prisons;
- Shock probation, shock parole, and split sentences adding jail time to probation or parole;
- Home detention with electronic monitoring;
- Intensive supervision on parole or probation;
- Rehabilitation programs using vague, unstructured counseling;
- Residential programs for juvenile offenders using challenging experiences in rural settings;

### C. BEST PRACTICES

Solid working partnerships between criminal justice agencies, the communities they serve, and a wide range of non-traditional groups such as other governmental agencies, community-based organizations, businesses, professionals from other fields and academics are critical in developing and maintaining innovative responses to urban crime problems. Crime prevention programs work best if they are based on a solid understanding of the nature of crime problems and involve strategic applications of enforcement, intervention, and prevention activities.<sup>6</sup> A blended approach that pairs enforcement activities with efforts to provide offenders with social services and opportunities has been suggested by the U.S. Department of Justice as a more effective way to prevent crime.<sup>7</sup> Involving community-based groups and a wider range of partners in crime prevention efforts can also improve the legitimacy of law enforcement responses in urban neighborhoods.<sup>8</sup>

Some specific programs and concepts that were found to be effective by the NIJ study are as follows:

- Extra police patrols in high crime areas;
- Monitoring by specialized police units and immediate incarceration upon re-offense for high-risk-repeat offenders;
- On-scene (place of employment) arrests of domestic abusers;
- Incarceration of offenders who will continue to commit crimes;
- Rehabilitation programs with properly focused treatment;
- Coaching of high-risk youth in “thinking skills”;
- Vocational training for older male ex-offenders;
- Family therapy and parent training for delinquent and at-risk preadolescents;
- Frequent home visits by nurses and other professionals for infants;
- Classes with weekly home visits by preschool teachers for preschoolers;

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<sup>6</sup> Steven P. Lab, *Crime Prevention at a Crossroads*, (1997).

<sup>7</sup> Irving Spergel, G. David Curry, et al., *Gang Suppression and Intervention: Problem and Response*, U.S. Department of Justice, (1995).

<sup>8</sup> Tom R. Tyler & Yuen J. Huo, *Trust in the Law Encouraging Public Cooperation with the Police and Courts*, (2002).



There are four key principles that are inherent to the development of best practices and which guide the Urban Crime Strategies recommendations in this report. These principles are as follows:

- (1) In order to be successful, an urban crime strategy must involve enforcement, intervention and prevention activities;
- (2) Partnerships among the components of the criminal justice system, as well as partnerships with community-based agencies, faith-based organizations, schools, businesses, other professionals and academic research partners are essential to effective public safety activities;
- (3) High quality information shared among appropriate partners is important to understanding and responding to crime problems and leads to increased public safety in a wide range of areas. Existing information systems must be refined and enhanced in order to maximize available information; and
- (4) A community-oriented philosophy should inform and direct the activities of police, prosecution, community supervision of offenders and corrections.

#### **D. RECOMMENDATIONS**

##### ***Prevention***

1. A line item in the State Budget for prevention efforts directed to non-profit organizations to provide services in urban areas should be established and funded in the Executive Office of Public Safety budget. These programs should support activities focused in areas of critical need (“hot spots”) and/or at-risk families or families of high-activity offenders who cause a disproportionate amount of the significant crime problems in an area (“impact players”). The awarding of grant money should be conditioned on the application of research on “what works” and best practices.
2. A summit or forum should be convened to disseminate existing research and knowledge and to identify best practices in effective school-based prevention efforts (*e.g.*, school resource officers, truancy initiatives, juvenile justice roundtables, student threat assessment teams and other such efforts). This forum should also examine the means to finance these school-based initiatives. Urban police departments, public schools, and District Attorneys’ Offices, along with the state agencies with jurisdiction in the areas of education and public safety, health care providers and community-based organizations, should attend this event.
3. In order to assist in addressing public safety issues, the Executive Branch should encourage urban area businesses, foundations, and others to support community-based prevention programs based upon strategic analyses of criminal justice data. These data should include times and locations of increased crime and an analysis of the at-risk populations in the area. Information on “success stories” (*i.e.*, examples of best practices and “what works”) should

also be collected and made available to educate current and potential partners on the vital role prevention plays in public safety efforts.

4. The Executive Branch should examine systemic issues that may support increased levels of juvenile crime such as length of the school day, school hours and a lack of consistent after school programming for thirteen to seventeen year old children.

### ***Intervention***

1. Law enforcement and community based supervision activities should be better coordinated in urban areas. Community-based supervision officers (probation and parole) stationed in local police departments can serve as an important intervention tool. The processing of all parole, probation and DYS involved individuals at police stations removes anonymity, sets a tone for release and supervision and demonstrates to the offender that the criminal justice system works collaboratively.
2. Partnerships are often the key to successful intervention programs. Innovative partnerships (*i.e.* law enforcement in partnership with faith-based organizations, local businesses and community-based groups, as well as prosecution, probation, parole and the Department of Youth Services) should be encouraged in all urban areas.
3. Intervention outreach efforts should be directed at those high activity offenders who cause a disproportionate amount of the significant crime problems in an area (“impact players”) and those determined to be at high-risk to become involved in the most significant crime problems in the area. These outreach efforts should include activities such as case management, community-based supervision and home visits by law enforcement officers with probation, parole, DYS or faith based organizations with the goal of reducing recidivism. Although the programs need not be limited to those under court supervision, the focus should be on those offenders under probation, parole or DYS supervision to increase compliance rates.
4. In all urban areas, efforts should be made to clearly communicate enforcement actions and available services to offender audiences. Routine notification sessions should be conducted with impact players and other individuals determined to be at high-risk for becoming involved in significant crime problems. These sessions should combine offers of assistance with an explanation of consequences for continued criminal behavior. These sessions may, but need not, focus on individuals who are currently under some form of court supervision. Separate sessions should be conducted for adults and juveniles. Community support for these notification sessions is essential. Outreach to the community regarding the purpose of the notification sessions and the procedures employed must be conducted. Families of the individuals and community members should be encouraged to become involved in these intervention efforts.
5. All urban areas should develop and implement a prisoner re-entry program that includes a public safety focus, as well as a significant social service component. Distinct programs should be in place for adults and juveniles. All re-entry initiatives should be based on collaboration among law enforcement and community-based partners, designed from information on available best practices, and should include specific measures or indicators of success. These programs

may require funding for substance abuse and mental health treatment as well as necessary social services and community-based mentors.

6. The Probation Department should encourage the use of creative conditions of supervision and the use of alternative sanctions, such as electronic monitoring, in order to increase public safety during pre-trial release and during supervision after conviction. Effective intervention services involving those currently under court supervision require collaboration among probation, prosecution and law enforcement in setting supervision conditions. These conditions, such as time and geographic restrictions, substance abuse programs and other programmatic requirements can be helpful tools in reducing the likelihood of re-offending. Monitoring to ensure that those conditions are being met is also vital.

7. Urban police departments should have appropriately trained licensed clinical social workers on staff in their agencies to conduct outreach to and intervene earlier with at risk youth and their families, to follow up on needed services, and to pursue alternative remedies such as CHINS where necessary to obtain needed services.

8. The Executive Branch should encourage and support collaboration between the agencies under the direction of the Executive Office of Health and Human Services and local law enforcement. This collaboration would recognize the overlapping client population between these disciplines with an eye toward maximizing the resources focused on those individuals, encouraging their personal development, reducing recidivism, and ending inter-generational cycles of criminal justice system involvement in high-risk families.

### ***Enforcement***

#### **Police**

1. The Executive Office of Public Safety, in conjunction with the proposed Innovations Institute (see Broad Based Initiatives Section), should establish a standard for community oriented policing that defines the components of a comprehensive problem-solving approach and underscores the importance of collecting data to measure program results.

2. The Executive Office of Public Safety, in conjunction with the proposed Innovations Institute, should establish standards for problem analysis and crime analysis functions within law enforcement, and provide training and continuing education for personnel working in this area. This collaborative effort should focus on both significant crime problems and issues related to homeland security. The Executive Office of Public Safety should consider conditioning receipt of particular funds or grant monies on meeting these standards. The requirements could be met by either an individual department or through a regional approach with several departments combining their resources.

3. Regional criminal justice information networks should be established throughout the state to share information and work collectively to address the most significant local or regional crime problems. These networks should coordinate with a central police intelligence center (Fusion

Center) established at the Massachusetts State Police. The center will collect and analyze intelligence information and trends and share this with federal and local government.

4. Each urban police department should conduct strategic analyses of crime problems using the available data for its area. In so doing, it is recommended that each department prioritize the most significant people, places and problems for its respective jurisdiction with a particular focus on those individuals who cause a disproportionate amount of the significant crime problems in the area [“impact players” and “repeat victims”], as well as on areas of critical need [“hot spots”] that have a disproportionate amount of the significant crime problems. The information collected through this analysis should form the basis for the information sharing among law enforcement through the regional networks described above.

5. The Executive Branch should utilize the collective purchasing power of multiple local police departments to encourage criminal justice information systems vendors to revise the current electronic information systems provided to law enforcement agencies in order to facilitate maintenance and retrieval of criminal justice information that is timely, useful, consistent with statewide priorities and able to be shared effectively with other partners.

6. Basic information concerning offenders should be shared among the components of the criminal justice system (prosecution, post-release, supervision and corrections) and local police departments. At a minimum, this information should include: (1) timely information from correctional facilities about individuals who will be released back into the community within the next several months; (2) information from probation and parole about all individuals currently being supervised, including any conditions of their supervision; (3) information from police about “hot spots,” tensions among gangs or rival groups; and (4) information from prosecutors regarding detention or release of offenders and the disposition of charged cases.

7. Sharing of information and strengthening the relationship between schools and law enforcement agencies is essential to safe teaching and learning environments and to safe communities. The Executive Office of Public Safety and the Massachusetts Department of Education should encourage participation in juvenile justice roundtables to facilitate intervention and prevention efforts and to ensure dissemination of information related to public safety in an appropriate fashion. Legislation that permits sharing of information between these disciplines is essential to increased opportunities for effective intervention and for increased public safety.

### **Prosecution**

1. The District Attorneys should be encouraged to expand the community prosecution model in urban areas.

2. The Massachusetts District Attorneys’ Association should be asked to set a standard for community-based prosecution. This standard may include the following: (1) assignment of prosecutors to particular cities, or to areas within a city, to focus on multi-agency responses and solutions to significant crime related problems; (2) priority prosecution of cases involving impact players or geographic hot spots; (3) real time notification to assigned prosecutors when impact players are arrested or when local priority arrests are made; (4) coordination with federal

prosecutors on cases and strategies involving impact players or geographic hot spots; (5) cross-designation of state prosecutors as Assistant United States Attorneys; and (6) increased coordination with local communities regarding prosecutions and strategies for addressing priority crime problems. In addition to prosecuting criminal cases that result from crime problems, this standard would encourage close coordination with the local community, with other components of the criminal justice system, with local government agencies and community-based programs, as well as with federal authorities where necessary, to address crime related problems.

### **Post-Release Supervision**

1. The Chair of the Parole Board should be encouraged to expand the community supervision model.
2. The Commissioner of Probation and the Chair of the Parole Board should also be asked to establish a standard for community-based supervision. This standard may include geographical assignments, non-traditional supervision based in the community (such as home visits, evening curfew checks, early intervention through CHINS proceedings), coordination with law enforcement and community-based partners and a close relationship with the community into which those individuals who are under supervision return. Because consistency and trust between probation and parole officers and the communities they serve is essential to an effective program, these standards could significantly enhance this model.
3. The Department of Correction and Sheriff Departments should be encouraged to expand community-based corrections programs.
4. The Executive Office of Public Safety should set a standard for community-based corrections. At a minimum, this standard should include timely coordination with local law enforcement concerning re-entry of offenders. It may also include increased information sharing among federal, state and local law enforcement, probation and parole about the activities within the correctional facility of those who are currently incarcerated and activities within the community that could impact on the inmate's behavior within the facility.
5. State and county correctional facilities should be encouraged to coordinate with local law enforcement and state prosecutors to identify additional ways to involve the correctional systems in the problem solving approach to urban crime.

### ***Legislation***

Legislation should be pursued to accomplish the following objectives:

1. Adopt some form of mandatory supervision possibly providing a short term of supervision for everyone who is released from incarceration, with longer-term mandatory supervision for those offenders who meet criteria focused on potential danger to the community.
2. Facilitate the sharing of information about adults and juveniles among law enforcement agencies, schools and social service partners in order to maximize public safety and intervene

with at-risk youth at the earliest possible stage. This should include removing the restrictions currently placed upon such information sharing through the CORI laws and other privacy statutes.

3. Reform the system under which individuals are released on bail from police stations with bail commissioners. Compensation for serving as a bail commissioner should be based upon a formula that is not connected in any way with the result of the bail commissioner's decision on bail.
4. Remove the "organized crime" restriction under state law (G.L. c. 272, § 99) insofar as it limits law enforcement officers from recording conversations related to designated offenses committed "in connection with organized crime."
5. Require hospitals and other medical facilities to report drug overdoses under a program similar to the existing HIV anonymous reporting system. This type of system would enhance the ability of both the law enforcement community and the public health community to respond to drug overdose trends.
6. Current statutes that penalize the use of violence in connection with initiating individuals into a gang or retaining individuals in a gang should be reviewed to determine whether additional legislation in that area is needed.

### ***Broad Based Initiatives***

1. The Executive Branch should establish an "Innovations Institute," independent of any specific academic institution, which will consist of representatives from all four areas of the criminal justice system (police, prosecution, post-release supervision and corrections) as well as action-oriented criminal justice researchers and other professionals knowledgeable about innovation. This Institute would foster understanding and adaptation of best practices in Massachusetts and elsewhere, work to create a continuous innovation norm for all components of the criminal justice system, and provide technical assistance in the areas of problem analysis and crime analysis and other areas as determined by the needs of criminal justice system practitioners.
2. A state witness support program should be established. This program would assist prosecutors and local and state law enforcement with relocation of witnesses where needed, prior to, during or after a criminal prosecution. This program should also provide support for innovative efforts to create community support for witnesses. Current law in the areas of intimidation of a witness and obstruction of justice should be re-examined to determine if broader language or stronger penalties are needed.
3. Initiate some type of periodic forum or sustained dialogue between law enforcement and the judiciary. Such an effort would be designed to facilitate sharing general information about public safety trends, issues and innovative programs so that all are more aware of innovative efforts and the broader context within which individual cases occur.

4. In order to complement the regional problem analysis and crime analysis function recommended for law enforcement and maximize statewide resources, a review should be conducted of the extra jurisdictional powers of local police officers by a committee composed, at a minimum, of the Massachusetts State Police, the Massachusetts Chiefs of Police Association and the Massachusetts Major City Chiefs.
5. The Executive Branch should examine the policies and procedures of the Civil Service Commission in the areas of selection, promotion and discipline of police officers with the goal of ensuring that police agencies are able to effectively meet the challenges of modern community policing and homeland security. This examination should include a comprehensive review of the provisions of the state collective bargaining law.
6. A partnership should be created between the law enforcement community and those in state government responsible for public health to monitor and share information on the levels of drug overdoses, trends in illegal drug usage and the strength and purity of illegal drugs in order to increase the effectiveness of intervention and prevention programs.
7. The systems currently in place to manage information about criminal records should be reviewed with an eye toward consolidating those records within the Criminal History Systems Board. The review should include considerations such as combining the existing criminal record information system with the warrant management system and including existing conditions of parole and probation so that all of that information is readily available to law enforcement officers. The review could also examine ways to make criminal history information more easily understandable for those not in law enforcement who have access to such information to lessen the possibility that misunderstanding the information could limit opportunities for an individual.

### ***Longer Term Innovations***

1. Establish electronic information sharing capacity among law enforcement, prosecution, probation, parole and state and county correctional facilities.
2. Increase access to forensic services, including DNA testing, on a routine basis with the goal of maximizing public safety.
3. Create a career track to encourage state prosecutors to remain in the system. Inadequate salaries and staffing levels may decrease public safety due to lack of continuity and loss of experience. They also harm efforts to create effective community partnerships on criminal justice matters. Compensation schedules, loan forgiveness programs and other ideas should be explored to provide incentives for talented state prosecutors to remain in the system, particularly, in the district courts where many community-based prosecution strategies are centered.
4. Implementation of the standards established for police, prosecution, supervision and corrections should be supported with grant funding that could be conditioned upon meeting the requirements of those standards.

5. In order to enhance the effectiveness of prisoner re-entry initiatives, the Executive Branch should consider programs such as tax incentives to encourage the expansion of employment opportunities for those inmates returning to the community who agree to remain in close connection with an organized community based re-entry program.



## PRISONER RE-ENTRY AND POST-RELEASE SUPERVISION

### A. CURRENT SYSTEM

Re-entry refers to the integration back into the community of individuals released from custody. Every year, approximately 20,000 inmates return to Massachusetts communities, many of them without supervision or other support that would enable them to avoid recidivism.

Effective prisoner re-entry and post-release supervision depend upon an integrated “corrections continuum.” A successful re-entry and post-release supervision strategy requires the examination of all aspects of the corrections continuum, including sentencing, classification, pre-release programs, release practices and post-release supervision. There are serious issues in each aspect of the corrections continuum in the Commonwealth that must be addressed to ensure that the goals of re-entry and post-release supervision programs are realized. Goals of re-entry include the reduction of recidivism and successful reintegration of offenders into the community.

#### *Sentencing*

Many problems with sentencing in Massachusetts were articulated in a Boston Bar Association and Crime and Justice Foundation report in 1991, which concluded that sentencing in Massachusetts is “haphazard, confusing and archaic.”<sup>9</sup> Considerable disparity in sentencing for similarly situated defendants was noted. To address some of these concerns, Massachusetts passed major sentencing reform legislation in 1994 — the “truth-in-sentencing” law.<sup>10</sup> This law established the Sentencing Commission to address issues associated with uniformity and fairness in sentencing and the appropriate use of intermediate sanctions.

Massachusetts, like many other states, has increasingly relied on incarceration in its anti-crime philosophy.<sup>11</sup> Massachusetts’ “truth-in-sentencing” approach resulted in less emphasis on rehabilitation. Existing sentencing statutes, including those passed as part of the 1994 sentencing reform legislation, have had the unintended consequence of significantly limiting the scope of effective re-entry and post-release supervision initiatives. In addition, prisoners often complete their sentences without seeking parole, as a means to avoid community supervision. The existence of these constraints underscores the importance of adopting a comprehensive approach to improving prisoner re-entry and post-release supervision.

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<sup>9</sup> Boston Bar Association and Crime and Justice Foundation, *The Crisis in Corrections and Sentencing in Massachusetts, Final Report of the Task Force on Justice*, Feb. 1991, at 27.

<sup>10</sup> Chapter 432 of the Acts of 1993

<sup>11</sup> Anne Morrison Piehl, Ph.D., *From Cell to Street: A Plan to Supervise Inmates After Release*, MassInc., Jan. 2002.

### *Incarceration/Classification*

The cornerstone for the management of the Commonwealth's large and diverse offender population is the classification system.<sup>12</sup> Classification is the process of determining the administrative security level for incoming inmates, and it directly impacts the offender's ability to successfully reintegrate into the community. Classification occurs frequently; approximately 70 new prisoners are received into the system every day across the state. The baseline, "floor," guide to the classification of offenders in Massachusetts is dictated by state regulations, as well as through explicit legislation that mandates certain restrictions on step-down of the level of security for certain offenses. Classification is defined in the Code of Massachusetts Regulations, 103 CMR 902.01, as "a process determining the needs and requirements of those for whom confinement was ordered, and to assign/recommend them to housing units and programs according to their needs and existing resources." The Commissioner of the Department of Correction is authorized to promulgate regulations governing the classification of prisoners in correctional institutions. These regulations control the transfer of prisoners and explain the classification process for all inmates. Prison officials have broad discretionary authority to manage correctional institutions in the interests of security, convenience and rehabilitation.<sup>13</sup> The exercise of that discretion in the area of classification is crucial because if a prisoner is over-classified, it may prevent him or her from participating in treatment, job release and other rehabilitative programs.

In 2001, there were 18,344 commitments to correctional facilities in Massachusetts. The vast majority of these (87% or 16,089) were confined to county facilities (houses of correction). During the same period, 2,255 individuals were committed to Department of Correction facilities (state prison).<sup>14</sup> On January 1, 2002, there were 9,610 criminally sentenced offenders in the custody of the Department of Correction and 7,341 sentenced offenders in houses of correction. Houses of correction hold sentenced inmates with sentences of less than 2 ½ years,<sup>15</sup> pre-trial inmates, pre-sentenced inmates, and an increasing number of federal inmates on behalf of the U.S. Marshal's Office.

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<sup>12</sup> Classification is the process whereby specific jurisdictions use information about offenders to make decisions about the conditions under which they will be confined. Classification decisions focus on such things as inmate's custody level and specific housing assignment. Those decisions, in turn, strongly affect the transition process. For example, offenders may be unable to enter a vocational training program until they are transferred to a lower custody level. See Liz Barrett & Dale G. Parent, *Transition from Prison to Community Initiative*, 11 (2002)

<sup>13</sup> See *Dougan v. Commissioner of Correction et. al.*, 34 Mass. App. Ct. 147 (1993), citing *Hewitt v. Helms*, 459 U.S. 460, 467 (1983).

<sup>14</sup> Massachusetts Department of Correction, *New Court Commitments to Massachusetts Department of Correction During 2001*, (last modified Mar. 2003) <<http://www.state.ma.us/doc/pdfs/commit01/pdf>>; Massachusetts Department of Correction, *New Commitments to Massachusetts County Correctional Facilities During 2001*, (last modified June 2002), <<http://www.state.ma.us/doc/pdfs/2001CTY.PDF>>

<sup>15</sup> See G.L. c. 279 § 23 (requiring that no sentence of a male convict to confinement for more than two and one half years shall be executed in a jail or house of correction); see also G.L. c. 218 § 27 (stating only superior court can sentence an offender to state prison).

### ***Pre-Release***

Some effective pre-release planning and preparation programs exist in Massachusetts, but these successes are the exception not the rule, and a number of institutional challenges remain. Pre-release programs in the Commonwealth are substantially affected by both sentencing and classification systems. Both sentencing and classification dictate what if any pre-release programming opportunities are available to offenders. In the Commonwealth, where programming is available, program intervention often does not address high-risk offender needs and is scarcely provided to offenders serving short sentences. The Commonwealth has limited work release and other training programs for offenders to develop job skills and resume experience. Finally, there are few detailed and coordinated transition plan models for offenders in the area of housing, employment, drug treatment and other essential services.

### ***Release***

The release of prisoners from dozens of institutions occurs in dozens of different ways. There is no single standardized method used in Massachusetts for connecting released inmates to their communities. While there are mandatory release notifications to communities and victims in some cases, the Commonwealth's corrections institutions have varying degrees of interaction with communities where offenders intend to live and work upon release. In the best cases, there are coordinated efforts between corrections officials, local law enforcement and support service organizations to place an offender in the best possible position to re-integrate into a community. At worst, offenders are leaving a corrections institution with no support and no supervision. The Commonwealth currently does not have uniform protocols for the interaction or information sharing with local law enforcement. Where offenders are released under some form of supervision, the coordination between the Probation Department or Parole and local law enforcement varies a great deal from community to community. Finally, there are few support services for victims to provide for notification of release and rehabilitation plans or requirements.

