



COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

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ASSISTANT MAJORITY WHIP

March 30, 2011

Senator Cynthia S. Creem, Chair  
Committee on the Judiciary  
State House – Room 405  
Boston, MA 02133

Representative Eugene L. O'Flaherty, Chair  
Committee on the Judiciary  
State House – Room 136  
Boston, MA 02133

Dear Chairpersons:

I write to offer my thoughts on proposals to reform the probation and parole departments in the Commonwealth. I hope that you will find this information helpful as the Committee develops its legislation. I look forward to working with the Committee to incorporate these ideas throughout this process.

I believe that regardless of the final iteration of the parole system and the probation agency, substance abuse treatment must be made a top priority in those efforts. As you know, it is estimated that nearly 80 percent of our incarcerated population either has a substance use disorder, or drugs were the driving factor in the commission of their crime. These individuals are costing our criminal justice system millions of dollars and we must strive to have a more effective and efficient system.

*In your review and efforts to reshape these important parts of state government, I believe that it is critical that substance abuse treatment and alternatives to incarceration be a part of these agencies' mandate. This will accomplish many things; reducing our incarcerated population and more effectively providing treatment to those that are in need. The introduction of the powerful painkiller OxyContin has forever changed the landscape of addiction here and across the United States. These offenders are sick and, unfortunately, punishing them with prison sentences, followed by probation or parole, does little to address the real reason they committed their crimes.*

The criminal justice system, for many of those addicted, is an opportunity for intervention and referral to treatment. We must use the system as a means to properly facilitate treatment and

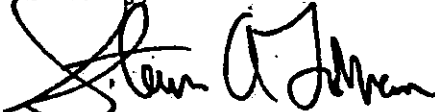
encourage agencies within the Executive branch to collaborate on effective and efficient ways to do so.

We are seeing positive results with our jail diversion program, which currently diverts non-violent, low-level offenders to complete a 90-day treatment program, followed by one year of supervision. The Commonwealth spends nearly \$45,000 per person per year to incarcerate an offender. By comparison, the jail diversion program costs only \$13,000 per person per year. With this program we are not only lowering the number of people in prison, but reducing recidivism by addressing the underlying reason for the offense. Programs like this should be expanded and included in our efforts to make our criminal justice system better equipped to treat with the population it serves.

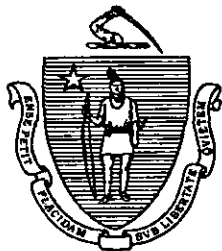
Finally, I believe that the reform of the probation and parole agencies must include innovative technologies and new methods of treatment. Research shows prison inmates are 12 times more likely to die within two weeks of their release than non-incarcerated people of similar age, race and sex. The main cause of death of the recently incarcerated was a drug overdose. We cannot afford to send these individuals back into society without the proper skills to manage their disease and prevent overdoses. We are learning more each day about the best ways to treat the disease of addiction and the devastating impact opiates and other drugs have on the brain. As a world leader in medical research, Massachusetts is developing many of these cutting edge therapies. The first studies of these new treatments have shown promising results and their integration into these agencies should prove beneficial.

I believe that as we review the role of these agencies, applying what we know about addiction will improve outcomes for the offender and the state, as well as save the Commonwealth additional resources. Thank you very much for your consideration of these important issues. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Steven A. Tolman



*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

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Committees:  
Rules & Ethics

March 30, 2011

The Honorable Eugene L. O'Flaherty, House Chair  
The Honorable Cynthia Stone Creem, Senate Chair  
The Joint Committee on the Judiciary  
State House, Room 136  
Boston, MA 12133

Dear Chairman O'Flaherty and Chairwoman Creem:

I am writing to urge your support for H. 2825, *An Act improving public safety through evidence-based community corrections supervision*, of which I am the lead sponsor.

This bill supports the establishment of two community corrections programs targeting moderate to high-risk offenders between 17-24 years of age. Young offenders need extensive supports, such as education, life skills and employment training, if we are serious about reducing recidivism and re-offences. Treatment and supervision for offenders would be based on the offender's risk level, needs and other personal characteristics. The important aspect of these programs is that they would combine "evidence-based" supervision practices shown to interrupt characteristics that research shows lead to criminal behavior.

I thank you for your consideration and respectfully request that the committee give H. 2825 a favorable report.

Sincerely yours,

PATRICIA A. HADDAD  
Speaker Pro Tempore





*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

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Committees:  
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I thank you for your consideration and respectfully request that the committee give H. 2825 a favorable report.

Sincerely yours,

A handwritten signature in cursive script that reads "Pat Haddad".

PATRICIA A. HADDAD  
Speaker Pro Tempore



TESTIMONY BEFORE THE  
JOINT COMMITTEE ON THE JUDICIARY  
PROBATION DEPARTMENT  
MARCH 30, 2011

Senator Creem, Representative O'Flaherty, members of the Joint Committee on the Judiciary, thank you for this opportunity to appear before you today on behalf of the Trial Court to testify on H42, a proposal by Governor Patrick to move Probation Services for the Superior Court, Boston Municipal Court, and District Court Departments from the Judicial Branch into the Executive Branch creating a Department of Re-entry and Community Supervision within the Executive Office of Public Safety.

I respectfully, but strongly, disagree with the Governor's proposal. Excepting the past ten years, Probation has operated effectively as part of the Judiciary for well over a century, and has shaped practices and created an entity that serves a vital role in the court's implementation of arraignment, sentencing and community supervision. Probation should remain in the Judicial Branch, but with some necessary changes that require the collaboration of the Legislative and Executive branches.

Ever since Boston bootmaker John Augustus first took responsibility for supervising a man charged as a common drunkard in the Boston Police Court in 1841, probation has evolved as a vital and integral part of the Massachusetts Judiciary. Probation has deep roots in the Judicial Branch and today plays a key role in our justice system, providing crucial support to judges on a variety of matters associated with arraignment, sentencing,

and community supervision. To effectively monitor offenders in the community today and to launch innovative, evidence-based supervision strategies in the future, Probation should remain in the Judicial Branch.

Correctional costs have skyrocketed to \$46,000 per incarcerated offender and with burgeoning prison populations, probation, with its average annual cost of \$1,600 per probationer, is more important than ever as a safe, cost-effective alternative to incarceration for appropriate offenders.

Probation now has the tools to hold offenders accountable in the community – even some who would otherwise be jail bound. Probation provides enhanced supervision through a network of 25 community correction centers where selected probationers report daily, and through GPS monitoring, community service, and systematic drug testing.

Targeted treatment programs address such issues as substance abuse, anger, and employment to round out a balanced approach of surveillance and services. The effective use of these resources is particularly critical at the “front-end” of the criminal justice process, where judges make sentencing decisions and probation operates as the centerpiece of community corrections.

The diversion of appropriate offenders from incarceration to probation at the front end relies on a close working relationship between judge and probation officer. Mutual trust, confidence, and shared priorities are key to an effective working relationship. The judge must be able to rely upon the

probation officer's recommendation as to whether a particular defendant is an appropriate candidate for probation.

The judge must have confidence that the terms and conditions of probation will be carefully monitored, and probation officers must have confidence that judges will support them in the supervisory process. Such mutual trust and confidence is more likely to flourish when both judge and probation officer are part of one organization with a shared vision; it is likely to be diminished if the probation officer reports to a bureaucratic hierarchy in a different branch of government that may have different priorities.

The proposed shift of probation from the Judicial to the Executive Branch could also entail a shift of resources from the front end of the system to the back end. The Executive Branch focuses on the re-entry of prisoners into the community through parole and advocates for costly mandatory post-release supervision to support this priority. The Judicial Branch and Probation focus on the front end in order to divert appropriate defendants from prison in the first place.

Over 7,500 defendants now receive sentences of three months or less annually. This group likely includes many appropriate candidates for diversion. The transfer of probation to the Executive Branch will likely be accompanied by a shift of probation resources from diversion strategies to prisoner re-entry at the expense of supporting alternatives to incarceration and the substantial cost savings associated with diverting selected offenders from prison.

Some contend that the distinction between probation and parole is not significant and point to the substantial number of state prisoners who are released on probation rather than parole. Presently, 42% of those released from the DOC wrap up their sentences—that is, they are released with no supervision. Of 58% who are supervised, approximately 10% are under dual supervision and of the remainder, about half are supervised by parole and half by probation.

This trend toward post-incarceration probation began in the 1990's when parole rates plummeted. Judges, noting that many prisoners were being released with no supervision at all, began adding a term of post-incarceration probation to ensure a safer and smoother return to the street. The Parole Board, through an informed systematic use of discretionary parole, should re-assume responsibility for post-incarceration supervision and probation should re-focus on effective alternatives to incarceration.

National sentencing experts now advocate Evidence Based Sentencing (EBS), a data-driven approach that emphasizes recidivism reduction, using collective data on sentencing outcomes to determine the most appropriate sentence for specific offenders. Probation is key to the success of EBS. Probation officers submit assessments of each defendant and recommend the types of supervision and programs that research has shown to be effective with the type of defendant before the court.

