

Testimony Presented By
Edward J. Dolan, Commissioner
Massachusetts Probation Service
to the
Joint Committee On Ways & Means

FISCAL YEAR 2016 BUDGET HEARINGS

Quinsigamond Community College
Worcester, Massachusetts
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Good Morning Chairman Moore and Madam Chair Dykema and distinguished members of the Joint Committee on Ways and Means.

It is a privilege to once again have the opportunity to appear before you and speak on behalf of the Massachusetts Probation Service.

Last year when I testified before this committee, 8 months into the position as Commissioner, I spoke about our goals for the coming year –

A Probation Service committed to excellence, committed to results in both public safety and the rehabilitation of offenders.

A Probation Service built on a foundation of sound management, effective workforce development and the introduction of proven and promising practices in the field of Probation supervision and offender reentry.

A Probation Service that is data driven, results focused.

A Probation Service that is open, transparent and an able partner, if not, a leader among the many government and non-government participants and organizations that make up an effective criminal justice system.

I said we were - “a work in progress”. I told this committee that if invested in I would report back on the return on that investment. I am pleased to open my remarks with a report we have made considerable progress and much of it has been made with your help and support.

We have built an excellent leadership team – folks with extensive experience in this work and universally highly regarded in the field.

We have created a management structure that mirrors those of the five court Departments in which we work. We have established regular meetings to discuss, plan and jointly manage aligning our - judges and probation – respective contributions to efforts to drive toward shared results – public safety, justice, rehabilitation and reduced recidivism.

We have expanded our use of data to guide our decisions and manage our performance. For example, we co-produce and distribute monthly “data dashboards” - shared metrics about shared results and performance in various case areas for each presiding justice and each chief probation officer in each court division. This alignment of leadership at the local, regional, court department and Trial Court wide is the operational basis for moving not only Probation but of the larger organizational strategy of the Trial Court to introduce evidenced based practice into every aspect of court operations from sentencing to supervision to more efficient and effective administrative practices.

Examples of enhancements over the past 12 months to core Probation functions and practice that are cost effective and result in improved outcomes include:

1. Continued expansion of the highly successful Honest Opportunity Probation with Enforcement (HOPE) – the model of swift, sure and measured response to non compliance which has produced tremendous results in Essex County, in Worcester County, and in Suffolk County and soon to expand to Middlesex and Franklin Counties. We continue to produce strong results in each new location as we expand the participation to several hundred high risk cases:

67% of participants have had no warrant issued during supervision.

84% have had no more than 1 surrender notice issued for non-compliance.

In terms of Drug treatment and testing compliance

73% have had zero positive urines

58% were rewarded with less frequent testing by virtue of performance

In each replication the same results – dramatic and immediate increases in plan compliance and supervision success – are recorded. The result is successful completion of probation sentences with dramatically reduced costs of incarceration that result from supervision surrenders and failures. Remember, these are offenders screened to be of the highest risk of failure that we face including a high proportion of DOC releases from behind the walls to “from-and-after” sentences of Probation supervision.

2. We have implemented a validated supervision risk need tool in all adult and juvenile court departments.
3. We are just completing skilling up the entire workforce in Evidenced Based Case Supervision Practices – a state of the art set of competencies that build on risk/need assessment driven case planning. This is critical work we have done to develop the workforce capacity to guide offenders to positive change and reduced recidivism. In this way we are focusing our resources on those cases with the highest risk of failure and the greatest return on investment.

