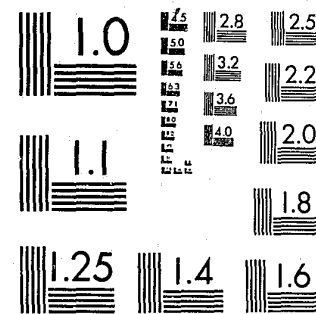


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7  
Governor's Advisory  
Committee on Corrections

F. Carney MF-1

December 28, 1978

Honorable Michael S. Dukakis  
Governor of The Commonwealth  
State House  
Boston, Massachusetts

Dear Governor Dukakis:

The following is the 1978 Report of the Governor's  
Advisory Committee on Corrections (the "Committee").

1. General Recommendations

The correctional system in Massachusetts functioned  
this past year, as it has for many years, under severe con-  
straints. The major problems include:

- . Old and failing facilities
- . Severe overcrowding in many facilities
- . Facilities too large to provide effective  
security
- . Insufficient programs and occupational  
training for inmates

Public attention focused in 1978 on the murders at MCI  
Walpole, the inmate strike at MCI Norfolk, and the Department of  
Public Health's report on conditions at MCI Walpole. Less heed  
was paid to the root causes of these dramatic events.

Even less notice was given to the positive achievements  
of the system. The continued expansion of the pre-release  
program and the effective operation of the furlough program has  
led to a decrease in the recidivism rate from 25% prior to 1971  
to an overall rate of 16% today. Recidivism for inmates released  
from pre-release programs is 11%; the rate for those who  
participated in both pre-release and furlough programs is 9%.

The furlough program's escape rate of 0.4% in 1977, evidenced its  
success.

This implementation of the Correctional Reform Act of  
1972 results in demonstrable social and fiscal benefits. Future  
crime is reduced, capital expenditures and operating costs are  
lowered, inmates in pre-release programs make tax and subsistence  
payments to the state and contribute to the support of their  
families. The Department's goal is for 85% of the inmates to go  
through pre-release programs before being returned to the  
community. This goal should be attained as expeditiously as  
possible.

Despite the success of community-based programs, the  
Department faces serious problems in the coming years, problems  
that if not addressed now will become ever more costly, in terms  
of both money and security.

The greatest problem and a direct cause of the violence  
within the institutions, are the system's antiquated, poorly  
maintained and overcrowded facilities. Conditions at MCI Walpole  
and MCI Concord are today so bad that inmate security cannot be  
guaranteed, and adequate programs cannot be provided. This  
Committee has for years called for the phasing out of MCI  
Walpole, a goal the Department shares. The Department should  
create two maximum security facilities, one in the eastern part  
of the state and one in the west, each with a capacity of no more  
than 150 inmates. Any larger maximum security institutions  
authorized by the legislature this past year must be conditioned  
upon a proportional decrease in the populations at MCI's Walpole  
and Concord as mandated by the legislature last year. Over-  
crowding at these two institutions is presently so severe that  
neither staff nor inmates are physically safe.

The Commonwealth must cease its historical practice of.

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refusing adequate funds for routine maintenance. Insufficient funds for plant maintenance only results in future capital expenditures for replacement. No plant-dependant business operation can survive without proper care and maintenance of equipment and buildings. The costs of inadequate maintenance in our correctional system are suffered by both inmates and correctional personnel, and borne by the taxpayers.

A second challenge for the system is to achieve accreditation by the American Correctional Association. Failure to attain the standards of the ACA may very well lead to the control of the system by the federal courts.

ACA standards require more than adequate facilities. They call for the provision of management support and inmate services: educational programs, drug treatment and alcohol treatment programs, vocational training programs. They mandate adequate health services. They require staff training programs.

Meeting the accreditation standards will be costly. But in the long run, failure to meet them will be even more costly. In its FY 1980 budget requests, the Department is asking for funds to begin this process. The Committee believes that the additional funds requested, in both the operational budget and the capital outlay budget, are the minimum necessary.

The Department of Correction prepared a five year plan and policy statement in early 1976. That plan has served as the framework for the state correction system over the past two and a half years. The Committee continues to support the basic goals and objectives of the Department articulated in April, 1976, and recommends that the Department continue to implement the goals of smaller correctional facilities within a decentralized correctional system.

In addition, the Department should actively pursue the following specific objectives:

- . Expand the number minimum security and pre-release beds to 1,000 in phases
- . Substantially reduce the population of MCI-Concord
- . Increase the number and variety of occupational and educational programs in Massachusetts Correctional Institutions
- . Provide job opportunities within institutions for inmates who are not eligible for work release or other outside programs
- . Improve institutional classification systems which provide for a periodic review of each inmate's security requirements and program needs
- . File legislation to place the administration of the Treatment Center for the Sexually Dangerous at Bridgewater under either the Department of Mental Health or the Department of Correction. The current bifurcated administration, further confused by Federal Court action, is unacceptable.
- . The Department of Public Health, Division of Alcoholism, should assume responsibility for the care and treatment of the approximately 300 alcoholics voluntarily committed to the Addiction Center at MCI Bridgewater
- . Continue efforts to increase the capacity of the corrections unit at the Shattuck Hospital from fifteen to thirty beds

- Continue efforts to contract for medical services at the major institutions, with a private medical group's recent contract at Walpole serving as a model
- Strengthen the capacity to offer assistance to County Correctional administrators in operating county facilities in accordance with state standards
- Expedite the promulgation and distribution of regulations covering use of force, visiting, mail, inmate personal property, access to CORI (Criminal Offender Record Information), grievance procedures, and classification

The Committee recognizes that the Department has already made progress implementing these goals. Since 1976 the Department has reorganized its administrative structure, establishing a decentralized system of three areas. The legislature has authorized two new medium security facilities for 150 and 100 men, respectively, and plans are being prepared for the construction of a small, maximum security institution. These steps should begin the phase-out of MCI-Walpole and the establishment of smaller institutions. Today the Department has 753 minimum security and pre-release beds, comprising 26% of the system's capacity. Expansion of the Department's pre-release efforts should be continued over the next few years.