Swift and certain consequences for probation violations are important in implementing EBS. Judges and probation officers must be on the same wavelength to ensure that swift and certain sanctions will occur, again underscoring the importance of the close working relationship.



Former Judge Roger Warren, who served as president of the National Center for State Courts, now leads the effort at the National Center educating judges and other criminal justice officials on the efficacy and fiscal soundness of this approach. By using data from a large body of research on what works with offenders, a more targeted and offender-appropriate sentence is determined. And the tracking of outcomes shows success in reducing recidivism.

Last year, Judge Warren advised Massachusetts chief justices that Evidence Based Sentencing is likely to work better in Massachusetts if probation is retained within the Judicial Branch. In Essex County, we have launched an EBS pilot project through the collaborative efforts of Superior and District Court judges and Probation.

Since May 2010, acting Commissioner Ronald Corbett, who enjoys an excellent reputation in national probation circles and was recognized nationally as Probation Executive of the Year, has been leading a modernization and revitalization of the Probation Service.

Commissioner Corbett's improvements include upgrading probation's classification tool, reestablishing key partnerships, and revitalizing and introducing performance measures. He also is addressing staffing issues to strengthen management and establishing transparent external communications. With Department of Justice funding, he is working with a national expert to modernize the risk/need assessment tool used to determine the level of supervision in Probation and has demonstrated his

willingness to collaborate with Parole and other key criminal justice entities to develop common risk/need assessment criteria for use across the state's criminal justice entities.

It is true that probation operates in the Executive Branch in many states. It is also true that probation operates effectively in the Judicial Branch in several states. It is an inopportune time to combine probation with parole, as parole is facing serious challenges in reorganization and modernization of its practices.

In 2010, The Boston Foundation report, *Priorities and Public Safety II: Adopting Effective Probation Practices*, prepared by the Crime and Justice Institute, set forth goals for proper case management and community supervision in Massachusetts probation.

The goals outlined in the report include: establishing meaningful system-wide goals and standards aimed at reducing recidivism; evaluating services and programs to measure contribution to public safety and recidivism reduction; sharing information across corrections agencies in a systematic manner; establishing a culture conducive to constant improvement and learning; making data-driven decisions; and utilizing proven risk assessment strategies.

Importantly, the report states that accomplishment of these goals is paramount and not related to a particular governmental structure, which is secondary. It is key, then, to consider the array of initiatives already instituted by Commissioner Corbett, since they demonstrate progress on

each of the goals identified by The Boston Foundation, and, more broadly, underscore the judiciary's capability and commitment to the implementation of comprehensive probation reform.

Until recent years, the Massachusetts Probation department served as a beacon of innovative leadership, with such programs as Operation Nightlight cited as a national model of excellence. The array of initiatives undertaken by Commissioner Corbett places probation on a trajectory to restore that former preeminence.

I request the support of the Legislature and Executive branches in providing the necessary management tools discussed in the report of your Probation Reform Working Group, which recommended full budget transferability and clarification of the CJAM's authority in Probation hiring. These steps will ensure that Commissioner Corbett's outstanding efforts to restore public trust and leadership in the probation department will extend well beyond his term.

In summary, Probation belongs in the Judiciary, operating transparently and cooperating with criminal justice partners. Today, implementation of innovative and cost-effective sentencing approaches builds upon an effective 150-year tradition and depends on it. Working within one court system promotes the critical collaboration between judge and probation officer and reinforces the judicial authority to implement consistent sentencing policy.

Senator Creem, Representative O'Flaherty, members of the Joint  
Committee on the Judiciary, thank you again for the opportunity to present  
testimony here today on behalf of the Trial Court.



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Joint Committee on the Judiciary  
March 30, 2011

## Testimony in support of improvements to Probation in Massachusetts

The American Civil Liberties Union of Massachusetts urges the legislature to make good use of the public attention that has been brought to bear on Probation in the Commonwealth. We have a valuable opportunity to make significant improvements to our overall criminal justice system.

Probation can and must play a vital role in smart, effective criminal justice. The ACLU has great concerns about excessive punishment and excessive incarceration across the country. We support practical, effective alternatives to that socially destructive phenomenon, including probationary sentences. Probation is essential to judges' exercising their sentencing powers wisely with individual offenders. Dedicated, knowledgeable probation officers providing positive guidance and supervision strengthen our communities by helping offenders maintain social ties and develop skills, reducing recidivism and conserving criminal justice resources.

An excellent probation department should employ and continually re-evaluate evidence-based "best practices" and incorporate accountability, transparency, and fundamental fairness – basic Due Process principles – in its operations. The ACLU has several suggestions for building these principles into proposals for improving probation:

First, improved supervision practices. Effective supervision requires both appropriate classification and appropriate resources. Policies resulting in over-classification of offenders should be revised. Last year, 81% of Massachusetts probationers were reportedly under high-risk supervision. It's wasteful and counter-productive to treat most probationers as high-risk offenders. Also, to enable probationers to fulfill their obligations, probation officers must have access to effective services and programs for individuals under their supervision.

Second, Due Process. Probation violation proceedings, which can lead to lock-up and terms in custody, should be judicial hearings to help ensure due process and appropriate consideration of individual circumstances.

Finally, transparency and accountability. Our state public records laws should apply to the Probation Department. Researchers, advocates, and the general public should be entitled to obtain basic data about probation operations – numbers of probationers, length of probation terms, dispositions of violations, demographic information, etc. Without freedom of information, the public and responsible public officials cannot evaluate how well the system operates and how it can be improved.

The ACLU urges the committee to report out a bill that addresses these issues. The legislation that this committee moves forward should reinvigorate and strengthen Probation in Massachusetts so that it serves its partners in the justice system, its clients, and our communities and earns their trust and respect.



Scott Harshbarger, Board President  
Community Resources for Justice

John J. Larivee, CEO  
Community Resources for Justice

## Joint Committee on the Judiciary

### Testimony by Community Resources for Justice

March 30, 2011

My name is John Larivee; I'm Chief Executive Officer of Community Resources for Justice.

Chairwoman Creem, Chairman O'Flaherty and honorable members of the Judiciary Committee, thank you for the opportunity to provide testimony on the bills before you relative to probation in the Commonwealth.

CRJ has a long history in corrections, both in providing services and in advancing reforms. The agency was established in 1878 and opened its first halfway house in 1890; CRJ has led corrections reform initiatives beginning in 1889. Today, CRJ operates halfway houses for inmates as well as offenders on probation and parole. Our policy work, conducted by our Crime and Justice Institute, is nationally renowned for guiding corrections agencies in adopting effective, evidence-based practices. Most recently, and most relevant to today's hearing we contributed to the reviews and proposals for reform of Massachusetts probation.

You have probably the greatest opportunity to realize real public safety gains in a lifetime! Thanks to the unprecedented scrutiny by the media, special commissions and investigations, there is wide-spread attention and a better understanding of our corrections agencies. Thanks to the economic woes affecting Massachusetts and every state, there is an expectation and a need for government to be much more serious about budget allocations. Thanks to the recent tragic failures of our corrections agencies, there is greater appreciation of the need for those agencies to behave as a system.

The Governor's bill, *H0042 – relative to strengthening reentry and community supervision*, proposes a specific structure that moves probation from the Judicial Branch to the Executive Branch. You have heard many voices urging that probation remain in the Judicial Branch. As you consider the bill, we urge that you advance the following operating principles:

1. **Articulate the expected outcomes.** The legislation ought to be clear that the Commonwealth expects reduced re-offending from probation and all of our corrections agencies, individually and collectively.
2. **Define operating principles to achieve those outcomes.** The legislation ought to be clear that to accomplish that goal those agencies, individually and collectively, must adopt and implement proven practices for safely and effectively managing offenders.
  - Assess the risk of each offender and use that assessment to plan the management of that offender in prison, jail, parole and probation.
  - Deploy our corrections resource so that those offenders presenting the greater risk to re-offend receive more attention. And correspondingly give less attention to low risk offenders.

- Utilize practices that have been proven through evaluation and experience to improve public safety and reduce re-offending.
  - Acknowledge and authorize discretion that is informed by data and guided by **proven practices**.
  - Demand collaboration among criminal justice agencies that ensures sharing of information, coordination of services and strategies, use of complimentary tools and processes, and elimination of redundancies.
3. **Structure the Organization to execute those operating principles.** Whether you choose to move probation to the Executive Branch or leave it in the Judicial Branch, ensure that the structure provides that probation and all of our corrections agencies, individually and collectively, are
- Accountable
  - Transparent
  - Professionally staffed by individuals hired and promoted based on merit and employing a process as outlined by the SJC Task Force on Hiring.
  - Authorized to demand adherence to the operating principles enumerated above, including the authority to deploy resources.
  - Authorized to demand collaboration and cooperation on strategy, information and results.