4. We have trained the Juvenile workforce on trauma informed supervision.
5. We have developed and delivered specialized training for Probation Officers to provide the core work in the Veterans, Drug and Mental Health courts.
6. We are piloting a validated pre-trial risk tool in the juvenile court. Developed with the National Youth Screening and Assessment Project at UMass Medical. The tool is designed to guide detention decision making to insure the right youths are held and released and for those requiring it, supervised in a way that supports reduced risk of reoffending while reducing the harm of detention. Again, the more effective we are in decision making and pre-trial supervision, we achieve the twin results of more positive outcomes for youth while saving money.
7. We are piloting an alternative-to-prosecution model for youth in Bristol County. Undertaken in cooperation with the District Attorney, public defenders, the court and the court clinics as well as a parent partner and CBHI treatment service providers, the project is intended to divert youths whose issues are driven by mental health or substance abuse from further penetration into the system and from criminalizing behavioral health issues. The goal is positive outcomes at reduced cost through effective Probation Services.
8. We are expanding our efforts to reduce youth crossing over from the child welfare system to the delinquency system with pilot projects in 4 Juvenile Courts state wide. Diverting child welfare youth from the criminal justice system saves money and leads to better outcomes for children.
9. The Probation Service and the judicial leadership in the Superior, District and Boston Municipal Court Departments, the adult criminal courts, are partnering with the Robina Institute at the University of Minnesota Law School to develop evidenced based approaches to setting conditions and increasing supervision compliance to increase positive Probation outcomes for the tens of thousands of individuals under both pre-trial as well as sentenced supervision by the Probation Service on a daily basis. Like HOPE, like the alternative to detention work in the Juvenile Court, this research will lead to proportionate justice system sanctions and controls that insure public safety, enhance rehabilitative outcomes in the most cost effective way.
10. We have developed a joint reentry partnership program housed at our Community Correction Center in Boston – a collaboration among State Probation – Federal Probation – Parole – Suffolk HOC – DOC and City of Boston street workers and employment, housing and treatment services providers – to provide a graduated release with solid pre-release preparation for the highest risk offenders returning to the city. This is a first of its kind effort at a comprehensive approach to reintegration of all offenders no matter what their agency of tie, if any, returning to a community. We feel it holds great promise as a reproducible model in communities across the Commonwealth.

11. Probation has expanded the role of the Community Correction Centers across the state. In addition to an effective intermediate sanction in lieu of incarceration, the Centers are an increasingly vital component of the soon to be network of 35 drug courts across the Commonwealth. The Centers provide an important platform to base supervision and services where either intensity of accountability or service or access to services on demand are critical features to supervision success.
12. Probation is the lead agency in the year old, innovative “Pay – For - Success Initiative” focused on high risk, transition age male youth. Working with ROCA, Inc. as the service provider Probation is working in Boston and Springfield to identify appropriate candidates who can benefit from this alternative pathway funded through a unique public-private partnership.

These are just some of the evidenced based and promising practice projects we have set in motion in the past year. The point is that the Massachusetts Probation Service has moved in a year from a “work in progress” to an organization of far greater capability and an organization “achieving great progress”. We are a critical element to and an able partner in any efforts at justice reinvestment in this State.

That progress will stop if we are insufficiently resourced to continue it.

We have fully implemented the hiring reforms that the Legislature put into place in 2011 – with very positive results. Testing and behavioral interviewing have - in the limited hiring we have done - resulted in the addition of highly qualified individuals with advanced degrees and extensive relevant experience. Relevant masters degrees, licensure in social work or the law are the norm. We are consistently attracting, hiring, and promoting the most highly qualified staff. This is essential if we are to be successful because Probation is its workforce - 92% of our budget is payroll. Our people are the primary tool we use to do our core work of rehabilitation and supervision. The ability to develop and support and sustain that workforce is the key to our success.

The Trial Court has documented the impact of prior year budgets on the Trial Court operations generally, and similarly the projected impact of significant cuts in the coming year has been presented. The data will bear out that Probation took a disproportionate share of that impact.

Probation Officers accounted for 41% of the trial court reduction in staffing from 2010 to 2015.

We have lost a third of our probation officers since 2001 - A 554 Probation Officer reduction from 1575 to 1021.

We began this year with 35 of 105 courts below 60% staffing. Some were staffed as low as 45% of acceptable levels.

We had Superior Court with caseloads running 90 to 100 plus cases per PO in some divisions. All those cases are coming to us on a “from - and – after” sentence from behind the walls at DOC, that is, medium or maximum security. Currently, the Massachusetts Probation Service is the reentry pathway for almost 40% of the DOC inmates returning from prison.

Probation works as the most humane and cost effective alternative to secure detention for 1200 pre-trial juveniles every day and for over 8,000 sentenced juveniles each year. We have added 1,000 care and protection filings to our juvenile case load in the past 12 months alone. That represents an increase in our investigations and monitoring of third party placement of 3,000 additional children. It brings our total C&P caseload alone to 14,000 children.