The Committee feels it is essential for the Department to continue in the direction it has started. If the goals are achieved within a few years the Department will have a significantly improved correctional system better able to meet its primary goal of public protection.

The concerns and recommendations referred to in the above summary are addressed in greater detail below:

## 2. Correctional Facilities

### M.C.I. Bridgewater

An extensive unannounced tour of the facilities at M.C.I. Bridgewater and the State Mental Hospital on Sunday morning, December 10, 1978 indicated that no significant change in the conditions of those facilities has occurred over the past year. The imaginative use of the old and outmoded facilities at the SECC, which was initiated by Mr. Berman, does not seem to have disappeared with his move to M.C.I. Concord. Because Mr. Amaral has been out-of-state at a training session for most of the time since he was appointed Superintendent of the SECC, no judgment can be made of the impact which his appointment may have on the atmosphere or operations at Bridgewater.

The Addiction Center continues to operate as a "catch-all" for men who have nowhere else to go in the social service system. In addition to those who are alcoholics, the Center accommodates men who feign alcoholism to get off the street and others who are increasingly being sent there by parole officers either as a condition of their parole or as an alternative to parole revocation. Because few, if any, in the Addiction Center are under sentence, jurisdiction for that facility should be transferred from the Department of Correction to the Department of Mental Health, which should be responsible for handling these problems of alcoholism and drug addiction.

The SECC is relatively relaxed, with informal and flexible relations between the officers and inmates. This is probably due in large part to the fact that most of the inmates want to be there, and realize that disciplinary problems can result in their being sent to deplorable conditions at M.C.I. Walpole, Concord or Norfolk.



Physical conditions in the SECC are much dirtier than when we visited last, particularly in the "Shanty" or common area of the Bx Unit. Conditions in the Treatment Center have consistently been dirty and undisciplined, in part because of recent court decisions which prevent D.O.C. officers (who only have custodial jurisdiction) from disciplining or directing the patients there. The Department of Mental Health continues to do little or nothing with respect to its administrative and programmatic responsibility for the T.C. Apparently the correctional officers do not regard problems at the T.C. as being problems which they can or should solve.

The officers at M.C.I. Bridgewater seem to share a sense of pride that they are quietly doing a reasonable job under unreasonable circumstances. However, the officers feel that they are overdue for a general grade level or compensation increase. Overtime continues to be a problem. The compliment of officers at Bridgewater is so small, and the conditions of overtime duty (including delays in compensation) are so poor, that the officers have to be forced to do substantial overtime duty. Officer morale would be greatly improved, and costs to the state would be substantially reduced, if manpower needs were directly addressed by the D.O.C. budget, rather than by inevitable deficiency budgeting.

Officer moral and general conditions are, inevitably, much better in the 4-year old facilities at the State Mental Hospital. It may be noteworthy that the Library is reported to be extensively and carefully used. Obviously, the patient population at the State Hospital is much different from the inmate population at M.C.I. Bridgewater. However, the open-air atmosphere and the smaller size of the dormitories or living units seem to contribute to a relaxed atmosphere and more manageable conditions.

Inmate (but no patient) labor is being effectively used for minor repair and maintenance work, such as painting and partitions. A 5- or 6-man crew from The Bay State Correctional Center is being effectively used for rehab work in the B Annex, which accommodates protective custody cases in the SECC. It is perceived by officers at Bridgewater that any funds for capital improvements can be made only for rehab or modification and not for new construction. If so, this short-sighted practice of expediency (like the treatment of overtime via deficiency budgets) should be carefully examined and reconsidered.

#### M.C.I. Concord

M.C.I. Concord is underutilized, overcrowded, and in a state of physical decay.

There are a number of systemic problems that should be addressed. The inmate population of M.C.I. Concord is the youngest and most restless of any institution. Racial problems appear more predominant at this institution. It is impossible to determine if there are more sexual assaults here than at other locations. Intuition suggests that this is the case; nonetheless, they happen frequently. Sentences of inmates at M.C.I. Concord are shorter, and the turnover rate is higher; this results in an unstable population.

The system crowds new offenders in with repeaters, but cannot provide adequate security to protect the person new to a prison environment.

The underutilization of M.C.I. Concord refers to the occupational training areas and the farm. Concord has a number of shops available in woodworking, metal working, automotive labs, etc. The funds needed to build and equip these shops and provide sufficient materials so they can be used. They remain

dormant. The "farm", a minimum security facility, is completely equipped to process fresh produce for canning. A very modern canning plant also remains dormant, as farming and milk production receive a lesser priority. If these two areas were to be utilized to their capacity, it would provide occupational skills training, produce marketable products and reduce the food and milk budget within the system itself.

There have been a number of minor improvements in the physical plant; a vent has been installed in the isolation cells area so that, in the event of fire, the smoke can be readily exhausted to the atmosphere. However, the perimeter wall continues to be buttressed by boards to prevent it from falling down. Even though the Governor has instructed that the wall be replaced, it has not been. When neighbors allow their property to decay to such a low state of disrepair, they are not welcomed in any neighborhood.

There continue to be two areas in Concord that are a blight to the System. A room formerly used as a hospital room is the first holding area the people are placed in when arriving at the institution awaiting classification. It is used to house as many as thirty inmates, both new offenders, and recidivists. They are jammed into this room and triple bunked in order to accommodate the new arrivals. Assaults are frequent, as security cannot be provided to protect inmate from inmate. The conditions of this room are dirty, noisy, and unhealthy. There is a second area known as "new line" where the number of inmates being held is double the number this area was designed for. The inmates are double celled; there should only be one inmate for each cell.