As to the specific bills on today's agenda, Community Resources for Justice offers the following testimony:

*S0708 – relative to provisions governing probation violations.* CRJ supports this bill as it would provide probation with greater flexibility in managing the offender, the ability to more appropriately respond to violations while maintaining community supervision.

*S0731 – relative to management of probation.* CRJ supports this bill as it would provide for greater oversight and accountability of probation.

*H1369 – relative to the conditions of probation.* CRJ agrees that conditions of probation must be not only responsive to the offense and to public safety concerns but also structured in such a way that the probationer can succeed. Excessive, conflicting or contradictory requirements do not support successful completion of probation.

*H2825 – relative to a pilot project reforming reentry and community supervision.* CRJ supports this bill. We know well the "Roca model", as we currently are evaluating the program in Chelsea and assisting the replication in Springfield. Moreover, the legislation is consistent with the principles espoused by CRJ for effective community corrections programming – targeting those offenders with higher risk to re-offend, using validated risk/need assessments to identify the characteristics leading to higher risk, and employing evidence-based interventions for managing and treating the offender.



**Joint Committee on the Judiciary  
March 30, 2011**

**Testimony from  
Community Resources for Justice  
Bills: Probation and Supervision**

Honorable members of the Judiciary Committee, thank you for the opportunity to comment on some of the bills before you today. This testimony is respectfully submitted by the Crime and Justice Institute at Community Resources for Justice.

My name is Len Engel and I am a Senior Policy Analyst with the Crime and Justice Institute, the research and policy unit of Community Resources for Justice. In this capacity I work with states and local governments around the country to develop policies that improve public safety and use criminal justice resources more effectively. The primary elements of the process we employ on these projects are data and evidence-based practices.

I am here to offer some thoughts on the Governor's bill, House 42. At the outset I will state that the Governor's bill is a step in the right direction in so far as it describes, better than any of the ideas I've heard before this committee, a systemic approach to corrections policy and practice. John Larivee has provided sufficient comment on our view of the structural issues being discussed.

Left out of the Governor's presentation of a centralized evidence-based corrections system is the role of the sheriffs' departments and the Houses of Correction which hold more than 6,000 sentenced people. Massachusetts is unique because its jail system basically incarcerates a large percentage of people serving prison sentences. In most states, jails hold people serving up to a year only. However, in Massachusetts the Houses of Correction hold people serving sentences up to 2.5 years. They basically act as a prison. In short, any centralized, evidence-based corrections system must include the Houses of Correction if Massachusetts is to improve public safety, reduce victims and use resources more wisely. Beyond the structural issue, the Governor's bill includes the following improvements in important areas of corrections policy.

- Incentives for good behavior – in sections 32, 33 and 34, the provision for good time increases the amount of credit from 2.5 days per month to 5 days per month for good behavior and program participation. It also allows an additional 10 days credit after completion of a program lasting at least 6 months.

This is a small step forward. The amount of credit should be increased to at least 20 days per month in order to more quickly transition offenders who are addressing their deficits and moving toward low-risk status to supervision in the community where they can stabilize more quickly. Research is clear that extended periods of imprisonment for low-risk offenders actually increases their likelihood of re-offending. Good conduct incentives provide an inmate with an opportunity to earn his or her way toward an earlier release and greater likelihood of stability.



Additionally, this provision will cost the state millions of dollars with the need for additional parole officers and many more offenders returning to incarceration for condition violations. Last year, using 2007 parole data, we analyzed a similar provision before the Judiciary Committee and found:

- Approximately 1,000 new offenders will be added to the parole caseload requiring the addition of 26 new parole officers.
- More than 350 additional parole violators could be returned to prison and would have to serve anywhere from 2 to 12 months or possibly the remaining period of the extra sentence.

In summary, House 42 is on the right track except for the mandatory post-release supervision piece. Overall the Governor's objectives are exactly right. The state's corrections system:

- must become more evidence-based;
- it must address those offenders more likely to re-offend rather than them wrap their sentences and discharge without supervision; and
- it must develop a corrections system where every agency is on the same page, sharing the same data and information and making decisions based on the overarching goal of improved public safety through reduced recidivism.

I would also like to make a brief comment on House 2825 that establishes two pilot reentry projects targeting very high-risk younger offenders. After reviewing the language of this proposal and model that is going to be used, I am convinced that if Massachusetts is going to take a thoughtful approach to implementing practices that actually reduce violence, the number of victims and recidivism, this is exactly the kind of program it will need to implement. This program will reduce recidivism in probably the most high-risk population in our society. Massachusetts will become a model for this kind of intervention if it can be brought to scale and effectively implemented. At each point in this program, research and best practices guide decision-making. The Commonwealth will be a much safer and hopeful place for many at-risk young people and for the communities in which they live if this bill is passed.

Thank you.



**Testimony of the Boston Bar Association  
Before the Joint Committee on the Judiciary  
Regarding Probation and Parole Reform  
March 30, 2011**

A scandal and a tragedy present the Massachusetts legislature with a unique opportunity to achieve unprecedented criminal justice reform. Reports of patronage and hiring abuses in the Probation Department led to a shakeup in leadership and the suggested transfer of the department from the Judiciary to the Executive. The murder of Woburn police officer John Maguire by a paroled convict resulted in an overhaul at the Parole Board. Many agencies and study groups are at work to articulate new recommendations for the administration of these important public safety functions. For the first time in years, it seems there is a mandate for real change which can achieve broad political support.

The Boston Bar Association strongly believes that the momentum for change created in recent months should not be squandered on piecemeal solutions, and that we should not defer to established structures without good reason as we aim to design a better criminal justice system. Now is the time for an open debate on broader issues, which can be framed by a set of guiding principles around which all the stakeholders can agree.

In December 2010, Donald Frederico, President of the Boston Bar Association, commissioned a review of the probation issue by a group of BBA leaders with significant criminal justice experience, including current and former prosecutors, criminal defense counsel, and an attorney who previously served as a probation officer in the Probate and Family Court. The BBA has considered the arguments on both sides of the debate: that consolidation of probation and parole in the Executive Branch is necessary to enhance coordination and avoid waste; and that preserving effective relationships between judges and probation officers requires that probation remain in the Judiciary. We find that both propositions have merit but that neither one is controlling. We are convinced that patronage hiring can be avoided, and best practices implemented, by either the Executive or the Judiciary. We believe that both functions are currently under the leadership of competent, committed public servants, and that before any permanent reorganization is implemented new leadership should be permitted to create and implement a blueprint for change within each department.

Based on the BBA study group's careful review and analysis of the issues, the BBA recommends that the following set of principles be applied in setting an ambitious agenda for reform:

- The legislature should look beyond the problems currently documented in probation and parole to develop a coherent criminal justice and sentencing system in which these restructured agencies will play coordinated roles. We hope that the legislature will consider more cost-effective use of mandatory sentencing and the adoption of sentencing guidelines, which would include alternative sentencing practices for low-risk offenders and intensive supervision, where appropriate, to encourage successful completion of supervision and re-entry into the community.
- The Departments of Probation and Parole should be required to implement evidence-based decision making to support risks/needs assessment of candidates for conditional release.
- Within their community release functions, the Departments of Probation and Parole should be required to apply cost/benefit analysis to guide expenditures for intensive supervision functions like electronic monitoring, community supervision, and day reporting which are not driven by political considerations but instead aimed at applying resources where they are most likely to result in the benefit of reduced recidivism.
- The legislature should insist on better collaboration among criminal justice agencies that ensures sharing of information; coordination of training, services and strategies; and elimination of redundant and wasteful government functions.
- The hiring and promotion of personnel in these agencies should be based on education, experience, and professional potential alone. The legislature should require that tracking of probationer compliance and other human resource tools such as annual reviews be utilized to retain and promote probation and parole officers who are successful in achieving reductions in recidivism.

The BBA has supported thoughtful, systemic criminal justice reform in Massachusetts for over 20 years, since its 1991 Task Force Report, *The Crisis in Corrections and Sentencing in Massachusetts*, recommended the creation of sentencing guidelines to reform the state's antiquated criminal code. We supported guidelines and the establishment of a Sentencing Commission in order to eliminate ad-hoc sentencing changes and to check politically-motivated enhancements to mandatory sentencing provisions. We also recommended the establishment of a centralized criminal justice system. "To be effective, [the criminal justice system] must have direct supervision of the state's criminal justice line agencies, including at a minimum corrections, parole, probation, committee on criminal justice, criminal history systems board, and security and privacy council."

Although those ambitious goals have not been realized, incremental progress has been achieved. The 1995 Truth in Sentencing Act eliminated misleading practices such as the

"indefinite" sentence, and the same law created the Massachusetts Sentencing Commission. The Commission's proposed guidelines have not yet been adopted, but the Commission serves as a valuable resource for data regarding sentencing practices. We supported CORI reform, which was passed in 2010. We recently supported the first positive step toward elimination of unduly harsh and fiscally irresponsible drug mandatory sentences, when the legislature in 2010 amended the "school zone" law to permit departure from the mandatory term in certain circumstances.

