



Incarceration in MA: The Facts

THERE ARE ONLY
7 COUNTRIES
WITH A HIGHER
INCARCERATION
RATE THAN MA:



236%
increase in incarceration
rate since 1980



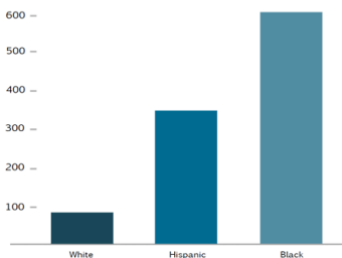
The DOC spends
less than

2%

of its budget on programs that
are proven to make us safer
and save taxpayers money.

80%
of MA Jail Inmates
Suffer from
Addiction
or
Mental Health
Disorders

MASSACHUSETTS INCARCERATION RATES
BY RACE/ETHNICITY, 2014
State prison incarcerations per 100,000 residents



FOR MORE INFORMATION

Visit our partners in the Jobs Not Jails
Coalition: <http://jobsnotjails.org/>

MassInc Publishers of Commonwealth
Magazine <https://massinc.org/>

Ex-prisoners and Prisoners Organizing
for Community Advancement (EPOCA)
<http://exprisoners.org>

- ❖ In 2015, an average of **21,416** individuals were incarcerated in MA on any given day.^{1,2}
- ❖ In 2014 it cost an average of **\$53,040.87 per year to keep one person incarcerated** in MA state prison. This was more than the cost of tuition at Harvard University that year (\$43,280), almost twice the cost of residential addiction treatment, and over ten times the cost of supervised probation or parole.^{3,5}
- ❖ In 2016 we spent about **\$1.2 billion dollars incarcerating people in Massachusetts**. This spending continues to increase even though prison populations have decreased in recent years.⁵
- ❖ **Recidivism rates are high.** Two-thirds of inmates entering Massachusetts Jails and Prisons have been incarcerated before. This is of no service to the prisoner, their family, the community, new victims, and taxpayers.⁶
- ❖ Of the over 500 million dollars in the 2014 MA DOC budget, education, counseling, mental health services, programming and vocational training accounted for only **1.98%**.⁴
- ❖ **Only 44% of the prisoners who had a designated need area of substance abuse programming completed a substance abuse program.** And, long-term substance abuse treatment is not even available in maximum security facilities.⁷
- ❖ Sheriff Peter Koutoujian states that over **80%** of the population of the Middlesex House of Correction suffer from **addiction and/or mental illness**.⁸
- ❖ In 2016, an average of **over 5 people per day died** of unintentional opioid overdose in Massachusetts. Individuals leaving incarceration are at 50 times greater risk to overdose than the general population^{9,10}
- ❖ Many inmates convicted of **non-violent drug offenses are subject to mandatory minimum sentences**. Mandatory minimum sentences are sentences that are automatically applied to specific offenses.
- ❖ **Other states that have eliminated mandatory minimums have not experienced an increase in crime.** New Jersey and South Carolina both eliminated mandatory minimums in 2010. And both states experienced less crime in 2012 than in 2010.¹
- ❖ **MA is one of few states allowing ten years in solitary confinement; the UN states that more than 15 days constitutes torture.**¹¹
- ❖ **African- Americans are eight times more likely than Caucasians to be incarcerated.** Hispanic are imprisoned 4.9 times more than Caucasians.⁷

The facts are clear, we need Jobs Not Jails

MOAR is a proud member of the **Jobs Not Jails Coalition**, a group community, labor, religious, and legal organizations and individuals with a keen interest in the review of the state's criminal justice system. With our partners believe in a Justice Re-Investment strategy that would introduce simple common-sense reforms. **Both the House and Senate have recently released comprehensive legislation that encompasses many positive reforms** we've listed below. However, there are some **key differences** between the two bills. During the next months, a Conference Committee made up of key legislators from both chambers will be working to reconcile the two versions in order to compose a final bill to send to the Governor for approval. Now is the time to **use our Recovery Voices to educate the Conference Committee** on the need to adopt the strong reforms that will help give more people a chance at recovery!