The Committee's specific recommendations for Concord are:

- . Vacate and seal the area, formerly a hospital room, where new inmates and recidivists are forced together in quarters that are too small.
- . Assign funding to the shops so that they can be staffed and supplied properly.
- . Place a higher priority on food and dairy production.
- . Train inmates to operate the food processing plant.
- . Reduce the population of "new line" by half and allow only one inmate per cell.

#### M.C.I. Framingham

Our most recent visit to M.C.I. Framingham was made late in the afternoon of December 9, 1978. The visit was unannounced. We were escorted through the institution by a senior Corrections Officer, neither the Superintendent nor the Deputy being available. At this time we visited the Maximum Unit ("Max"), the hospital and the Awaiting Trial Unit.

#### The Maximum Security Unit

The Framingham "Max" Unit contains twenty individual cells. Although the hall was clean and well lit, the individual cells are dark and badly in need of renovation. The department has been allocated money for this renovation. There were three women housed in the "Max" unit at the time of our visit: two from the Framingham population and one from the Awaiting Trial Unit. The Max unit, though in need of renovation, does not require expansion; the Committee therefore continues its recommendation that the current maximum security facilities at Framingham be renovated and that no additional maximum security units be constructed.

### The Hospital

The Hospital at Framingham has frequently been used as the last stop for seriously disturbed, "acting out" women. M.C.I. Framingham, though, is an inappropriate place for these women, even though it is the one place which can not refuse to take them in. The most seriously disturbed women who cannot function on the compound and in the cottages are housed at the Hospital. To meet the needs of these women and the population in general, there is, in addition to other medical personnel, a consulting psychiatrist who works directly with a number of the inmates who require psychiatric counselling.

There are very few women placed at the Hospital at the time of our visit. One woman who had recently been transferred from a County Correctional Institution without adequate medical records was disturbed and suicidal. She was closely monitored by the staff to protect her from herself.

Each time we have visited the Hospital we have been impressed by the dedication shown by the nursing staff for the women in their care. They describe themselves as patient advocates and they deserve the title. The facility is clean and the individual cells are in good physical order.

### The Awaiting Trial Unit

The Awaiting Trial Unit is a separate population segregated from the regular Framingham population. Since our last visit, several volunteer programs have begun working with the women to help alleviate the tediousness of lock-up and to share educational and craft skills. The importance of volunteer programs which provide contacts and skills to inmates must not be underestimated. This Committee strongly supports volunteer programs which work with incarcerated populations and help in

many cases to turn people around and provide community support and role models.

### Programs for Residents

In our last report, the major concern of both staff and residents at Framingham was the opportunity to participate in meaningful work and educational programs. This concern continues.

In general good institutional programs are a priority because the women and men in our institutions can best be turned around and taught new skills for "getting along" on the outside if, during the entire length of their incarceration, they are actively working and involved in jobs and programs. Job and educational experience during the entire period of incarceration will provide them with saleable and useful skills and help them to deal with those problems which have led to their incarceration. If we fail to provide meaningful training over the years that an inmate may spend in an institution, we cannot possibly hope to compensate for the neglect in three months of pre-release.

### M.C.I. Norfolk

Two trips were made to M.C.I. Norfolk to follow up on observations and recommendations made in 1976 and 1977. A complete and contemporary review of the institution will require additional visits in 1979.

Prior reports identified problems with the physical facility at M.C.I. Norfolk. These problems persist:

- Several of the living units are old, open bay facilities. They require renovations to turn them into safe, single room facilities. The units cannot



be fully utilized in their current "dormitory" design because they are too dangerous for the inmate population.

- Improvements are being made in units 3-2 and 4-3. However, the capacity of the institution to handle internal transfers and to vacate other units for repairs would be greatly enhanced by additional capital outlay funding to renovate units 6-1 and 6-2.
- The electrical system at M.C.I. Norfolk is outmoded. It cannot handle rudimentary modern electrical requirements. The same is true for the plumbing system at the institution - it is old bootleg piping that should be replaced.
- Fire alarm systems in the units do not work. They should be replaced. (Fire safety in general is a prominent issue for M.C.I. Norfolk; a court case on the subject is pending. At present the administration is replacing stock in the units that may prove toxic in a fire and continuing its planning for improved fire safety.)
- Routine and preventive maintenance at M.C.I. Norfolk has been neglected for years. This now affects capital outlay requests for the institution. Large capital outlay requests in the future could be reduced by the maintenance capacity that exists today.

According to the interviews at M.C.I. Norfolk, the institution has a changing population of inmates. Many are doing long term - e.g., roughly 250 inmates at the institution are serving life sentences. Nevertheless, the average age of the population has gone down in the last 2 years from 27 to 24.6

years of age. Lack of movement in the population - focused largely on classification delays - is perceived as a problem by both staff and inmates.

Additional issues were raised by staff during the visits; delays in civil service examinations, high proportion of provisions status employees, staff attrition, transportation burdens for inmates trips to courts and hospitals, training, etc. These as well as issues of the inmate population (for example, unresolved matters from the recent inmate strike) will be examined by the Committee in 1979.

#### M.C.I. Walpole

M.C.I. Walpole has been visited by Committee members thirteen times during the past year. M.C.I. Walpole continues to be over-crowded and houses both a number of dangerous men and many more who simply want to "do their time" in safety. Many inmates are locked up most of the time, many more much of the time. There are still relatively few programs and activities for inmates. Security is the main priority, but internal security is clearly inadequate. Five men have been murdered in the past year.

Several years ago, when the Walpole population was one half its present size, this Committee recommended that the process of phasing out this institution begin. Little has been done to implement this recommendation, and today Walpole is filled to over-capacity, and all of its problems have only increased.