Today Massachusetts spends \$1.2 billion dollars annually on state and county corrections, parole, and probation. The reduction of recidivism is a unifying goal of these agencies, together with the courts. The real issues affecting probation and parole are not in what branch of government those agencies reside, but how they make cost-effective program choices and deliver community supervision services that are best designed to protect the public by reducing recidivism.

We applaud the work done to respond to the current crisis and look forward to participating in a robust public debate on these issues.

#### **BBA Probation Reform Study Group**

<b>Chair:</b>	R. J. Cinquegrana	(former BBA President, Choate Hall & Stewart, LLP)
<b>Members:</b>	Lawrence DiCara	(chair, BBA Legislative Advisory Committee, Nixon Peabody LLP)
	Randy Gioia	(former member, BBA Council, Committee for Public Counsel Services)
	Robert Iuliano	(member, BBA Council, Harvard University)
	Liza Lunt	(member, BBA Council, Zalkind, Rodriguez, Lunt & Duncan LLP)
	Christina Miller	(member, BBA Council, Suffolk County District Attorney's Office)
	Lee Peterson	(chair, BBA Family Law Public Policy Committee, McCarter & English, LLP)
	Lon Povich	(member, BBA Council, BJ's Wholesale Club)
	Michael Ricciuti	(member, BBA Council, K & L Gates LLP)

If there are any questions please contact the BBA's Director of Government Relations Kathleen Joyce ([kjoyce@bostonbar.org](mailto:kjoyce@bostonbar.org) or 617-778-1942).



Roca

Truth, Trust & Transformation

March 30, 2011

Dear Senator Creem, Representative O'Flaherty and distinguished committee members,


I would like to thank the members of the Joint Committee on the Judiciary for allowing me an opportunity to testify this afternoon in support of Bill # HB 2825, An Act Improving Public Safety through Evidence-Based Community Corrections Supervision. It is an honor to address the committee regarding these important criminal justice reform matters.

As you are all well aware, criminal justice reform has become an important topic both locally and nationally. Around the country, states have seen strong bipartisan support for reform measures within their corrections systems, and have in many cases, successfully reduced crime, reduced corrections spending and increased public safety. States such as California, Connecticut, Kansas and Michigan have already saved hundreds of millions and reduced recidivism rates through enacting measures such as performance-based probation funding, community-based diversion and probation programs, and reduction of mandatory sentences for non-violent and drug offenses.

Roca, its partners and supporters, including several criminal justice and government officials, believe this proposed legislation can help the Commonwealth of Massachusetts achieve the success other states have enjoyed in their recent reform efforts. This proposed legislation would create an Alternative Community Corrections Pilot Program for young offenders as a mandated sentencing option for courts and corrections entities. This pilot is based on Roca's Intervention Model and will use comprehensive, evidence-based intervention practices, including cognitive restructuring, transitional employment and stage-based programming to help young offenders learn the skills they need to be economically independent and live out of harm's way.

I strongly believe, as do my colleagues, that this pilot project will have vast potential to improve economic and social outcomes for the Commonwealth's corrections system, primarily by reducing recidivism and the associated public costs. Please accept these attached materials in support of Bill # HB 2825 which include notes on my testimony today, and a comprehensive explanation of the pilot program. Once again, I thank you for allowing me the opportunity to testify today. It is also my hope that this pilot may potentially be incorporated into any potential probation/parole legislative reforms that may be considered by this committee this upcoming session.

Sincerely,



Molly Baldwin



Truth, Trust & Transformation

## **Roca's Alternative Community Corrections Pilot Program Proposal Executive Summary**

Roca is proposing an Alternative Community Corrections Pilot Program (ACCPP) for young offenders ages 18–24 who are actively involved in the justice system and deemed *high-risk* to reoffend by validated risk and needs assessment standards. The ACCPP proposes a new, mandated intervention model that differs from current community corrections services in its intensity, comprehensiveness and reliance on evidence-based practices.

This program is designed to achieve several important outcomes for the population served, including a reduction in re-offending and recidivism (as tracked through violations and/or convictions of new crime), an increase in compliance with court-ordered conditions, and quantifiable movement towards economic independence. It is also expected that the pilot program meet all informational needs of participating courts and corrections entities. In accomplishing these specific outcomes, the program will provide the Commonwealth a new, progressive model for reducing the long-term public costs associated with this high-risk population, specifically related to recidivism and incarceration.

Initially, the Pilot Program proposes to work with 100 young people per year, at two different sites (50 young people per site). Site 1 will be located at Roca's Chelsea Headquarters and will serve 50 high-risk offenders per year from the communities of Chelsea, East Boston, Revere and Lynn, MA Site 2 will be located at Roca's Springfield headquarters and will serve 50 high-risk offenders per year from the communities of Springfield and Holyoke, MA (Hampden County). The target population is comprised of young people ages 18 to 24, who are released to Chelsea, East Boston, Revere, Lynn, Springfield and Holyoke, MA, are eligible for a community corrections model and need intensive, full time services. Young people could be referred by probation, parole, and houses of corrections. This may include young people on long-term probation; have suspended sentences, long-term parole; or a combination of parole and probation, and/or alternative day reporting.

The Pilot is an adapted (higher dosage and mandated program) model of Roca's Intervention model for very *high-risk* youth. The intervention model is based on several evidence-based practices, practices proven to reduce recidivism including cognitive restructuring, motivational interviewing and transitional employment. Roca's Intervention Model vastly improves upon current community corrections services, offering a far more comprehensive and holistic approach to criminal rehabilitation. The intervention will combine: community service (both for restitution and as a means to increase skills and services within the community), restorative justice, intensive case management, life skills including cognitive-restructuring activities, developmentally appropriate education and pre-vocational programming, transitional employment, job placement and retention, and long-term follow-up.

It should also be noted that this pilot program has great potential to provide the Commonwealth with a system-wide sentencing alternative for high-risk young offenders. If it produces the desired outcomes stated above, the Commonwealth may choose to expand this mandated intervention, either through Roca directly, or other organizations that have the capacity and expertise to carry out these services. In this, Roca's Alternative Community Corrections Pilot Program should not be viewed as an earmark that solely supports a public-private partnership. This initiative should be considered a viable step toward systemic reform that has far-reaching social and economic benefits for Massachusetts.



Roca

Truth, Trust & Transformation

## **Proposed Pilot for a Community Corrections Alternative in Massachusetts Based on the Roca Intervention Model for Very High-Risk Young People**

### **Overview**

Roca is proposing an Alternative Community Corrections Pilot Program (ACCPP) for young offenders ages 18–24 who are actively involved in the justice system and deemed *high-risk* to reoffend by validated risk and needs assessment standards. The ACCPP proposes a new, mandated intervention model that differs from current community corrections services in its intensity, comprehensiveness and reliance on evidence-based practices. This program is designed to achieve several important outcomes for the population served, including a reduction in re-offending and recidivism as tracked through violations and/or convictions of new crime, an increase in compliance with court ordered conditions, and quantifiable movement towards economic independence. It is also expected that the pilot program meet all informational needs of participating courts and corrections entities. In accomplishing these specific outcomes, the program will provide the Commonwealth a new, progressive model for reducing the long-term public costs associated with this high-risk population, specifically related to recidivism and incarceration. If the desired outcomes are achieved, the Commonwealth may choose to expand these mandated intervention services thereby creating systemic reform.

### **Program Design**

Initially, Roca's Alternative Community Corrections Pilot Program proposes to work with 100 young people per year, at two different sites (50 young people per site). Site 1 will be located at Roca's Chelsea Headquarters and will serve 50 high-risk offenders per year from the communities of Chelsea, East Boston, Revere and Lynn, MA (Suffolk and Essex County). Site 2 will be located at Roca's Springfield headquarters and will serve 50 high-risk offenders per year from the communities of Springfield and Holyoke, MA (Hampden County).

The Pilot project is an adapted (higher dosage and mandated program) model of Roca's Intervention model for very high-risk youth based on several evidence-based practices, practices proven to reduce recidivism including cognitive restructuring, motivational interviewing and transitional employment. Roca's Intervention Model vastly improves upon current community corrections services, offering a far more comprehensive and holistic approach to criminal rehabilitation through expanded and integrated programming. The Intervention will combine: community service (both for restitution and as a means to increase skills and services within the community), restorative justice, intensive case management, life skills including cognitive-restructuring activities; developmentally appropriate education and pre-vocational programming, transitional employment, job placement and retention, and long-term follow-up. The program will be for high-risk offenders as assessed by a validated screening instrument.

Young people will be intensively involved in programming over the course of one year, receive additional intensive programming as needed and be provided follow-up for up to two years.<sup>1</sup> Ideally, the pilot would receive a commitment for a two year period allowing for 200 people over the course of the two years. Follow-up will be done in collaboration when appropriate. Roca utilizes a customized outcomes and participation tracking database for young people and is undergoing implementation and impact evaluations by the Crime and Justice Institute and Abt Associates. Data will be tracked on each of the young people as it relates to program participation, compliance with court orders, reduction of criminal behavior and movement towards economic independence.

