

Needed Corrections: Promising Strategies for Improving Massachusetts' Prisons and Jails

By *Anne Morrison Piehl*, John F. Kennedy School of Government

In Massachusetts, prisons are often viewed as little more than the “end of the line” for criminal offenders. Unfortunately, this view fails to consider the fact that 97 percent of inmates in Massachusetts are eventually released to our communities. Many of those released walk directly out of a maximum security facility onto the street and most those released from prison do not have any ongoing monitoring or supervision. The public safety consequences of such policies are alarming: nearly one out of every two of those released will be convicted of a new crime within just three years.¹

Massachusetts can be doing a lot more to ensure that inmates come out of prison less dangerous than they were when they went in. In particular, while punishment is a critical element to corrections policy, we should also seek to ensure that public funds for corrections are spent wisely and in ways that curtail the cycle of re-offending.

The state is already moving in that direction. Last year, a blue-ribbon committee, created by Governor Romney after the death of a high-profile inmate, released a comprehensive assessment of the state's Department of Corrections, which operates the state's prisons.² (Elected county sheriffs operate separate Houses of Correction for those

convicted of lesser offenses). The committee report, which was based in part on work I did as its research director, highlighted several key trends and issues. Most notably, the committee found that:

- While the state's prison population has not grown substantially, more prisoners are being housed in higher-security settings
- Fewer prisoners participate in parole and pre-release programs
- The department's budget has grown substantially largely because of substantial increases in personnel costs, which are now among the highest in the nation
- Due to contractual provisions, the department's managers have little ability to control personnel costs
- Relatively few programs prepare inmates for their release.

The Commission report contains many more details about the operation of Corrections in the Commonwealth as well as recommendations for improving correctional practice in the state. The recommendations are directed to the DOC, the Legislature, and other government agencies.

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The Changing Prison Population

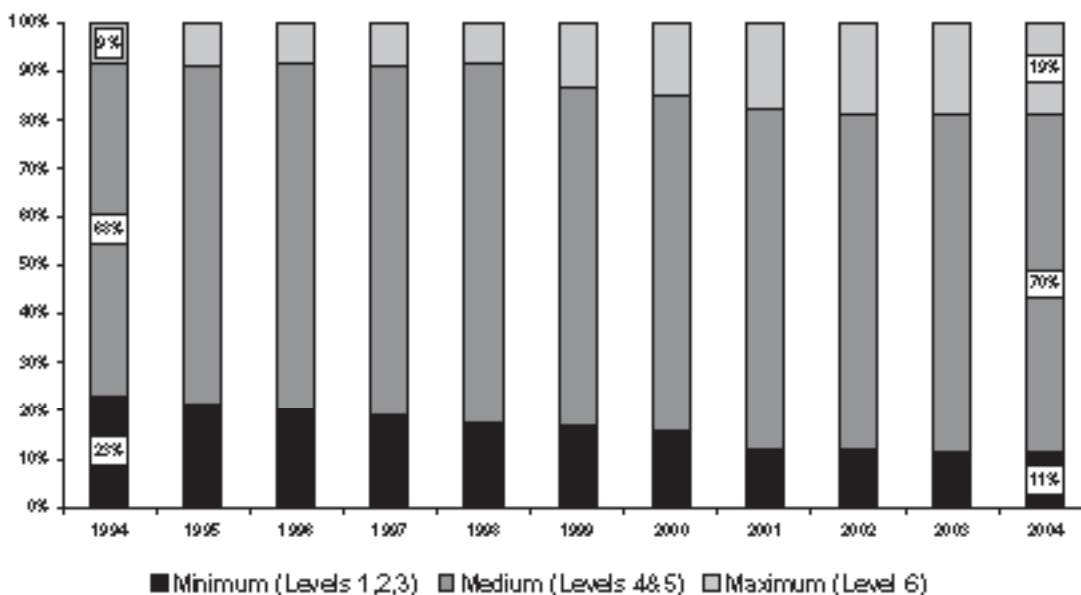
In the last decade, Massachusetts, like most other states, has focused more heavily on the values of incapacitation than rehabilitation. This shift not only affected who entered the Department’s custody and how long they stayed, but also what occurred once they were inside. Most notably, the department has moved more inmates into higher levels of security while simultaneously closing lower security facilities. As a result, the share of DOC prisoners in maximum security facilities has more than doubled— rising from 9 percent of the prison population in 1994 to 19 percent today. In contrast, the share of prisoners in minimum security facilities has decreased by more than 50 percent — falling from 23 percent in 1994 to 11 percent in 2004.³ (See Figure 1) This shift to higher security means that inmates are housed in the most expensive of all correctional settings, which simultaneously are the settings least conducive to preparing inmates for their ultimate release.