Note that doesn't include significant additional cuts to Probation administrative staff - a hidden and poorly appreciated segment of the workforce that, in addition to supporting the daily functioning of every criminal, juvenile and Probate and Family court division, 105 in total, in the Commonwealth, is the source of indigency verification, establishment of every correct identity, every NCIC or nationwide record search, every sealing and expungement, every criminal record entry of every criminal case in the Commonwealth each year. That alone is 233,000 new arraignments each year in addition to the entries for the 80,000 matters under Probation's oversight already.

At a few thousand dollars per year, Probation is the safe and cost effective alternative to incarceration in a \$118 per day, \$43,000 per year county jail bed or house of correction or DOC cell.

Probation is the safe and effective alternative to the commitment of a juvenile to a \$100,000 plus per year DYS detention or secure residential bed.

However, you can't resource the agency at two thirds level and expect 100% results.

In FY2013, a \$123M GAA required \$5M in supplemental support from Trial Court lag just to cover payroll. It is a lousy way to run an organization, never being able to plan because you never really know what you have to work with.

In FY2014, the Legislature generously recognized that shortfall and funded Probation at our actual prior year \$128M spend amount. However, our actual spend for FY2014 was \$131M. Again the Trial Court covered our payroll costs.

Our FY2015 spend – virtually all payroll for court based Probation personnel - will be \$133M by June 30th. Because we have been able to reinstate hiring late in this fiscal year, our goal is to add back 120 FTEs including 78 of those 554 lost Probation Officers positions. As a result, our FY2016 projected maintenance will be \$143M. Simply put it is our FY2015 expenditure plus \$3M in cost of living coverage and \$6M in annualization of restored FTE salaries. We realize that \$6M is a big ask in a very difficult year, but ours is a hidden deficit, and House 1 repeats a crippling structural problem.

	Budget Appropriation	Actual Spending	Trial Court Contribution
FY12	\$116,765,364	\$125,089,682	\$8,324,318
FY13	\$123,420,055	\$128,049,055	\$4,629,000
FY14	\$128,234,922	\$130,834,921	\$2,600,000
FY15	\$131,401,083	\$132,724,143	\$1,358,050
FY16 (*House 1)	\$130,300,994	\$143,038,656	\$12,737,662

A true maintenance budget allows Probation to deliver on its core functions – informational support of the court and pre-trial and sentenced supervision and rehabilitation services to individuals before the court. Adequate maintenance provides Probation with the foundational capacity to move aggressively on the recommendations of the Special Commission with regard to Probation effectiveness and recidivism reduction through projects such as specialty court expansion, HOPE/MORR expansion, through more effective and efficient pre-trial and diversion services, through expanded drug testing capacity to attack the drug epidemic and support the work of the drug courts, through delivering on the reentry promise of the Community Correction Centers and others. It would also allow us to expand our role as the alternative to costly and damaging juvenile detention and commitments. It begins to restore fundamental court safety services such as court ordered custody investigations in the Probate and Family Courts. It will allow the turning of evidence based sentencing recommendations into evidenced based sentencing practice.

My point is that the Massachusetts Probation Service budget – and we have tried to demonstrate this in the past 12 months – isn't just a funding decision, it is a sound investment decision.

If you want to accomplish justice reinvestment, if you want to accomplish pre-trial reform, if you want to fulfill the promise of evidenced based sentencing, of specialized courts - VETS, MH, Drug – the Massachusetts Probation Service requires the minimum resources to meet its many obligations in the court house and in the community.

We are asking for your continued support and partnership in this work and we are asking for your continued investment in the Massachusetts Probation Service.

Thank you for your time.

Budget Analysis Summary

FY15 Spending	\$132,724,143	Reflects inability to hire PO due to exam requirement until February 2015. These lag dollars created by the lack of hiring contributed to the Trial Court's 9C cut
FY16 Maintenance	\$143,038,656	Represents 7.21% over current spending, Almost 3% (\$3M) is COLA and 4.24% (\$6M) is annualized personnel costs to address years of understaffed workforce due to attrition in place and inability to hire
FY16 Gov. Budget	\$130,300,994	Represents 8.9% cut in Probation's projected FY16 maintenance. With 92% of the overall budget in personnel costs (92% of personnel costs are from Field positions), any cuts will need to come from this category. Next area of savings comes from Electronic Monitoring (GPS), which represents 3.6% of spending.

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