In implementing these services, Roca will utilize its engaged institutions strategy to work with a variety of community based partners including: police departments, community colleges, behavioral health organizations, health care partners, educational partners, workforce development partners and other appropriate community based institutions.

### ***Target Population***

Roca's Alternative Community Corrections Pilot Program will target young people, ages 18 to 24, who are released to Chelsea, East Boston, Revere, Lynn, Springfield and Holyoke, MA, and who would be eligible for a community corrections model and who need intensive, full time services. Young people could be referred by probation, parole, and houses of corrections. This may include young people on long-term probation, have suspended sentences, long-term parole, have a combination of parole and probation, and/or alternative day reporting.

The project will work with 50 young people at each site serving a total of 100 young people state-wide. All young people to be served will be classified as "high-risk" offenders through a validated assessment tool administered applied by the respective criminal justice entities. The program will not serve young people with sex offenses, serious developmental challenges, or serious mental health issues that cannot be impacted by the proposed cognitive behavioral model. Roca would work with probation, parole, sheriff's departments, and other criminal justice professionals as appropriate to determine appropriate referral processes and reporting relationships between Roca and the respective criminal justice entity.

Young people will be between the ages of 18-23 to start in the program, need extensive supports in life skills/education/employment, and be determined as able to respond to a cognitive-behavioral intervention. Young people will be given a clear description of the programming, will be provided intensive outreach and follow-up by youth workers, will be made aware of the relationship and reporting expectations with criminal justice partners. Through these exchanges, the underlying belief of the project, i.e., that they can in fact make the changes they need to succeed in their lives and the community, will be clearly explained.

Typically this population often ignores orders, requirements and mandates. In order to reach them in a way that can be sustained the service provider must be proactive in their initial outreach from the beginning of the project, throughout their involvement, and upon their completion of ACCPP. Youth Workers will meet with young people (in addition to their participation in programming), seek them out in their homes and on the streets as necessary, and staff will provide weekend check-ins via phone, and be available for emergency support 24 hours a day, 7 days a week.

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<sup>1</sup> All services beyond the first year of programming will be paid for using alternative funding sources.



## **Program Specifics**

The purpose of the ACCPP is to give criminal justice entities the option of placing high risk offenders in the Pilot Program. Through the Alternative Community Corrections Pilot Program, offenders will engage in a mandated year of intensive (minimum of 32 hours in programming a week), accelerated Intervention Model programming that may include long-term follow-up. This intensive, individualized Intervention Model is strategically designed to help extremely high-risk youth change destructive behaviors and build skills over time.

The advantage of using this pilot as a mandated sentencing option is the effectiveness of Roca's Intervention Model in moving high-risk young people to positive outcomes. In FY10, Roca served 705 high-risk young people, 90% of these young people were retained and are still actively engaged in a intensive case management. Graduates of Roca's Intervention Model achieved the following sustained outcomes: 88% maintained constructive adult relationships; 74% of out-of-school youth demonstrated educational gains; 79% retained their employment; 98% had no new arrests; and, 90% had no new pregnancies. According to the Urban Institute, in a report drafted for Strategic Grant Partners, Roca is serving a population that is "almost unique" among the hundreds of programs assessed.

In addition to the reduction of recidivism and increase in court compliance, the project has the following proposed outcomes for young people: 1) **Engagement**: 80% sustain constructive peer and adult relationships (key in the reduction of criminal behavior); 2) **Economic Independence**: 80% of out-of-school youth demonstrate an increase in education gains and financial literacy, and retain employment for up to six months; and, 3) **Living Out of Harm's Way**: 80% demonstrate a decrease in criminal/delinquent behavior, 80% demonstrate a decrease in pregnancy, and 80% demonstrate increased social/emotional skills. To track performance towards these goals, Roca has customized and implemented Efforts to Outcomes, a web-based performance management system.

Roca's Intervention Model is effective because it integrates the knowledge gained from direct experience with evidence-based practices from cognitive-behavioral therapy, motivational interviewing, transitional employment, and best practices from restorative justice and re-entry. Roca's Intervention Model is based on the five Stages of Change, (a framework commonly used in medical and mental health fields detailing the process an individual typically moves through to create and sustain life changes).<sup>2</sup> Roca's Intervention Model connects very high-risk youth to a positive peer relationship and adults through intensive relationships and uses targeted programming to support young people to develop the necessary skills to reduce violence and create positive behavioral changes. The Intervention Model has four components: 1) relentless outreach and follow up; 2) transformational relationships, our intensive case management model; 3) stage-based programming toward economic independence (life skills, educational and pre-vocational, and employment programming

<sup>2</sup> Roca has taken Prochaska's stages of change and adapted them for a very high-risk youth development model. Backed by evidence from multiple disciplines (e.g. substance abuse, medicine, harm reduction, etc.), promoting young people through the stages of change allows them to develop the intrinsic skills, desires, and capacities to successfully move towards safety and self-sufficiency. The five stages of stage that an individual typically will move through on the way to undertaking intentional efforts to improve his or her life and then sustaining those changes are: 1) **Pre-contemplation**: The young person is not thinking about or has explicitly rejected change; 2) **Contemplation**: The young person is now thinking about change and perhaps seeks out the Youth Worker or some other program; s/he may respond to some suggestions from staff; 3) **Planning**: The young person and case manager talk about what it would take to make change happen and what s/he wants for the future; 4) **Action**: The young person begins to take positive steps toward improving his/her life through practice (trial and error) in the context of a plan that has been discussed in detail between the young person and case manager; 5) **Sustaining**: Through continuing staff support during difficult times and new cooperative efforts, the young person is able to achieve concrete improvements in his/her life, move demonstrably toward achieving a self-sustaining lifestyle, and is living in safety.

including transitional employment and job creation) and, 4) work with institutional partners, including local government, criminal justice partners, and key institutions to better serve our target population.

It should be reinforced that Roca's approach uses evidence-based practices and has been lauded by experts in the criminal justice field as both effective and innovative. The Crime and Justice Institute said this about the Intervention Model:

First, Roca seeks to address what are known in the field of criminal justice as criminogenic needs, or those risk factors that can lead to crime-producing behaviors. Specifically, Roca seeks to impact peer relationships, antisocial behaviors, educational engagement and attainment, and employment retention. Each of these is tied in the research to criminal behavior. Also, research confirms that interventions that address multiple need areas are more effective than those that focus on a single area. Roca is holistic in that it works with young people on each area of need that could prevent them from ultimately leading economically productive and safe lives.

***Roca's Intervention Model utilizes these evidence-based practices and best practices from restorative justice, all of which are integral to achieving consistent outcomes:***

***Cognitive-Behavioral Therapy (CBT)*** is a powerful, problem-focused approach designed to help people identify and remedy the thought-processes and behavior patterns that inhibit their own personal development. The most evidence-based form of psychotherapy, CBT is also noted by the US Dept. of Justice as an evidence-based practice. It has been successfully applied across various settings, age groups, roles, and problem behaviors ranging from violence and criminality to substance abuse and school failure.

***Motivational Interviewing*** is a directive, goal-driven counseling style that helps clients explore and resolve their ambivalence to elicit positive behavior change. This approach is included in SAMHSA's *National Registry of Evidence-Based Programs and Practices*.

***Resiliency Theory*** identifies the protective factors that allow a youth to recover from trauma and overcome a negative environment. The central tenant of the model is that a caring, supportive relationship with at least one non-parent adult is essential to success. Resiliency Theory is the underpinning of many mentoring programs, and provides theoretical support for Roca's transformational relationships, peacemaking circles, life skills education, and engaged institutions.

***Restorative Justice*** is a theory of justice used to repair the harm caused by criminal behavior and has proven effectiveness in lowering rates of recidivism and offending, and improving victim satisfaction. This theory seeks to involve the entire community in rehabilitating offenders to hold them accountable for their behavior, and provide an opportunity for them to become reconnected to the community.

***Transitional Employment*** is an evidence-based model and, cited by the National Transitional Jobs Network and MDRC<sup>3</sup>, Roca's transitional employment is a national model for working with high-risk young people. Transitional Employment offers a critical solution for helping employers to fill jobs with job-ready, entry-level employees. Transitional employment programs are designed to address the needs of those with the greatest barriers to employment -- individuals who cannot succeed in traditional workforce development strategies and/or

<sup>3</sup> D. Bloom, S. Rich, C. Redcross, E. Jacobs, J. Yahner, and N. Pindus. *Alternative Welfare-to-Work strategies for the Hard-to-Employ: Testing Transitional Jobs and Pre-employment Services in Philadelphia*. MDRC, October 2009 and C. Redcross, D. Bloom, G. Azurdia, J. Zweig, and N. Pindus. *Transitional Jobs for Ex-Prisoners: Implementation, Two-Year Impacts, and Costs of the Center for Employment Opportunities (CEO) Prisoner Reentry Program* MDRC, August 2009.

employment. Complementing a range of excellent training programs, higher level employment programs and sector training, transitional employment will increase the number of people who are successfully able to enter the workforce.