Spending, Staffing, and Management

The operating expenditures for the Department of Correction in 2003 totaled nearly \$438 million⁴, a 23 percent real increase from 1994 (that is, after adjusting for inflation). This growth was not the result of a growing inmate population. Rather, while the Department’s expenditures were increasing, the number of inmates declined by 7 percent from 10,644 in 1994 to 9,886 in 2003.

The budget increases result primarily from the rising costs of labor, including overtime and collective bargaining costs.⁵ The increased personnel costs are due in large part to rising salaries for correctional officers, whose salaries, as negotiated by management and state officials in the last four labor contracts, increased by between 70 percent and 77 percent since 1992 (or between 29 percent and 36 percent adjusted for inflation). By comparison, all Massachusetts wage earners gained only 17.9 percent in their inflation-adjusted salaries over the same period.⁶ As a result of these increases, Massachusetts’

Figure 1: Population by Security Level. 1994 - 2004



correctional officers are the third highest paid in the nation, behind New Jersey and California, with average base salaries starting at \$61,000 for a Correctional Officer I.⁷ The state, moreover, has the second highest staff-to-inmate ratio (1:2) in the nation.⁸

In addition to high salaries, corrections officials have unusually generous benefits. Correction officers, for example, use an average of 52 paid days off per year (including nearly 18 sick days), or the equivalent of one paid day off every week.⁹ Notably, the contract allows every officer to take 5 unsubstantiated sick days per year. By comparison, the average sick leave used by corrections officers with the Federal Bureau of Prisons is only 5.25 days per year.¹⁰ In California, the state with the largest prison system in the country, the average sick leave used by correction officers is 12.75 days per year.¹¹ Staffing costs in Massachusetts now comprise 73 percent of the department's budget and only 3 percent of the budget is allocated for inmate programs.¹² By comparison, salaries, benefits and wages make up about 65 percent of operating expenditures for prisons nation wide.¹³

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The correction officers' contract also severely limits the authority of management to assign, promote, transfer and remove a correction officer for the good of the Department. In three facilities, position assignments are determined by “job pick” – which means that officers can bid for the job they want, and jobs are awarded on the basis of seniority.¹⁴ Once the job is awarded, the officer “owns it.”¹⁵ In the remaining facilities, shifts are determined strictly on the basis of seniority. In both instances, superintendents are allotted a small percentage (about 7 percent) of “superintendent pick” positions, whereby they

retain the discretion to fill positions as they wish. Thus, locked-in bids and seniority overwhelmingly govern the staffing process. Similarly, the superintendents are unable to transfer or remove an officer for the good of the Department without being subject to grievance and arbitration. These limitations on managerial discretion impact the most fundamental management functions required to effectively staff and operate DOC facilities.

Finally, the Department's management systems are insufficient to change agency culture, improve accountability, and adequately measure overall agency performance.¹⁶ Management utilizes a system of regular reporting, internal and external audits, and meetings to ensure that DOC institutions fulfill minimum standards required by statute and internal policies. However, because these systems do not include defined measures of individual or organizational performance, they essentially ask the wrong questions to support more widespread reforms.¹⁷ In short, they cannot help the DOC or any outside group assess whether the agency is achieving its mission and goals and, most importantly, have little ability to instill accountability.