Most Walpole inmates do not want trouble. They want to serve their time as productively as possible, and they want to get out. Most of the staff is hard working and reasonable with the inmate population, but both staff and inmates live and work in often intolerable conditions.

At various times much of the "living areas" are filthy. However, they are continually being cleaned up, sometimes by inmates, often by staff. The recent report by the Department of Public Health accurately describes the health conditions at the institution on its worst days.

Dope traffic in M.C.I. Walpole continues to be a major problem. It is time that we stopped blaming the bulk of drug traffic on visitors. Drugs can be introduced into the institution in many other ways, including truck stops, deliveries, and through employees and staff. A vigorous effort, addressing all possible sources, should be instituted to stem this traffic.

The Committee believes that there is no way to rehabilitate M.C.I. Walpole. Reiterating our recommendations of many years, we call for the phasing out of this institution. A maximum security institution of this size cannot be efficiently managed. One, or preferably two, smaller institutions should be established, to house those inmates who are clearly dangerous.

### 3. Parole Board

The Massachusetts Parole Board is an agency consisting of a seven-member board, and a parole field services staff of fifty-six officers and supervisors. The statutory function of the Agency is four-fold:

(1) The seven member board is the primary decisional authority on matters of parole release, parole revocations, and parole eligibility for certain inmate classifications;

(2) The seven member board is the Governor's Advisory Board of Pardons and, as such, renders advisory opinions on the merits of all petitions for executive clemency which consist of pardon and commutation of sentence requests;

(3) The seven member board has recently been given the responsibility for reviewing and authorizing removal of court-imposed restrictions relating to the internal movement of residents within the Treatment Center at M.C.I. Bridgewater; and

(4) The field parole staff which consists of 7 supervisors, 43 parole officers, and 6 junior parole officers is responsible for supervising, counseling, and enforcing parole conditions for the nearly 4000 parolees residing within the Commonwealth.

The caseload of parole clients remained nearly constant throughout 1978 at a level of 3800 parolees. Approximately one half of the client population represents individuals released by the Board from county correctional facilities. Although the Agency's caseload includes a number of warrant cases in addition to some clients who require a minimum of supervision, more than half of the cases require serious field supervision including at least monthly personal contact. The cost of maintaining a person on parole for one year is approximately \$650.

This past year was a significant one for the Parole Board and a description of noteworthy activities is as follows:

Parole Guidelines - Within recent days the Agency has published "Decision-making Guidelines and Procedures for Parole Granting, Parole Revocation, and Pardons." Although not required to by law, the Board, to its credit, opted to utilize a public hearing mechanism during the drafting of the guidelines. During 1979 the Board will review these guidelines in light of its experience with them and in view of further public comment and reaction. The Committee feels that the guidelines are an important step toward the establishment and implementation of standards which would provide a model for other jurisdictions.

Executive Secretary - Within recent weeks the Board has

filled the position of Executive Secretary. Because of funding problems through the years, the position remained unfilled since its creation in 1974. The Executive Secretary, among other tasks, will coordinate the relatively small, but numerous, components of the Agency.

Parole Contracting - In recent years the Committee has publicly approved the concept of parole contracting where the Parole Board conditions parole release and in some cases early parole release or review upon accomplishment of significant achievements by the inmate. The Committee feels that this mutual accountability addresses most of the responsible criticism of the parole system as it exists today. Holding the inmate accountable serves the ends of good conduct, rehabilitation, and reintegration, while agency accountability insulates it from the evils of unbridled discretion. The Board's Mutual Agreement Parole Program (MAP) which utilizes formal written agreements between the Board and inmate, conditions release on achievements such as public service accomplishments such as patient and client services to the elderly and handicapped at state hospitals and schools. This program has been institutionalized in that reliance on federal funding is not an absolute necessity for program continuation. Unfortunately the other parole contracting program involving monetary restitution to victims out of work release income was discontinued in October 1978 when the federal grant expired.

Inside-Outside Programming - Inside-Outside programming involves inmate contact with the prospective field parole officer well in advance of parole release. The Board continues to utilize this supervision model for all inmates released through pre-release centers. The Parole Impact Program at M.C.I. Concord which was the initial inside-outside program was discontinued in

1977 after four years of federal as the state was unable or unwilling to assume the future program costs. Parole's new ARCH program at M.C.I. Framingham employs the inside-outside model.

Services to Retarded Offenders - The Parole MassCAPP program which utilizes community assistants on a one-to-one basis with retarded parole clients is nearly institutionalized in that the state funds two of the three staff positions. The federally funded residential component of this program is in financial jeopardy. The Committee continues to support specialized programming and advocacy for retarded parole clients.

It is important to note that both parole clients involved in the above-described programs and those released to conventional supervision rely heavily on both the public and private sector for support services involving drug, alcohol, family counseling and the myriad of other services available outside the agency. Although most persons who complete residential programs are paroled to the street, there is clearly a need for residential placements for parole clients. With the exception of one joint Parole-Corrections residential program, Parole has had to rely on the good will of established half-way house programs to house its clients who are either not ready for release to the street or who are in need of a half-way back alternative.

In 1977 the Parole Board responded to a request from the Department of Correction, the Executive Office of Human Services, and the GACC to advance the review of Concord parole cases to determine if there were appropriate cases for release one to two months before regular parole eligibility. The Board reviewed a large number of Concord cases, granted a number of early hearings which resulted in the early release of about seventy five inmates by about 15 to 60 days. The Department of Correction felt that

this action significantly relieved a particularly pressing population problem at M.C.I. Concord at that time.

As a relatively small and unknown state agency, Parole's financial needs have historically received too little attention by both the executive and legislative units of government. The Committee suggests that the Parole Budget requests for fiscal 1980 be approved. In a system where the per capita costs of incarceration exceeds \$15,000 per year, it is responsible to support programming which directly impacts institutional population by releasing good parole risks and maximizing their chances for staying out through the provision of meaningful services in a timely manner. With a per capita client cost of \$650 per year Parole seems to be a good investment.