All young people participating in ACCPP will be assigned to a Youth Worker for intensive case-management (Roca's transformational relationship) throughout their participation and follow-up after completing the project. With the youth worker, young people will develop a plan to address their life skills, educational, pre-vocational, and workforce needs. Roca will implement the core community service and programming and work with a range of community partners to access health care, substance abuse, mental health counseling and housing. Roca will also facilitate an Intervention Committee with the criminal justice partners to ensure communication, coordination of programming, public safety, and develop the long-term capacity of the organizations to work with high-risk offenders.

The project has developed two schedules to accommodate young people in a minimum of 32 hours of programming and for those young people in the paid transitional employment programming this number will increase to a minimum of 41 hours of programming, (see attached schedules). This structured programming includes: community service, life skills, education, pre-vocational programming and training, and restorative justice. The intensive programming will allow young people to practice cognitive re-structuring and pro-social behaviors, to gain skills in education and employment, and connect to a positive peer environment and with positive adults.

It is important to note that given the risk factors and the challenges these young people face, it will take time to get the young people to successfully participate in and sustain full-time programming. Once their attendance in programming and work is sustained, they have reduced the high risk behaviors sufficiently to function, and they are determined ready for work through a workforce readiness assessment, project staff will work with them to look for full time work and/or participation in a training or higher education.

### ***Program Timeline***

The pilot will need a three month start-up planning period to work with probation, parole, and houses of corrections, as well as finalize the programming and curriculum. Agreements would need to be put in place regarding: screening with validated tools by the criminal justice entity, releases to share information, on-going communication and reporting, and the process to address violations ranging from small violations to committing new crimes. The pilot will then launch in two sites, one based out of Chelsea serving Chelsea, Revere, East Boston, and Lynn, and the other based out of Springfield, serving Springfield and Holyoke. Ideally, a pilot project would be awarded funding for a minimum of two years to serve 200 people and provide sufficient data to demonstrate outcomes and recommend future expansion.

### ***Conclusion***

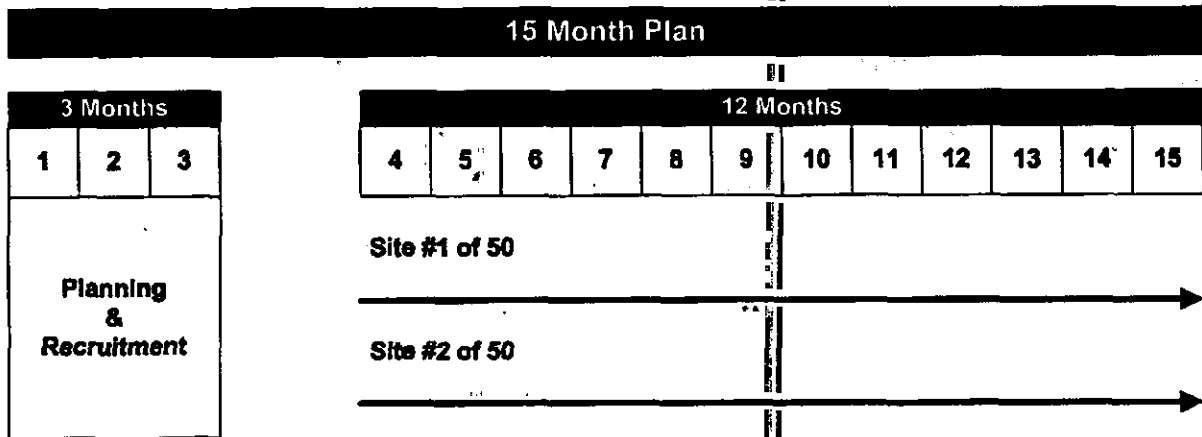
It should also be noted that this pilot program, proposed initially at Roca's 2 sites in Chelsea and Springfield, has great potential to provide the Commonwealth with a system-wide sentencing alternative for high-risk young offenders. If the pilot program produces the desired outcomes stated above, the Commonwealth may choose to expand these mandated Intervention Services, either through Roca directly, or through other organizations that have the capacity and expertise to carry out these comprehensive services. In this, Roca's Alternative Community Corrections Pilot Program should not be viewed as an earmark that solely supports a public-private

partnership. This initiative should be considered a viable step toward systemic reform that has far-reaching social and economic benefits for Massachusetts.

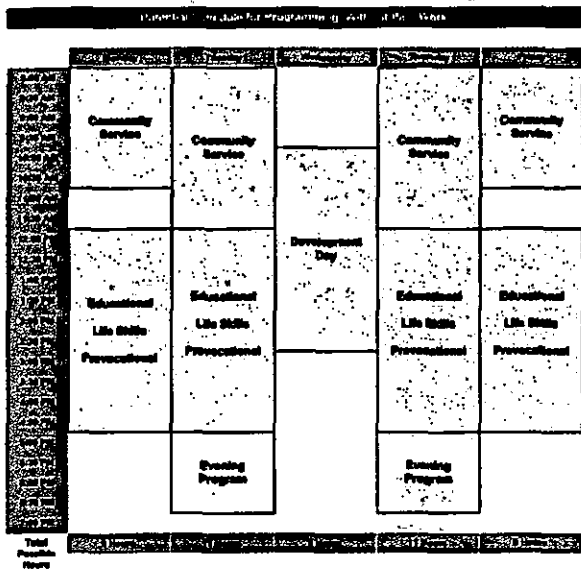
# Roca's Alternative Community Corrections Pilot Program

## Illustrations

**Illustration A: Program Participant Flow**

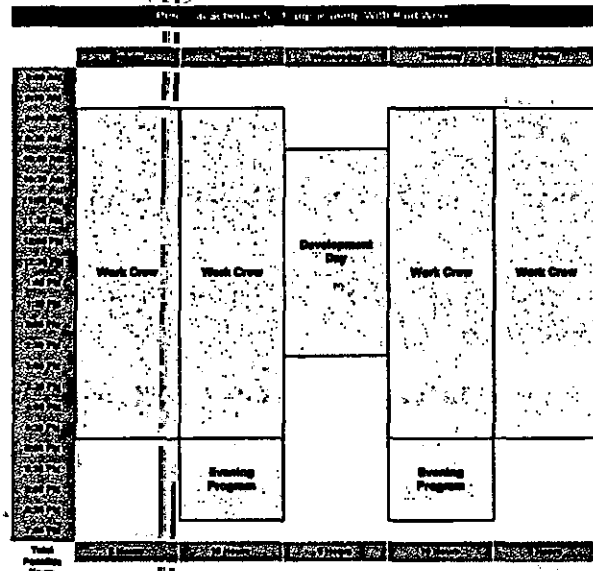


**Illustration B: 45 Hour Participant Engagement Schedule**



\* Total Possible Hours: 45 \*  
\* Young people will be on a rotating schedule for 20 hours \*

**Illustration C: 41 Hour Participant Engagement Schedule Including Work**



\* Total Possible Hours: 41 \*  
\* On a Rotating Schedule \*



THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPOEN COUNTY  
627 RANDALL ROAD  
LUDLOW, MA 01056

MICHAEL J. ASHE, JR.  
SHERIFF

TEL: (413) 547-8000  
FAX: (413) 589-1851

Senator Cynthia Stone Creem  
Chair, Joint Committee on Judiciary  
State House, Room 405  
Boston, MA 02133

Representative Eugene L. O'Flaherty  
Chair, Joint Committee on Judiciary  
State House, Room 136  
Boston, MA 02133

March 30, 2011

Dear Senator Creem and Representative O'Flaherty,

I am writing to offer my support for H-2825, "An Act Improving Public Safety Through Evidence-Based Community Corrections Supervision."

Roca has successfully helped thousands of high risk young people in Greater Boston to change their lives and become productive members of society for the past 21 years. Roca has expanded its mission to Springfield and has become a great resource to help all of us reduce gun and gang related violence and help our high risk young people find their way to positive and fulfilling lives that contribute to, rather than take from the community.

I support this pilot program because it would provide a mandated intervention model that offers a comprehensive and holistic approach to criminal rehabilitation through expanded and integrated programming. Roca will utilize time tested tools such as community service, intensive time management, restorative justice, education, and pre-vocational programming, transitional employment, job placement, and long term follow-up.

As Sheriff for 37 years, I know that we must be tough on crime and smart on crime; Roca is both.

I ask that you report favorably on H-2825.

Sincerely,

Michael J. Ashe, Jr.  
Sheriff

MJA/ll/s

Springfield Police Department  
130 Pearl Street • P.O. Box 308  
Springfield, MA 01101  
(413) 787-6313



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS



March 29, 2011

Representative Eugene L. O'Flaherty  
Chair, Joint Committee on Judiciary  
Massachusetts State House, Room 136  
Boston, MA 02133

Dear Representative O'Flaherty:

The Springfield Police Department offers its support for Roca's Alternative Community Corrections Pilot (ACCPP), a mandated alternative intervention program for high-risk young offenders ages 18-24. We encourage the Massachusetts House of Representatives and the Massachusetts State Senate to pass bill #HB2825, and create the intervention pilot as a legal sentencing option under the Commonwealth's criminal sentencing laws.