In contrast, over the past decade, several correctional systems in other states have attempted to re-think how they monitor progress toward specific agency goals to ensure greater staff and agency accountability. Perhaps the most celebrated example of a performance management system is the Total Efficiency Accountability Management System (TEAMS) introduced in the New York City Correctional Department in 1994. Modeled after the award-winning COMPSTAT (Computerized Statistics) program run by the New York City Police Department, TEAMS was introduced to address widespread problems of violence and corruption at the ten correctional facilities at Riker's Island. TEAMS is organized around three major concepts: (1) collection and analysis of key data (160 indicators) that support agency goals and mission; (2)

high-level forums chaired by the Commissioner to review and probe performance indicators and address problems; and (3) implementation of changes. Notably, since 1995, TEAMS is credited with reducing inmate-on-inmate violence by 97 percent, overtime costs by 34 percent and uniformed sick leave by 38 percent.¹⁸

Public Safety and Inmate Reentry

The overwhelming majority (97 percent) of inmates will eventually be released from prison. Unfortunately, the recidivism rate among released offenders in Massachusetts is high (as it is nationally).¹⁹ Of those released in Massachusetts in 1997, 19 percent were reconvicted within one year and 48 percent were reconvicted within three years.²⁰

Inmates generally come into the system with problems that make a successful transition back into society difficult because they are poorly educated, have limited work experience, and often suffer from physical health, mental health, and substance-abuse problems as well.²¹ In Massachusetts, for example:

- Approximately 47 percent of inmates do not have a high school diploma or a GED when their sentence began. Even more striking, 14 percent of admitted inmates have not made it past the 8th grade at the time of their prison admission.²²
- Between 2.75 percent and 3.5 percent of the inmate population is HIV positive and 30 percent tested positive for Hepatitis C.²³
- About one of every five inmates (22 percent) has an open mental health case and a full 65 percent of women have open mental health cases.²⁴
- The majority of inmates have extensive histories of alcohol and substance-abuse problems. However, there is uncertainty about the precise number addicted at the time of admission to prison.

Although there is a large body of research evidence showing that if these (and other) criminal risk factors are addressed, inmates are less likely to commit crimes after they serve their sentences, there has been a dramatic decline in programs that might prepare inmates for their release from prison. The Division of Inmate Training and Education, for example, saw its budget fall from \$5.33 million in 2001 to \$3.72 million in 2004. As a result of such cuts:

- 36 full-time teachers have been laid off, several vocational programs have been eliminated, including drafting, HVAC, small engine repair, building trades and maintenance, and auto body, and academic programs have been eliminated at some facilities, including special education and ESL.²⁵
- The number of GEDs received by inmates in the state’s prisons dropped from 351 in 2000 to 113 in 2002 and despite the fact that 47 percent of the prisoner population does not have a high school diploma or GED, only 321 (out of 4,000) individuals are currently enrolled in a GED program.²⁶
- The number of female inmates participating in family services has dropped by 60 percent between 2000 and 2004.
- The Correctional Recovery Academy, currently available in eight facilities, has over 500 inmates on the waiting list.

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Graduated reentry back to the community also can help reduce re-offending upon release because inmates who move down through the security levels during their terms of incarceration generally have lower rates of recidivism than

one would have predicted from their risk characteristics.²⁷ Today, however, approximately 75 percent of DOC inmates are released directly to the street from maximum or medium security confinement.

Correctional systems should aspire to release the vast majority of inmates from minimum or pre-release settings, not directly from higher levels of security. Furthering hampering efforts to smooth transition to the community is the low rate of supervision following release – just 34 percent of those released in 2002 were paroled. The Commonwealth’s poor performance in this area is partially due to restrictive laws passed over the past 25 years – truth-in-sentencing and mandatory-minimum laws often contain restrictions on inmate placement and release.²⁸

“The recommendations of the Governor’s Commission on Corrections Reform are sweeping, but not out of reach.”

Given that those released from state prison in Massachusetts have served an average of five years in prison,²⁹ there is adequate time to address some of these severe gaps in education, health, and vocational experience and to move to graduated reentry programs. However, taking full advantage of the opportunity to reduce the criminal risks of those in prison requires a deep commitment to structure the Department’s budget and practices around this goal. Doing so does not require additional funding but it does require support for and a commitment to controlling staffing costs and increasing accountability for outcomes – including the prudent use of public money – which is a reasonable expectation for a public agency.