### ***Post-Release Supervision***

The Commonwealth, like many of its sister states, currently lacks a cohesive or mandatory post-incarceration supervision system. The crisis surrounding the issue of effective prisoner re-entry has reached epidemic levels across the nation, where each year approximately 600,000 inmates are returning back to the communities from jails and prisons. Within three years, almost half of those released will be re-arrested.<sup>16</sup> In Massachusetts, approximately 20,000 inmates return home each year from incarceration, often without appropriate treatment while incarcerated or a solid release plan for post-release supervision. According to a 1995 Department of Correction report, almost half of these offenders will return to custody within a three-year period. This "recycling" of repeat offenders in and out of prisons is both a public safety risk and a strain on the Commonwealth's budget.

Furthermore, under current sentencing practices, nearly half of all serious and violent offenders have no post-release supervision at the end of their sentence and simply leave prison with neither

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<sup>16</sup> See Marta Nelson & Jennifer Trone, *Why Planning for Release Matters*, Vera Institute of Justice.

support nor supervision to assist in their re-entry. Inmates leave prisons and jails with little in the way of resources and services to transform them into law-abiding citizens.

Currently, the Commonwealth expends approximately one billion dollars on the corrections system. The Commonwealth's appropriations follow national trends that correctional budgets in the 1990s were significantly increased while at the same time the budgets for parole boards were either eliminated or cut drastically. A combination of sentencing practices in the Commonwealth, including mandatory sentences for drug offenders and longer prison sentences, in addition to the rising cost of prisoner care, has resulted in the disproportional percentage of corrections funding being allocated to incarcerating offenders and minimal attention to their eventual and inevitable return to the community. In fact, 97% of offenders eventually return to their communities. Therefore, when faced with difficult fiscal times, it makes sense both from a fiscal perspective and a public safety one, to look to probation and parole supervision as part of the solution. While incarceration is the most restrictive option in the sentencing scheme, it is also the most costly. The approximate cost per year in Massachusetts to incarcerate an offender is \$43,000.00, while probation and parole supervision approximately cost, respectively, \$520.00<sup>17</sup> and \$4,000.00 per year. These statistics suggest the need for creative sentencing options that utilize less restrictive settings combined with quality post incarceration supervision as remedies for an ever-burgeoning correctional budget.

Certainly punishment and incapacitation play an important role in the criminal justice system. However, without appropriate treatment and rehabilitative programs, both inside and outside the prison walls, the consequences of policy decisions and budget allocations are clear: prisoners, once released, are ill prepared to overcome such barriers as substance abuse, housing, mental and physical health issues, and employment. Without the adequate balance between incapacitation and access to behavior-changing opportunities, offenders, more often than not, return to a life of crime. In addition, some offenders, *e.g.*, sex offenders, may require not only longer periods of incarceration but also permanent supervision not so much as a means of rehabilitation but as a protection to the community.

The organizations primarily charged with responsibility for re-entry include the Probation Department, the Office of Community Corrections, the Sheriffs, the Department of Correction, and most importantly, the Parole Board. There are numerous additional stakeholders in re-entry including faith based organizations, substance abuse treatment providers, local police, employers, housing agencies, and mental health professionals. While each agency has a different role in the mission of successful re-entry, it appears clear that greater collaborative efforts may result in more standardized approaches.<sup>18</sup>

## **B. PROBLEMS, SHORTFALLS AND GAPS**

The problems, shortfalls and gaps within each phase of the corrections continuum impacting the Commonwealth's ability to implement and administer successful re-entry and post-release supervision programs have many common themes including lack of communication and

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<sup>17</sup> Figure provided by the Office of the Commissioner of Probation.

<sup>18</sup> Massachusetts Sentencing Commission, *Survey of Sentencing Practices FY 2002*, May 2003, at 31.

information sharing among stakeholders, as well as legal and administrative barriers. Problems that pervade all aspects of corrections are the current fiscal environment of the state, and the dated view that tough sentencing does not also include proper planning for re-entry and future public safety.

### *Sentencing*

First, under current sentencing laws and practices, half of the offenders sentenced to the state prison are presently precluded from parole consideration by virtue of the sentence imposed – *i.e.*, a sentence where the difference between the minimum and the maximum terms is one day. This practice has eliminated early parole consideration. Subsequently, there emerged a growing tendency among judges to impose sentences where the difference between the minimum and maximum terms is one day (*e.g.*, three years to three years and a day). Undoubtedly, this sentencing practice stems from the belief, valid or not, that parole is unlikely to occur, and therefore, that sentences with a greater amount of time between the minimum and maximum terms will result in longer periods of incarceration. However, this practice has the undesirable effect of precluding an inmate from parole consideration. Indeed, 47% of those sentenced to the state prison in FY 2002 received a sentence with a one-day difference between the minimum and maximum terms.<sup>19</sup> As a result, inmates are left without any opportunity for supervision and support upon their release from incarceration.

The mandatory minimum sentencing statute poses the second problem under current sentencing laws and practice for drug offenders, which effectively precludes these offenders from participation in correctional re-entry programs. First, such offenders are not permitted to participate in pre-release programs until they have served the full mandatory minimum term, which is typically the point at which they are released. Second, unlike other inmates, they are not eligible for sentence deductions for participation in prison programs, thereby diminishing the incentive for involvement in drug treatment or other rehabilitation programs. Third, these drug offenders typically receive a sentence where the difference between the minimum and the maximum terms is one day, thereby eliminating them from parole consideration. Thus, these drug offenders tend to be ill prepared for re-entry because they are typically ineligible for pre-release correctional programming and for post-release parole supervision. Again, this type of system does not create any incentive for the offender to address the causative factors of his/her criminal behavior, resulting in a more dangerous offender upon release.

The third problem within the context of sentencing is the lack of a systematic and comprehensive procedure for assessing offenders' risks and needs before sentencing, in order to inform the sentencing decision, set program requirements, and to set conditions and incentives for probation and parole. Currently, judges receive information from a variety of sources, and court probation officers often take a lead role in integrating that information and providing sentencing recommendations. Still, there is no standard method for systematically assessing risk, identifying treatment/programming needs, and specifying conditions.

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<sup>19</sup> Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 2002*, May 2003, page 31.

Finally, after sentencing and transfer to the Department of Correction, there is a need to share and transfer information from the sentencing process to correctional authorities (Department of Correction and the houses of correction), and to continue using that information throughout incarceration, post-release supervision and aftercare. There are no significant statutory barriers to information sharing between the courts and corrections, but there is no requirement or a standard procedure for collecting and transferring this information to the executive branch of government. Sharing pre-sentencing assessments (based on the information listed above), and transcripts of sentencing could be useful to corrections, parole and contracted social service agencies.<sup>20</sup>

### *Incarceration/Classification*

The first and most significant problem with the current classification system is that it discourages or prohibits reclassification and “step down” for a majority of offenders, even those who might be appropriate for less restrictive settings within the correctional system. At the same time, it is a recognized fact that there is a subset of offenders who will not be appropriate for lower classification. Currently, the placement of a significant proportion of offenders in our prisons and houses of correction is restricted by legislation and policy. At the Department of Correction alone, 7,608 or 84% of inmates in December 2003 were serving time for at least one sentence posing some restriction on work-release programming eligibility. Statutes with work release restrictions are numerous and span a variety of offense types, including mostly violent (sexual and personal) offenses, drug offenses, firearm related (*i.e.*, possession and sales) offenses, and OUI offenses. Given the variation in the level of restrictions, it is difficult to gauge exactly how many of the 7,608 inmates were fully restricted from lower classification. However, the 3,876 inmates with more than 18 months until their parole eligibility date plus the 795 first-degree lifers (who do not have a parole eligibility date) totaled 4,671 offenders representing at least 51% of the DOC jurisdiction population who were definitely restricted from work release programming by statute.

Many offenders are not appropriate for lower classification, such as sex offenders, security threat group members, first-degree lifers, offenders with high security risk ratings, and those sentenced for crimes defined by the public safety security program. Many of these offenders fall into more than one of these categories (totaling 4,455 or 49% of the DOC inmate population). The combination of such policy and statutory restrictions, along with other suitability factors considered for offender placement, has led to a marked increase in the number of male offenders released from high security prisons without supervision as well as a decrease among inmates “stepping down.” Because higher levels of security generally require more funding per inmate, these legislative mandates and policy restrictions translate into significant resource commitments. In addition, under the current system, corrections officials may be reluctant to step down an offender who might commit crimes in a lower security setting.

The next problem with the manner in which offenders are incarcerated is that they are generally housed in facilities far from the community they plan to return to upon release. This is especially true for female inmates, because there are fewer DOC facilities for women. It is difficult for

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<sup>20</sup> DMH can provide pre-sentencing mental health assessment information to DMH’s Forensic Treatment team, which works with correctional health staff.

community treatment and social service providers and potential employers to meet with and facilitate re-entry planning for inmates who are incarcerated a great distance from the area to which they intend to return. Distance also makes it difficult for inmates to do work release in the same community where they hope to find permanent jobs.

The final significant problem within the incarceration process impacting re-entry and post-release supervision is, with certain exceptions, the lack of re-entry planning, programming, information sharing and coordination among corrections (state and county), in-reach providers of treatment, health, education and training services, and parole and probation offices. Currently, there is no uniform approach to re-entry planning and programming within DOC or across the counties. There are several reasons for this: diversity of approaches and methods for assessment and classification; differences in corrections philosophy; and, differences in knowledge of and access to re-entry programming resources.

### ***Pre-Release***

The first problem with the pre-release policies and practices in the Commonwealth is a lack of coordinated intervention with offenders who are still assessed to be at high-risk of reoffending as they approach their release dates. Some offenders who are classified as high-risk at the time of incarceration can be stepped-down safely and should have re-entry programming requirements and step-down incentives during their period of incarceration. However, not all offenders will succeed in re-entry programs, and some will remain at high-risk as they near the end of their sentences. Currently, offenders who are assessed as high-risk for serious crimes as they near the end of their sentences do not have post-release supervision. Transition planning and additional interventions are especially important for these offenders, to reduce their risk to society.

The next shortfall in pre-release practices is a lack of work release and other programs for developing job skills and résumé experience. Work release programs are not only a potentially useful incentive, but also provide job skills, résumé experience and contacts with potential employers that can help ex-offenders succeed in becoming productive citizens.

Finally, current pre-release practices generally do not have adequate transition planning for all offenders, particularly to find appropriate housing and ensure continuity in services. Transition planning is the aspect of re-entry planning that focuses specifically on how an ex-offender will re-establish him/herself in a community with housing, employment and any necessary aftercare services (*e.g.*, for physical and mental health problems and/or substance abuse). Transition planning should start several months before release for offenders in the DOC and county systems. For some offenders in the county system who are serving short sentences, transition and re-entry planning will be identical, and should begin at the time of incarceration. The offender should be strongly encouraged to take responsibility for planning, with support and engagement from corrections, treatment and service providers, family, community agencies, and local law enforcement in the community to which the offender plans to return.

## *Release*

The primary shortfall with release of offenders into the Commonwealth's communities is the lack of a uniform process or practice. There is no standard for assuring that a released offender has such basics as a place to live, an identification card, health care access, and a job search plan. In addition, there is no standard for correctional authorities, probation or parole to notify and share information about ex-offenders at the time of their release. This lack of communication is a disservice to both the offender and the receiving community, which may result in inadequate supervision and waste of public safety resources. For recently released offenders, the lack of housing options is the biggest problem associated with release from a corrections institution. In fact, public housing often requires a disclosure of an applicant's criminal offender record information. Finally, the Commonwealth does not have a uniform policy or practice of providing notification to victims of crime that an offender is being released and under what circumstances.

## *Post-Release Supervision*

By far the greatest shortfall and problem with the current state of post-release supervision in the Commonwealth is the lack of an integrated, mandatory post-incarceration supervision system. Without such a system, there are too many inmates leaving the correctional facilities without any form of post-release supervision. Effective post-release supervision can reduce recidivism and increase public safety, particularly if it is integrated with supportive health, housing, job training and employment programming. Without supervision upon release, prisoners are expected to make what has been described as a "safe 'crash landing' back into society after a long period of debilitating incarceration, without programs for a sensible reintegration. Still burdened with addictions, lack of job skills, and poor life management skills, many [cannot] compete in our society."<sup>21</sup>

The next problem in the re-entry phase of the corrections continuum is that too many probationers and parolees are being returned to custody, to the houses of correction or the Department of Correction, for technical violations. Technical violations of probation or parole, which can be defined as violating a condition of supervision that does not result in a criminal prosecution, can be significant indicators of risk. Technical violations can vary greatly in their seriousness (violation of a curfew vs. use of heroin) as well as the risk of the particular offender. There are currently no written standards for parole revocation on technical violations — one parole officer may revoke an offender for something another would not. A system of graduated parole sanctions would be helpful. Technical violations should be monitored, recorded and addressed — but not necessarily through re-incarceration or purely negative sanctions. The key challenge is to assess technical violations to determine whether they indicate a pattern of increasingly risky behavior, or whether they are minor lapses in a generally positive process of re-entry.

The third significant problem with the system, as it exists, is that post-release supervision is not approached in a uniform or consistent manner across the state resulting in only pockets of "best-

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<sup>21</sup> Testimony of Rudy J. Cypser, at the Public Hearing on Parole and Post-Release Supervision, New York City, August 10, 2001.



practices” of prisoner re-entry. The Executive Office of Public Safety has and should continue to play a leadership role in advocating for the adoption of best practices statewide, drawing from national and Massachusetts examples.

The fourth significant problem with the current state of re-entry is the prohibitive barriers that exist for the recently released parolee or probationer, such as lack of housing or employment, thereby decreasing the likelihood of successful re-entry. The lack of appropriate employment and housing opportunities for offenders being released from custody cripples the best-intended and well-supervised re-entry program. A holistic approach to re-entry includes skills training, employment, mental health and substance abuse services, and it provides ex-offenders with a greater opportunity to achieve financial and social self-sufficiency. Successful re-entry is directly related to the reduction of crime rates and the preservation of public safety.

### **C. BEST PRACTICES**

The following programs are considered best practices in the Commonwealth. Although many of the problems and shortfalls currently plaguing successful re-entry and post-release supervision programs involve legal constraints, the programs identified below are not only best practices in substance but are truly innovative in that they have succeeded within the current operating environment.

- *The Parole Board and the Suffolk County Sheriff’s Office Re-entry Pilot Project*  
This collaborative uses a team approach to “community re-entry planning.” Institutional Parole officers team with Suffolk County classification personnel, corrections case managers, service providers and the offender to develop a re-entry plan at the time of incarceration. The Parole Board reviews the plan and the offender’s success in meeting its requirements at the time of parole eligibility.
- *The Essex County Sheriff’s Department - Re-entry Case Managers*  
The Essex County Sheriff’s Department has placed re-entry case managers at each county facility. These case managers are charged with developing and supporting each inmate’s re-entry plan. Within 72 hours of being sentenced to the Essex County Correctional facility, the Classification/Reintegration department interviews all inmates. An activity log report is established and is then kept to track the inmate’s progress. The log is a work in progress that records critical information about behavior, clinical programming and disciplinary issues. This record is actively shared throughout the continuum of care, including post-release. Six to nine months is the average stay at the Essex County Correctional Facility. Realizing that the inmate will be returning to the community, an individualized treatment plan is created for each inmate. All the stakeholders that will assist the offender’s preparation for eventual release are included in this process from the outset.
- *Department of Mental Health – Forensic Treatment Teams*  
Dedicated DMH teams work with DOC and county sheriffs to plan services for those inmates who are identified as having mental health needs and are DMH eligible. These

clinical teams follow through at release and stay involved with the released inmate for three months to aid in the full engagement of needed services. DMH statistics for this five-year-old program demonstrate that there is a reduced rate of recidivism for clients who stay engaged with services. DMH is interested in pursuing discussions with sister agencies in EOHHS to provide links for substance abuse treatment and for inmates who are developmentally delayed.

- *Department of Youth Services – Boston Police Youthful Violent Offender Program*  
As a result of a \$1 million grant received from the US Department of Justice in 2002, DYS and the Boston Police Department have developed an intensive pilot program of re-entry services for serious and violent youth offenders in the city of Boston. The components of the Serious and Violent Offender Re-entry Initiative include the identification of high-risk youth upon commitment to DYS through a monthly caseload exchange between DYS and BPD, and planning for successful transition to the community while the youth is in residential treatment. A team of caseworkers identifies community resources such as substance abuse counseling, workforce readiness and housing assistance programs. DYS has also identified a community organization to manage a mentoring program for all youth in the program. Once released from a DYS facility, the youth is held accountable through an intensive casework model and is subject to a system of sanctions for any violations of the contract.
- *The Essex County Sheriff's Department - Women in Transition facility (WIT)*  
This program, specifically available to women offenders, offers a wide range of programs inside the facility, modeling what is offered in the community, to address the many needs of women: domestic violence, parenting, family issues, healthy relationships, medical and women's health issues, substance abuse, sexual abuse, and food and nutrition. At the WIT, there are a variety of self-help groups that model the groups in the community. Further, tutors from local community colleges can work one on one with an offender while incarcerated and help them transition to educational services in the community. WIT has fostered a relationship with Northern Essex Community College for GED and scholarships. Additionally, North Shore Community College offers scholarships to WIT inmates.
- *Suffolk County District Attorney's Office Victim Resource Center*  
The Suffolk County District Attorney has established a Victim Resource Center that provides information and advocacy for victims. This includes notifying victims about the inmate's parole status, release dates, and level of compliance with his rehabilitation programs and re-entry plans. The Victim Advocate is responsible for advising victims about their options when they are continuing to be harassed by the inmate. With the victim's permission, this information should be made available to DOC staff.
- *South Middlesex Opportunity Council ("SMOC") Housing Program*  
SMOC currently uses a model to assist inmates in moving along a continuum of housing options from emergency shelter to permanent housing. A holistic approach that includes skills training, employment, mental health and substance abuse services provides ex-offenders with a greater opportunity of achieving financial and social self-sufficiency.

- *The National Institute of Corrections Transition from Prison to Community Initiative (TPCI).* This initiative and evaluative tool, currently underway in six states, is grounded in bringing together the agencies that have a stake in the transition process of offenders but are hindered by organizational boundaries, incompatible information systems, or conflicts in priorities. When offenders are released in such a system, which is not far from the current state of affairs in the Commonwealth, there is a lack of continuity between prison programs and activities, re-entry plans, and post-release supervision. The principles underlying the TPCI program include involving all stakeholders, reforming systems, beginning the transition process upon initial incarceration, utilizing evidence-based practices and monitoring performance. The TPCI approach closely evaluates each phase of the corrections continuum including: assessment and classification, inmate behavior and programming, release preparation, release decision making, supervision and services, revocation decision making, discharge and aftercare.

## **D. RECOMMENDATIONS**

### ***Sentencing***

1. Seek legislation for appropriate mandatory supervision of all offenders being released from incarceration, including additional funding to support agencies with the responsibility for post-release supervision (the Parole Board and the Probation Department) to be able to safely supervise the offenders in the community. These two agencies should use an evidence-based screening tool to assess each offender's particular risk of recidivism and needs for re-entry and re-integration services.
2. Seek sentencing guideline legislation that would prohibit sentences where the range between the minimum and maximum terms is very short.
3. Seek sentencing guideline legislation whereby there would be certainty of punishment for drug trafficking crimes within a sentencing grid that would also allow eligible offenders the possibility to participate in pre-release programs, and require for mandatory post-release supervision.
4. Seek sentencing guideline legislation under which intermediate sanctions are integrated within the comprehensive sentencing framework, thus providing judges guidance on the use of such tools.
5. Seek sentencing guideline legislation that would make sentencing more predictable and provide the Commonwealth with an effective management tool to manage the utilization of scarce correctional resources.
6. Implement a uniform process for information to be collected, reviewed and integrated in the assessment process for each offender, including but not limited to: Police reports, criminal history, Probation reports (risk & classification), clinical evaluations (focusing on risk assessment), DMH reports, DSS reports, DYS reports, and DMR reports. Remove statutory obstacles for information sharing between these agencies.

7. Task the judiciary, state and county law enforcement officials and expert clinicians to work in collaboration to develop comprehensive, valid and reliable risk and needs assessment instruments for use across the criminal justice system, beginning with pre-sentencing assessment.
8. Adopt standardized assessment processes for specific offender groups who may not be adequately assessed at present, and who therefore may not be given sentences that both maximize public safety and increase the chances for successful re-entry. Specific groups to be addressed include: violent offenders (especially domestic violence offenders);<sup>22</sup> sex offenders; and non-violent drug offenders.
9. Adopt or implement at the trial court level, court procedures or “assessment guidelines” to make systematic assessment a standard step in the sentencing process, including the use of actuarial findings on risk where available to balance “clinical” judgments of individual cases, and ensure that assessment information is transferred from the courts to other stakeholders, particularly corrections for incarcerated offenders.
10. Adopt a requirement or a standard procedure for collecting and transferring sentencing information from the courts, including pre-sentence assessments and sentencing transcripts, to the Executive Branch of government to be used throughout incarceration, post-release supervision and aftercare.

### ***Incarceration/Classification***

1. Review and standardize (to the degree practical) DOC and county corrections classification systems and procedures: DOC is currently reviewing its classification guidelines with assistance from the National Institute of Corrections, to ensure the balance between facility security and inmate programming needs in DOC facilities.
2. DOC and county corrections should collaborate to allow more DOC inmates to transfer to lower-security county facilities closer to the community where they plan to settle after release. Implementing this recommendation will require freeing-up space in currently over-crowded county facilities. The most viable option to free-up space in county facilities would be to make greater use of intermediate sanctions, the Community Resource Centers and the Community Correction Centers for offenses that currently lead to incarceration in county facilities.
3. Unify assessment and classification strategies across the corrections system. Leaders in the DOC and the county corrections should review and build on proven and promising models for re-entry programming.

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<sup>22</sup> Those developing assessment tools may want to review the Safety First model that is currently used in Brockton. This program provides more intensive information sharing about high-risk perpetrators (by police, prosecutors, probation, victim advocates, and jail personnel) as well as ongoing risk management and victim safety planning. Monitoring of the perpetrator and advocacy with the victim continues after the perpetrator has been incarcerated, as well as following his release.

4. Corrections officials and institutions should have specific programming in place to address certain offenders' needs, including specific programming for domestic violence, sex offenders, youthful offenders, offenders with mental illness, developmentally disabled offenders, drug and alcohol addiction, programming specifically for women and additional educational opportunities for offenders with low educational attainment through partnerships with local colleges and universities.

### ***Pre-Release***

1. The Parole Board should play a lead role with inmates who are eligible for parole, by coordinating additional programming interventions with DOC and county facilities and program providers. Where offenders are wrapping up their sentences without parole hearings, DOC and county corrections officers should assess their readiness for release, and should require inmates to complete additional programming if necessary and within their authority.

2. Local law enforcement should be involved in transition planning. When an offender is wrapping-up an incarceration period with no post-release supervision, a member of the local community police unit should visit the prison or jail, with re-entry personnel, and they should advise the offender of what services are available, and make the inmate aware that he or she is going to be kept under coordinated supervision.

