1. **The Massachusetts Correctional Funding Commission**

The Financial Impact on the Sheriffs and the Department of Corrections from the Implementation and Compliance with the Criminal Justice Reform Act of 2018 – Chapter 69.

Commissioner Gerard J. Horgan

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The Criminal Justice Reform Act of 2018 (hereinafter referred to as the CJRA) fundamentally changed the operations of the correctional institutions operated by the Massachusetts Department of Corrections and the jails/houses of correction operated by the Sheriffs. The main focal points of the legislation were to improve the living conditions for those offenders with serious mental illness and gender dysphoria. This has been achieved by increasing out of cell time and access to programs and mental health treatment when they are housed in restrictive housing units due to violating institutional rules. The CJRA also mandates periodic reporting requirements to ensure that the increased frequency of reviewing the status of those men and women in restrictive housing is occurring and that there are not operational disparities based on race, ethnicity, gender or age.

The Sheriffs and the DOC made these operational changes and incurred costs to ensure compliance with the CJRA which are listed below:

**Construction:** There was a great deal of construction in ten Sheriff’s facilities and the DOC to ensure that there would be program space and areas for mental health treatment and programming for those men and women who received disciplinary reports and are temporarily living in restrictive housing units. The cumulative cost of this construction was $9,691,009.50. The construction costs are not recurring.

**Additional Staff:** The DOC and almost every Sheriff’s Department needed to hire and retain new employees to comply with the CJRA. The increased time out of cell for those offenders in restrictive housing necessitated more Officers to ensure that safe recreation and programming in those units. Programming is now being offered to men and women who are serving disciplinary sanctions. The CJRA requirement of 72 hour classification reviews and written certifications being provided to the offenders has also required increased resources in classification. The cumulative cost over the 3 fiscal years has been $16,267,948.37. This cost will be recurring.

**Legal Costs:** Most of the Sheriffs and the DOC had legal reviews of the requirements of the CJRA conducted as the statue became effective. Meetings and trainings with line staff were held as the agencies worked on operational implementation plans. Increased interactions with advocacy groups has also been a factor and resulted in additional time being spent by attorneys in responding to these inquiries and challenges. The cumulative cost was $1,792,013.86. The costs have lessened over the three years but are still occurring.

**Technology Costs:** With the CJRA requirements of providing programming for the men and women who are in restrictive housing, the DOC and most Sheriffs have invested in alternative ways to provide these services. Tablets and other forms of program delivery were purchased. The cumulative cost over the 3 year period was $2,190,375.58. Some costs (licensing etc.) will be recurring.

**Specialty Units Costs**: About half of the facilities incurred expenses for retrofitting or utilizing additional special management units to ensure that the increased time out of cell that the CJRA calls for would be achieved. The cumulative costs have been $11,466,757.65 and much of it will be recurring.

**Programming Materials Costs:** The DOC and most of the Sheriffs added programming options for those men and women in restrictive housing and purchased materials to provide these new services. The cumulative cost was $914,059.00 and will be recurring.

**Mental Health Costs:** Mental health clinicians are now on site or on call to ensure that immediate reviews are being done when an offender is involved in a physical altercation or other disciplinary offense prior to being placed in restrictive housing. Almost all of the Sheriffs and the DOC have incurred additional expenses in ensuring that these reviews are occurring in a timely fashion. The cumulative cost was $4,720,730.61. These costs will be recurring.

**MAT Costs:** While MAT is not a requirement of the CJRA, several Sheriffs and the DOC began pilot programs offering men and women with substance use disorders (specifically with Opioids) medication assisted treatment. Creating space to safely provide this medication and treatment along with staff to monitor the programs has resulted in a cumulative expense of $39.904,619.79. These costs will continue.

The steps taken by the DOC and Sheriffs to comply with new services and protocols to ensure compliance with the CJRA and MAT have had a total cost of $86,947,514.35. While it is challenging to forecast how much of these costs will be recurring on an annual basis, by utilizing the FY21 costs, it can be estimated that the yearly cost will be approximately $39,937,949.63