Conclusion

Managing corrections effectively is a special challenge due to the risky environment, the 24-per day demands, and the high needs of the inmate population. These difficulties are not

unique to the DOC and, in fact, many similar concerns were raised by an earlier commission that looked into conditions in the Suffolk County House of Correction in 2002.³⁰ The recommendations of the Governor’s Commission on Corrections Reform are sweeping, but not out of reach. Together, the findings of the report and the ideas for improvement challenge the DOC and the Commonwealth to manage the inmate population and the state’s resources more productively. Over the six months since the report was released, the DOC has moved to improve upon the deficiencies noted by the Commission. Yet there is still much more ground to cover before Massachusetts becomes a leader in correctional practice.

Related Publications

For more information, see *“The Commonwealth of Massachusetts Governor’s Commission on Corrections Reform”*, Scott Harshbarger, chair, Final Report, June 30, 2004 [http://www.mass.gov/Eeops/docs/eops/GovCommission_Corrections_Reform.pdf].

Endnotes

¹Massachusetts Department of Correction, Research and Planning Division *Recidivism of 1997 Released Department of Corrections Inmates*, (Concord, MA: Massachusetts Department of Corrections).

²The Department of Corrections houses about 10,000 inmates in 18 correctional facilities that range in security level from the most restrictive, Level 6 (maximum), to the least restrictive, Level 3/2 (minimum/pre-release). It also provides care and custody for a wide variety of other populations including those individuals civilly committed to Bridgewater State Hospital, the Treatment Center for the Sexually Dangerous, or the Massachusetts Addiction and Substance Abuse Center. The Department also provides care and custody for female offenders from counties with no female correctional facilities, including pre-trial detainees and those sentenced to a house of correction. The rest of the state's incarcerated population is held in the 13 county houses of correction, led by elected sheriffs. (Nantucket County is the only county that does not operate a county correctional facility.)

³ Massachusetts Department of Correction, *Quarterly Report on the Status of Prison Overcrowding, First Quarter of 2004*, (Boston, MA: April 2004), p.7.

⁴This includes the \$425,957,498 for the Department's budget plus an additional \$11,901,018 in revenue from other sources such as correctional industries.

⁵ Staff-related expenses make up 73 percent of the budget, *The Commonwealth of Massachusetts Governor's Commission on Corrections Reform*, Scott Harshbarger, chair, Final Report, June 30, 2004, p. 3.

⁶ Bureau of Economic Analysis, *Regional Economic Accounts*, <http://www.bea.gov/region/reis>.

⁷ The state with the highest pay for correctional officers and jailers is New Jersey, followed by California and Massachusetts.

⁸ *The Commonwealth of Massachusetts Governor's Commission on Corrections Reform*, Scott Harshbarger, chair, Final Report, June 30, 2004, p. 25. These figures are for the time period of December 29, 2002 through December 27, 2003. According to the Department, these figures do not include active military duty.

⁹ *Ibid*, p. 5.

¹⁰ C. Allan Turner, "Organizational Culture and Cost Containment in Corrections: The Leadership Decision." *Public Administration and Management, An Interactive Journal* 3, 3 (1998).

¹¹ "Unholy Triad Drives Costs-Use Data to Better Manage Prisons," *Sacramento Bee*, April 27, 2004.

¹² *The Commonwealth of Massachusetts Governor's Commission on Corrections Reform*, Scott Harshbarger, chair, Final Report, June 30, 2004, p. 3. While 3 percent was the figure provided to the Commission, this figure does not include program staff salaries. The Commission presumes that if salaries were included in the computation, this figure may be subject to change.

¹³ James J. Stephan, *State Prison Expenditures, 2001*, (Washington, DC: Bureau of Justice Statistics, June 2004), p. 4.

¹⁴ "Job pick" exists at three facilities, MCI Concord, MCI Walpole, and North Central Correctional Institution at Gardner.

¹⁵ According to the DOC at MCI Walpole, the shifts are awarded for life; at MCI Concord, they are re-bid every 18 months; and at North Central Correctional Institution at Gardner they are re-bid every 12 months.

¹⁶ The Commission comments on the management practices in place through the winter of 2004. Some of these systems are under revision by the new Commissioner, Kathleen Dennehy. While these systems remain in place, and ought to for certain purposes, it is not clear that they are intended to form the basis of the current Commissioner's management system going forward.