3. The DOC, county corrections, DET, Regional Employment Boards (REBs), employment training organizations in the public and private sector, and private sector employers should work together to develop and expand work-release programs. Education and outreach to potential employers should be a key component of these efforts.

4. The DOC and county corrections should partner with the Departments of Public and Mental Health, contract treatment providers and the offender to identify transitional needs and develop a realistic transition plan for each offender.

5. Corrections officials and contract providers should search aggressively for low-cost and transitional housing. Housing is a critical need for successful re-entry. Corrections agencies and contract providers need to work with the offender to determine whether there is a realistic housing option with family or roommates, and whether that option is appropriate given other needs (*e.g.*, substance abuse treatment) and post-release requirements (*e.g.*, prohibition on congregating with felons).

### ***Release***

1. DOC and county corrections officials should develop standard operating procedures for providing information to victims and appropriate agencies no later than the time of release. This information sharing, which should be more than simple notice of pending release, must focus on high-risk offenders to avoid overloading police departments and social service agencies with information on lower-risk offenders. There are currently good models in place that could be easily replicated among the Boston Police Department, DYS, the Lowell Police Department, and DOC.

2. Implement policies and procedures to ensure that release information is provided to victims of domestic violence. There can be serious risks to the families of domestic violence offenders when those offenders return home without appropriate prior notice. Victims of domestic violence currently lack consistent information from county jails and the houses of corrections about their perpetrators.
3. Implement uniform protocols for the interaction or information sharing with local law enforcement, the Parole Board and the Probation Department.
4. The Legislature and the Executive Branch, in coordination with HUD and other federal agencies, should increase funding for transitional housing, building on existing state programs and private provider models.

### ***Re-entry and Post-Release Supervision***

1. Seek legislative and other administrative reforms so that an offender can no longer opt out of supervision by choosing to remain incarcerated for a longer period of time. This can be accomplished through sentencing reform, which mandates post-release supervision by the Parole Board.
2. Increase the practice of Probation/Parole agencies sharing an offender's conditions of release with local police departments. Police officers are on the street twenty-four hours a day/seven days a week and if they know what is expected of the parolee/probationer (for example, curfew restrictions or a stay-away order) the police officer can report any violation immediately to the supervising agency for immediate action.
3. Institute training programs for the police and police administrators on their role in post-release supervision.
4. Work with a cross-section of law enforcement, contract providers, local business and charitable organizations to remove employment and housing barriers by identifying more funding for transitional beds, and address concern relative to CORI checks that disqualify offenders from public housing.
5. Reassess and reprioritize the use of technical violations to ensure professional judgment and actuarial data about how different types of offenders respond to different types of sanctions. When justified by assessment, judges, probation and parole officers should use intermediate sanctions (*e.g.*, day reporting) and intensified supportive services (*e.g.*, substance abuse treatment) prior to re-incarceration. Careful assessment and response to technical violations could produce net cost savings (*e.g.*, fewer re-incarcerations) and greater public safety (by

targeting resources based on risk). Furthermore, the Executive and Legislative branches should consider significantly expanding the availability of treatment services for technical violators.

6. The Executive Office of Public Safety, and the agencies under it, should take a lead role in developing re-entry programs that span the corrections continuum. EOPS should hold an annual conference for practitioners to share best practices and ideas on re-entry. Finally, EOPS can use its oversight of corrections and parole to develop standard statewide approaches.

# FORENSIC TECHNOLOGY

## INTRODUCTION

Forensic services in the Commonwealth are currently provided by two different secretariats, several individual agencies and state universities that have no common link or authority in either management or funding. The providers include: the Office of the Chief Medical Examiner; the Massachusetts State Police Crime Lab; the Boston Police Crime Lab; the University of Massachusetts Medical School; the Department of Public Health; and the forensic computer services provided by various local and state law enforcement agencies. The challenge for forensic technology in Massachusetts is to coordinate services to the District Attorneys' Offices and the municipal police departments, and to keep abreast of the most recent advances in forensic sciences. Members of the Forensic Technology Subcommittee recommended an integrated and coordinated model of forensic services, with centralized management to improve the delivery of forensic services throughout the Commonwealth.

### A. CURRENT RESOURCES & PRACTICES

#### *Computer Laboratories*

In Massachusetts, there is currently no centralized laboratory for obtaining forensic examinations of computers. Instead, individual offices, *e.g.*, the Attorney General, the District Attorneys, the State Police and some local police departments, have created their own forensic laboratories with varying degrees of ability and success. The current situation is unacceptable as a long-term plan. Computer crimes and the seizures of evidence stored on computers or other digital devices continue to increase. A centralized laboratory will provide many benefits including:

- The ability to meet the growing need for computer and digital forensics;
- The ability to adapt to constantly changing technology;
- The adoption of standardized procedures;
- Uniform training requirements for analysts;
- A shared financial burden;
- Guidance for existing satellite laboratories throughout the state; and,
- The concerted effort of individuals and groups with experience in computer forensics.

The existing computer laboratories with statewide jurisdiction do not have sufficient resources in terms of funding, storage and analysts to meet the current or future needs of the entire state. There is no formalized training or certification process to ensure the admissibility of evidence and the protection of criminal defendants' constitutional and statutory rights. Many of the



existing laboratories rely on grants, creating the possibility that funding could cease without much notice. At best, the current status is a loosely organized set of computer forensic units that barely meet the continually growing needs of law enforcement. Some localities have spotty or perhaps no available resources. Currently, the state has pockets of resources in computer forensics. These resources are as follows:

- The Corruption, Fraud and Computer Crime Division within the Criminal Bureau of the Attorney General's Office has a laboratory to conduct computer forensics. State troopers, who also conduct undercover investigations on-line, complete the forensic examinations. The Attorney General's Office has statewide jurisdiction but does not have the resources to conduct forensic examinations in every case.
- The Massachusetts State Police Computer Forensic Unit (CFU) is located in New Braintree. The CFU is partly funded by a federal grant, the Internet Crimes Against Children Task Force (ICAC). The Massachusetts State Police contribute some funds to assist in the establishment of the CFU. The CFU also receives a small amount of bond money, earmarked for computer forensic examinations. The CFU has statewide jurisdiction and state troopers conduct the forensic examinations. The ICAC grant is limited to investigations and prosecutions of computer crimes against children.
- Some of the District Attorneys' Offices, for example Berkshire, Franklin, Hampden, Hampshire, Middlesex, Norfolk and Plymouth, have limited forensic capabilities with examinations conducted by the State Police or information technology departments.
- Some local police departments have the capability to conduct forensic examinations of computers, for example, the Boston Police Department. Some other local police departments have developed their own limited forensic capabilities. Brockton and Marshfield each have an officer who can conduct forensic examinations.
- The North Eastern Massachusetts Law Enforcement Council (NEMLEC) is an association, in Middlesex and Essex counties, that includes thirty-five police departments. NEMLEC has established a computer crime unit (CCU) located at the Medford Police Department. NEMLEC provides its members with computer forensic capabilities, training and community outreach.
- The Regional Electronic and Computer Crime Taskforce (REACCT) is located in Raynham in Bristol County. The laboratory itself is funded by grants, and specially trained local police conduct the forensic examinations. This group shares resources and personnel across municipalities and counties. The forensics is not limited to computers but also include video forensics. Video technology is a growing area in criminal investigations because of the widespread use of security video cameras and of personal hand-held cameras. These recordings require special care when securing, copying, enhancing and storing visual images on video.

- Private companies and individuals may be hired as experts to examine evidence, to prepare reports and to testify about their findings, although this resource can be very expensive.

### ***Drug Testing Laboratories***

The Commonwealth's regionalized forensic drug testing services are independently managed by three parent agencies: the Massachusetts State Police, the University of Massachusetts Medical School (UMMS), and the Department of Public Health. The Massachusetts State Police (MSP) manages one drug-testing lab in Sudbury, and UMMS manages another lab in Worcester. In addition to myriad health and clinical laboratories under its control, the Department of Public Health manages two forensic drug-testing laboratories, one located in Jamaica Plain and one located in Amherst. The DPH and UMMS drug labs provide drug testing for municipal public safety entities. The MSP Drug Unit works primarily on drugs confiscated under state or federal jurisdiction. While the drug labs at DPH and UMMS may perform scientifically sound drug analyses in compliance with national forensic standards, at this time only the MSP Drug Unit is accredited and currently meets all national standards from the Drug Enforcement Agency's (DEA's) Scientific Working Group on Forensic Drug Analysis (SWG-Drug). The four drug laboratories have independent ways of compiling casework efficiency data and different analytical approaches to casework, complicating direct statistical comparisons between the laboratories. For example, the DPH and UMMS drug labs may track their performance more comprehensively than the MSP Drug Unit, while the MSP Drug Unit may provide more comprehensive analyses than the other laboratories. Casework efficiencies in all four drug labs seem to be comparable to national figures, to the extent this figure can be estimated. Report turn-around-time (TAT) has been a longstanding priority for all of the drug labs. Short TATs are critical to ensuring that cases are not dismissed in court because of lack of drug certifications from the reporting laboratories. Although this problem is not currently pervasive in the Commonwealth, staffing and resource shortages will likely exacerbate timeliness issues.

### ***Crime Laboratories***

The Massachusetts State Police Crime Laboratory (MSPCL) and the Boston Police Crime Laboratory (BPDCL) provide crime laboratory services. Scientists in both laboratories perform crime scene response, criminalistics examinations of evidence from violent crimes (*e.g.*, sexual assault, homicide), DNA analysis, and trace analysis. Aside from the functions common between the laboratories, the MSPCL also performs analysis of bomb and arson evidence; toxicology testing of biological evidence from drug-assisted sexual assaults and operating a vehicle under the influence; controlled substance analysis; and recertification of breathalyzer machines for law enforcement officers. The American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) accredits both laboratories, and their laboratory practices therefore meet national standards.

Because DNA analysis is such a powerful forensic tool, the criminal justice community has come to rely on it and expect it in many cases. A key concern is the ability of the laboratories to

meet the demands for DNA analysis. Aside from the assessment of actual services offered, there appears to be a level of disconnect among forensic providers in the Commonwealth.

Evidence (including sexual assault evidence collection kits) collected from violent crime scenes is examined at crime laboratories primarily to identify biological materials that are suitable for DNA analysis. These so-called criminalistics examinations serve to 1) search the bulk physical evidence (*e.g.*, clothing) for traces of material linking aspects of the case; 2) document and characterize stains as to body fluid type and species origin; and 3) excise probative stains for DNA analysis. The criminalistics examinations are conducted prior to actual DNA analysis of stains, and the usefulness of DNA analyses relies upon skilled scientists who find and recover probative trace biological materials. These examinations are quite time-consuming. For example, a criminalist could spend several weeks examining multiple items of evidence from a single complex case.

At the MSPCL, 56% of the cases received for criminalistics examinations are reported sexual assault cases. Another 10% of the submissions are unreported sexual assault cases that are not automatically examined, and the remaining 34% comprise other violent crimes such as homicides and non-fatal assaults (*e.g.*, beatings, stabbings, shootings), as well as property crimes (*e.g.*, breaking and entering). At the BPDCL, 33% of the cases received are sexual assaults.

The criminalists at the MSPCL (equivalent to 14.5 people) will complete approximately 1284 cases in calendar year 2003, for an average annual output of 89 cases per analyst. An additional four criminalists would be needed to examine more than 1630 cases annually, the approximate number to be received in 2003. Additional criminalistics (above the four) staff would benefit the MSPCL by reducing the turn-around-time for case examination and report issuance, and would also allow more evidence in each case to be examined. Currently, the investigative team selects probative items for analysis, but in most cases examination of additional items could be beneficial.

Although the BPDCL currently meets its criminalistics' capacity demands, additional staff would enable the laboratory to reduce the turn-around-time of case examinations and more quickly provide samples for DNA analysis.

Those cases having probative biological materials are targeted for DNA analysis after criminalistics examinations. In 2003, overall a higher percentage of criminalistics cases will have DNA analysis at the MSPCL compared to cases at the BPDCL (note: this figure reflects an MSPCL initiative regarding unsolved cases in the state; a similar initiative was already completed for Boston cases by BPDCL and those figures are not reflected in this year's data). Not all cases have biological material suitable for DNA analysis, thus only a percentage of cases submitted will actually require DNA analysis. Furthermore, some cases are resolved prior to needing DNA analysis. The following data table summarizes the projected number of cases submitted and having criminalistics examinations and DNA analysis for 2003:

Demand for Forensic Services	BPDCL		MSPCL	
	#	%	#	%
Projected Case Submissions Calendar Year 2003	775	100	1636	100
Criminalistics Cases Examined Calendar Year 2003	682	88 100% of requests	1284	78
DNA Cases Analyzed Calendar Year 2003	250	37% of Crim Cases	735	57% of Crim Cases
	1000 samples	32% of Total Cases	1500 samples	45% of Total Cases

Staffing in forensic laboratories is a common resource deficiency nationwide. The ability of DNA analysis to aid criminal investigations has created at least a 50% increase in the DNA workload in forensic laboratories since 1999, yet the staffing in crime laboratories has not increased sufficiently to handle the cases. At the MSPCL, the number of staff in the DNA Unit has grown from five to twelve (140%) since 1999, yet there remains an annual backlog of cases awaiting DNA analysis. Because of a staffing shortage and having analysts in training, the MSPCL DNA Unit was only able to analyze 25% of the requested DNA analyses during 2003; the remainders were outsourced or are pending. On average, each DNA analyst currently completes four cases per month. With the current staffing (equivalent of eleven analysts), the MSPCL DNA Unit has an expected output of 528 cases (2100 samples) annually. If, as stated above, approximately 1630 cases will be submitted to the MSPCL for potential DNA analysis in 2003, then more than 1000 cases would remain untested annually using the current capacity of the DNA Unit. An additional 21 DNA analysts would be needed in order to eradicate the annual backlog of DNA cases and meet the demand for DNA analysis. Were the MSPCL to hire this number of DNA analysts it would have a total of 33 DNA analysts. Additional staff (above the 33) would aid in reducing the turn-around-time, would allow the laboratory to validate and institute improved technologies not currently available at the MSPCL, and would allow the analysis of more samples. To reduce the turn-around-time by one-half, the staff should be doubled, but the anticipated availability of robotics and more automated systems may lessen that factor. The MSPCL estimates that the DNA Unit should grow from a staff of 12 to a total staff of 48 to 56 DNA analysts over the next five to ten years.

The BPDCL DNA Unit expects to complete approximately 250 cases in 2003, with each of the 2.5 analysts having a casework output of approximately eight cases per month. They are currently able to honor all requests for DNA analysis by the city of Boston. The BPDCL would like to hire one additional DNA analyst in order to continue to meet the DNA demands and institute improved technologies.

Few staffing models exist for forensic laboratories. Some researchers estimate that in order to meet the criminal justice community's demands for both capacity and turn-around-time, one forensic scientist is needed for every 30,000 individuals in a population. Using this model, the ratio of forensic scientists needed to serve the Massachusetts population (estimated at 6.5 million) is 217. Excluding public health laboratories (*e.g.*, Department of Public Health Controlled Substance Laboratory) and law enforcement officers who collect evidence (*e.g.*, sheriff's Bureau of Criminal Investigation), there are currently 71 forensic scientists serving the state of Massachusetts (57 at the MSPCL and 14 at the BPDCL). According to this model, an additional 146 forensic scientists are needed (140 at the MSPCL and an additional six at the BPDCL). Other staffing projections and staff-level comparisons support that this number of forensic scientists is needed to bring capacity into alignment with the demand for services.

Whenever staff is added, the organization must house them and equip them to properly perform their duties. Both of these resources are often overlooked when projecting operating costs. There is insufficient laboratory and office space for the current 12 DNA analysts at the MSPCL. To overcome the space deficiency: (1) staff work either a day or an evening shift schedule; (2) a conference room and a library at the current facility are being used as offices; and (3) scientists occupy desks in other units. Even with these accommodations, there are too many people occupying designated office spaces. The MSPCL has plans to relocate a laboratory unit (the Office of Alcohol Testing) from Sudbury to Devens, Massachusetts in order to vacate laboratory space in Sudbury for use by the DNA Unit. This arrangement should alleviate some, but not all, of the space deficiencies.

As accredited facilities, both the MSPCL and the BPDCL are bound to comply with national quality assurance standards. Some of these standards relate to space allocations; each worker should have adequate space to function safely and effectively. It is recommended that each analyst have 700 to 1,000 square feet of space. For 48 DNA analysts, the MSPCL would need a minimum of 33,600 square feet of space (assuming all staff work one shift), or 16,800 square feet if there were two shifts of 24 analysts. The MSPCL DNA Unit currently occupies 1,730 square feet of laboratory space at the Sudbury facility.

The Massachusetts State Police is working with the Commonwealth's Division of Capital Asset Management to develop plans for a new facility. Contracted architects and laboratory design experts (Payette Associates) have submitted a proposal for constructing a new crime laboratory. The total project cost is approximately \$75 million, which includes the construction, lab equipment, design, and furnishings. Additional costs would be incurred for acquisition of a site, if no state-owned site can be found. Upon selection and acquisition of a suitable site, the project can be completed in 50 months.

The MSP also considered whether the acquisition and renovation of an existing building (Army Building #2602) located at Devens, Massachusetts was a feasible alternative to new construction. The building at Devens was previously assessed for this use as part of the Needs Assessment of Forensic Services in the Commonwealth of Massachusetts conducted in 2002. Although this existing building has some appealing qualities that make it well suited for conversion to a crime laboratory, this subcommittee feels that new construction is a better alternative.

Constructing a new crime laboratory will take at least five years, yet criminal justice clients in Massachusetts cannot wait that long for the MSPCL to enhance its capacity and services,

particularly in the area of DNA analysis. The MSP has developed an interim plan to progressively increase casework capacity at the Crime Laboratory during the 50-month period that the new building is to be built and made ready for occupancy. This interim plan calls for the relocation of some designated units currently housed at the Sudbury facility; this will make room to expand scientific units (e.g., DNA Unit) and increase available laboratory space and capacity. The interim plan also creates a 3<sup>rd</sup> (overnight) shift at the MSPCL, which will maximize the occupancy of space at the facility. Finally, the interim plan proposes a hiring and training schedule for DNA analysts. In the plan, DNA analysts are hired and trained prior to (but in anticipation of) occupancy of the new building, such that when the new building opens then the lab will be at high capacity. DNA analyst training typically spans nearly a year, so the pre-emptive training of DNA analysts will avoid immediate capacity deficiencies once the new building is occupied.

The interim plan for the MSPCL's expansion also includes a proposal for a southeastern satellite crime laboratory. In addition to the main laboratory in Sudbury, the MSPCL currently has satellite labs in Danvers and Agawam where chemists analyze evidence. Although there are regionally situated State Police officers who process crime scenes, the southeast region of the state lacks regional chemist support for laboratory analyses. The idea for a southeastern satellite crime laboratory is longstanding, but the MSP has lacked sufficient resources to implement it. The absence of a southeastern satellite forensic laboratory is a shortcoming of the present system for delivery of services, and the subcommittee recommends that funding be provided to rectify this (as part of the MSP's proposed interim plan for expansion).

Although the BPDCL and the MSPCL are both police-managed laboratories and are both accredited by ASCLD/LAB, there are differences between them. They are managed by separate parent organizations and have each developed their own standard operating procedures. They have many similar concerns, but they have some different operational obstacles because one serves a single large police department while the other serves the entire state. The functions provided by the laboratories, as well as other forensic functions performed by individual entities in the Commonwealth, would benefit from a formal way to coordinate their practices and learn from each other.

## **B. PROBLEMS, SHORTFALLS AND GAPS**

### ***Computer Laboratories***

The forensic examination of computer evidence is now a necessary tool for law enforcement. Previously, evidence of criminal activity or evidence to corroborate the testimony of a victim would appear on paper, e.g., letters between a defendant and a victim, cuff sheets demonstrating a drug business, photographs. With the proliferation of personal computers at bargain prices, much of this evidence exists only in the memory of a computer. Now electronic mail might show the defendant's grooming of a young victim in a charge of rape and abuse of a child. Records of illegal gambling and drug transactions might be stored on the hard drives of computers belonging to the key players in criminal ventures. Photographs and videos are taken with digital cameras and stored on computer systems. Without the capability to conduct forensic examinations of computers, law enforcement will be deaf and blind to the virtual world where criminals and victims interact. Every crime, from malicious damage of property to murder, has

the potential for computer evidence. That evidence is necessary not only to apprehend and convict the criminal but also to find the exculpatory evidence necessary to remove suspicion from the innocent.

Although law enforcement in Massachusetts has attempted to fill the gap with various forensic laboratories, several major problems exist. The laboratories with statewide jurisdiction, the Attorney General's Office and the State Police CFU, do not have the resources to satisfy the entire state's needs for forensic examinations. The CFU's federal funds are very limited. Its facility is too small and the physical plant is unsafe for the physical storage of computers. The CFU lacks written standards for quality control of forensic examinations, although it has adopted the federal guidelines for proper on-line investigations and forensic examinations. The county and local resources vary in their capabilities, funding and training. Budget difficulties statewide, over the course of the last two years, have increased the likelihood that the financial resources of law enforcement will be diverted away from the area of forensic examinations of computers. Although federal grants and training are available, they are limited. While some of the local police and District Attorneys have tried to provide their own resources, there is no formalized training or certification process to ensure the admissibility of evidence and the protection of defendants' constitutional and statutory rights. Additionally, many of these laboratories rely on grants, creating the possibility that funding could cease without much notice.

Massachusetts does not have an administrative subpoena statute that would permit law enforcement to order Internet Service Providers to provide subscriber information. Currently, law enforcement must obtain a search warrant, a grand jury or trial subpoena or a federal "d" order (under the Electronic Communications and Privacy Act, a federal statute) to obtain this information. This would require an amendment to G.L. c. 271 §17B that permits the service of administrative subpoenas on telephone companies.

Massachusetts judges have no authority to issue subpoenas to be executed outside of the territorial jurisdiction of Massachusetts. *See* G.L. c. 276 §1. Law enforcement cannot obtain a Massachusetts search warrant for corporations doing business in Massachusetts over the Internet, even if the state of the business's incorporation requires the business to accept such out-of-state search warrants. California requires its businesses to accept out-of-state search warrants when the crime suspected is a felony.

A forfeiture statute that applies in computer cases would assist both prosecutors and police when a computer prosecution is complete. Often computers cannot be returned to the owner after conviction, because of probationary conditions on the defendant or because the computer contains contraband, *e.g.*, child pornography. The forfeiture statutes in Massachusetts do not clearly provide the courts with the authority to transfer seized equipment to law enforcement. *See* G.L. c. 276, §3 (authority of trial court to order forfeiture or destruction of items seized by means of a search warrant); G.L. c. 257, §§1-15 (civil suits for forfeiture of property); G.L. c. 266, §147(g) (forfeiture of property used in counterfeiting); G.L. c. 94C, §47(d) (drug forfeitures). The difficulty with these statutes, except the drug forfeiture statute, is that forfeitures are generally provided to the Commonwealth's general fund, not directly to the investigative agencies. A forfeiture statute cannot replace the allocation of funds for computer resources because many forfeited computers will be obsolete by the time of forfeiture. But a computer forfeiture statute would permit an investigating agency to use forfeited computers as

teaching tools, as storage devices or even for on-line investigations and searches. There is no current draft of a forfeiture statute for seized computer equipment.

