

Lawmakers looking to lower prison recidivism

By Christian M. Wade CNHI State Reporter

Feb 10, 2017

BOSTON — The number of people locked up in Massachusetts is among the lowest in the country based on population, but 2 of 5 people released end up back behind bars.

That churn is coming under close scrutiny by lawmakers now pushing for prison training and education programs, as well as closer supervision and support for parolees and probationers, in hopes of lowering the recidivism rate.

A raft of criminal justice reform bills on tap for the upcoming legislative session focus on offering more services inside lock-ups, strengthening community supervision and providing more resources for people with behavioral health needs.

“Our prisons are not addressing the root causes of crime,” said Sen. Sonia Chang-Diaz, D-Jamaica Plain, lead sponsor of one proposal. “We need to reform our criminal justice system for both victims and offenders, as well as communities that are being damaged by the high recidivism rate.”

Chang-Diaz has filed a “justice reinvestment act,” backed by more than 40 lawmakers, which calls for myriad sentencing reforms. It would allow certain low-level felonies -- such as petty theft, shoplifting or low-level drug charges -- to be reduced to misdemeanors.

That would mean fewer people going to prison, she said, which would save the state money that it could put toward job training and other programs.

The state spends more than \$50,000 a year to house and feed each inmate, she noted.

“People are horrified when they learn how much we are paying to lock people up,” Chang-Diaz said.

Unready for ‘real world’

House Speaker Robert DeLeo, D-Winthrop, has said he wants criminal justice reforms to focus on keeping people out of jail through programs such as drug courts, as well as education and training inside prisons that lessen the chance of people returning.

“Some of these folks just aren’t being prepared to go out into the real world,” DeLeo told reporters recently.

Sen. Barbara L’Italien, D-Andover, said the Senate is expected to focus on ways to more cost effectively run prisons, which will free up savings for programs like drop-out prevention and employment training.

“I’m interested in this larger conversation and hopeful that we can work with law enforcement officers to keep laws and programs that work well and give them the tools they need to make necessary changes to the ones that don’t work for us,” she said.

Criminal justice advocates also want lawmakers to focus on sentencing reform to keep people out of jail in their first place. Their agenda includes eliminating of mandatory minimum sentences for nonviolent drug crimes.

“Sentencing reform is square-one in criminal justice reform,” said Lew Finfer, a member of the Jobs Not Jails Coalition, which supports criminal justice reform.

District attorneys have pushed back against such proposals and are likely to do so again. Easing the state’s drug laws, prosecutors argue, will hamstring their ability to arrest and prosecute narcotics traffickers.

Tougher sentencing laws, law enforcement experts say, also significantly deters violent crime.

Lawmakers, too, are wary of a wholesale scraping of minimum sentences.

“I’m hesitant to say let’s get rid of all of them,” said Rep. Paul Tucker, D-Salem, a former Salem police chief and narcotics detective. “I remember the days when drug sentences were too lenient. People often lose sight of the fact that that’s why we toughened up the laws.”

Relaxed sentences

In recent years, Massachusetts has relaxed mandatory sentences for drug crimes that once packed prisons with thousands of nonviolent offenders convicted in response to a wave of crack cocaine use.

In 2012, lawmakers rolled back minimums for some nonviolent drug crimes.

A package of reforms also pared back drug-related sentences, increased the amount of drugs that triggered such sentences, and decreased the distance from school zones that triggered mandatory minimums.



Last September, lawmakers and Gov. Charlie Baker repealed a law that automatically suspended the driver's licenses of those convicted of drug offenses for up to five years. The law forced offenders give up licenses, even if their cases had nothing to do with driving.

Pauline Quirion, a lawyer and director of the criminal records sealing project at Greater Boston Legal Services, said reducing the number of years it takes to seal a criminal record and lowering probation fees will also help ex-convicts adjust to life on the outside.

"Asking someone who is indigent to pay \$60 a month in probation fees, you may as well be asking them to pay \$1 million," she said. "They're not going to be able to comply, and the sad thing is they will end up incarcerated again because they can't pay it."

Daily struggle

Sharon Richardson served 14 months in MCI Framingham after pleading guilty in 2013 to larceny and conspiracy charges stemming from a case involving fraudulent Medicaid billing as the owner of an in-home elderly care company.

When she got out of prison, Richardson was broke, her home was slipping into foreclosure, and the revocation of her nurse's license meant she couldn't get a job in health care.

Few employers were willing to hire an ex-convict.

A year ago she got a part-time retail job earning \$10 an hour, but she said it's barely enough to cover expenses, let alone \$50,000 in court fines.

She's been back before a judge twice for late payments and is worried about getting sent back to jail.

"Getting out, having nothing, and not being able to get anything, is the worst feeling," said Richardson, who is 61. "Once you're out, you're on your own. It's been a daily struggle."

She said the state should provide more resources for ex-convicts to find ways to reduce hefty fines that contribute to the recidivism rate.

"I think I've paid for my crime," she said. "So when do I get my life back?"

Staying out of prison

In 2013, Massachusetts incarcerated 242 adults per 100,000 residents - a lower rate than any state but Maine. But more than 40 percent of prisoners who are released return to prison within three years, according to state correctional data.

And people with prior convictions are responsible for three-quarters of new prison sentences.



Many of the proposed reforms stem from a report by the Council of State Governments Justice Center, which conducted a year-long review of the Massachusetts system.

It suggests incentives like earned time off a sentence and opportunities for prisoners to participate in programs that could help them reintegrate into society -- such as training, behavioral therapy or substance abuse counseling. It also suggests hiring more probation officers and focusing on ex-convicts who are most at risk of committing new crimes.

While many prisoners have parole or probation after getting released, it found, at least 2 of 5 are released with no supervision.

Cassandra Bensahih, executive director of the nonprofit advocacy group Ex-Prisoners and Prisoners Organizing for Community Advancement, said the state isn't doing enough to prevent people who've served time from ending up back in prison.

"We need to stop holding people back from being productive citizens," she said. "We can make our communities safer by helping people get their lives back on track."

Christian M. Wade covers the Massachusetts Statehouse for North of Boston Media Group's newspapers and websites. Email him at cwade@cnhi.com.