#### 4. Community Corrections.

Since the advent of the "Correctional Reform Act of June 1972", the Department of Correction has moved forward with implementation of the graduated reintegration programs allowed for under the Act. Two of the major components which seemed most promising were the pre-release centers and the furlough program. These programs have increased the effectiveness, humanity and efficiency of the correctional system.

The Department currently operates 27 pre-release centers and contract programs, with an overall capacity of 423 beds, representing approximately 15% of the Department's total population. In 1979, the DOC is planning to expand its capacity by 60 beds in three new pre-release facilities.

From November 1972 through December 1977, the Department granted a total of 41,580 furloughs, with a success rate of 99.2% during the entire period. During calendar year 1977, furlough success rates were an even higher 99.6% of the 8,247 furloughs

granted. These statistics document the success of this program, and show that, in spite of controversy, the Department of Corrections has performed an admirable job. From all reports, these figures have not been surpassed anywhere in the country.

Final figures for 1978 have not yet been tabulated, but the preliminary data indicates that the Department will maintain, and possibly improve upon, this performance record. For these reasons, the Committee continues its policy of previous years in unanimously supporting these programs and achievements. We wish to cite gains made in reducing future crime, lowering the DOC's capital expenditures and operating costs, assisting inmates in contributing towards the programs through tax and subsistence payments made to the state by inmates in pre-release programs, reduction of welfare costs by enabling inmates to help support their families, and providing a humane and effective alternative to unrelieved incarceration.

In support of these claims, we offer the following data: prior to implementation of the Act in 1971, the Department had an overall recidivism rate (with a one-year follow-up mechanism) of 25%. Through implementation of pre-release and furlough programs, the Department's recidivism rate has continuously declined since 1972, to a current low of 16%. This is a statistically significant result, which is attributable to these programs. In addition, for individuals released through pre-release centers, the recidivism rate was an even lower 11%, and recidivism among individuals who participated in both furlough and pre-release programs fell to 9%. Accordingly, the Committee recommends an expansion of these programs in order that suitable inmates may have access to both programs to maximize their effectiveness.

The goal of the Department, as previously stated, is for

85% of the inmates to go through pre-release centers before being returned to the community. The Committee unanimously supports this goal. We would add that, due to the significant positive results achieved to date, this should be done as soon as possible.

The Committee recommended last year that this expansion of the Department's pre-release program occur within a two-year time frame, and we are pleased to note that there has been some expansion of the program during 1978. This, coupled with the above-mentioned expansion planned for 1979, indicates that definite efforts are being made to achieve the target date. We recommend that the Department achieve this expansion by drawing upon and utilizing the expertise and experience of private agencies. Only through a full partnership of all agencies concerned with criminal justice, rehabilitation of the offender, and protection of the public can we attain our purpose.

It should be noted that total releases through pre-release centers increased over the past five years from 11% in 1973 to 42% in 1977. We recommend that inmate work-release payments be put in a revolving fund to support future development and maintenance of pre-release programs. Such a fund was created for correctional industries in 1972 under the Correctional Reform Act, and expansion of this concept to community corrections would be most beneficial. Direct application of these funds will save taxpayer money while increasing the inmates responsibility for their own rehabilitation and reintegration.

##### 5. National Standards and Accreditation

As a positive step toward broad upgrading of Massachusetts correctional services and facilities, the Department has undertaken an initiative to implement national, professional

standards. This will assure the Department's eligibility for continued federal funding, "professionalize" correctional work, reduce costly litigation, identify the strengths and needs of the correctional system, and guarantee the constitutional rights of the imprisoned. Finally, a review of the Department against a thorough blueprint for operation could provide management with a structure for short and long-range correctional planning.

In May 1978, the Department began evaluating its compliance with standards issued by the Commission on Accreditation for Corrections. This agency was sponsored by the American Correctional Association in 1974 to develop national standards for all areas of corrections and to direct a voluntary accreditation program for measuring compliance with the standards. The Commission issued two documents that affect the Department - the Manual of Standards for Adult Correctional Institutions and the Manual of Standards for Adult Community Residential Services (Pre-Release).

Departmental work on accreditation will take at least three years to complete. The process involves orienting correctional staff on the standards effort, performing self-evaluations in 26 correctional institutions and pre-release centers, preparing workplans to achieve compliance with the standards and finally, implementing the plans. The process is underway; self-evaluation work is virtually complete at the central office and at M.C.I. Shirley. The Law Enforcement Assistance Administration (LEAA) awarded the Department a one-year grant (\$127,049) to complete evaluation work at its remaining facilities and to prepare for accreditation under the Commission. Successful performance on this grant in 1979 will make the Department eligible for "Phase II" federal assistance, potentially covering the full cost of compliance needs that



cannot be addressed with existing DOC resources.

The standards initiative has generated a substantial amount of federal incentive funding for Massachusetts. In addition to the grant mentioned above, state and county correctional administrators have been actively pursuing other funds. DOC also received an 18 month grant (\$87,942) from LEAA to implement the medical and health service standards of the American Medical Association. Grants for the same purpose were awarded to the Sheriff of Hampden County (\$79,335) and the Sheriff of Worcester County (\$70,327). Finally, the Sheriff of Berkshire County received an LEAA grant (\$99,975) to establish a drug treatment program that will bring the institution into compliance with national standards.

The state arm of LEAA - the Massachusetts Committee on Criminal Justice - also committed itself to supporting the implementation of national standards. It did so both by resolution, and by establishing the Correction Management Program (CMP). Over the next year CMP will provide assistance to eight county correctional facilities (in Bristol, Essex, Franklin, Hampden, Middlesex, Norfolk, Suffolk and Worcester Counties), and to the Department at four state correctional institutions and eleven pre-release centers.