The stakeholders are the Attorney General, the District Attorneys and the State Police because they have already begun the process of creating laboratories for computer forensics and have used the results of those forensic examinations in court. The person who runs the computer forensic laboratory must have education and expertise in three areas: computer science, search and seizure law and management of personnel. The State Police may be the most effective organization to establish and run the computer forensic laboratory because they have statewide jurisdiction and the state police are already well versed in search and seizure law and the chain of command. In terms of computer science, state police troopers conduct the forensic examinations of computers at the Attorney General's Office, at some District Attorneys' Offices and at the State Police CFU in New Braintree.

A major foreseeable difficulty in the creation of a centralized laboratory with oversight over satellite laboratories is the relationship between the existing organizations and the proposed centralized facility. The contribution of local police departments and regional groups in this sphere cannot be overstated. Without groups like REACCT and NMLEC, as well as the local police departments, many communities would have no ability to investigate or prosecute computer crimes, including but not limited to searches for missing children, personal identity fraud, and the dissemination and possession of child pornography. The goal of this committee is to include these groups in the hope that each existing laboratory will benefit by cooperating in a formalized system for standard procedures, the availability of training programs and more stability in the funding process. At the same time, oversight by a centralized laboratory will ensure quality control in each laboratory, whether the laboratory is run at the state, regional or local level.

Funding is the primary impediment to the creation of a centralized state laboratory for computer forensics. Without budgetary support to fund the laboratory, the laboratory will need extensive funding from grants. Federal grants are available, although limited, for computer forensics. To the extent that the laboratory examines computers in drug cases, forfeited drug funds may also be available (currently drug cases appear to be a small percentage of the computer cases).

### ***Drug Testing Laboratories***

The main immediate problem reported by clients of drug testing services relates to the turn-around-time (TAT) for reports (drug certifications). Although this problem is not currently pervasive in the Commonwealth, there may be some instances when judges have dismissed drug offense charges against defendants due to lack of forensic evidence (missing laboratory drug certifications). All laboratories have established priority systems to ensure timely analysis of cases before disposition, but staffing and resource shortages will likely exacerbate the TAT problem. The underlying reason for long TAT appears to be staff shortages. The MSP seems to have the appropriate resources at this time to avoid TAT issues. Staff at both the DPH laboratories were recently lost to retirement and normal attrition. DPH has received authorization to fill four vacancies and expects to resume normal capacity after the analysts complete the required training, estimated to take approximately six months.



The UMMS Drugs of Abuse Lab (DAL) primarily serves municipal agencies in Worcester County, with drug analysis services paid for by the Worcester County District Attorney's Office. UMMS also recently lost two staff positions. Although there are no known recent instances of cases being dismissed for lack of drug certification from UMMS, their lab management recognizes that the current strategy of case triage will not continue to avoid the TAT issue if staffing levels do not return to previous levels soon. Based on current budget shortfalls, it is not clear as of the beginning of the year if (or when) UMMS will receive authorization to fill these vacancies.

There is also a long-term issue of forensic standards of practice that must be addressed. For illicit drug testing, national standards exist (*i.e.*, SWG-Drug) and laboratories may voluntarily become accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB). ASCLD/LAB accreditation is recognized as a universal means to objectively demonstrate the quality of work performed at forensic laboratories. Without accreditation, a laboratory's results may be more subject to attack and may be difficult to defend at trial. Currently, the MSP laboratory has ASCLD/LAB accreditation. The DPH labs do not. ASCLD/LAB accreditation is also a prerequisite for eligibility for some federal forensic funding. At this time, the MSP laboratory is accredited by ASCLD/LAB and meets all of the national SWG-Drug standards for forensic defensibility of drug testing results. The DPH laboratories and the UMMS may meet some of the national standards relating to their methods of drug testing, but they have not yet been formally inspected for compliance and they are not accredited by ASCLD/LAB. Although the DPH drug laboratories recognize that ASCLD/LAB accredits forensic laboratories, they feel that there are alternative accreditation programs (*e.g.*, the College of American Pathologists [CAP]) that may be suitable for them.

The impact of disparate service quality when comparing the accredited MSP drug unit with the UMMS and DPH laboratories has not yet caused issues in the presentation of drug cases by the Commonwealth's prosecutors. However, the national trend in forensic science clearly indicates that – in the future – failure to meet or exceed national standards for forensic practice will undermine the ability of a forensic lab to properly support its results in court. Essentially, lack of documented and objective proof – in the form of accreditation of the laboratory by ASCLD/LAB or another qualified accreditation organization (recognized as meeting the International Organization for Standardization [ISO] Standard 17025 for calibration and testing laboratories) – will be required of DPH and UMMS drug labs at some time in the future. If accreditation is not achieved, DPH and UMMS test results will be more likely challenged in court, which may undermine successful prosecution of drug cases.

The effect of this impending failure to meet standards would be to load the direct and indirect costs of lost prosecutions AND laboratory infrastructure improvements onto future budgets. When the obvious crisis ultimately occurs, cases slated for court will need to be re-worked by an accredited lab (there are accredited, commercial labs which offer this service), and the unaccredited labs in the Commonwealth will have to rapidly prepare for and gain accreditation to ameliorate the on-going problem. Requirements to both out-source and gain accreditation simultaneously would yield much higher overall cost to the Commonwealth for resolution than if the underlying issues at UMMS and DPH were systematically addressed today.

All forensic drug laboratories must formally demonstrate compliance with the national SWG-Drug standards through external audits, and the subcommittee favors ASCLD/LAB accreditation. It is understood that the process of accreditation is costly. The initial manpower investment to document validated methods and develop a quality system drains the workforce, initially reducing casework capacity. The accreditation process itself requires funding, and operating costs for the laboratory will increase as more quality controls (*e.g.*, scheduled equipment calibrations) are instituted. Once established, though, an accredited laboratory is better prepared to present their findings - and have them upheld - in criminal trials.

- Accreditation of DPH drug labs in Amherst and Jamaica Plain is expected to cost between \$10,000 and \$25,000 annually to meet direct costs associated with gaining and maintaining accreditation for each DPH laboratory.
- An assessment of additional infrastructure retrofit costs at the DPH Amherst facility may yield additional costs to be borne to allow for accreditation of that drug lab.
- Additional operational funding will be necessary to resume or exceed current casework capacity levels at the DPH laboratories during and after accreditation.
- Accreditation of the UMMS drug lab in Worcester is expected to cost approximately \$15,000 annually to meet direct costs associated with gaining and maintaining accreditation.
- Additional operational funding will be necessary to resume or exceed current casework capacity levels at the UMMS laboratories during and after accreditation.
- Consolidation of management as considered by the EOPS-led Task Group on Drug Testing may yield operating savings to offset the costs of accreditation for DPH and UMMS in out-years following such management consolidation.
- If management consolidation occurs, any current appropriations for consolidated drug labs should be shifted to the organization bearing the management responsibility.
- Federal funds from the US DOJ Office of Justice Programs and Drug Enforcement Administration may be available to offset implementation costs of consolidation, accreditation and compliance with SWG-Drug standards. The EOPS-led Task Force on Drug Testing should determine the availability and appropriateness of such funds prior to allowing any subordinate agency to apply for any federal funds for the purposes stated herein.
- Minor changes to the drug analysis statute are needed to allow for the most efficient use of DPH scientist's time.

## C. RECOMMENDATIONS

The members of the Forensic Technology Subcommittee recommended a centrally managed and organized model. Under that model, Massachusetts would be well served by creating a Forensic Sciences Advisory Board, appointed by the Governor, to oversee management of forensic services in the Commonwealth and to advocate for additional resources to address existing challenges. Working in conjunction with that Board, the effective, unified delivery of forensic services should occur either through a single entity under the Executive Office of Public Safety, or through a coordinated effort of several entities. Centralized management of forensic services would provide for better fiscal control, improved long-term planning, setting and enforcement of standards, and implementation of technology services to improve the delivery of forensic services, and accountability to the end users.

In a centralized model, the director or manager of forensic services could serve, in part, to evaluate, coordinate and facilitate the other aspects of forensic service in the Commonwealth, such as human resource issues (*e.g.*, job retention, salaries), management approaches, organizational strategies, client outreach, and communication between laboratories. The director or manager could also schedule and convene regular meetings with the Advisory Board, conduct studies, make recommendations, and facilitate change. Similarly, the director or manager would be responsible for overseeing the budget for the forensic services, and consideration should be given to whether the funding for forensics should be as a “line item” or whether it should be embedded within parent agency budgets. An effort to resolve ongoing minor disagreements over the implementation of centralized forensic services is underway.

Additional, specific recommendations included:

1. Increased funding at all levels for forensic pathology services provided by the Office of the Chief Medical Examiner.
2. The construction of an expanded building at a central location to house the MSPCL and the various forensic services provided by that laboratory.
3. Add four criminalists to the staff of the MSPCL to assist in the more than 1,630 cases that are analyzed annually. This will reduce the turn-around-time for case examination and report issuance, and would also allow more evidence in each case to be examined.
4. Add 21 additional DNA analysts to eradicate the annual backlog of DNA cases and meet the demand for DNA analysis. Additional staff would aid in reducing the turn-around-time, would allow the laboratory to validate and institute improved technologies not currently available at the MSPCL, and would allow the analysis of more samples.
5. Consolidation of all forensic toxicology and drug services within the Massachusetts State Police Crime Laboratory.

6. The implementation of programs at local and state levels designed to educate the criminal justice community -- judges, lawyers, and law enforcement personnel -- to the evolving issues in the field of forensic services.

- National Institute of Standards and Technology, Department of Commerce, “Advanced Technology Program.” This grant requires government agencies to work in partnership with private agencies that provide matching funds. The private agencies receive the benefit of research and development while law enforcement benefits from a new laboratory.
- Office of Justice Programs, “Local Law Enforcement Block Grants Program.” This grant is focused on reducing crime and improving public safety that would provide greater opportunity for online proactive investigations.
- National Institute of Justice, “Electronic Crime Research and Development.” NIJ is accepting white papers (brief proposals) on grants in the area of electronic crime for the fiscal year 2004. One of the acceptable uses of the grant is digital evidence analysis tools and technologies.
- File legislation to place the costs of investigations on convicted defendants. This legislation would assess fines against defendants convicted of specific computer crimes to defray the state’s costs of investigation.
- Seek assistance from and partnerships with the private sector including local universities and corporations.

7. Crime laboratories would benefit from a coordinated approach. Here are some examples:

- Both the BPDCL and the MSPCL began DNA operations in the late 1990s (BPDCL in 1997 and MSPCL in 1999). There are clear differences in the services provided by the two facilities, as demonstrated by the differences in casework output between the two laboratories. They both struggle with meeting increasing demands for criminalistics and DNA analysis, and they would benefit from sharing and coordinating management strategies to learn from each other and improve service. A coordinated approach might ensure that the quality and services provided throughout the state are comparable regardless of which laboratory performs the analysis.
- As accredited laboratories, both the BPDCL and the MSPCL conform to national quality assurance standards. Maintaining a quality assurance program and ensuring that laboratory analyses meet quality standards is a time-consuming element of crime laboratory operation. Both laboratories would benefit from finding the most effective and efficient way to meet these standards without sacrificing productivity. Minimizing these tasks and assigning them to scientists with skill levels and jobs commensurate with these tasks may improve productivity substantially by freeing the time of case-working scientists. Consideration of staff and resource allocations, as well as laboratory

operational designs at the different laboratories could provide insight into improving productivity.

- Laboratories do try to achieve the highest throughput while still retrieving the best evidence and conducting examinations with due diligence, but practices vary. Practitioners (civilian scientists from the BPDCL and the MSPCL, as well as sworn crime scene technicians) and clients would benefit from having open discussions about the best approaches, and they should try to gain a view of what practices will serve the criminal justice community best (*e.g.*, generalists versus specialists, teams versus individual examiners, etc.). For example, because of the “high throughput” nature of DNA analysis, laboratory managers may wish to have the DNA analysts focus primarily on DNA casework. In order to focus the work, the managers may provide the DNA specialist with few opportunities for processing crime scenes, giving lectures and tours, or attending impertinent trainings. This approach, however, may create an unsatisfied employee. Laboratory managers would benefit from interactive discussions about approaches such as this to learn from the experiences of others.
- Both laboratories would benefit from better human resource strategies to retain skilled employees. Many employees resign for personal reasons that cannot be predicted, but human resource strategies geared for the forensic laboratory could reduce employee turn-over resulting from more predictable workplace situations, such as salary inequities, promotional opportunities, insufficient job challenges, and training opportunities. Employees traditionally receive technical training but they may lack project management training, which is key to achieving maximum productivity in an environment that requires handling multiple projects simultaneously (*i.e.*, casework, data basing, validations, etc.). By ensuring that employees receive training and acquire the necessary skills to handle the complexities of their jobs, good employees are more likely to stay. Furthermore, managers would benefit from more extensive managerial training as they move from being an analyst to a manager in the organization.
- The BPDCL and the MSPCL perform some of the same functions for their different geographical service areas, and they have similar training requirements for these overlapping functions. The training for many forensic disciplines typically takes six to twelve months, and requires the commitment of a supervisory analyst to oversee the training. Both laboratories might simultaneously be conducting similar training sessions without realizing that the other is actively doing the same thing. More communication and coordination between the laboratories would help ease the strain of having both labs commit supervisors and resources to similar training programs.
- Both laboratories wish to improve relationships and communication with each other but also between them and their clients, and to better educate their clients about the benefits and advances of forensic technology. The labs could coordinate case-handling strategies in order to have similar statewide approaches and practices that best suit the investigations. Coordinated training programs for law enforcement officers, attorneys, and judges would standardize the messages and allow a single resource to educate clients without depleting so many resources from both laboratories. More training should be

done with investigative parties to maximize collaborative efforts with the lab. Training can also help reduce the amount of unnecessary testing being requested by investigators and prosecutors.

# **CROSS-AGENCY INFORMATION SHARING**

## **INTRODUCTION**

Integrated criminal justice information commonly refers to the ability to share critical information at the key decision points throughout the criminal justice enterprise. Integration also includes the sharing of information with traditionally non-justice agencies, such as health and human services organizations, and with the public, which is increasingly demanding greater and more varied access to an expanding array of government information and services. At the most basic level, an integrated criminal justice information system uses technology to allow the seamless sharing of information at federal, state and local levels. Through an integrated system, information is entered once and, in turn, can be accessed from different sources in order to achieve greater efficiency and effectiveness in delivering public safety and justice.

The integration of criminal justice information systems is clearly not a new phenomenon. Massachusetts criminal justice agencies, like those in many other states, have long recognized the need for the sharing of critical data including booking information, mug shots, fingerprints, DNA identification records and case records. Substantial progress has been made in this area, thereby improving day-to-day operations and public safety.

Since the tragic events of September 11, 2001, however, the enhancement of justice information sharing has a new level of priority. A host of recent state and federal directives make reporting provisions and information sharing essential, not only for supporting daily public safety and justice operations, but also for responding to threats of domestic and international terrorism.

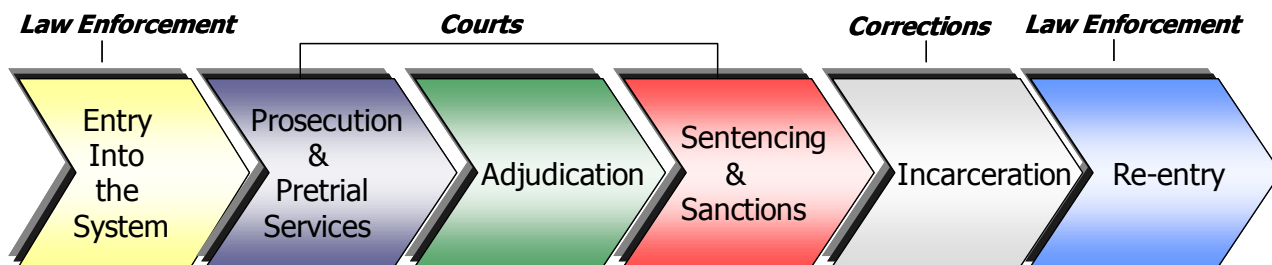
Today, access to technology is not the central issue at hand. To achieve full integration, Massachusetts must address several outstanding political issues, establish a comprehensive strategic plan, secure short and long-term funding and coordinate the efforts of all public safety, anti-terrorism and criminal justice agencies.

Comprehensive public safety and homeland security are not optional. Massachusetts must continue to demonstrate a firm commitment to integration and bring all homeland security and criminal justice systems swiftly into sync in order to better carry out its critical responsibility of protecting the citizens of the Commonwealth.

### **A. CURRENT SYSTEM**

This section provides an overview of the current Massachusetts Criminal Justice Information System (CJIS), outlines a number of examples of notable projects that have advanced criminal justice integration in the Commonwealth and identifies several areas across the criminal justice enterprise that need to be immediately addressed.

Every step in the criminal justice process as shown below relies on information that has been previously collected. The majority of justice information systems were originally designed to be autonomous and not necessarily developed to share information with other criminal justice systems.



Today, most of the information exchange that occurs within and between criminal justice entities depends on personnel initiating the transfer from one agency to another. A great deal of the information flowing through the system is still delivered in paper-based case files and folders. Despite having computer printouts of the information, data is frequently collected again and then redundantly entered into a myriad of disparate, agency centric systems. In some cases, information is manually entered in two or more systems within the same agency.

It is clear that the disadvantages associated with these practices can be eliminated through the integration of systems and the electronic exchange of information. Several states have made great strides in this arena. However, no state has implemented a fully integrated criminal justice system spanning the federal, state and local level. A multitude of states' integration projects including Massachusetts have been hindered by some agencies' concerns over losing control of, and perhaps compromising, the information they create and need to carry out their duties and responsibilities.

Yet, recent events have highlighted as never before the strategic importance of sharing information in protecting citizens' safety and security. The landscape at all levels of government is rapidly changing. Developing new integrated systems is central to the ability to gather and share information and intelligence in order to prevent persons who are national security threats from entering the United States, to conduct surveillance and to efficiently apprehend and prosecute offenders.

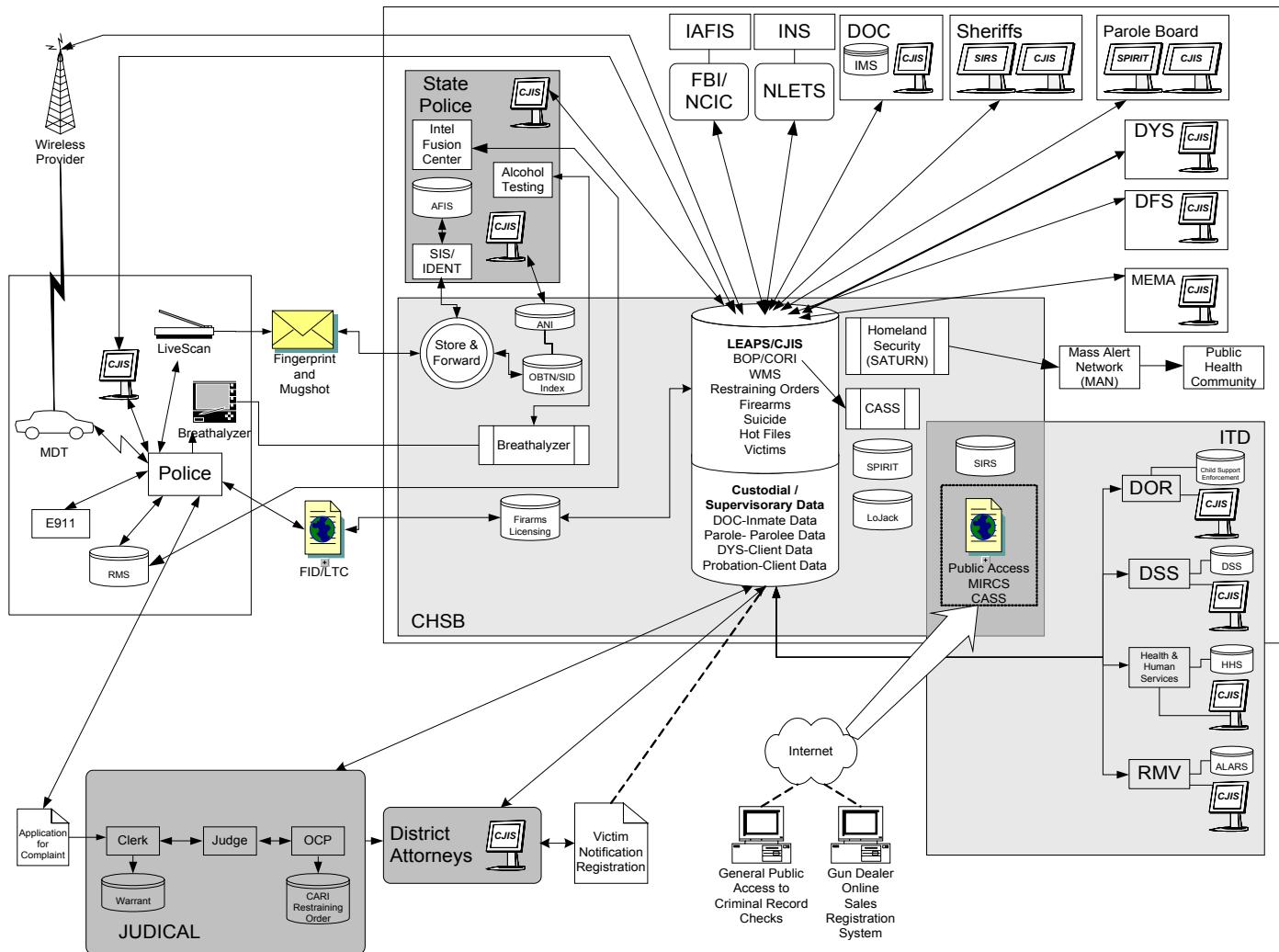
### ***The Massachusetts Criminal Justice Information System***

Providing integrated justice information in a secure fashion requires a modern network. The current Massachusetts criminal justice information system maintained and operated by the Criminal History Systems Board (CHSB), connects virtually all the criminal justice agencies in the Commonwealth, including local and campus police, the State Police, the Department of Correction, the Parole Board, County Sheriffs, District Attorneys, the Administrative Office of the Trial Court (AOTC) and the Registry of Motor Vehicles (RMV). CJIS meets all current federal and state security requirements and has the ability to transmit both text and image data.

The current Massachusetts CJIS enterprise illustrated below outlines the major state and local agencies that either provide information to or access information from, the CJIS network.



**Diagram I: Agency Information Interface**



Interagency interfaces shown on Diagram I above include paper-based, voice and electronic transactions. The flow of information varies from real-time to nightly, weekly or monthly batch processing.