Difference between the House and Senate version are **highlighted in red**. These highlighted differences will be our focus for educating Conference Committee members.

- ❖ **Reform CORI Law so that people in long-term recovery can overcome the burden of a criminal record**
 - Both versions Reduce CORI Sealing times to 7 years for felonies and 3 years for misdemeanors instead of the current 10 years for felonies and 5 years for misdemeanors
 - Both versions Make resisting arrest convictions sealable.
 - **The Senate Version Allow people with sealed records to say "I have no record" on housing and professional licensure applications**
- ❖ **Improve diversion so that people arrested for minor offenses related to addiction are offered treatment instead of jail.**
 - Both bills remove the age limit for diversion programs
 - **The House version requires all District Attorneys to create pre-arraignment diversion programs for veterans and people with addictions or mental health issues**
 - **The Senate version removes the first offense requirement for diversion, allows drug-dependent individuals charged with distribution to go to diversion, allows addiction specialist and victims to make diversion recommendations, and removes the requirement that diversion programs be approved by probation**
- ❖ **Raise the minimum dollar amount for charging felony theft from \$250 (third lowest in the nation) so that minor theft does not result in a long felony record.**
 - **House would raise the felony larceny threshold to \$1000, Senate would raise to \$1500**
- ❖ **Reduce fines and fees for probation/parole that people in early recovery sometimes struggle to pay**
 - **Senate version allows fines and fees to be waived for people who cannot afford them while the House version only calls for a study of the issue.**
- ❖ **Eliminate Mandatory Minimum Sentences for nonviolent offenses** to give sentencing discretion back to judges and allow for diversion to treatment rather than jail for people struggling with addictions. As people in recovery, we understand that **many low-level drug dealers struggle with addiction themselves and need treatment rather than long prison sentences.**
 - Both versions would repeal some non-weight mandatory minimums such as school zone, second offense distribution and cocaine distribution. **However, the Senate version is more comprehensive.**
 - Both versions repeal low weight mandatory minimums for non-opioid drugs.
 - Both versions would make mixtures containing fentanyl and related substances into the same sentencing structure heroin as heroin
 - **House Version would create a new Mandatory Minimum sentence of 3.5 years for distribution of fentanyl starting at 10 grams** Ten grams is the equivalent of 2.5 standard packs of sugar and a person with severe opioid use disorder can use this amount in the matter of only a few days.
- ❖ **Sentencing for dealing drugs that cause a death.** New Mandatory sentences could result in severe penalties for low-level drug dealers who are often selling drugs to support their own addictions. While we believe that people profiting off of the opioid epidemic deserve to be punished, it is important to recognize that these low level dealers do not manufacture, mix, or even know the content of the drugs they are selling.
 - **House Amendment 23** – would charge people trafficking of drugs (could start at 10 grams) that cause a death with manslaughter (8-12 years)*
 - **House Amendment 121** - distributing drugs (any weight) that cause a death results in a 5-year mandatory minimum*
 - ***Both House amendments are adopted but not active until completion of a study on the potential impacts.**
 - **Senate Amendment 28** - trafficking of drugs (starting at 18 grams) that cause a death would be charged with second degree murder (15 years – life)

GETTING **MOAR** INVOLVED

- ✓ Check out JobsNOTJails.org
- ✓ Visit our website (moar-recovery.org) and check out the Policy Corner.
- ✓ Join **MOAR** to receive regular updates, event invites, chances to educate policymakers, and calls-to-action

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5. "Getting Tough On Spending" Ben Forman and Michael Widmer, MassINC 2017 Accessible: <https://massinc.org/wp-content/uploads/2017/05/Getting-Tough-on-Spending-1.pdf>
6. "Reducing Recidivism in Massachusetts with a Comprehensive Reentry Strategy" Johnathan Jones and Ben Forman, MassINC 2016 Accessible: <https://massinc.org/research/reducing-recidivism-in-massachusetts-with-a-comprehensive-reentry-strategy/>
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8. Accessible: <https://www.mass.gov/service-details/current-opioid-statistics>
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