Based on Roca's highly successful Intervention Model for high-risk youth, the Alternative Community Corrections Pilot holds vast potential as a means of rehabilitating high-risk young offenders, reducing recidivism and re-offense, and thereby minimizing associated public costs and increasing public safety.

One major component of my crime fighting initiative is to address the significant problem of recidivism. Reducing recidivism means reducing crime. In order to reduce recidivism, we must offer young offenders evidence-based cognitive restructuring programs, transitional employment opportunities and stage-based education and life-skills development. Roca's ACCPP program will do just that. Over the past twenty-three years, Roca has proven to be an expert in the youth development and violence intervention field. Their cognitive-behavioral Intervention Model has helped thousands of young people from Massachusetts become economically independent and live out of harm's way.

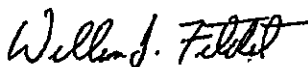
As commissioner of the Springfield Police Department, I have become familiar with Roca's impressive track record, particularly the outcomes it has achieved for crime and drug-involved youth through Roca's Springfield replication project. In a relatively short time, Roca has proven to be a tremendous resource to the Springfield Police, providing crucial intervention services that the SPD neither has the resources nor the mandate to engage in. While other programs have struggled to help high-risk youth change destructive behavior and gain economic independence, Roca has, year after year produced unparalleled success.

Last year alone, Roca served 705 young people in Massachusetts. This year Roca Springfield is serving 50 high-risk young men with felony records within our Police Department's jurisdiction. Of the youth that were engaged in Roca programming over fiscal year 2011, 80% had no new arrests by the end of the year, 89% had no new pregnancies, and 79% were engaged in life, education and employment programming.

As Commissioner, I believe it is vital for the Commonwealth to endeavor to achieve a similar result and outcomes for young offenders that are currently involved in the justice system. Roca has the expertise to deliver these services.

Now more than ever, the City of Springfield is committed to reducing gang, drug and street-related violence. Roca's proposed alternative community corrections pilot gives the Massachusetts criminal justice system an evidence-based rehabilitation tool that can dramatically improve social and economic outcomes for a group of young people that continues to pose an incredible burden on our city, both economically and socially. As commissioner, I give my full support to the legislation that would make this project possible.

Sincerely,



William J. Fitchet

Police Commissioner





## CITY OF CHELSEA

Executive Office  
City Hall, Room #302, 500 Broadway  
Chelsea, Massachusetts 02150  
Telephone (617) 466-4100 / Fax (617) 466-4105  
Email: [jash@chelseama.gov](mailto:jash@chelseama.gov)



**Jay Ash**  
City Manager

March 29, 2011

Senator Cynthia Stone Creem  
Chair, Joint Committee on Judiciary  
State House, Room 405  
Boston, MA 02133

Representative Eugene L. O'Flaherty  
Chair, Joint Committee on Judiciary  
State House, Room 136  
Boston, MA 02133

Dear Legislators:

The City of Chelsea offers its support for Roca's Alternative Community Corrections Pilot, a mandated alternative intervention program for high-risk young offenders ages 18-24. We encourage the Massachusetts House of Representatives and the Massachusetts State Senate to pass bill #HB2825 and create the intervention pilot as a legal sentencing option under the Commonwealth's criminal sentencing laws.

Based on Roca's highly successful Intervention Model for high-risk youth, the Alternative Community Corrections Pilot holds vast potential as a means of rehabilitating high-risk young offenders, reducing recidivism and re-offense, and thereby minimizing associated public costs and increasing public safety. Over the past twenty-three years, Roca has proven to be an expert in the youth development and violence intervention field. Their cognitive-behavioral Intervention Model has helped thousands of young people from the Boston area become economically independent and live out of harm's way.

As the Chelsea City Manager, I have become familiar with Roca's impressive track record, particularly the outcomes it has achieved for crime and drug-involved youth in Chelsea. Roca has been a tremendous resource to our city and its police department, providing crucial intervention services that the city government and the CPD neither have the resources or the mandate to engage in. While other programs have struggled to help high-risk youth change destructive behavior and gain economic independence, Roca has, year after year produced unparalleled success.

Last year alone, Roca served 705 young people from Massachusetts. Of the youth that were engaged in Roca programming over fiscal year 11, 80% had no new arrests by the end of the year, 89% had no new pregnancies, and 79% were engaged in life, education and employment programming. As City Manager of Chelsea, a community that has both great needs and great potential, I believe it is vital for the Commonwealth to deliver these same outcomes for young offenders that are currently involved in the justice system. Roca has the expertise to deliver these services.

Now more than ever, the City of Chelsea is committed to reducing gang, drug and street-related violence. Roca's proposed alternative community corrections pilot gives the Massachusetts criminal justice system an evidence-based rehabilitation tool that can dramatically improve social and economic outcomes for a group of young people that continues to pose an incredible burden on our city, both economically and socially. As City Manager, I give my full support to the legislation that would make this project possible.

Sincerely,

Jay Ash  
City Manager

Senator Cynthia Stone Creem  
Chair, Joint Committee on Judiciary  
State House, Room 405  
Boston, MA 02133

Representative Eugene L. O'Flaherty  
Chair, Joint Committee on Judiciary  
State House, Room 136  
Boston, MA 02133

Distinguished Judiciary Committee Chairs,

I am writing to offer my support for Roca's Alternative Community Corrections Pilot, a mandated alternative intervention program for high-risk young offenders ages 18-24. I encourage the Massachusetts House of Representatives and the Massachusetts State Senate to pass bill #HB2825, and create the intervention pilot as a legal sentencing option under the Commonwealth's criminal sentencing laws.

Based on Roca's highly successful Intervention Model for high-risk youth, the Alternative Community Corrections Pilot holds vast potential as a means of rehabilitating high-risk young offenders, reducing recidivism and re-offense, and thereby minimizing associated public costs and increasing public safety. As former Secretary of the Massachusetts Executive Office of Public Safety and Security and former Essex County District Attorney, I know that reducing recidivism means reducing crime. In order to reduce recidivism, we must offer young offenders evidence-based cognitive restructuring programs, transitional employment opportunities and stage-based education and life-skills development. Roca's ACCPP program will do just that.

Over the past twenty-three years, Roca has proven to be an expert in the youth development and violence intervention field. Their cognitive-behavioral Intervention Model has helped thousands of young people from the Boston area become economically independent and live out of harm's way. Roca has been a tremendous resource to the State of Massachusetts, providing the crucial intervention services local governments and police departments neither have the resources nor the mandate to engage in. While other programs have struggled to help high-risk youth change destructive behavior and gain economic independence, Roca has, year after year produced unparalleled success.

Last year alone, Roca served 705 young people from Massachusetts. Of the youth that were engaged in Roca programming over fiscal year 11, 80% had no new arrests by the end of the year, 89% had no new pregnancies, and 79% were engaged in life, education and employment programming. As a former public official entrusted with responsibility of increasing public safety, I believe it is vital for the Commonwealth to deliver these same outcomes for young offenders that are currently involved in the justice system. Roca has the expertise to deliver these services:

Now more than ever, the Commonwealth is committed to reducing gang, drug and street-related violence. Roca's proposed alternative community corrections pilot gives the Massachusetts criminal justice system an evidence-based rehabilitation tool that can dramatically improve social and economic outcomes for a group of young people that continues to pose an incredible burden on our communities, both economically and socially. I give my full support to the legislation that would make this project possible.

Sincerely,

Kevin Burke



SUPREME JUDICIAL COURT  
JOHN ADAMS COURTHOUSE

RODERICK L. IRELAND  
CHIEF JUSTICE

May 3, 2011

Honorable Cynthia Stone Creem  
Chair, Joint Committee on the Judiciary  
State House, Room 416-B  
Boston, MA 02133

Honorable Eugene L. O'Flaherty  
Chair, Joint Committee on the Judiciary  
House of Representatives  
State House Room 136  
Boston, MA 02133

Dear Chair O'Flaherty and Chair Creem:

Because the Court is in session today I am unable to be present at the hearing this afternoon. Therefore, on behalf of the Justices, I am writing in support of House Bill No. 3395, A Bill Relative to the Reorganization of the Judicial System of the Commonwealth. The bill would retain the office of probation in the Judicial Branch, create the office of a nonjudicial professional court administrator, and require certain hiring practices in the courts and state government. I have also enclosed a copy of my and Chief Justice Mulligan's Joint Statement on Court Reorganization.