Within the agencies represented in the diagram there are numerous practitioners whose information needs are driven by their roles and responsibilities and who are heavily dependent upon access to these information systems. Below is a partial list of key stakeholders:

- State Police
- Local Police Departments
- Sheriffs

- District Attorneys
- Public Defenders
- Judges, Magistrates & Other Court Personnel
- State and County Correctional Officers
- Probation and Parole Officers
- Registry of Motor Vehicles personnel
- Health and Human Services Case Workers
- Firearms Licensing Officials
- Anti-terrorism Officials

The vast majority of local law enforcement agencies have automated records management systems and electronic access to the CJIS network. However, the transfer of information between law enforcement agencies, the courts and corrections still occurs primarily through several manual interfaces including hand-delivery, fax and mail.

Recent exceptions have been live-scan and card-scan fingerprinting systems that send arrest data and fingerprint images to the State Police State Identification Section (SIS). Over 150 electronic devices transmit fingerprints and arrest data to the State Police and to the FBI's Integrated Automated Fingerprint Identification System (IAFIS) over the CJIS network. The response time when using these devices is less than 30 minutes from the State Police and less than two hours from the FBI. Currently, approximately 60% of all arrest fingerprints are submitted electronically to the SIS. The balance is either hand-delivered or mailed.

If a fingerprint card is mailed to the SIS, it takes days or perhaps weeks after the date of arrest to obtain a State Identification (SID) number. Meanwhile, the offender, and his/her case proceeds through the criminal justice process. As a result, not all Massachusetts' criminal history records are fingerprint supported. Moreover, the criminal history records are difficult to decipher in their current format.

Another issue is the linking of court generated disposition information with arrest information. The current labor-intensive, time-consuming process delays the availability of accurate, complete, and timely criminal history records to the criminal justice community and to the public. Those agencies at the back end of the process, such the Department of Correction, the County Houses of Correction, and the Massachusetts Parole Board, spend a tremendous amount of time identifying offenders and re-entering data that is usually already in an existing system either at the state or local level.

### ***Key Data Collection Points***

In addition to reviewing the CJIS enterprise, key criminal justice data collection points were analyzed in an effort to gain a stronger understanding of the current flow of information. The Massachusetts Criminal Justice Records Improvement Task Force comprised of senior management and IT executives from all agencies involved in the criminal justice process suggested with ten critical data collection and entry points for fingerprint and criminal history information. The following charts outline these data collection points as well as the agencies responsible for the data collection.

<b><i>Key Data Collection Points</i></b>	<b><i>Responsible Organization</i></b>
Point of Arrest	State and Municipal Police Departments
Point of Identification	Massachusetts State Police
Point of Criminal Arraignment	Office of the Commissioner of Probation
Point of Prosecution	District Attorneys
Point of Sentencing	Massachusetts Sentencing Commission & Trial Courts
Point of Civil Protective Relief	Probation Civil Registry of Restraining Orders
Point of Probation Supervision	Office of the Commissioner of Probation
Point of State Supervision	Massachusetts Department of Correction
Point of County Supervision	County Sheriffs' Departments
Point of Community Supervision	Massachusetts Parole Board

Other points of collection for civil information include:

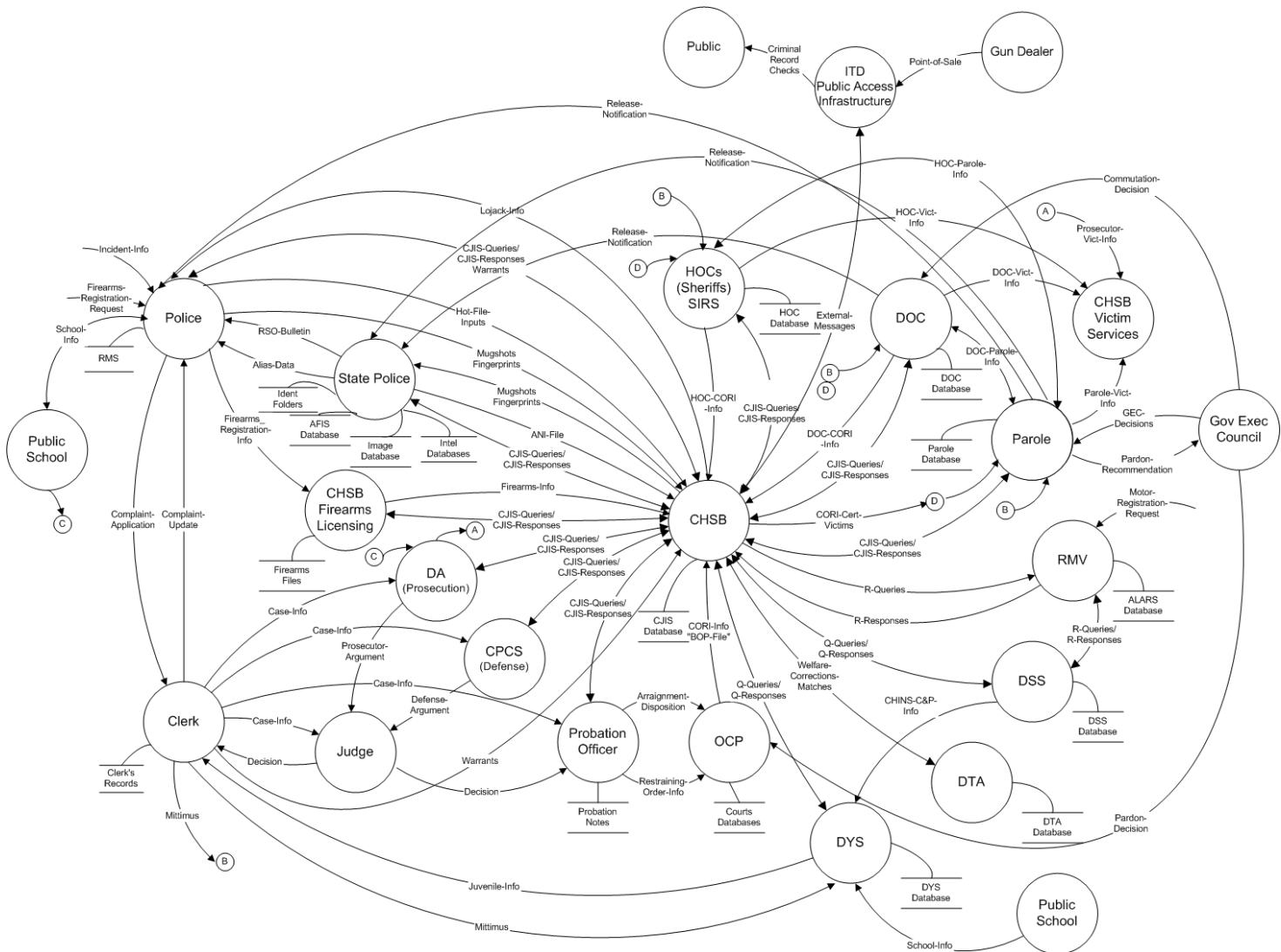
<b><i>Key Data Collection Points</i></b>	<b><i>Responsible Organization</i></b>
Firearms Licensing	Local Police Departments
Sale of Firearms	Gun Dealers
Motor Vehicle Registration & Driver Licensing	Registry of Motor Vehicles
Juvenile Custody	Department of Youth Services
State Mental Health Facilities	Department of Mental Health

Another important data collection point not identified by the Massachusetts Criminal Justice Records Improvement Task Force is the point of investigation. This is a sensitive legal and public policy area, which requires additional analysis before being incorporated into the overall strategic plan.

### ***Massachusetts Criminal Justice Data Flow***

Once collected, criminal justice data is both pushed to various agencies on a scheduled basis and pulled and queried on an “as needed basis.” The current data flow between agencies is illustrated in the following diagram. Agencies are indicated within the circles while the data flow is indicated with arrows.

### Diagram II: Flow of Data Between Agencies



The flow of data between the agencies (Diagram II above) may be electronic file transfers, electronic batch input via disk, hand-delivered paper documents, documents sent through the mail or information transmitted verbally. The data flow illustrates the dynamic push and pull of information on the CJIS network. The following information is available for query on CJIS:

- In and out-of-state criminal history records
- In and out-of-state warrants
- In and out-of-state protective orders
- In and out-of-state sex offender information
- In and out-of-state RMV data

- In-state and out-of-state stolen vehicles and property
- Homeland security broadcasts

The following information is pushed to CJIS workstations in the field:

- Warrant extract information
- Warrant notifications to police departments
- Protective order notifications to police departments
- Notification to firearms licensing departments of court activity

### ***Key Accomplishments***

Over the course of the last several years, Massachusetts has made tremendous headway with its efforts to improve the criminal justice system through the use of technology. Several excellent examples include:

- The CHSB is currently pilot testing the transmission of driver's license photo images over the CJIS network to the Massachusetts State Police.
- The CJIS system allows a user to access information regarding an individual's adult criminal record, juvenile record, sex offender status, restraining orders and Parole, Probation or DOC supervision with a single inquiry.
- The Administrative Office of the Trial Courts has automated the court activity record information file, which provides a summary of an individual's criminal and juvenile arraignments in the Commonwealth's Trial Court.
- The automated version of all restraining orders issued in the Commonwealth is created and transmitted nightly to the CHSB and the Trial Court has also automated its warrants and transmits them to CHSB in real-time.
- MSP has installed an automated fingerprint identification system (AFIS) that stores millions of fingerprints and automatically compares submitted fingerprints to this database. The Commonwealth has also developed a standard, the Massachusetts Electronic Fingerprint Transmission Specification (MEFTS) that allows for the paperless transmission of fingerprints.
- The MSP has partnered with CHSB to develop a Store and Forward application that transmits the fingerprint images and associated information from remote fingerprint devices to the MSP AFIS and to the FBI.
- In 2001, the Commonwealth became a participant in the Interstate Identification Index (III) maintained by the FBI.
- The Executive Office of Public Safety has developed a comprehensive data dictionary using the Extensible Mark-up Language (XML). Utilization of XML as the criminal justice data exchange standard will allow agencies to share information more efficiently.
- SATURN is a communications network that is currently used to broadcast information from various resources to local public safety officials. There are plans underway to expand the SATURN network so that it serves as an information exclusive between the Statewide Information Fusion Center and local authorities.
- Several mechanisms have been adopted to communicate with the Anti-terrorism Advisory Council (ATAC) partners and share non-classified but law enforcement

sensitive information. A weekly newsletter is provided to all ATAC partners, which provides the field with alerts, useful summaries and digests, updates on training opportunities, and open-source intelligence. Through the newly created Intelligence Analysis Working Group, a monthly intelligence report is produced for local law enforcement officers. ATAC has also worked with its public health partners to participate in a computer-based emergency communication system and a separate telephone-based emergency communication system. Other web-based communications systems such as NESPIN and Law Enforcement On-Line (LEO) are also used to disseminate intelligence and share information.

All of these accomplishments and many others demonstrate outstanding commitment and cooperation by all of the agencies involved in automation and integration projects. They also demonstrate the state's continued commitment to the advancement of its criminal justice systems.

## **B. PROBLEMS, SHORTFALLS AND GAPS**

Despite significant progress in the automation of criminal justice systems, as well as in the exchange of criminal justice data, much more work needs to be done to speed integration efforts, enabling the Commonwealth to more efficiently and effectively meet its homeland security and public safety needs on a statewide basis.

There are several difficulties with the current landscape including redundant data entry, antiquated systems and insufficient technical staff within state agencies and at the local level. Historically, one of the most significant operational hurdles has been the “turf” war between agencies at the state and local level. The following section outlines the key issues delaying the effective integration and optimization of criminal justice information in the Commonwealth.

- Issue 1: Accurate & Timely Positive Identification. Accurate and timely offender identification continues to be an issue in Massachusetts. Despite the increased use of live-scan and card-scan fingerprinting devices, not all arrest fingerprint cards are submitted to the State Police, nor are fingerprints taken for all arrests. Moreover, many defendants arrive in court via an indictment or summons and are not formally arrested or fingerprinted. For the State Police to serve as a complete repository for fingerprint supported arrest information, universal capture and submission of fingerprint information, for all felonies and misdemeanors, should be addressed.
- Issue 2: Redundant Data Entry. The vast majority of information exchanged between agencies is still performed manually via mail, fax or hand delivery. Agencies often independently capture and re-key the same data on offenders, causing redundant data entry and integrity issues. Redundant data entry results in wasted staff time and a delay in making the data available to other users. It also extends the time it takes to move an offender through the system.
- Issue 3: Data Integrity. As a result of the same offender information being entered and re-entered into multiple systems, errors and inconsistencies in offender records are

frequently present. Inaccurate and incomplete data can pose a significant risk to law enforcement officers as well as to citizens in the Commonwealth.

- Issue 4: “Islands of Automation.” The absence of an endorsed “big picture” enterprise-wide system has led to a disparate technology landscape. For example, Massachusetts currently has over thirty types of booking systems, some of which are homegrown. The majority of these systems are developed and supported by eight different vendors. This has led to the increased complexity of interfacing these systems. Even when two local police departments would like to share pertinent information, they are not easily able to do so due to disparate record management systems and the lack of adherence to data collection and transmission standards.
- Issue 5: Incomplete Criminal Records Information. There is continued difficulty with linking arrest and disposition data. In Massachusetts, court arraignment and disposition information is collected and disseminated by the Office of the Commissioner of Probation. Although the disposition data contained in the “BOP” (Board of Probation) file is 99% complete (one of the highest in the nation), Massachusetts continues to have difficulty linking arrest and disposition data in CJIS. The Offense Based Tracking Number (OBTN) was established to serve as the link between arrest and disposition data. Currently, OBTNs are assigned when a subject is arrested and fingerprinted; however, they are not consistently incorporated into the disposition files forwarded to CJIS.
- Issue 6: Enforcement of Data Dictionary and Exchange Standards. The Criminal Justice Records Improvement Task Force has developed the Massachusetts Justice XML Data Dictionary and its associated XML schema. Defining a standard data dictionary is essential to sharing data in an enterprise environment. The state agencies involved with this effort have made good progress toward implementing the MJXDD standard. However, local law enforcement agencies must implement the standard within their respective records management and mobile data systems. Currently, data definitions are inconsistent and prevent information from being shared in an efficient manner.
- Issue 7: Technology Chasms on the Local Level. Within the 351 cities and towns in the Commonwealth there are three levels of technology landscape – sophisticated, sufficient and antiquated. This patchwork of disparate technologies results in data integrity and security issues. The varying levels of funding have fueled and perpetuated this issue over the years and it continues to be a major issue that needs to be addressed.
- Issue 8: Non-criminal Justice Interfaces. A growing number of non-criminal justice organizations, such as health and human services and education agencies, need access to criminal justice data for legitimate reasons. For example, the Brady Bill and State Gun Control laws require Chief Law Enforcement Officers to determine whether a prospective gun buyer has a history of mental illness and welfare agencies must determine whether welfare recipients are receiving benefits while incarcerated. However, current priorities, legal limitations, financial constraints and technical deficiencies have unfortunately delayed, and sometimes prevented, the flow of information to these entities.

- **Issue 9: Safeguarding Sensitive Information.** As justice information is more efficiently collected, analyzed and shared, the need to safeguard personal information rapidly increases. Perhaps now more than ever, it is critically important to continue to protect citizens and organizations from the inappropriate use or release of information. It is important to note that “safeguarding” should not be used as an excuse to not share data that should and can be legally exchanged.

### **C. BEST PRACTICES**

A future system or “best practice” would have the Massachusetts Criminal Justice Information System act as a hub that links the agency systems together, allowing them to share common data and to provide a single view or source of criminal justice information.

#### ***Principles of Integration***

Best practices for system integration include:

- Data should be captured at the point of origination rather than trying to reconstruct it down the line or having others capture it.
- Data should be captured once and used multiple times, improving the utilization of existing resources and data quality.
- General capabilities of the system must include automatic query, push, pull, publish and subscription.
- Security and privacy are top priorities in the development of integrated criminal justice capabilities, as well as in the determination of standards.

#### ***Description of A Fully Integrated Criminal Justice System***

A fully integrated criminal justice information system is a network of public safety, justice and homeland security computer systems which provides to each agency the information it needs, at the time it is needed, in the form that it is needed, regardless of the source and regardless of the physical location at which it is stored. The information provided is complete, accurate and formatted in the way most useful for the agency’s tasks. The information is available at the practitioner’s workstation, whether that workstation is a patrol car, desk, laptop or a judge’s bench. Each agency shares information not only with the upstream and downstream agencies in its own jurisdiction but with other agencies like itself and with other agencies on the federal, state and local level. Accurate information is also available to non-justice agencies with statutory authority and a legal obligation to check criminal histories before licensing, employment and weapons purchase.

As a case is passed from one agency to another, key information is passed electronically. Though paper documents may also be transferred for legal and other reasons, electronic data transfer initiates the processing of the case by the receiving agency and serves to track receipt of the necessary documents. The receiving agency usually adds information consistent with its function but information is not re-entered. Previously entered data, such as identification and



demographic data, is copied from the originating agency's information system. As a result data elements are the same in all systems.

With a single request, an authorized user can retrieve not only traditional rap sheet information, but also the current status information on an individual including custody status (incarcerated, under supervision, out on bail), all outstanding warrants, detainers, restraining orders and current conditions of release (if on probation, parole, or pretrial release). The integrated system automatically searches the relevant systems, retrieves the information needed from wherever it is stored and formats the information for the user in the most useful manner. Finally, there is a common data dictionary shared by all agencies so that coded data elements such as statutes, race codes, case dispositions etc., are defined exactly the same in all agency systems.

### ***Benefits of Integration***

The many benefits associated with an integrated criminal justice information system include:

- “No criminal is released before the appropriate time.”
- Improved safety of justice and law enforcement officers by the timely delivery of requisite and highly accurate data.
- Improved quality of life for all citizens as a result of analyzing crime hotspots and the effective deployment of public safety manpower.
- Enhanced access to timely, complete and accurate information by both criminal justice agency staff and the public.
- Improved decision-making based on the quality, consistency, accessibility and reliability of information.
- Increased productivity of existing staff by reducing redundant data collection and input efforts.

### ***Critical Success Factors***

Based on the best practices of other states involved in integration projects, the following critical success factors have been identified as being essential for achieving integrated criminal justice.

- A formal governance model with clear roles, responsibilities and accountabilities.
- Identified champions responsible for the marketing and publicizing of project successes.
- A fully endorsed strategic plan with a compelling business case, strong implementation roadmap and performance metrics. This plan would be based on a structured assessment of technical and operational needs.
- Secured short and long-term funding.
- Maintained urgency through a focus on “90-day wins.”
- Involve users early in the development and maintain involvement throughout the process.
- Detailed training and communications plan developed for key stakeholders.
- A performance measurement program in place to ensure continual feedback.

## D. RECOMMENDATIONS

### *Strategic Recommendations*

1. Establish a formal governance structure via Executive Order or statute to oversee the continued development and implementation of an integrated criminal justice information system. Over the last several years, states across the nation have established governance structures to guide the development of integrated criminal justice information systems. Massachusetts has not had a formal governing body for shared decision-making or to champion and monitor integration and automation progress.

There are many ways to structure a governing body. The majority of governing structures contain the following three components: an executive committee, technical committee and an operational committee. A preliminary list of member organizations is as follows:

- Boston Police Department
- Criminal History Systems Board
- Department of Correction
- Executive Office of Public Safety
- Executive Office of Health and Human Services
- Information Technology Division
- Massachusetts Police Chiefs Association
- Massachusetts Attorney General's Office
- Massachusetts District Attorneys' Association
- Massachusetts State Police
- Massachusetts Sheriffs' Association
- Massachusetts Trial Courts Administrative Office
- Registry of Motor Vehicles
- United States Attorney's Office

2. Develop a “big picture” integrated criminal justice strategic plan and “model” architecture to unify and guide criminal justice agencies with development. The absence of a fully endorsed strategic plan has perpetuated the development of “islands of information.” The design, development and implementation of an all-encompassing strategic roadmap that includes a review of business procedures, functional requirements, technical requirements, standards (collection, transmission, security etc.) and performance metrics, is essential. This strategic business and technology plan must also include meaningful dates, clear accountability for each action item and appropriate funding in order ensure successful implementation.

3. Build a complete and compelling business case and funding model to sustain the project from concept to completion. The technical and organizational challenges associated with integration require sustained commitment from key players and organizations, as well as a large investment of resources. A strong business case will serve as a powerful tool and guide to substantiate and increase support for the effort. The business case will explain what resources are needed, why integration should be supported and how it will benefit the Commonwealth.

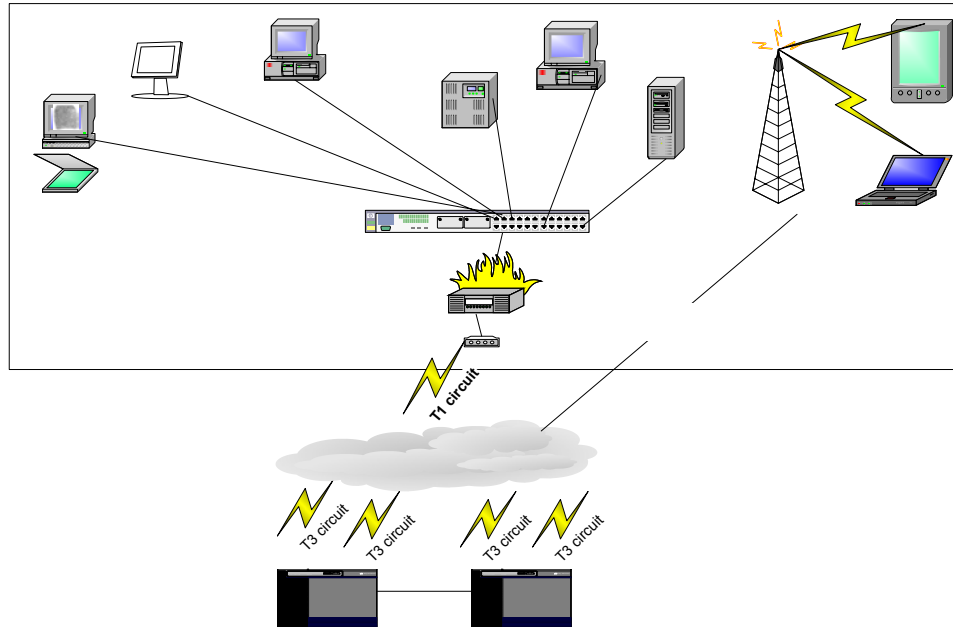
4. Establish a set of privacy guidelines, in accordance with state and federal laws, to assist with privacy issues associated with integrated criminal justice information sharing. In light of the call for integrated criminal justice information sharing, there is a sincere need to also protect individuals from the inappropriate use or release of sensitive personal information. In order to reduce the risk of unauthorized disclosures as well as to allow for appropriate access to information, a concrete set of new privacy guidelines, perhaps developed by a dedicated privacy advisory committee, must be established and issued.

5. Require compliance with all architecture and data standards prior to awarding agencies state and federal grant and IT bond funding. Integrated criminal justice information systems require sufficient and coordinated funding. The subcommittee firmly believes that it is necessary to support unified strategies that make the best use of resources. Funding based on compliance will assist in the continued viability of an integrated justice system. Going forward it will be essential to engage in joint planning efforts to encourage compliance and to optimize funding and resources.