The overall effort will continue, most likely, through 1981, whereupon standards will have been introduced to all Massachusetts correctional facilities.

#### Recommendations

The Committee supports the implementation of national professional standards in Massachusetts prisons. We recommend that:

- the Governor's Federal-State Liaison Office assist in securing funds to implement standards in state and county institutions;

- the Governor's Office support the MCCJ resolution on standards;
- the Governor's Office support the Sheriff's initiative to implement standards;
- the standards implementation program be declared a matter of state correctional policy;
- the Governor's Office support public information activities on correctional standards;
- the Governor's Office support the appointment of the Advisory Committee Chairman or designee to a supervisory board with the Corrections Management Program for the specific purpose of offering guidance on program operations and the general purpose of monitoring standards activities throughout the state.

#### 6. County Corrections

Under M.G.L. c. 126, s. 8, all but one county in Massachusetts must operate a correctional facility. For the most part, these facilities include a jail to house detainees, material witnesses and short-term offenders. They also include a house of correction to incarcerate individuals convicted on breaking specific county laws or state laws which carry a sentence of less than 2-1/2 years.

The county requirement to run correctional facilities is ancient, established in 1655. The facilities themselves are slightly less ancient. The average age of the 15 major county institutions is 100 years old. The youngest is in Worcester County (5 years old) and the oldest in Essex County (166 years old). Although, nine of the County facilities were built more than 100 years ago.

County correctional institutions are likely to hold between 20,000 and 30,000 individuals each year -- easily four

times greater than the state correctional system. The number of sentenced offenders in county facilities each day is close to the state level, at approximately 2,000 inmates.

The state responsibility for county corrections has intensified in recent years. In 1972, Chapter 124 of the Massachusetts General Laws was amended giving the Commissioner of Correction responsibility for establishing and enforcing standards for the operation of county correctional facilities. Inspection procedures and remedies were specified in M.G.L. c. 127, s. 1B.

State responsibilities for County corrections have been reinforced or underscored by the federal courts. For example, in the Charles Street Jail case (Inmates of Suffolk County v. Eisenstadt) the Commissioner of Correction was named a defendant and, as a result of the federal court decree, had to open an Awaiting Trial Unit at M.C.I. Framingham to hold female detainees previously held in the Charles Street Jail. More dramatically, in DiMarzo v. Cahill, the Department of Correction was held liable for the existence of unconstitutional conditions in county facilities, although the Department has no control over personal or budget for these facilities. County correctional litigation is on the increase, and the Department's principal response to past and future decrees must be the enforcement of its county correctional standards.

The Department of Correction was charged under Massachusetts law in 1972 with promulgating standards for the operation of county correctional facilities. These standards achieved advanced draft stage in late 1977 and were published in April 1978. The fact that county standards were issued met with general approval; however, their substance did not. Some county correctional administrators found the proposed standards too

lenient; i.e., not sufficient for improving their performance and assuring the constitutional operation of their facilities. Other county correctional administrators thought the standards went too far; i.e., that they exceed legislative authority to issue "minimum" requirements. Advocacy groups generally found the standards undetailed and unchallenging.

The Department established a county assistance unit to implement the standards. This Unit has an inspection arm, operating out of the Commissioner's Office. It also has a technical assistance arm run by the Office of Program Development. Duties of the inspection unit include semi-annual review of the county standards, and improvements in compliance levels. The technical assistance unit is designed to help the counties implement plans to correct deficiencies.

Initial inspections of County facilities was completed last fall. Findings were communicated to the Sheriffs in December, 1978, and all Sheriffs will receive written reports by the end of January 1979, on their levels of compliance and timetables for meeting overall requirements. The Department estimates at this time that, in their present condition, only one of the seventeen county facilities inspected can meet applicable standards. Less than 30% of the institutions are adequately staffed, have sufficient cell capacities, or plumbing facilities. Less than 40% of the facilities have functioning fire detection systems and only one facility has provisions for medical attention in the event of an emergency. It is estimated that as many as eight county facilities may have to be replaced. The Department's findings cover more than 200 areas of service and facility. These preliminary examples illustrate the scope of the effort that must be undertaken to bring the county correctional facilities up to a "minimum" standards requirements.

### Recommendations

The Committee recognizes the urgency of enforcing standards for the operation of county correctional facilities. To that end, the Committee will seek briefings from the Department of Correction on the progress of inspection and compliance efforts, requests for technical assistance, and general levels of compliance in county facilities. These briefings will be requested after each semi-annual inspection tour of county institutions by Departmental staff. The Committee also recommends that:

- . The Department institute a program to review the county standards for general upgrading, first, to the minimum level where they include all matters now required under constitutional case law for the operation of a correctional facility and, secondly, to the maximum level where they incorporate national standards to the extent they apply to county corrections in Massachusetts;
- . the Department prepare in manual form the inspection procedures it employs in evaluating county facilities for compliance with the standards;
- . the Department compare its inspection procedures to the developing methods of the Commission on Accreditation for Corrections;
- . the Department evaluate the number of technical assistance requests made by county correctional administrators and the manner in which these requests were honored; and
- . the Department's capacity to assist county correctional administrators (through financial and other means) be enhanced.

### 7. Overcrowding

The inmate population committed to the DOC has remained stable throughout 1978. Overall the DOC operates at 99% of capacity excluding approximately 120 state inmates who are currently placed in County institutions while they await beds in Concord or Walpole..

Although the system operates at capacity in the aggregate, MCI Concord, which houses the youngest and most vulnerable male inmates in the system, operates at 160% of capacity. The facility is designed to hold 220 inmates, however, 347 are placed there currently. Concord inmates are routinely double bunked or placed in overcrowded, insufficiently supervised, dormitory facilities. Assaults, rapes and beatings are commonplace.

