



Incarceration in MA: The Facts

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



236%
increase in incarceration
rate since 1980

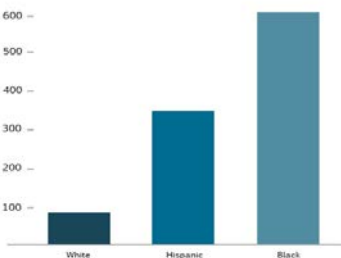


The DOC spends
less than
2%
of its budget on programs that
are proven to make us safer
and save taxpayers money.

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 criminal justice reform coalitions including 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. **On April 13th 2018, Governor Baker signed into law our state's first comprehensive legislation criminal justice reform bill in decades.** This legislation encompasses many positive reforms that we've listed below. This legislation is the culmination of years of tireless work from our coalition partners, key legislators, and people like you who **used their Recovery Voices to educate lawmakers.** We hope these reforms will help people to achieve long-term recovery by lowering barriers often created by criminal justice involvement. There is always more to be done! In the coming months MOAR will focus on making sure these reforms are implemented and advocating for even more improvements. **These reforms will be implemented at different times during the next year.**

*Certain reforms that **MOAR** and our partners consider important were not included in this bill. We've highlighted these issues **in red**, and they will become priorities for next year!*

- ❖ **Reform CORI Law so that people in long-term recovery can overcome the burden of a criminal record (Projected implementation date is October 13, 2018 which is 6 months after being signed into law)**
 - **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
 - **Make resisting arrest convictions sealable.**
 - **Allow people with sealed records to say "I have no record"** on housing and professional licensure applications
- ❖ **Raise the minimum dollar amount for charging felony theft from \$250 (third lowest in the nation) to \$1,200 so that minor theft does not result in a long felony record. (Implemented immediately after being signed into law)**
- ❖ **Reduce fines and fees for probation/parole that people in early recovery sometimes struggle to pay.** People on probation and parole would not be charged fees for at least the first 6 months. It will be possible to waive subsequent fees if a person demonstrates hardship. **(Some implemented immediately, more info to follow)**
- ❖ **Mandates that District Attorneys create diversion programs for people with addictions** and makes more people eligible for diversion so that people with addiction get a chance at treatment rather than jail.
- ❖ **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. (Some in effect immediately, more information to follow)**
 - **Repeal some non-weight mandatory minimums** such as second offense distribution and cocaine distribution. Also restricts school-zone mandatory sentencing to drug sales to juveniles only.
 - **Repeals low weight mandatory minimums for non-opioid drugs.**
 - **Fentanyl is made a class A drug like heroin.**
 - **Creates a new Mandatory Minimum for Carfentanil, however the state must prove that the person had knowledge they were distributing Carfentanil.**
 - **No mandatory sentences based on weight for opioid drugs were repealed.**
 - **Creates a new Mandatory Minimum sentence of 3.5 years for distribution of mixtures containing 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. Fentanyl is now commonly being added to street drugs including cocaine without the knowledge of low-level dealers.
- ❖ **Medication assisted treatment inside correctional facilities was not included.** People entering jails and prisons are being taken off their legally-prescribed medications for addiction forcing them withdrawal and face release Representative O'Day and Senator Keenan are now working to add this the upcoming CARE Act. There are efforts to litigate this issue under the Americans with Disabilities Act.
- ❖ **Does not create a Justice Re-investment fund that would target money saved by decreased incarceration to help affected individuals and communities.**

This legislation is comprehensive. There are many more positive reforms and areas for improvement that we are not able to cover here. Overall, this legislation represents a big step forward toward moving people with addictions out of jails and into treatment.

GETTING **MOAR** INVOLVED

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

1. INCARCERATION TRENDS IN MASSACHUSETTS: LONG-TERM INCREASES, RECENT PROGRESS Massachusetts Budget and Policy Center January 26, 2016
2. MA Department of Corrections, Prison Population Trends 2015, published March 2016. Accessible: <http://www.mass.gov/eopss/law-enforce-and-cj/prisons/rsch-data/prison-population-trends.html>
3. MA Department of Corrections FAQ <http://www.mass.gov/eopss/agencies/doc/faqs-about-the-doc.html>
4. MA Department of Corrections Annual Report (2014)
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/>
7. CSG Working Group Meeting 4 Interim Report, October 20, 2016,
8. <http://www.metrowestdailynews.com/news/20161201/koutoujian-attends-white-house-panel-on-addiction>
9. MA Department of Public Health Current Opioid Statistics: <https://www.mass.gov/service-details/current-opioid-statistics>
10. MA Department of Public Health Data Brief: An Assessment of Opioid-Related Deaths in Massachusetts 2013-2014. Accessible: <http://www.mass.gov/eohhs/docs/dph/stop-addiction/chapter-55-opioid-overdose-study-data-brief-9-15-2016.pdf>
11. <http://www.wbur.org/news/2017/06/19/solitary-confinement-reform-massachusetts> 6/01/2018