6. Evaluate and modernize the CJIS and RMV infrastructures and software applications in alignment with the strategic plan. CHSB's backend system, its surround technology and its network are the foundation and will serve as the hub of an integrated justice system. Currently, many of the applications running on the backend, mainframe system are more than twenty years old and cannot be easily modified to accommodate the requirements of today's information sharing imperative. These applications need to be moved to more modern, but equally robust servers, and all of the applications should be reviewed and possibly re-written. Additionally, many of the surround systems and the network require major upgrades or replacement to serve the justice community of the future. Similarly, the significance of the RMV data repository grows daily and is a central component in many public safety and homeland security initiatives. The ALARS technology is also over twenty years old and not sufficiently equipped to meet all of the new mandates. The current RMV technology landscape should be thoroughly modernized, as it will play a major role in the overall integrated criminal justice strategic plan.

### ***Tactical Recommendations***

1. Update local law enforcement systems so that all cities and towns have or have access to a "minimum" technology baseline. Full integration will only be achieved if all cities and towns can access and provide timely, accurate and complete information. The subcommittee established the following preliminary technology baseline to serve as a guide to update the technology landscape on the local level. Many law enforcement agencies are well on their way. Others, however, will require significant funding.



In-house  
RMS / CA

2. Enforce data integrity at the point of entry and throughout the criminal justice process via training and standardization of records management systems. Incomplete and inaccurate data poses a significant risk not only to law enforcement officers but also to the general public. It is important that the data entry process is appropriate, the record management systems are user-friendly and that practitioners continually commit to data entry excellence. Continual training, accountability and safety nets that catch incomplete or inaccurate data are required. Adoption and use of the XML data standards will significantly enhance data integrity and information exchange. All agencies and managers must commit to the integrity of their processes and ensure that their employees also maintain that commitment.

### Electronic Fingerprinting Devices

3. Increase the occurrence of electronic submission of fingerprints in order to positively identify offenders in a timely manner. Real-time identification at booking is a high priority among all of the police departments in the state. Accurate and timely identification is the first critical component in the criminal justice process. Over 150 agencies use the live-scan or card-scan technology for fingerprinting. This technology significantly reduces the time to positively identify offenders. The cost of the live-scan technology has decreased significantly and the state should continue to pursue the acquisition and distribution of live-scan devices to the criminal justice community. One approach to making this technology more widely available is the establishment of regional booking facilities.

4. Mandate the creation and use of the Offense Based Tracking Numbers (OBTN) throughout the criminal justice process. The data that currently resides in the criminal history portion of the CHSB system does not constitute a complete criminal history record and can be easily misinterpreted. Arrest, disposition and supervision information are not linked. Because the dispositions are not fingerprint-supported, a single individual can have many identities in the

system. These inaccuracies often adversely affect bail, sentencing and classification. It is critical to drive the acceptance of the Offense Based Tracking Number to allow information associated with specific events to flow throughout the criminal justice process. The OBTN will link to the fingerprint-supported state identification number (SID) to ensure positive identification and complete criminal history records.

5. Develop a series of interconnected data warehouses, which contain activity information provided by law enforcement and criminal justice agencies in order to assist with investigations and analytics. A new imperative in the public safety and homeland security communities is “intelligence-driven” policing. The key is to interconnect new and existing data repositories rather than build additional silos of information. Timely, accurate and complete data plays a central role in predicting and preventing crime, as well as terrorist activities. Linking what seems like disparate incidents or unrelated data and applying analytic tools to this information will assist in decreasing and preventing crime and terrorism. This linkage is also valuable in the investigation of unsolved crimes. As a 20-year veteran and detective in the Boston Police Department stated, “If I could have made the incident links, it would normally take maybe six months of effort to solve a myriad of crimes. With our new data warehouse and analytic capability deployed at BPD the information is delivered in 45 seconds.”

6. Expand the exchange of data between CJIS and non-criminal justice agencies such as the Executive Office of Health and Human Services. State and federal directives are one set of driving forces behind the increased need for information sharing among agencies. The Commonwealth needs to re-address and take action on the increasing need for access to what has traditionally been confidential information in both criminal justice and non-criminal justice databases. Statutory changes may be required in order to expand access to information repositories.

# CRIMINAL JUSTICE EDUCATION AND TRAINING

## INTRODUCTION

The demands on those who work in our criminal justice system have changed dramatically in recent years. There are expectations that our police, prosecutors, and corrections officials will intervene in more complex situations and, in the aftermath of the attacks of September 11, 2001, to deal with a new set of threats involving domestic and international terrorism. In addition, in all areas of criminal justice, we are embracing a more inclusive approach to providing public safety to our communities. Our criminal justice demands a more sophisticated set of skills when compared to the more traditional role of law enforcement. The training for these skills must be made available to all criminal justice personnel in Massachusetts so that those entrusted with providing for the safety and security of our communities are most able to carry out their responsibilities.

Massachusetts should set as a goal, the development of a national model of training and professional development that provides all criminal justice personnel with the skills necessary to succeed in the increasingly complex roles that they are being asked to fill in the 21st Century. New training and professional development programs need to prepare all criminal justice personnel to be more analytic and to solve complex problems, to be effective communicators and listeners, aware of cultural differences, and to be able to understand and utilize technology. Currently, in Massachusetts, the vast majority of those who are working in the criminal justice system are doing an extraordinary job under very difficult conditions. It is our responsibility to best prepare these women and men to meet the complex challenges they face daily so they can provide the level of safety and security the citizens of the Commonwealth deserve.

### A. CURRENT SYSTEM

#### *Municipal Police Training*

The Municipal Police Training Committee (MPTC) is the state agency charged with establishing and maintaining training standards and providing formal training and professional development programs for municipal police officers, throughout the Commonwealth. MPTC training programs are also available to other police personnel, such as MBTA police, campus police, environmental police and reserve/intermittent police officers on a space-available basis. The MPTC delivers training through a statewide system of regional police academies, municipal police academies, municipal police training sites, temporary training sites and space provided by community colleges and other educational facilities.

Currently, the MPTC delivers training in four specific areas:

Basic/Recruit Municipal Police Training Curriculum: A comprehensive and intensive, 800 hour/20 week basic training program for new municipal police officers which includes hands-on and classroom training.

**Veteran Officer Annual In-Service Training:** A program for veteran officers (including chiefs and their command staff) aimed at keeping them current in the latest developments in policing and technology as well as meeting certain annual training requirements.

**Veteran Officer Specialized Training:** Focused specialized training - short courses (1-5 days) - for veteran officers in specific areas such as: sexual assault investigations, suicide prevention, sergeant's basic training, crime prevention, domestic violence, fingerprinting, etc.

**Reserve/Intermittent Officer Training:** Training programs for part-time police officers, including a 120-hour basic training program.

The MPTC staff implements the goals, objectives and directions of the Committee. An Executive Director heads the MPTC. The organization is divided into two operational components: Training Operations and Administrative Support Operations. The focus of the agency is to implement training standards for all municipal police training and to oversee training programs at the six regional Academy sites operated by the agency and at selected other sites across the Commonwealth. The municipal police training sites include:

- MCJTC Headquarters (South Weymouth)
- Western Massachusetts Regional Police Academy
- Boylston Regional Police Academy
- Plymouth Regional Police Academy
- Reading Regional Police Academy
- Southeastern Massachusetts Regional Police Academy
- Weymouth Regional Police Academy

The following departments conduct MPTC training programs at their own facilities:

- Barnstable Police Department
- Cambridge Police Department
- Dartmouth Police Department
- Medford Police Department
- Somerville Police Department
- Tewksbury Police Department
- Waltham Police Department
- Yarmouth Police Department

The cities of Boston, Lowell, Springfield and Worcester, as well as, the MBTA Police operate their own police training academies, which are certified by the MPTC.

### **Recruit Curriculum**

The current Recruit Curriculum was revised in the mid-1990s. This new curriculum included an integrated approach to teaching Community Policing, and an ethics and values component that was intended to be integrated throughout the curriculum. For a number of reasons, this

curriculum was never implemented completely in any of the academies. Currently, the MPTC lacks funds for staff to inspect classroom delivery to assure that instructors are actually utilizing the new curriculum. More importantly, however, the curriculum has not been updated to keep pace with professional, technological, and legal developments.

Within a relatively short period of time, the duration of the basic police recruit training program has grown. During the 1970s, a police recruit attended a training program that ran between ten and twelve weeks. Unlike today, there were no requirements for a police officer to first attend the basic police recruit-training program prior to exercising any police powers. Until very recently, the cost for training a new recruit, excluding salary and equipping the individual at the police academy, was paid for as part of the training agency's training budget.

Today, the basic police training program involves twenty weeks of training in an MPTC approved academy, individuals entering the police profession must first receive their basic training prior to assuming any police duties, and the actual cost for the training of these individuals is passed along to the student officer. Even within a very short period of time, the actual cost for training a new recruit under the current curriculum has gradually increased from \$1,800 to \$2,300. The MPTC is currently reassessing that cost and believes the actual cost is somewhere in the vicinity of \$2,600.

### **In-Service Curriculum**

The current In-Service Curriculum is determined by each regional academy director in consultation with area chiefs and officers, and includes certain legislative training mandates, in areas such as domestic violence, hate crimes, suicide prevention, rape investigation, alcohol related offenders and technology applications in public safety. As an accommodation to municipal departments, firearms qualification and CPR/First Responder training is often offered during in-service training as well.

There is no career professional development plan for municipal law enforcement officers presently in place. The absence of such a professional development plan leaves some officers better prepared than others depending upon the nature and level of voluntary training and education they pursued.

There is a prescribed recommendation that all full-time sworn municipal police officers attend a minimum of 40 hours in-service training program on an annual basis. Again, because of budgetary constraints, both from the perspective of the training agency and the constituent agencies, the training programs have been curtailed to providing what is viewed as essential annual re-recertification training programs. Generally, the established in-service training program will contain one or two four-hour training blocks where certain "elective" training topics are inserted each year. Due in part to the growing demands being placed upon the policing community, these "elective" training blocks are in response to practical training needs, such as "active-shooting" situations, emergency preparedness, orientation to the incident command system, etc.



All of the established in-service training programs conducted through the MPTC are accomplished through a traditional classroom format. Due to limited funds, however, the MPTC has not been able to actively pursue alternative methods of course content or alternative formats that could either reduce the need for officers to travel to regional academies or reserve the “classroom” approach for those types of trainings that require student/instructor interaction (*i.e.*, practical skills, role playing, group interactions, etc.).

### **Specialized Training**

Specialized training programs are generally used to train police officers on subject matter that goes beyond the fundamental issues of general police duties, such as, detectives, traffic specialists, and even supervisory personnel. Currently, however, the MPTC is offering no specialized training courses due to budgetary limitations and alternative priorities. This means that crucial skills are not being taught and, as officers retire or are promoted, a real vacuum of critical law enforcement experience and services exists in many police departments.

### ***Massachusetts State Police Training***

The State Police Recruit curriculum was reviewed in its entirety several years ago by an independent educational consultant and transformed from the traditional military model to a program focused on ethics and values based upon the adult learning model. The training program emphasizes the development of problem-solving and leadership skills. The program is continuously evaluated and modified to meet the current needs of the Department. A training committee meets at least semi-annually to review the existing curriculum and suggest changes.

The current training model is comprised of three distinct phases to facilitate the development of problem solving and leadership skills of each recruit. During the first phase of the program, the recruits are closely supervised and provided specific instructions on the performance of required tasks. When appropriate, staff members provide the necessary correction and counseling to enhance the performance of the recruit.

The second phase of the program commences after approximately eight weeks of training. The shift to self-supervision and leadership begins during this phase. Specific instruction on the successful completion of assigned tasks and mission provided in the first phase of the program are drawn upon by the recruits who are now expected to take the initiative to identify and solve problems with limited assistance from staff. Recruits are expected to demonstrate leadership, discipline and maturity while conducting themselves in a less structured environment. Training in such areas as the use of firearms, water safety and emergency vehicle operations are normally scheduled during this phase.

In the third and final phase of the program, recruits are expected to demonstrate proficiency through their participation in complex scenarios that draw upon their training and education during the first two phases of the program. The use of role-playing and scenario-based training is greatly expanded during this phase. The Academy staff concentrates on improving the leadership potential of each recruit by providing the recruit with the opportunity to demonstrate leadership abilities through practical application. The Recruit Training Program is both

physically and mentally challenging. Recruits reside at the Academy Monday through Friday for the duration of the 25-week program.

The Massachusetts State Police also have a well-established Field Training Officer (FTO) Program. The program is designed to document probationary officer performance, correct and enhance performance where necessary, and identify potential deficiencies in the Academy training program. The FTO program is a standardized management system with the goal of improving the overall effectiveness and efficiency of the Department.

The Massachusetts State Police maintain a large pool of qualified instructors who are experienced in delivering the new recruit curriculum. Instructors receive instruction in the development and presentation of lessons consistent with adult learning techniques. The instructors serve as role models for recruits and personal expertise in their respective fields lends a high degree of credibility to training.

The Massachusetts State Police has a modern training facility in New Braintree. This 740-acre facility includes numerous classrooms and rooms for breakout sessions, a state-of-the-art firearms training facility and a fitness complex that includes a wide array of strength and aerobic training equipment. The Academy utilizes an adjacent residential area to conduct scenario-based training. Additionally, the Academy has an on site rope confidence course. This course of instruction stresses ingenuity, problem solving, teamwork and leadership.

The Fitness Unit is staffed with department personnel capable of conducting on site injury rehabilitation during recruit training, including Certified Athletic Trainers, Paramedics, emergency medical technicians and nationally certified fitness instructors.

The MSP provides Emergency Vehicle Operations (EVOC) Training Course to both state and municipal officers and includes training in the following areas:

- Anti-lock Brake Orientation Training
- Basic Police Motorcycle Operator Certification
- Driver Training /Municipal In-Service
- Driver Training /State & Municipal Remedial
- Advanced Driver Training
- Tire Deflation Device Deployment
- Tire Deflation Device Instructors Course

More than one-half of the training in these areas during 2003 was provided to officers from various municipal agencies. The MSP Academy site allows for expansion that could include a training tank (pool), EVOC facility and additional classroom buildings. The Academy has a classroom designed as a computer-training laboratory. This classroom is used to facilitate training for computer-based crimes and basic computer courses. The Department's Computer Crime Unit is housed at the Academy Complex to compliment this training. These courses are available to federal, state and municipal police agencies at no cost.

The Professional Development Program provides training in current law enforcement topics to local, state and federal agencies at no cost to attendees. In 2003, the MSP Academy, through the Professional Development program, provided a total of 2,674 hours of instruction. A total of 2,505 police officers, including 953 local officers and 552 State Police Officers, attended courses in over thirty different course topics.

The MSP offers the majority of these courses at the Academy in New Braintree. These courses are offered on a regular basis throughout the year. Specific courses are scheduled by request and include the following broad topic areas: investigative, legal patrol operations, police vehicle operation, computer, technical, motor vehicle, critical incident response and management, and commercial vehicle enforcement.

The Academy can provide overnight housing to as many as 240 personnel. This service is offered without cost to all public safety personnel with prior authorization. The MSP Academy enjoys a positive working relationship with many federal agencies and private vendors who partner with the State Police to provide specialized training that compliments the training mission of the Academy. These relationships significantly broaden the training course opportunities offered at the Academy. As an example, the Drug Enforcement Agency's Regional Training is conducted at the State Police Academy. DEA's regional training officer maintains his office at the State Police Academy. Through this partnership, DEA provides specialized narcotics training courses to federal, state and municipal officers at the Academy on a regular basis, again, at no cost to attending personnel.

The MSP Academy provides annual in-service training to its 2250 uniformed personnel. The MSP Academy also offers in-service training through the Online Academy. In 1997, the Training Section identified the need to explore additional methods of providing training to our personnel and developed the On-line Academy.

Personnel assigned to the On-line Academy Staff coordinate the development of on-line courses. All department personnel are assigned an access code and password to access training over the Internet. These courses are designed to supplement the Academy In-Service Training Program. Officers are required to successfully complete certain courses, while other course offerings are voluntary. The On-line Academy also offers regular legal updates, updates on terrorism information and provides the ability to distribute timely information effectively.

New methods for the delivery of training have allowed the Department to maintain the quality of training while increasing efficiency in the delivery of the training courses. While the Department still provides and recognizes the need to provide training via the traditional classroom environment, other delivery methods including the On-Line Academy, training bulletins and training videos have enabled the MSP to train a large number of officers in current law enforcement topics. This method of blended learning has allowed the department to maintain the quality of its training programs in an effective and efficient manner.

The potential for the MSP On-Line Academy to provide cross training with other agencies, such as Municipal Police & Fire Departments, Emergency Management & EMS personnel, and the National Guard currently exists. The expanded use of this technological resource could serve as

a model for other criminal justice agencies as they seek to incorporate or implement distance learning into their training programs.

The MSP Academy offers the On-line Academy to all municipal and campus police departments at no cost. Currently, eight municipal police departments and 21 campus police departments have registered and can access the On-line Academy. Additionally, registration has been provided to numerous law enforcement agency managers so that they might review and evaluate this training resource. The On-line Academy has the capacity to substantially expand access to the On-line Academy by outside agencies and to incorporate courses developed by outside agencies into its course offerings.

### ***Prosecutor Training***

The District Attorneys (DAs), through the Massachusetts District Attorneys Association (MDAA) and the Attorney General (AG), through the Attorney General's Training Institute (AGTI), have a strong centralized platform to manage the delivery of professional training programs. These trainings are usually free of cost, and are funded through grants or absorbed by the agency's budget. The MDAA and AGTI are adept at recruiting volunteer trainers from among the experienced prosecutors across the state. Although good trial or appellate attorneys do not automatically make good trainers, MDAA/AGI can impose high standards on volunteer trainers (*e.g.*, require high-level written materials, require appropriate power point, enforce time standards, etc.)

The AG and MDAA training staffs have an excellent working relationship. The MDAA as a matter of policy includes the AG's Criminal Bureau in virtually all of its trainings. In turn, the AGTI includes ADAs in relevant trainings. The MDAA also often opens its trainings to the Massachusetts Office for Victim Assistance, and the Disabled Person's Protection Commission, as well as to other law enforcement agencies such as probation, parole, Sheriffs' Departments and police.

The use of technology to deliver training and professional development is limited. The MDAA (1) uses its website to post its library of appellate case summaries; (2) uses a secure URL to post conference handouts and other publications; and (3) uses its statewide e-mail system to deliver summaries of new cases and statutes directly to all DAs.

In its main operating budget, the MDAA has almost no funding available for training. Consequently, there is no formalized curriculum for professional development that provides a plan for ongoing professional development throughout the career of a prosecutor in the Commonwealth. However, grants provide the MDAA with the ability to deliver several trainings and services. These trainings are well delivered and beneficial to the Commonwealth's prosecutors. MDAA has three topic-specific training grants: (1) sexual assault and domestic violence cases (VAWA grant); (2) motor vehicle crimes (GHSB grant); and (3) crimes against persons with disabilities (Byrne grant). Over the past several years, and with the support of the Executive Office of Public Safety, the MDAA has been able to bring ongoing state-of-the-art training programs to prosecutors (ADAs and AAGs) and numerous other criminal justice related personnel. One such training was presented recently by the MDAA in Trial Advocacy. In this

training prosecutors were required to perform “on their feet” during exercises and to participate in a mock trial. As part of this training, individual performances were videotaped and critiqued by a faculty of experienced prosecutors.

The VAWA grant has enabled MDAA to establish a “gold standard” for specialized prosecutors. Through this grant, attorneys who specialize in sexually dangerous persons (SDP) civil commitment cases are trained at an annual MDAA conference. They electronically receive summaries of new cases from the appellate courts within twenty-four hours. The MDAA represents their interests on legislative matters relating to sexual and domestic violence through the MDAA’s URL, where they can download special resources to assist in trial preparations. Finally, through the MDAA’s statewide e-mail network, these attorneys constantly communicate legal news and developments.

The MDAA and the AGTI offer numerous specialized trainings for criminal prosecutors, appellate attorneys and attorneys specializing in computer crime, sexual assaults, civil suits seeking civil commitment of sexually dangerous persons, OUI and DNA cases. These trainings, while well received, are currently presented on an “ad-hoc” basis. Thus, prosecutors can neither plan for the trainings, nor count on them being available on a regular basis.

Both the District Attorneys and Attorney General’s Office maximize the use of the excellent, free training offered by the National Advocacy Center (NAC) and the National Association of Attorneys General.

## **B. PROBLEMS, SHORTFALLS AND GAPS**

In the mid-1990s, Massachusetts made an effort to implement an innovative and integrated recruit curriculum for municipal law enforcement officers. Since that time, however, lack of funding has prevented any systematic review and updating of the municipal police training curriculum, or evaluation of its effectiveness. In contrast, an updated and “values based” curriculum has been instituted for State Police recruits. Prosecutors have benefited from a set of state of the art trainings in targeted areas such as domestic violence. Thus, in Massachusetts today, while there are excellent training and professional development practices for some criminal justice professionals, there is an absence of a comprehensive lifelong learning approach to training and professional development in every area of the criminal justice system.

The in-service curriculum for municipal police officers in all areas of the Massachusetts criminal justice system has not been able to keep pace with the evolving demands being placed upon criminal justice personnel. This deficiency has been attributed to a number of factors, which include but are not necessarily limited to the following: (1) budget reductions that have forced limited resources to be focused on the ongoing development of the recruit/orientation training program; (2) an inability to achieve consensus on the value of such investments; and (3) an inability of many agency heads to fund the replacement costs associated with sending personnel to training. Moreover, it appears that an increasing number of municipal police departments in Massachusetts are no longer attending the prescribed annual in-service training.

In the area of ongoing specialized training or professional development, few programs are being offered in policing, although more programs are currently offered to Massachusetts' prosecutors. Due to the limitations cited above regarding in-service training, very few specialized training courses are being offered. When an occasional course is offered many seats are vacant because agencies and organizations cannot afford to send their personnel.

Individual law enforcement agencies and prosecutorial offices report that they are making efforts to obtain training through creative solutions. By developing local partnerships or utilizing available funding from non-training accounts, some criminal justice leaders have continued to provide varying levels of in-service and professional development training. These efforts, though commendable, tend to be sporadic and uncoordinated.

As a result of these deficiencies, many criminal justice personnel enhance their training and education on their own. Supported by the educational incentive program for police officers (commonly referred to as the "Quinn Bill") or in an effort to prepare for promotional exams, large numbers have sought out advanced education during their careers in law enforcement and other criminal justice areas. This typically results in a workforce that is not uniformly prepared for the demands of their positions.

In sum, the Commonwealth needs to develop a comprehensive approach to criminal justice training and professional development that begins with recruit training and other pre-service training, includes a dynamic in-service approach that employs adult-learning techniques, and emphasizes professional development programs that assist personnel in their career growth.

The foundation for this comprehensive approach is already available through the existing governmental infrastructure and private expertise. What is needed, however, is an affirmative recognition of and willingness to leverage the linkages among the existing infrastructure, both public and private, including the academic community, to improve the overall training and professional development of law enforcement personnel.

### ***Municipal Police Training***

The present infrastructure and budget for municipal law enforcement training has resulted in significant gaps in the delivery of the training and professional development components outlined above.