Conditions for inmates and staff are intolerable. Staff cannot effectively supervise and guard such an over-utilized facility. The DOC classification process does not adequately address the needs of an over-crowded Concord, in that too few Concord inmates are classified as appropriate candidates for other facilities and programs including the currently under-utilized minimum security and pre-release facilities. In Area I alone there are at any given time as many as 35 minimum security or pre-release beds vacant. These openings, from a cost and humanitarian standpoint, should be filled by inmates from overcrowded institutions, either by direct movement from Concord to minimum security or pre-release, or by movement from Concord to Norfolk or other appropriate facilities, triggering the transfer of Norfolk inmates into minimum security or pre-release.

If classification cannot be effectively applied to substantially relieve the overcrowded conditions at Concord, then

a facility such as the one being developed at Gardner must be designated as a Concord safety valve and Concord inmates must be classified and transferred to that institution until the unconscionable overcrowding at Concord, with its debilitating effect on staff and inmates is relieved.

Walpole is presently operating at full capacity which is in excess of its original designed capacity. Walpole is an overcrowded institution; persons who are newly committed or returned to the institution are placed in the maximum security wing, where they and the other inmates are constantly at risk of physical assault, rape and murder. Inmate population must be reduced by reclassification, so that the staff can function more effectively, the physical safety of new inmates can be better assured and the entire population can be better supervised and protected.

In conclusion, the Committee recommends that the Department focus its efforts in the coming year on the particular problems of overcrowding at Concord and at Walpole, so that the conditions which have led directly to deaths and assaults on inmates and staff, and has hampered the effectiveness of correction officers and program staff, may be alleviated.

#### 8. Institutional Violence

"The violence which continued unabated at our state prison must end. We have not witnessed the fifth murder in as many months." The Boston Herald, Spring, 1897.

In its 1977 Report to the Governor, the Committee stated that, "No inmate should be subject to physical and sexual attacks experienced by many inmates upon entry into the prison system." We went on in that same section to recognize the hard reality that "Nevertheless, the incidents of violence will continue and

are unavoidable when men and women are confined in over-crowded conditions."

A year later we continue to hear reports of physical assaults and murders in our correctional institutions.

In the experience of the members of this Committee, which include visits to prisons outside Massachusetts as well as a continuing relationship to those within this state, institutional violence is inevitable when any three of the following factors exist:

1. The institution holds maximum or medium security inmates in a lock-up situation.
2. The institution is filled to capacity.
3. The institution is built to house over 150 inmates.
4. The institution has little staff transfer or turnover.
5. The institution provides only limited programs and services.

We must not simply examine acts of violence such as the recent murders at M.C.I. Walpole. We must also be aware of the continuing acts of assault that occur in institutions such as M.C.I. Concord.

Incidents of assault of one or more upon an unwilling and helpless victim are inexcusable. When these assaults do not cost lives, they often ruin them. Society's tolerance of such behavior continues to rise.

Changing administrators, as we have done over and over again, particularly at M.C.I. Walpole, changes nothing. Acts of controlled and uncontrolled violence are endemic to all such institutions and will continue as long as these institutions continue to exist in their present form. Today, in these institutions, even the maximum security inmate is not physically safe.

Better management of our present maximum security institutions will avail little. Only when we look to other models will there be a chance to halt the present violence. For those inmates who need to be held in maximum security, we must create smaller, more manageable facilities. Overcrowded situations such as those at M.C.I. Concord only breed hatred and ruin lives. An inmate sentenced to facilities such as these learns violence, perforce.

#### 9. Inmate Grievance Mechanism

The Massachusetts Legislature recently held public hearings on violence in state institutions. Testimony on murder and assault in Walpole prison precipitated the discussions. Violence and other prison difficulties are extremely complex problems to handle. One of many needed solutions is the development of a mechanism through which inmates can receive expeditious, fair and impartial review of their grievances, without retribution.

The need for such a mechanism can be demonstrated in three ways. First, huge numbers of inmates are seeking redress for their grievances through the federal courts. The United States Supreme Court opened the federal courts to inmate complaints only 17 years ago, and prison litigation has soared since then. According to the Bureau of National Affairs, "...one in every seven civil cases in federal court throughout the country is filed by a prisoner seeking some form of relief from confinement conditions." In 1976 this amounted to almost 20,000 such complaints. Reportedly, fewer than 5% of these cases eventually get to trial; yet the numbers indicate a need for some alternative forum to handle inmate grievances.

Secondly, most national organizations concerned with

corrections have called for the establishment of prison grievance mechanisms. The Department must have a grievance mechanism in place in order to achieve its goal of compliance with the standards set by the Commission on Accreditation for Corrections. Most major standard setting groups -- i.e., the American Correctional Association, American Bar Association, and the National Advisory Commission on Criminal Justice Standards and Goals -- have called for their use.

Thirdly, most correctional systems throughout the country have already established grievance mechanisms. According to a June 1977 Report of the Comptroller General of the United States to a sub-committee of the United States House of Representatives Committee on the Judiciary, the Federal Bureau of Prisons and 43 states have formal inmate grievance mechanisms for adult institutions. In addition, 60% of the correctional agencies in the nation's 20 largest cities have established such mechanisms for adult facilities.

The Department of Correction has acknowledged the need for a formal grievance mechanism in the Massachusetts' prisons. The issue has been under consideration by a Departmental Task Force for the past year. Draft procedures for the operation of such a mechanism have been issued for preliminary review.

Further, the Department prepared a draft proposal for consideration by the Massachusetts Committee on Criminal Justice, calling for implementation of a pilot grievance mechanism in one major institution followed by system-wide expansion. The proposal will not be funded in 1979; however, the Committee on Criminal Justice voted to adopt inmate grievance procedures as a correctional funding priority in 1980.