We believe the retention of the Office of Probation in the Judicial Branch is critical to the effective administration of the criminal justice system. The Probation Department has a long, successful history of service within the court system as probation officers play a vital public safety role in the community. Judges rely on them for their work in helping to reduce recidivism of offenders and for their broad knowledge of social service providers to help offenders rehabilitate. The legislation creates an Advisory Board to assist the Commissioner of Probation and the Court Administrator with the management of the probation service. It also creates a working group to ensure that probation and parole functions work in coordination when appropriate.

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In addition to keeping the Office of Probation in the Judicial Branch, the proposed legislation incorporates recommendations made by the Supreme Judicial Court Task Force to Review Hiring and Promotion Practices in the Judicial Branch. The Trial Court already has begun to implement best practices in hiring and promotion in the Probation department. Under the proposed legislation, such best practices would be expanded to other areas of the Trial Court and state government.

House Bill No. 3395 would bolster progressive management efforts already underway in the court system. Since 2003, under the steady leadership of Chief Justice for Administration & Management Robert A. Mulligan, the Chief Justices of the Trial Court Departments have implemented many initiatives recommended by The Visiting Committee on Management in the Courts (Monan Committee), including the use of case management metrics, time standards in all court departments, staffing models, and major technology improvements, to name just a few. The departmental Chief Justices have skillfully and effectively led their courts through a challenging period of change, that has included the most dire fiscal situation in decades. They, along with the Court Administrators, Chief Information Officer, Chief Financial Officer, and Administrative Office of the Trial Court Directors have demonstrated commitment and collaboration which have been essential to our progress. Their work in implementing these management tools has achieved remarkable results and has resulted in significant management improvements in court operations over the past eight years.

The proposed legislation will offer ways to build on this significant work and enhance the effectiveness of the Trial Court's management system to better support judicial operations and promote accountability to the public. The bill envisions collaborative management of the Trial Court by the Chief Justice of the Trial Court, who is the successor to the Chief Justice for Administration and Management, and a central administrator, the Court Administrator. The principal areas of responsibility of the Chief Justice of the Trial Court and the Court Administrator are defined in the legislation. The Chief Justice of the Trial Court is the policy and judicial leader of the Trial Court and will concentrate on the judicial components of the office with authority to appoint the Chief Justices of the Trial Court Departments and to develop and oversee policies to guide judges and employees in the discharge of their duties. The Court Administrator will focus on the administrative functions of the Trial Court.

Court reorganization studies in past years, including the 1991 statewide bar association review conducted by Harbridge House management consultants, the 2003 report of the Court's Monan Committee, and more recent Court Management Advisory Board reports, have recommended that the Massachusetts Trial Court employ an experienced, professionally trained court manager to oversee the nonjudicial components of court operations. The establishment of

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this top administrative position is a positive next step in the court system's continuing efforts to improve its management functions. Working with the Chief Justice of the Trial Court, the Court Administrator will help to ensure that the courts use modern and efficient management practices to support our trial judges and staff in the challenging work they do.

The bill also contemplates that the Court, the Chief Justice of the Trial Court, and the Legislature will receive recommendations for additional improvements from the Court Administrator, Court Management Advisory Board, and other advisory groups. This will assist the Judicial Branch in its continuing efforts to improve the administration of justice for all who use our courts.

For these reasons, the Justices support House Bill No. 3395.

Sincerely,



Roderick L. Ireland

Enclosure

**Joint Statement on Court Reorganization from  
Supreme Judicial Court Chief Justice Roderick L. Ireland and  
Chief Justice for Administration & Management Robert A. Mulligan**

April 29, 2011

The court reorganization legislation filed last week in the House includes proposals to retain the office of Probation in the Judiciary, to appoint a Court Administrator who will work collaboratively with the Trial Court Chief Justice to secure the proper and efficient administration of the courts, and to introduce new hiring and promotional practices in the Trial Court and state government. The legislation also clarifies the Supreme Judicial Court's statutory administrative oversight of the judicial branch.

We believe that these proposals will enhance the Judicial Branch and our ability to deliver justice, since the legislation builds upon progressive management efforts already underway in the court system.

The extent to which court leaders have transformed the management of the Trial Court since issuance of the Monan Report in 2003 is truly extraordinary. The departmental chief justices have skillfully and effectively led their courts through a challenging period of change, which included the most dire fiscal situation in decades. They, along with the Court Administrators, Chief Information Officer, Chief Financial Officer and AOTC directors, have demonstrated commitment and collaboration which have been essential to our progress.

Their efforts have resulted in comprehensive improvements in accountability, resource allocation, case flow management, juror utilization, technology and transparency, which have produced a Trial Court that is better managed and more efficient.

Court leaders have consistently demonstrated openness to new management practices that enhance our ability to deliver justice. The addition of a Court Administrator provides the opportunity to add value to our management team and to bring a fresh perspective to court operations. The Trial Court already has begun to implement best practices in hiring and promotion in the Probation department. The legislation recommends expansion of such best practices to other areas of the Trial Court, consistent with the efforts and recommendations of the SJC Task Force led by Scott Harshbarger.

The legislative proposals will not change the critical nature of the demanding work now done daily by dedicated judges, clerks and probation staff across the state who serve the thousands of people who visit our courthouses. Given the challenges in staffing across the state, we rely on you to remain focused on delivering justice and we thank you for your continued commitment and support. Once the Legislature has acted, the Supreme Judicial Court, the Trial Court Chief Justices and the Court Management Advisory Board will work collaboratively to ensure successful implementation of these court improvements.

# Massachusetts Judges Conference

Est. 1982: Advancing the Interests of Justice

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Hon. James G. Collins  
President

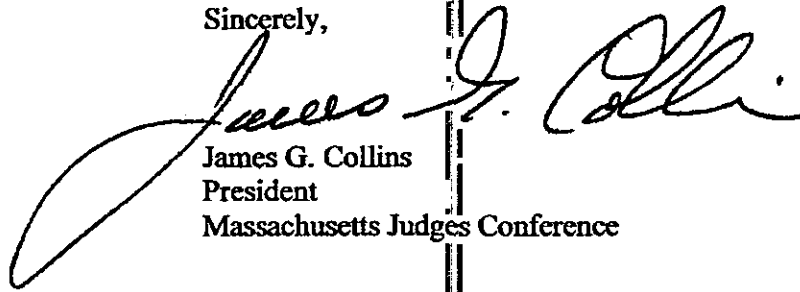
May 3, 2011

Senate Chair Hon. Cynthia Stone Creem  
House Chair Hon. Eugene L. O'Flaherty  
Honorable Senate and House Members  
of the Joint Committee on the Judiciary  
State House  
Boston, MA 02133

Dear Chairs Creem and O'Flaherty and Members of the Judiciary Committee:

The Massachusetts Judges Conference joins with and supports Chief Justice Roderick L. Ireland and the Supreme Judicial Court in endorsing the proposal for court reorganization of Speaker Robert A. DeLeo. We thank Speaker DeLeo and commend him for keeping the Probation Department within the Judicial Branch and calling for transparent and contemporary best personnel practices in the Probation Department.

Sincerely,



James G. Collins  
President

Massachusetts Judges Conference



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Joint Committee on the Judiciary  
May 3, 2011

**Testimony regarding court reform (H.3395) –  
In support of applying the public records law to administrative offices**

The American Civil Liberties Union of Massachusetts applauds the efforts in House Bill 3395 to bring greater transparency and accountability to the workings of the administrative offices within the judiciary, including the proposed Office of Court Management and the Office of Probation. In particular, we appreciate and support the proposed reporting mechanisms described within the legislation, whereby the court administrator would make an annual written report to the SJC on the fiscal and organizational state of the trial court, and the SJC would make an annual written report to its co-equal branches of government, the executive and legislative, on the functioning of the court system as a whole, which would be a public record.

Indeed, we believe that more administrative activities of the court system should be a matter of public record. This legislation makes plain that adjudicatory and administrative functions within the judicial branch can be treated separately. Consequently, while the ACLU welcomes public reporting about certain court administrative matters, we also believe that the administrative offices within the court system should themselves be subject to the public records law.

Why make court administrative offices subject to the public records law instead of simply requiring public reporting? Public reporting is necessarily limited in scope, defined by the legislature's current judgments about what information should be brought to public attention. It is very difficult, even impossible, for the legislature to make anticipatory judgments about what information could be beneficial to the public at some time in the future. The public records law would, within the scope of existing exemptions, allow members of the public to make their own determinations about what government information to access. In addition, a report is a static set of answers to set questions. The public records law would give access to underlying data, permitting independent analysis.

Researchers, advocates, and the general public should be entitled to obtain basic data about the operations of court administrative offices, including the office of probation – numbers of probationers, length of probation terms, dispositions of violations, demographic information, etc. Without freedom of information, the public and responsible public officials cannot evaluate how well the system operates and how it can be improved.

This legislation rightly aims to increase transparency and accountability for the administration of our court system. The ACLU urges the committee to further that goal by applying our public records law to the administrative offices re-shaped by the bill. Doing so will reinvigorate and strengthen our courts by helping to increase the trust and respect of their partners in government and the public.