The budget for the MPTC has been reduced in real dollars over the past five years. From FY 2001 until FY 2004 the MPTC budget has been reduced from \$4,180,237 to \$3,657,550, a reduction of \$522,687. This reduction is compounded by the fact that many of the fixed costs of the MPTC are increasing. This reduction in resources has meant that approximately two-thirds of the MPTC's funds are allocated to administrative (non-instructor) staffing and maintaining the regional academies. Any remaining funding is spread thinly over basic and in-service training classes. Things such as instructor development, curriculum development, evaluation, research and investing in new technologies are perceived as unaffordable luxuries.

The ability of the MPTC to continue to operate under these conditions is of concern. For example, the majority of police officers in Massachusetts no longer attend the MPTC's in-service training programs. Whether this is the result of local budget constraints or the perceived quality of such courses, or both, it is clear that a change is necessary in both the course content as well as the delivery mechanism. Similarly, while no exact numbers are available, it appears that departments have turned to private (pay as you go) vendors for the majority of their specialized training needs. Even the recruit academies could face difficulties if they were required to become self-sufficient on the \$2,300 currently charged for each student officer.

The full time staff of the MPTC has dropped from 64 in 1987 to 20 in recent years. The MPTC Central Office is now staffed with only three full time individuals who serve in an administrative or management level position. There must be a re-investment in police training in Massachusetts and serious consideration given to providing the appropriate staffing level of the MPTC.

Currently, quality instructors are turning down teaching assignments because the compensation being offered has fallen behind other sources of readily available and less demanding income such as working paid details. Officers who work as trainers are currently paid \$35.00/hr. Instructors are expected to prepare lesson plans, and to keep current on legal and practice developments on their own time. In many communities, officers can earn significantly more income from working a paid detail with a four or eight hour minimum than they can from teaching at an Academy. This situation threatens the future of the experienced teaching pool and needs to be addressed if the Commonwealth wishes to become a national model for criminal justice training and professional development.

### ***State Police Training***

Some of the most significant challenges facing the MSP in the area of recruit training include the present budgeting practice of irregularly funding recruit classes. This practice has an adverse impact on the retention of qualified candidates, instructor development, scheduling, and field operations. The practice often puts the Department in the position of requesting and training recruit classes of larger than optimum size. The regular scheduling of smaller recruit classes would result in cost savings and the ability to provide a higher quality of training, *i.e.*, increased scenario-based training. Larger classes create demands for a larger staff and increased overtime expenditures.

The Academy is in need of an on site Emergency Vehicle Operations (EVOC) Training Course and Water Safety Training Tank. The State Police currently lease land from the Devens Land Bank on a tenant-at-will basis for use as a driving facility. During recruit training, recruits must be transported from the academy to the Devens Complex for driver training and area ponds and schools for water safety instruction.

The MSP Training supports the training function through its annual operating budget. The recent need for additional training particularly in the areas of Homeland Security and Counter-Terrorism has placed tremendous strain on department resources. The identification of alternative funding sources to support increased training is needed.

All departments are faced with the challenge of replacing line officers in the field when they are scheduled for training. The State Police face this challenge as well.

There is little incentive for instructors to develop new courses and lesson plans for the Professional Development program. Experienced officers who are leaders in their respective fields are often drawn upon to instruct at the Academy. The tasks associated with developing a lesson plan, preparing presentations and teaching are in addition to their primary duties. While most instructors recognize their contributions to the Department are rewarding in and of themselves, there is little incentive to encourage many officers to develop their instructional skills.

Certain training programs such as Firearms Training and Re-Certification, CPR/First Responder and Crowd Control, normally require attendees to commute to the Academy in New Braintree. As previously mentioned, officers assigned to attend training classes must be back-filled in their field assignments to comply with minimum staffing requirements, often on an overtime basis. When nearly 2250 uniformed personnel require annual training, there is often a tendency not to provide training beyond minimal levels. Finally, the funding of field positions vacated for training purposes continues to be a challenge for the agency.

### ***Prosecutor Training***

The single biggest challenge facing prosecutors in Massachusetts regarding training is the lack of central, standard, in-depth and routine training for new prosecutors. New prosecutors often find themselves handling cases, and making prosecution decisions, within days or a week of starting their new job. Because of short staffing and a rapid turnover in staff that leaves fewer seasoned prosecutors in the courtroom, new assistant district attorneys are often left with less than optimal supervision.

Young prosecutors are vested with awesome power. They have the authority to make recommendations that affect the freedom of defendants and the well being of victims of crime. Their clear understanding of the law and of their ethical obligations, and the manner in which they conduct themselves publicly, is vital to the integrity of the criminal justice system.

That being said, lack of training, especially for new prosecutors, may lead to uninformed decisions, poor judgment in bail and sentence recommendations, and costly mistakes at trial. Trial mistakes may lead to the reversal of convictions and untold suffering for victims who must either watch the offender go free or agree to go through the trial all over again. Poor trial skills, especially in closing argument, may lead to the reversal of convictions and expose the prosecutor to discipline by the Board of Bar Overseers. The repetition of the same mistakes by prosecutors — such as the recent spate of reversed convictions because of prosecutorial error in closing argument — also invite the appellate courts and the public to view the judicial system as poorly organized and inefficient.

In addition to basic training for new prosecutors, the biggest gaps in the training of assistant district attorneys are in the difficult areas of child abuse and juvenile prosecutions. These two areas constitute significant portions of the 300,000 criminal cases prosecuted annually in the



Commonwealth, and the MDAA, strictly limited in training by the terms of its grants, offers no training in these areas.

A major challenge to improving the training of Massachusetts' prosecutors involves the limited time local prosecutors have available for training. Because District Attorneys Offices are short-staffed, it is difficult for assistant district attorneys to get the time to leave the courtroom to attend trainings. When prosecutors do leave courtrooms to attend trainings, it may create problems for other prosecutors who are unfamiliar with the details of a particular case but are asked to stand in for their colleague who is away at training.

### **C. BEST PRACTICES**

An integrated model of law enforcement training and professional development should be implemented in the Commonwealth. In this model, the many separate components of training and education provided for officers will form a coherent whole Academy. Field officer, in-service training, and higher education will be major components of a continuous learning experience, enhancing the effectiveness of officers at all phases of their careers and at all organizational levels.

In a review of best practices, the “gold standard” is found in programs or models that are regarded as innovative and effective by law enforcement practitioners and researchers alike, and have been demonstrated to be effective through rigorous evaluation. Ideally, two kinds of evaluations have been conducted: Process evaluations, which examine the extent to which programs have been implemented as intended, and outcome evaluations (sometimes used interchangeably with the term “impact evaluation”), which assess whether programs have achieved their goals and produced the intended effects. This “gold standard” is difficult to attain, particularly due to the requirement of having to pass an impact evaluation. Scientifically sound evaluations, particularly impact assessments, are resource-intensive, often difficult to achieve logistically, and usually take years to conduct. For these and other reasons, the majority of criminal justice training programs are not yet systematically evaluated.

A large-scale effort to evaluate model criminal justice training programs is currently being funded by NIJ and conducted by the Institute of Law and Justice. There are currently more than eighty model training programs in the areas of law enforcement, correction, and courts that are funded by the Bureau of Justice Assistance. A sample of these model programs are being subjected to a rigorous evaluation, and the results of this study are likely to be extremely useful in establishing the demonstrated “state of the art” in criminal justice training. However, the results of this evaluation are unlikely to be available for at least three years.

Nonetheless, there are numerous examples of training programs and evaluations of separate program elements that have much to offer in informing the Massachusetts effort. In some instances, evidence of innovation and effectiveness has been obtained and is strong enough to warrant recommendations for a Massachusetts law enforcement-training model. In other areas of law enforcement training, what follows is a preliminary assessment of the availability of additional information and training programs requiring additional study.

In academy training (interchangeable with basic training and recruit training) there is a national assessment of the content of training academy curricula (e.g., Bradford & Pynes, 1999), and there have been evaluations and case studies of training academies in Ohio (Marion, 1998), South Dakota (Traut, *et al.*, 2000), and elsewhere. In addition, separate academy (and in-service) training modules have been assessed, such as those covering domestic violence, use of force, use of eyewitness testimony, etc.

Few training centers or agencies knit all in-service training into an integrated program of professional development. However, when the Commonwealth's needs are targeted, in-service training can be found for the necessary topics. All of the state training programs reviewed, including Massachusetts', provide some level of training for law enforcement supervisors and managers. Among the most advanced and comprehensive of such programs are:

- Maryland: The Police Training Commission requires and provides a training program for newly promoted first-line supervisors and administrators. The Commission also oversees the Executive Development Institute, which coordinates, develops and produces programs for executive level law enforcement personnel. The nationally recognized Leadership Challenge Program promotes interaction with other professionals within the public and private sectors.
- Tennessee: The Law Enforcement Innovation Center (LEIC), a partnership between the University of Tennessee and the Knoxville Police Department, operates a seven-week law enforcement leadership and management program, the Southeastern Command and Leadership Academy, designed to promote progressive and innovative law enforcement.
- New Hampshire: The North Country Public Safety Academy Project in New Hampshire is a nearby resource for addressing innovative distance learning options for criminal justice personnel, particularly in rural areas. This program uses modern distance learning technology to address the needs for broad cross training of public safety personnel in rural areas in an effort to enhance the effectiveness of law enforcement and other public safety agencies in remote areas to respond and take action during emergency situations. The Littleton Area Learning Center is purchasing Zydacron Intelligent Meeting Solutions, distance learning modules, and associated ancillary equipment for the Police Standards and Training Council and other agencies. The agencies are being connected via broadband wireless networks of the New Hampshire National Guard under the Distributive Training Technology Project. The Littleton Area Learning Center is providing improved training and coordination, developing the technology and practices of distance learning, increasing the number of training sessions for police and fire professionals, and increasing the level of participation offered in these professional development sessions, and enabling other public safety agencies to use the facilities and capabilities of the system.

## **D. RECOMMENDATIONS**

### ***Broad Based Initiatives***

1. In all areas of criminal justice training and professional development, a skills or needs assessment should be undertaken to identify the complex array of skills now being required of all criminal justice personnel. Existing curricula may need to be updated, and in some instances, new curricula developed to deliver training in areas identified. For example, existing curricula may need alterations to include the use of communication skills, understanding diverse communities, and the role of community in providing public safety.
2. In all areas of criminal justice training and professional development, a career orientated approach needs to be developed. The existing structures of recruit (orientation) training, in-service training and specialized training should be used to support a more comprehensive lifelong learning model that provides the appropriate professional development training at each stage in a criminal justice professional's career.
3. The use of distance learning technology must be significantly increased. Time and distance are major impediments to improving training and professional development for criminal justice professionals in Massachusetts. Many of these impediments could be reduced or eliminated by a state of the art distance learning approach. While a statewide center for criminal justice education may be the best vehicle for developing and delivering an integrated distance learning curriculum, in the short term, developing relationships with the private sector, local academic institutions, and nearby facilities identified as having model distance learning programs could facilitate the development of this approach.
4. Areas where cross training (training across various criminal justice agencies and organizations) can be achieved must be identified. This may entail the development of new curriculum, not simply offering seats at an existing training.
5. The outdated notion that criminal justice personnel can only be taught by "one of their own" must be abandoned, and an approach that identifies the best strategy for delivering each topic of a curriculum must be embraced.
6. All areas of criminal justice training and professional development could benefit from outreach to the many subject matter experts available in the local community. With its strong educational institutions and private training organizations, Massachusetts has many local experts whose participation could enhance the development and delivery of many curricula.
7. In all areas of criminal justice an increased emphasis needs to be placed on professional development of entry-level managers.
8. The state should take full advantage of new federal resources for anti-terrorism training to better prepare criminal justice personnel in Massachusetts to prevent and react to acts of terrorism, strengthen the training and professional development infrastructure that currently

exists in the Commonwealth, and examine the use of regional associations for homeland security.

9. In all areas of criminal justice training and professional development, a comprehensive system of evaluation and feedback needs to be developed and implemented.
10. Training and educational requirements among all criminal justice professionals needs to be reassessed to determine whether the training and educational standards are consistent with the demands and job expectations for each of the disciplines.

### ***Municipal Police Training***

1. As a result of the increasingly complex demands being placed on police officers and the current high level of educational attainment of police officers in Massachusetts the state must reevaluate the educational requirements for both entry into law enforcement and for promotion. It is recommended a minimum entry-level educational requirement of an associate's degree be established.
2. There should be a joint effort between the MPTC and approved colleges to specify and develop a relevant criminal justice associate's degree curriculum in the areas of, among others: family violence; hate crimes; guns; drug and alcohol abuse; workplace violence; juvenile delinquency; gangs; school violence; and now domestic and international terrorism.
3. The MPTC regional training sites should be equipped with the best and latest technology. Two critical training areas remain emergency vehicle operations and firearms. Computer/scenario based training technology is available that can greatly enhance training in these areas. The MPTC should investigate the cost effectiveness of utilizing this new technology and should utilize the existing technology more extensively.
4. The MPTC must oversee and coordinate the curriculum being presented at each academy site and develop a plan to uniformly implement an updated version of the recruit curriculum.
5. The current instructor certification process has not been invoked in recent years. Consequently, the MPTC should develop and implement a process of instructor certification to ensure that all instructors are well prepared in the subject matter and comfortable delivering the curriculum with an adult learning orientation. Instructor certification must be reviewed and updated on a regular basis.
6. Over the past decade, police work has become increasingly complex and much more sophisticated. Society asks law enforcement to deal with some of the most difficult issues of our times. Today's issues include: family violence; hate crimes; guns; drug and alcohol abuse; workplace violence; juvenile delinquency; gangs; school violence; and now domestic and international terrorism. Law enforcement curricula and training should reflect these issues of modern policing.

7. The MPTC should adopt a “blended learning” model for police training, using a combination of instructor-led classes, electronic courses (web, CD, and simulation), distance learning and on-the-job training and supervision.
8. A web-based, computerized Learning Management System (LMS) for all public safety employees (police, fire, and EMS) should be developed to provide: registration and scheduling; exams and grading; evaluations; documentation; and distance learning (live; CD-based; and web-based).
9. The MPTC should develop a state-of-the-art supervisor and executive professional development curriculum that could be offered on a regular basis to new sergeants, lieutenants and police executives.
10. The state’s Office of Human Resource Development should review the match between the skills necessary for various criminal justice positions and the curriculum for training and professional development currently being offered. This kind of review should be a part of a regular review process.
11. Establish and maintain an up-to-date statewide database, accessible to all necessary parties, documenting the availability and location of emergency response equipment, and trained personnel.
12. Establish and maintain a Learning Management System providing distance learning services to all levels of police, fire, emergency management, and emergency medical personnel in various aspects of emergency (including terrorism) awareness, preparation, prevention, response and recovery. This will supplement other classroom and hands-on courses. It will also help prepare officers for tabletop and full field exercises.
13. Consider the merits of a statewide certification system to document departmental emergency preparedness. Departments should have the ability to demonstrate their readiness in areas such as training, equipment, mutual aid, and exercises, appropriate to their size, location and target potential. (This would supplement, but not replace, other local emergency plans at the state, regional and local levels.)

### ***Massachusetts State Police Training***

1. A commitment should be made to the EVOC program by eliminating the tenant-at-will status and establish an EVOC facility at the New Braintree Academy.
2. A Water Safety and Diver Training Tank should be constructed at New Braintree.
3. The Online Training Academy Program should be used to support the training of additional municipal departments.
4. Alternative funding sources should be identified to allow for the assignment of additional personnel to attend training programs, specifically those related to homeland security.

5. A State Police Recruit Maintenance Class should be annually funded to train a sufficient number of personnel to replace annual retirements. This process will ensure consistent and manageable recruit classes providing a more desirable training environment.

6. The State should investigate the potential for Homeland Security and Anti-Terrorism grants to broaden opportunities for the development of new training programs and to provide funding to allow Departments to send officers to training programs while still providing patrol coverage within budget.

### ***Prosecutor Training***

1. New prosecutors should be trained in three areas: (1) trial advocacy; (2) substantive criminal law; and (3) global awareness of the entire criminal justice system and the respective roles of the three branches of government in that system. This training would require a time commitment of several weeks (all at once or in separate time groups). It would require strong management through the MDAA and/or the AGTI, and the volunteer efforts of dozens of senior prosecutors. It must be an annual program since there is a high turnover rate among new prosecutors, given the extremely low salary scale. Also, bigger counties may hire as many as 15 to 20 new prosecutors annually and many young ADAs/AAGs could benefit from repeat attendance at such "basic training."

2. Prosecutors should also receive training that would provide a deeper understanding of the various roles of criminal justice practitioners, such as: the United States Attorney's Office (overlapping jurisdiction in gang and drug cases), local police state police, sheriffs, probation and parole. Likewise, an introduction to the work of other government entities that frequently interface with the prosecutors offices would be extremely helpful, *e.g.*, the Department of Social Services, the Department of Correction, the Criminal History Systems Board and the Sex Offender Registry Board. A curriculum that involved members of these organizations discussing their organizational goals and current practices could greatly increase the ability to integrate a comprehensive approach to public safety that is envisioned here.

3. The MDAA and the AGTI should consider consolidating all staff training -- on numerous topics, for different levels of prosecutors -- into one annual training academy. If carefully planned with the courts, to coincide with judicial trainings, this plan could result in better training for less cost and less time lost from the courthouse. The National Association of Prosecutor Coordinators (NAPC), at their December 2003 conference in Austin, TX, indicated that a majority of state prosecutor associations (including New York State) follow this training model.

4. Prosecutors need to substantially broaden their training horizons. In many states, prosecutors cross-train extensively with local and state police. While most DAs have a strong relationship with their local schools, this area could be improved, especially with much-needed legislation to permit the sharing of information at multi-disciplinary roundtables regarding children at risk.

5. Prosecutors need to enhance existing curriculum in a number of specific areas. High among the areas of greatest need are specialized training in the areas of child abuse and juvenile prosecutions.
6. A serious effort to expand the use of distance learning strategies needs to be undertaken in prosecutor offices across the Commonwealth. While it may not be fiscally realistic to expect that additional prosecutors might be forthcoming to provide backup coverage for prosecutors attending training, the use of distance learning may provide some relief. Currently, in many prosecutor offices, time is set aside each week, generally late in the day after court has completed, when the prosecutors have some additional time. This process could be greatly facilitated if distance learning technology was available to support the local training that is being delivered.
7. Funding should be provided to centralize training professional development for Massachusetts's prosecutors. MDAA/AGTI staff currently involved with the development and delivery of prosecutors training should consolidate their efforts by: (1) identifying the most talented prosecutors across the state; (2) providing a "Train the Trainers" course for those interested in becoming faculty; (3) building a cadre of dynamic individuals who have demonstrated their training skills; (4) coordinating the development of a comprehensive professional development curriculum; and (5) delivering this curriculum on a regular basis. In addition, modest grant investments, such as what the MDAA now has with VAWA and GHSB, can result in a steady stream of training and services for prosecutors.

## IMPLEMENTATION PLAN

The following pages present all of the recommendations proposed within each of the topic areas. Each recommendation was first discussed in the chapter addressing the appropriate topic area. All recommendations are presented here to show the range and depth of recommendations developed. Some themes repeat themselves – a sign that reform-minded individuals addressing different topics often arrived at similar solutions to our current criminal justice challenges. Many of the solutions proposed can be a catalyst for inter-departmental and inter-agency collaboration. This kind of partnership will truly carry forward the integrated approach of the Crime Commission – looking at complex problems from a multi-disciplinary perspective.

Recommendations are presented below with additional information for each. We include here:

- Topic – indicating which group developed the proposed recommendation. The groups were Re-entry and Post-Release Supervision (R); Urban Crime Strategies (U); Forensic Technology (F); Cross-Agency Information Sharing Strategies (I); and Criminal Justice Education and Training (E).
- Branch of government responsible for implementation of the recommendation – indicating whether primary responsibility lies with the Executive (E), Legislative (L), or Judicial branch of government (J). For many recommendations, there are multiple branches of government that need to be involved. Here, we indicate only the one with primary responsibility or authority.
- Anticipated time to implement – indicating the expected amount of time that would be required to completely implement the recommendation. These are indicated with (S) for short-term, (M) for medium-term, and (L) for long-term.

Recommendations are presented below, sorted by the branch of government responsible for implementation. Within each branch of government, recommendations are sorted again by topic and then by time to implementation.