#### Recommendations

The Committee supports the expeditious development of a formal grievance mechanism for inmates at Massachusetts state and



county correctional facilities. The Committee will review the Department's draft rules and regulations for the operation of a grievance mechanism. In addition, it recommends that:

- . the Department thoroughly analyze the Comptroller General's Report to establish the Massachusetts program with proper staff and systems to assess the effectiveness and operation of the grievance mechanism;
- . Massachusetts procedures incorporate the six design principles put forth by the Center for Community Justice -- i.e., broad range of issues, universal access to the mechanism without reprisal, written responses on grievance decisions, time limits for responses, inmate and staff participation, and outside review;
- . the Governor's Office support the Committee on Criminal Justice resolution to develop and implement and experimental prison grievance mechanism;
- . the establishment of a formal prison grievance mechanism be declared a matter of state correctional policy; and
- . the Department receive all encouragement to complete its program development efforts, and that proper funding be made available to execute its proposals.

#### 10. Staff Training

The Staff Development Division (Training Academy) has two missions: (a) the recruiting, screening, and selection (hiring) of all Correction Officers for the Department, and (b) the provision of pre- and in-service training for all departmental employees.

For years, the most consistent criticisms of the Academy were the lack of intensity in the Basic Correction Officer Training program, and the absence of a basic training offering for all other Department of Correction employees. In 1978, the Academy moved from M.C.I. Framingham to M.C.I. Shirley, which was a major step toward remedying both problem areas. The Shirley facility has dormitory accommodations for Correction Officer recruits during their basic training. This added accessibility to the recruits beyond the normal work day has allowed the Academy to develop the required intensity in its six-week program, making the program more representative of the correctional environment. It also allows the training staff to screen out those recruits who do not demonstrate the ability to respond to the demands of the environment.

Additional classroom space has allowed the Academy to expand its core offering to include basic programs for social workers, correctional counselors, supervisors, managers and support staff. The ultimate goal, in line with the American Correctional Association Standards, is to develop and offer basic, intermediate and advanced training courses that will provide all Department of Correction employees a minimum of 80 hours of training in their first year of employment, and 40 hours per year thereafter.

The basis level programs were developed this year, and the intermediate and advanced level courses will be the major focus of attention in 1979. Funds for the expanded training are requested in the Department's FY 1980 budget. The Committee strongly endorses the budget request.

The imposition of these new training requirements based on the ACA Standards, obviously adds a new level of employee development, and also generates a new set of problems. The

Academy staffing pattern still reflects only the responsibility for the correction Officer Recruit Training Program, and does not provide for the new course offerings. Secondly, the impact of overtime for custodial staff will have to be addressed to allow the institutional staff to attend the required courses. Preliminary steps have been taken to address these program areas, but there are still indications that they will require further attention.

For the first time since its inception, the Department's training facility can be a major force in addressing many of the agency's "people problems". To be successful it will require the continued focusing of attention and resources from the Department as well as those agencies which interface with the correctional system.

The Committee recommends the continued development of the Staff Development Division to meet the ACA Standards: to provide trained personnel to operate safe and humane institutions; and to reduce the inefficiencies caused by high turnover, which is attributable to inadequate preparation of new personnel and to inadequately trained staff.

#### 11. Proposed Corrections Budget for Fiscal 1980

The Department of Corrections' proposed budget for FY 1980 is \$66.8 million, up almost \$12 million from FY 1979's expenditures of \$54.9 million. Of the increase, between \$4 and \$5 million is due to inflation, the costs of existing contracts and the opening of the Gardner institution.

Overall, the FY 1980 budget represents almost a 22% increase over FY 1979 expenditures. Without supporting every individual line item, the Committee believes that this increase is justified. Particularly in the area of inmate services, we feel that requests are woefully small.

Included in the increase are programs that must be provided in order to comply with existing state and federal law. Failure to provide these services will inevitably result in judicial decrees. Without them, accreditation by the American Correctional Association will be difficult.

Expanded educational services to inmates are particularly important. Although only 22% of today's inmates have graduated from high school (the mean educational level is at the 9th grade), the provisions of Chapter 766 have never been implemented within the correctional system. Funds to implement Chapter 766 services to inmates, most of whom are incarcerated at M.C.I. Concord, coupled with concerted administration support for passage of legislation to create a DOC regional school district, should be a high priority. Much of these new education services will be partially reimbursable under federal law, P.L. 92-142.

Also included in new budget proposals are funds for expansion of medical care, primarily for provision of dental services and increased psychiatric services. Progress has been made in the last few years in the provision of primary health services to inmates, but the total health care program available is still woefully inadequate.

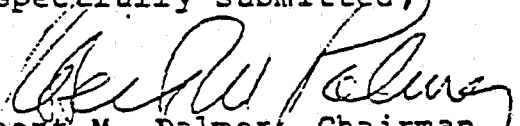
A substantial part of the FY 1980 budget increase is requested for institutional support services. This is an attempt to redress the practices of the past, where routine maintenance was deferred until the only solution was to appropriate large capital sums to completely replace the neglected facilities. Lack of routine, adequate maintenance also increases the likelihood that housing conditions for inmates, in many places within the system, will be found unconstitutional.

Within the additional budget items, the Department is placing a high priority on funds for additional staff training.

This program is required by standards of the American Correctional Association, and is one of the programs necessary to achieve accreditation.

In the capital budget, the most important item is a request for \$17.2 million for the construction of a maximum security, 250 bed unit on the grounds of M.C.I. Concord. The Committee would prefer to see the construction of two separate smaller units, one in the western part of the state and one in the east. In any case, construction of such a unit or units must be tied to the requirement that, upon completion, the maximum security capacity at M.C.I. Walpole and M.C.I. Concord be proportionately reduced.

Respectfully submitted,

  
Robert M. Palmer, Chairman  
Governor's Advisory Committee  
on Corrections

BY HAND

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END