¹⁷ Massachusetts Department of Correction, *Strategic Planning Guide*, (Concord, MA: 2004).

¹⁸ City of New York, *Citywide Accountability Program*, <http://www.nyc.gov/html/doc/html/cap.html>

¹⁹ Patrick A. Langan and David Levin, *Recidivism of Prisoners Released in 1994*, (Washington D.C.: Bureau of Justice Statistics, 2002).

²⁰ Massachusetts Department of Correction, Research and Planning Division, *Recidivism of 1997 Release Department of Corrections Inmates*, (Concord, MA: Massachusetts Department of Corrections, 2003). Because of definitional differences between Massachusetts and the Bureau of Justice Statistics study cited in the previous endnote, only reconviction rates, and not re-incarceration can be compared.

²¹ Stefan LoBuglio, "Time to Reframe Politics and Practices in Correctional Education," in *Annual Review of Adult Learning and Literacy*, ed. by J. Comings, B. Garner and C. Smith. (San Francisco: Jossey-Bass, 2001), 111-150, Joan Petersilia. *When Prisoners Come Home: Parole and Prisoner Reentry*. (New York: Oxford University Press, 2003).

²² Massachusetts Department of Correction, Research and Planning Division, January 1, 2002 Inmate Statistics, (Concord, MA:) Table 8. Education levels are self-reported at the time of admission.

²³ Massachusetts Department of Correction, Health Services Division, February 2, 2004.

²⁴ Data were originally provided to the Legislative Correction Budget Task Force by the Department and subsequently forwarded to the Commission in an April 13, 2004 letter.

²⁵ Data provided by the Department to the Commission on December 22, 2003.

²⁶ Massachusetts Department of Correction, Research and Planning Division, January 1, 2002 Inmate Statistics, (Concord, MA: 2002) Table 8. Education levels are reported at the time of admission.

²⁷ Daniel P. LeClair and Susan Guarino-Ghezzi, "Does Incapacitation Guarantee Public Safety? Lessons from the

Massachusetts Furlough and Prerelease Programs.” *Justice Quarterly* 8, 1 (1991), Daniel P. LeClair and Susan Guarino-Ghezzi, “Prison Reintegration Programs: An Evaluation.” *Corrections Management Quarterly* 1, 4, (1997), Daniel P. LeClair, “The Effect of Prison-Based Reintegrative Shaming Programming on Rates of Recidivism” *American Society of Criminology*, (1997).

²⁸See Anne Morrison Piehl, *From Cell to Street: A Plan to Supervise Inmates After Release*, Massachusetts Institute for a New Commonwealth, January 2002.

²⁹ Massachusetts Department of Correction, Research and Planning Division, *Releases from the Massachusetts Department of Correction During 2002*, (Concord, MA: 2003), Table 25. Note that among males released in 2002, 34 percent had 200 or more days of jail credit. This may mean that some inmates do not spend nearly this long in the facilities of the Department. The specifics of these flows must be considered when designing programming options

³⁰Report of the Special Commission on the Suffolk County Sheriff’s Department., Donald K. Stern, chair, October 15, 2002.

Boston 101 Spring 2005 Series

Needed Corrections: Promising Strategies for Improving Our Prisons and Jails

Monday, February 28, 1st floor, 120 Tremont Street, Suffolk Law School 5:30 - 7:30 p.m.

Co-sponsored by the Malcolm Wiener Center for Social Policy and the Program on Criminal Justice Policy and Management at Harvard's Kennedy School of Government and Northeastern University's Ford Hall Forum. The Suffolk Law School is located across from Park St. T Station.

Andrea J. Cabral, Suffolk County Sheriff

Scott Harshbarger, former Massachusetts Attorney General and chair of the Commission on Corrections Reform and the Department of Correction Advisory Council.

Moderated by **Anne Piehl**, Associate Professor, Kennedy School of Government and research director for the Commission on Corrections Reform.

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Co-sponsored by the Taubman Center for State and Local Government

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Commentary by State Senator **Jarrett Barrios**, State Senator and Co-Chair of the Massachusetts Joint Committee on Public Safety, commentator.

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Co-sponsored by the Program on Education Policy and Governance at Harvard's Kennedy School of Government

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