Topic Area	Responsible Branch of Government	Recommendation	Anticipated Time to Implement
R	L	Seek sentencing guideline legislation that would prohibit sentences where the range between the minimum and maximum terms is very short.	S
R	L	Seek sentencing guideline legislation whereby there would be certainty of punishment for drug trafficking crimes within a sentencing grid that would also allow eligible offenders the possibility to participate in pre-release programs, and would require mandatory post-release	S



		supervision.	
R	L	Seek sentencing guideline legislation that includes intermediate sanctions.	S
R	L	Seek sentencing guideline legislation that would make sentencing more predictable.	S
R	E	Implement a uniform process for information to be collected, reviewed and integrated in the assessment process for each offender.	L
R	J	Task the judiciary, state and county law enforcement officials and expert clinicians to collaborate to develop comprehensive, valid and reliable risk and needs assessment instruments for use across the criminal justice system.	M
R	E	Adopt standardized assessment processes for specific offender groups who may not be adequately assessed at present (sex offenders, violent offenders, etc.).	M
R	J	Adopt or implement, at the trial court level, “assessment guidelines” to make systematic assessment a standard step in the sentencing process, using actuarial and “clinical” information.	L
R	L	Seek legislative amendment of sentencing mandates to facilitate more cost-effective targeting of corrections’ resources including the revision of mandatory sentencing to allow the Department of Correction (DOC) and county corrections officers to reclassify and “step down” offenders.	S
R	E	Review and standardize (to the degree practical) DOC and county corrections classification systems and procedures: DOC is currently reviewing its classification guidelines with assistance from the National Institute of Correction, to ensure the balance between facility security and inmate programming needs in DOC facilities.	M
R	E	DOC and county corrections should collaborate to allow more DOC inmates to transfer to lower-security county facilities closer to the community where they plan to settle after release.	M
R	E	Unify assessment and classification strategies across the corrections system.	M
R	E	Corrections officials and institutions should have specific programming in place to address certain offenders’ needs, including specific programming for domestic violence; sex offenders; youthful offenders; women; and additional educational opportunities for all offenders through partnerships with local colleges and universities.	M

R	E	The Parole Board should play a lead role with inmates who are eligible for parole, by coordinating additional programming interventions with DOC and county facilities and program providers.	M
R	E	Involve local law enforcement in transition planning.	S
R	E	The DOC, county corrections, DET, Regional Employment Boards (REBs), employment training organizations in the public and private sector, and private sector employers should work together to develop and expand work-release programs.	M
R	E	The DOC and county corrections should partner with the Departments of Health and Mental Health, contract treatment providers and the offender to identify transitional needs and develop a realistic transition plan for each offender.	M
R	E	Corrections officials and contract providers should search aggressively for low cost and transitional housing.	S
R	E	DOC and county corrections should develop standard operating procedures for providing information to victims and appropriate agencies no later than the time of release, focusing on high-risk offenders.	S
R	E	Implement policies and procedures to ensure that release information is provided to victims of domestic violence	S
R	E	The Legislature and the executive branch, in coordination with HUD and other Federal agencies, should increase funding for transitional housing, building on existing state programs and private provider models.	M
R	L	Seek legislation for the mandatory supervision of offenders being released from incarceration, including additional funding to support agencies with the responsibility for post-release supervision (the Parole Board and the Probation Department) to be able to safely supervise the offenders in the community.	S
R	L	Seek legislative and other administrative reforms so that an offender can no longer opt out of supervision by choosing to remain incarcerated for a longer period of time.	S
R	E,J	Increase the practice of Probation/Parole agencies sharing an offender's conditions of release with local police departments.	S
R	E	Institute training programs for the police and police administrators on their role in post-release supervision.	M
R	E	Work with a cross section of law	M

		enforcement, contract providers, local business and charitable organizations to remove employment and housing barriers by identifying more funding for transitional beds.	
R	E	Reassess and reprioritize the use of technical violations to ensure professional judgment and actuarial data about how different types of offenders respond to different types of sanctions.	M
R	E	The Executive Office of Public Safety (EOPS) should take a lead role and work collaboratively with EOPS agencies to develop re-entry programs that span the corrections continuum.	S
I	L	Establish a formal governance structure via Executive Order or statute to oversee the continued development and implementation of an integrated criminal justice information system.	S
I	E	Develop a “big picture” integrated criminal justice strategic plan and “model” architecture to unify and guide criminal justice agencies with development.	M
I	E	Build a complete and compelling business case and funding model to sustain the project from concept to completion.	M
I	E	Establish a set of privacy guidelines, in accordance with state and federal laws, to assist with privacy issues associated with integrated criminal justice information sharing.	S
I	E	Require compliance with all architecture and data standards prior to awarding agencies state and federal grant and IT bond funding.	S
I	E	Evaluate and modernize the CJIS and RMV infrastructures and software applications in alignment with the strategic plan.	L
I	E	Update local law enforcement systems so that all cities and towns have or have access to a “minimum” technology baseline.	L
I	E	Enforce data integrity at the point of entry and throughout the criminal justice process via training and standardization of records management systems.	M
I	E	Increase the occurrence of electronic submission of fingerprints in order to positively identify offenders in a timely manner.	S
I	E	Mandate the creation and use of the Offense Based Tracking Numbers (OBTN) throughout the criminal justice process.	S
I	E	Develop a series of interconnected data warehouses, which contain activity	L

		information provided by law enforcement and criminal justice agencies in order to assist with investigations and analytics.	
I	E	Expand the exchange of data between CJIS and non-criminal justice agencies such as the Executive Office of Health and Human Services.	L
E	E	In all areas of criminal justice training and professional development, a skills or needs assessment should be undertaken to identify the complex array of skills now being required of all criminal justice personnel.	M
E	E	In all areas of criminal justice training and professional development, a career orientated approach needs to be developed.	M
E	E	The use of distance learning technology must be significantly enhanced.	M
E	E	Areas where cross training (training across various criminal justice agencies and organizations) can be achieved must be identified.	S
E	E	All areas of criminal justice training and professional development could benefit from outreach to the many subject matter experts available in the local community.	S
E	E	In all areas of criminal justice an increased emphasis needs to be placed on professional development of entry level managers.	M
E	E	The state must take advantage of new federal resources for anti-terrorism training to 1) better prepare criminal justice personnel in Massachusetts to prevent and react to acts of terrorism; and 2) strengthen the training and professional development infrastructure that currently exist.	S
E	E	In all areas of criminal justice training and professional development, a comprehensive system of evaluation and feedback needs to be developed and implemented.	S
E	E	Training and educational requirements among all criminal justice professionals need to be reassessed to determine whether the training and educational standards are consistent with the demands and job expectations for each of the disciplines.	S
E	L	As a result of the increasingly complex demands being placed on police officers and the current high level of educational attainment of police officers in Massachusetts the state must reevaluate the educational requirements for both entry into law enforcement and for promotion.	S
E	E	Locate the MPTC training academies near population centers.	S
E	E	The MPTC regional training sites should be	L

		equipped with the best and latest technology.	
E	E	The MPTC must identify the curriculum being presented at each academy site and develop a plan to uniformly implement an updated version of the recruit curriculum.	M
E	E	The MPTC should develop and implement a process of instructor certification to ensure that all instructors are well prepared in the subject matter and comfortable delivering the curriculum with an adult learning orientation.	M
E	E	Ensure current curriculum addresses today's issues including family violence, hate crimes, guns, drug and alcohol abuse, workplace violence, juvenile delinquency, gangs, school violence and now domestic and international terrorism.	S
E	E	MPTC should adopt a "blended learning" model for police training, using a combination of instructor-led classes, electronic courses (web, CD, simulation, etc.), distance learning and on-the-job training and supervision.	L
E	E	A web-based, computerized Learning Management System (LMS) for all public safety employees (police, fire, EMS, etc.) should be developed to provide: registration & scheduling; exams and grading; evaluations; documentation; and distance learning (live; CD-based; and web-based).	L
E	E	The MPTC should develop a state-of-the-art supervisor and executive professional development curriculum that could be offered on a regular basis to new sergeants, lieutenants and police executives.	L
E	E	The state's Office of Human Resource Development should review the match between the skills necessary for various criminal justice positions and the curriculum for training and professional development currently being offered.	M
E	E	Establish and maintain an up-to-date statewide database, accessible to all necessary parties, documenting the availability and location of emergency response equipment, and trained personnel.	L
E	E	Establish and maintain a Learning Management System providing distance learning services to all levels of police, fire, emergency management, and emergency medical personnel in various aspects of emergency (including terrorism) awareness, preparation, prevention, response and recovery.	L

E	E	Consider the merits of a statewide certification system to document departmental emergency preparedness.	S
E	E	A commitment should be made to the EVOC program by eliminating the tenant-at-will status and establish an EVOC facility at the New Braintree Academy.	M
E	L	A Water Safety and Diver Training Tank should be constructed at New Braintree.	L
E	E	The Online Training Academy Program should be used to support the training of additional municipal departments.	M
E	E	Alternative funding sources should be identified to allow for the assignment of additional personnel to attend training programs, specifically those related to homeland security.	S
E	L	A State Police Recruit Maintenance Class should be annually funded to train a sufficient number of personnel to replace annual retirements	S
E	E	The State should investigate the potential for Homeland Security and Anti-Terrorism grants to broaden opportunities for the development of new training programs and to provide funding to allow Departments to send officers to training programs while still providing patrol coverage within budget.	M
E	E	New prosecutors should be trained in three areas: (1) trial advocacy; (2) substantive criminal law; and (3) global awareness of the entire criminal justice system and the respective roles of the three branches of government in that system.	M
E	E	Prosecutors should also receive training that would provide a deeper understanding of the various roles of criminal justice practitioners, such as: the United States Attorney's Office (overlapping jurisdiction in gang and drug cases), local police state police, sheriffs, probation and parole.	M
E	E	The MDAA and the AGTI should consider consolidating all staff training -- on numerous topics, for different levels of prosecutors -- into one annual training academy.	L
E	E	Prosecutors need to substantially broaden their training horizons.	S
E	E	Prosecutors need to enhance existing curriculum within a number of specific areas including the area of child abuse, and in juvenile prosecutions.	S
E	E	A serious effort to expand the use of distance learning strategies needs to be undertaken in prosecutor offices across the	L

		Commonwealth.	
E	L	Funding should be provided to centralize professional development training for Massachusetts's prosecutors.	L
U	L	A line item in the State Budget for prevention efforts directed to non-profit organizations to provide services in urban areas should be established and funded in the Executive Office of Public Safety budget.	S
U	E	A summit or forum should be convened to disseminate existing research and knowledge and to identify best practices in effective school-based prevention efforts (e.g., school resource officers, truancy initiatives, juvenile justice roundtables, student threat assessment teams and other such efforts).	S
U	E	In order to assist in addressing public safety issues, the Executive Branch should encourage urban area businesses, foundations, and others to support community-based prevention programs based upon criminal justice data.	M
U	E	The Executive Branch should examine the systemic issues that may support increased levels of juvenile crime such as length of the school day, school hours and a lack of consistent after school programming for thirteen to seventeen year old children.	S
U	E	Innovative partnerships (i.e., law enforcement in partnership with faith-based organizations, local businesses and community-based groups, as well as prosecution, probation, parole and the Department of Youth Services "DYS") should be encouraged in all urban areas.	M
U	E	Intervention outreach efforts should be directed at those high activity offenders who cause a disproportionate amount of the significant crime problems in an area ("impact players") and those determined to be at high-risk to become involved in the most significant crime problems in the area.	M
U	E	In all urban areas, efforts should be made to clearly communicate enforcement actions and available services to offender audiences.	S
U	E	All urban areas should develop and implement a prisoner re-entry program that includes a public safety focus, as well as a significant social service component.	M
U	E	Law enforcement and community based supervision activities should be better coordinated in urban areas.	S

U	J	Probation Department should encourage the use of creative conditions of supervision and the use of alternative sanctions, such as electronic monitoring, in order to increase public safety during pre-trial release and during supervision after conviction.	S
U	E	Urban police departments should have appropriately trained licensed clinical social workers on staff in their agencies to conduct outreach to and intervene earlier with at risk youth and their families, to follow up on needed services, and to pursue alternative remedies such as CHINS where necessary to obtain needed services.	M
U	E	The Executive Branch should encourage and support collaboration between the agencies under the direction of the Executive Office of Health and Human Services and local law enforcement.	S
	E	The Executive Office of Public Safety, in conjunction with the proposed Innovations Institute, should establish a standard for community oriented policing that defines the components of a comprehensive problem-solving approach and underscores the importance of collecting data to measure program results.	M
U	E	The Executive Office of Public Safety, in conjunction with the proposed Innovations Institute, should establish standards for problem analysis and crime analysis functions within law enforcement, and provide training and continuing education for personnel working in this area.	L
U	E	Regional criminal justice information networks should be established throughout the state to share information and work collectively to address the most significant local or regional crime problems.	L
U	E	Through problem analysis and crime analysis efforts, each urban police department should examine the data for its area.	M
U	E	The Executive Branch should utilize the collective purchasing power of multiple local police departments to encourage criminal justice information systems vendors to revise the current electronic information systems provided to law enforcement agencies in order to facilitate maintenance and retrieval of criminal justice information that is timely, useful, consistent with statewide priorities and able to be shared effectively with other partners.	S
U	E	Basic information concerning offenders	M



		should be shared among the components of the criminal justice system (prosecution, post-release, supervision and corrections) and local police departments.	
U	E	Sharing of information and strengthening the relationship between schools and law enforcement agencies is essential to safe teaching and learning environments and to a safe larger community.	S
U	E	The District Attorneys should be encouraged to expand the community prosecution model in urban areas.	M
U	E	The Massachusetts District Attorneys' Association should be asked to set a standard for community-based prosecution.	M
U	E	The Chair of the Parole Board should be encouraged to expand the community supervision model.	M
U	J, E	The Commissioner of Probation and the Chair of the Parole Board should also be asked to establish a standard for community-based supervision.	M
U	E	The Department of Correction and Sheriff Departments should be encouraged to expand community-based corrections programs.	M
U	E	The Executive Office of Public Safety should set a standard for community-based corrections.	M
U	E	State and county correctional facilities should be encouraged to coordinate with local law enforcement and state prosecution to identify additional ways to involve the correctional systems in the problem solving approach to urban crime.	S
U	L	Adopt some form of mandatory supervision possibly providing a short term of supervision for everyone who is released from incarceration, with longer-term mandatory supervision for those offenders who meet criteria focused on potential danger to the community.	S
U	E	Facilitate the sharing of information about adults and juveniles among law enforcement agencies, schools and social service partners in order to maximize public safety and intervene with at-risk youth at the earliest possible stage.	M
U	L	Reform the system under which individuals are released on bail from police stations with bail commissioners.	S
U	L	Remove the "organized crime" restriction under state law (G.L. c. 272, §99) insofar as it limits law enforcement officers from recording conversations related to	S

		designated offenses committed “in connection with organized crime.”	
U	L	Require hospitals and other medical facilities to report drug overdoses under a program similar to the existing HIV anonymous reporting system.	S
U	L	Current statutes that penalize the use of violence in connection with initiating individuals into a gang or retaining individuals in a gang should be reviewed to determine whether additional legislation in that area is needed.	S
U	E	The Executive Branch should establish an “Innovations Institute”, independent of any specific academic institution that would convene representatives of all four areas of the criminal justice system (police, prosecution, supervision and corrections) with action-oriented criminal justice researchers and other professionals knowledgeable about innovation.	M
U	E	A state witness support program should be established.	L
U	E	Initiate some type of periodic forum or sustained dialogue between law enforcement and the judiciary.	M
U	E	In order to complement the regional problem analysis and crime analysis function recommended for law enforcement, a committee composed, at a minimum, of the Massachusetts State Police, the Massachusetts Chiefs of Police Association and the Massachusetts Major City Chiefs, should conduct a review of the extra jurisdictional powers of local police officers.	M
U	E	The Executive Branch should examine the policies and procedures of the Civil Service Commission in the areas of selection, promotion and discipline of police officers with the goal of ensuring that police agencies are able to effectively meet the challenges of modern community policing and homeland security.	S
U	E	A partnership should be created between the law enforcement community and those in state government responsible for public health to monitor and share information on the levels of drug overdoses, trends in illegal drug usage and the strength and purity of illegal drugs in order to increase the effectiveness of intervention and prevention programs.	M
U	E	The systems currently in place to manage	M

		information about criminal records should be reviewed with an eye toward consolidating those records within the Criminal History Systems Board (“CHSB”).	
U	E	Establish electronic information sharing capacity among law enforcement, prosecution, probation, parole and state and county correctional facilities.	L
U	L	Increase access to forensic services, including DNA testing, on a routine basis with the goal of maximizing public safety.	M
U	E	Create a career track to encourage state prosecutors to remain in the system. Inadequate salaries and staffing levels may decrease public safety due to lack of continuity and loss of experience.	L
U	E	Implementation of the standards established for police, prosecution, supervision and corrections should be supported with grant funding that could be conditioned upon meeting the requirements of those standards.	M
U	E	In order to enhance the effectiveness of prisoner re-entry initiatives, the Executive Branch should consider programs such as tax incentives to encourage the expansion of employment opportunities for those inmates returning to the community who agree to remain in close connection with an organized community based re-entry program.	M
F	E	Develop and implement a model for coordination and oversight of all forensic services in the Commonwealth. The model should encompass and centralize all forensic sciences into the Executive Office of Public Safety (EOPS) under the supervision of a dedicated staff member. In addition, an advisory board should be established to provide direction and input on the administration of forensic services in the Commonwealth comprised of the relevant criminal justice stakeholders.	S
F	L	Increase funding at all levels for forensic pathology services provided by the Office of the Chief Medical Examiner.	S
F	L	The construction of an expanded building at a central location to house the Massachusetts State Police Crime Laboratory and the various forensic services provided by that laboratory.	L
F	E	Consolidation of all forensic toxicology and drug services within the Massachusetts State Police Crime Laboratory.	S
F	E	The implementation of programs at local	M

		and state levels designed to educate the criminal justice community — judges, lawyers, and law enforcement personnel — to the evolving issues in the field of forensic services.	
F	E	The Executive Office of Public Safety should establish a Task Force on Drug Testing in consultation and collaboration with the Secretary of Health and Human Services including all relevant stakeholders, to assess the current status of forensic drug testing in Massachusetts, to seek national accreditation for all state drug testing laboratories, and to explore consolidation of the services and management of these laboratories in the future.	S
F	E, L	The Executive Office of Public Safety, through its administrative authority or through legislation, should bring the toxicology services for the Commonwealth under the umbrella of the State police crime lab to the extent permissible under state and federal ethical and professional standards.	L
F	E, L	The Executive Office of Public Safety, through its administrative authority or through legislation, should designate an individual within the Executive Office reporting to the Undersecretary of Law Enforcement, to be responsible for the overall management of forensic services in the Commonwealth.	L
F	E, L	The Executive Office of Public Safety, through its administrative authority or through legislation, will establish a Forensic Services Advisory Group.	S

## APPENDIX

### Members of Sub-Committees

#### Urban Crime Strategies

<u>Name</u>	<u>Title/Organization</u>
Marianne Hinkle (Co-Chair)	Chief, Community Prosecution Unit, U.S. Attorney Office
Paul Joyce (Co-Chair)	Superintendent, Boston Police Department
Lori Atkins	Boston Law School/Intern
Rod Benson	Assistant-Special Agent In Charge, Drug Enforcement Administration
Dr. Anthony Braga, Ph.D.	J.F.K. School of Government, Harvard Univ.
William Bloomer, Esq.	Chief, Special Investigations & Narcotics Division, Mass. Attorney General's Office
Stephen Carl	Chief, Framingham Police Department
Joseph Carter	Chief, MBTA Police Department
Robert Champagne	Chief, Peabody Police Department
Christine Cole	Executive Office of Public Safety
Daniel Conley, Esq.	Suffolk County District Attorney
Donna Cuomo	Executive Office of Public Safety
Ed Davis	Superintendent, Lowell Police Department
John Finnegan	Chief, Barnstable Police Department
Emmet Folgert	Executive Director, Dorchester Youth Collaborative
Frank Garvin	Chief, Chelsea Police Department
Dale Hunt	Abt Associates

John Kelly	Lieutenant Colonel, Mass State Police
Daniel Kumor	Assistant Special Agent In Charge Bureau Of Alcohol, Tobacco, Firearms & Explosives
Wifredo LaBoy	Superintendent, Lawrence Public Schools
Matthew Machera	Chief, SNI Unit, Suffolk County District Attorney's Office
Paula Meara	Chief, Springfield Police Department
Daniel O'Leary	Chief, Brookline Police Department
Tom Powers	Assistant Special Agent in Charge, FBI
John Suslak	Chief, Lynn Police Department
Joan Sweeney	Strategic Change Consortium
John Turner	Probation Officer, Boston Municipal Court
Richard Ward	Boston Foundation
Ronnie Watson	Commissioner, Cambridge Police Department
Raffi Yessayan	Chief, Gang Unit, Suffolk County District Attorney's Office

### **Re-Entry and Post-Release Supervision**

<u>Name</u>	<u>Title/Organization</u>
Frank G. Cousins, Jr. (Co-Chair)	Sheriff, Essex County
Maureen E. Walsh, Esq. (Co-Chair)	Chair, Massachusetts Parole Board
David Adams	Program Research Director EMERGE
Vincent Basile	Correction Specialist Essex County Sheriff's Department

Jonathan Blodgett, Esq.	Essex County District Attorney
Michael Bolden, Esq.	Commissioner, Department of Youth Services
Frank Carney	Executive Director, Massachusetts Sentencing Commission
Dr. James Tyler Carpenter	Psychologist, Massachusetts Rehabilitation Commission
Elizabeth Childs	Commissioner, Department of Mental Health
Florence Choate	Director of Project COACH, Inc. High Point Treatment Center
James Cuddy	Executive Director South Middlesex Opportunity Council
Christine Ferguson	Commissioner, Department of Public Health
Jennifer Franco, Esq.	Chairperson, Sex Offender Registry Board
Colleen Hilferty	Co-Executive Director Dismas House of Central Massachusetts
John Kivlan, Esq.	Former MA Parole Board Member
Rhiana Kohl	Director of Research & Planning Division Department of Correction
John Larivee	Chief Executive Officer Community Resources for Justice
Michael Maloney	Former Commissioner, DOC
John Mulloy	Sergeant, Northeastern University Police Department
John J. O'Brien	Commissioner of Probation
Kimberly Jo O'Hara	Assistant Superintendent

	Women in Transition Facility Essex County Sheriff's Department
Dale Parent	Abt Associates
Steven V. Price	Executive Director, Office of Community Corrections
Barbara K. Schwartz, Ph.D.	President, Public Safety Concepts
Harry Spence	Commissioner, Department of Social Services
Neil Sullivan	Executive Director Boston Private Industry Council
Raymond Tamasi	President/Chief Executive Officer Gosnold (drug treatment provider)
Jane Wiseman	Assistant Secretary Executive Office of Public Safety

### **Forensic Technology**

<u>Name</u>	<u>Title/Organization</u>
Timothy J. Cruz, Esq. (Co-Chair)	Plymouth County District Attorney
David Meier, Esq. (Co-Chair)	Chief of Homicide, Suffolk County District Attorney's Office
Mark Delaney	Major, State Police Crime Lab
Frank Gaziano, Esq.	Assistant U.S. Attorney
Donald Hayes	Director, Boston Police Dept. Crime Lab
Mary Kate McGilvray	Massachusetts State Police Crime Lab
Tim Murphy	Director of Capital Planning, Executive Office of Administration & Finance
Wendy Murphy, Esq.	Brody, Hardoon, Perkins & Kesten LLP



Carl Selavka	Director, Mass. State Police Crime Lab
Jane Tewksbury, Esq.	Chief of Staff, Executive Office of Public Safety
Joseph Varlaro	Boston Police Crime Lab

### **Cross-Agency Information Sharing**

<u>Name</u>	<u>Title/Organization</u>
Peter Quinn (Co-Chair)	Chief Information Officer Commonwealth of Massachusetts
William Bennett, Esq.	Hampden County District Attorney
Dr. Fred Bieber	Brigham and Women's Hospital
Ron Calabria	Massachusetts District Attorneys' Association
James Carney	Chief, Marblehead Police Department
Paul DiPaolo	Chief Information Officer Department of Correction
Ray Feyre	Assistant District Attorney Hampden County
Bernard Graves	Boston Police Department
Kimberly Hinden	Registrar, Registry of Motor Vehicles
Thomas Hodgson	Sheriff, Bristol County
Barry LaCroix	Executive Director Criminal History Systems Board
Hugh McDonough	Abt Associates
Michael Ricciuti	Assistant U.S. Attorney
Kurt Schwartz, Esq.	Chief, Criminal Bureau, Massachusetts Attorney General's Office

Steven Sebestyen	Deputy Registrar Registry of Motor Vehicles
James F. Slater III	Chief Information Officer Executive Office of Public Safety
Major Robert Smith	Massachusetts State Police
Margaret Sullivan	Massachusetts State Police

### **Criminal Justice Education and Training**

<u>Name</u>	<u>Title/Organization</u>
Elizabeth Scheibel, Esq. (Co-Chair)	District Attorney for the Northwestern District
Robert C. Haas (Co-Chair)	Undersecretary, Executive Office of Public Safety
Jack McDevitt	Associate Dean, School of Criminal Justice Northeastern University
Michael Shively	Abt Associates
John Scheft	Law Enforcement Dimensions
James O'Brien, Esq.	Assistant Attorney General Mass. Attorney General's Office
George DiBlasi	Chief/Executive Director MA Chiefs of Police Association (MCOPA)
Edward Merrick	Chief, Plainville Police Department (President of MCOPA)
James McGarry	Chief, Sheffield Police Department (MCOPA)
John Collins	General Counsel, Massachusetts Chiefs of Police Association
Lt. Col. Brad Hibbard	Deputy Superintendent Massachusetts State Police
Major Thomas McGilvray	Massachusetts State Police

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Lt. Margo Hill

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Sgt. David O’Laughlin

Brookline Police Department

Officer Ralph Mroz

Leverett Police Department