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Massachusetts Sentencing Commission

Survey of Sentencing Practices: Truth-in-Sentencing Reform in Massachusetts



FINAL REPORT

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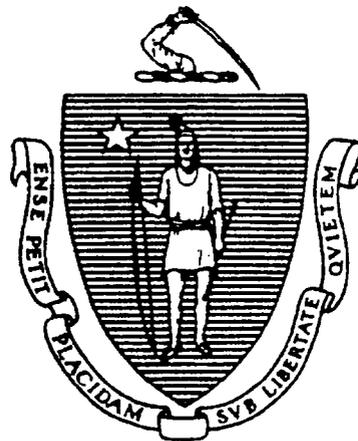
Massachusetts Sentencing Commission
90 Devonshire Street, Room 1143
Boston, MA 02109

Voice: (617) 788-6867
Fax: (617) 788-6885

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Massachusetts Sentencing Commission

Survey of Sentencing Practices: Truth-in-Sentencing Reform in Massachusetts



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Lee M. Kavanagh, Research Analyst
Valerie C. Caldwell, Executive Assistant

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MASSACHUSETTS SENTENCING COMMISSION

SURVEY OF SENTENCING PRACTICES: TRUTH-IN-SENTENCING REFORM IN MASSACHUSETTS

Executive Summary

Chapter 432 of the Acts of 1993 (Chapter 432), "An Act to Promote the Effective Management of the Criminal Justice System through Truth-in-Sentencing," established the Massachusetts Sentencing Commission (commission) and introduced the first phase of truth-in-sentencing reform in Massachusetts. The objective of the sentencing reform initiative was to establish a more truthful relationship between the sentence imposed and time served by incarcerated offenders. Some of the specific provisions of this legislation included:

- the elimination of the Concord or reformatory sentence;
- the elimination of the split sentence to the state prison;
- the elimination of statutory good time;
- the elimination of parole eligibility at one-third or two-thirds of the minimum sentence for state prison sentences; and,
- the reduction of the minimum allowable state prison sentences for certain felonies from 2 ½ years to 1 year.

The purpose of this paper is to examine sentencing practices under this new law, with a particular emphasis on incarceration sentences. The aim of the research is to consider the extent to which the goals established for the truth-in-sentencing act were reached, to examine changes in sentence structure under the new law, and to estimate the impact of the new law on expected time to serve for offenders sentenced to incarceration. The research considered those defendants sentenced to incarceration over a six-year period, FY 1994 to FY 1999. Estimates of the impact of the new law were not based on actual time served by offenders, but rather were based on expectations at the point of conviction.

For offenders sentenced to incarceration, the expected time to serve was indeed closer to the sentence imposed for those offenders sentenced under the provisions of the new law. However, there was evidence of some unintended consequences related to the implementation of Chapter 432. For those offenders sentenced to houses of correction, expected time to serve was longer for those sentenced under the new law. For those offenders with state prison sentences, expected time to parole eligibility increased but

there was no evidence that expected maximum time to serve increased. Finally, for those offenders sentenced to incarceration from the superior court, there was evidence of a shift in correctional jurisdiction from the DOC to houses of correction.

Truth-in-Sentencing Law Implementation.

The commission examined sentences imposed over a six-year period, July 1, 1993 to June 30, 1999. During this period many sentences were imposed under the provisions of the new law:

- over the past six years, an estimated 91,191 offenders were sentenced to incarceration under the provisions of the new law and 35,276 were sentenced to incarceration under the provisions of the old law; and,
- in the most recent time period studied (FY 1999), 2.0% of all sentences to incarceration were imposed under the provisions of the old law and 98.0% of all sentences to incarceration were imposed under the provisions of the new law.

Accommodating the Elimination of the Reformatory Sentence and the State Prison / Split Sentence.

Jurisdiction and Sentence Structure.

There was some evidence of a shift in jurisdiction of superior court incarceration sentences from the DOC to the houses of correction.

- in FY 1994, 25.4% of the superior court cases sentenced to incarceration were sentenced to a house of correction; and,
- in FY 1999, 39.2% of the superior court cases sentenced to incarceration were sentenced to a house of correction.

This pattern seems to reflect both the elimination of the reformatory sentence and the state prison / split sentence and a reduction in the seriousness of the offenses that were sentenced to incarceration in the superior court between FY 1994 and FY 1999.

A comparison of superior court sentences imposed under the old law and new law was used to estimate the manner in which the reformatory sentence and state prison / split sentence were replaced. Of the old law reformatory sentences and state prison / split sentences, it was estimated that:

- 26.4% would be sentenced to houses of correction under the new law;
- 28.6% would be sentenced to traditional length state prison sentences under the new law; and,
- 44.7% would be sentenced to shorter state prison sentences under the new law.

The Chapter 432 provision allowing state prison sentences of under 2 ½ years was used often, presumably to accommodate the elimination of reformatory sentences and state prison / split sentences and the change in parole eligibility for state prison sentences. It was estimated that 1,774 or 14.0% of all superior court sentences imposed under the new law were state prison sentences with a minimum sentence length of less than 2 ½ years.

Post-Release Probation Supervision.

The use of post-release probation supervision was not reduced after the elimination of the state prison / split sentence:

- in FY 1994, 45.9% of all superior court sentences to incarceration included a period of post-release probation supervision; and,
- in FY 1999, 50.1% of all superior court sentences to incarceration included a period of post-release probation supervision.

Post-release probation supervision was maintained despite the elimination of the state prison / split sentence through the use of house of correction / split sentences or from & after probation sentences on secondary charges:

- the number of superior court house of correction / split sentences increased from 252 in FY 1994 to 398 in FY 1999, an increase of 57.9%;
- the number of superior court house of correction sentences with post-release probation supervision on a secondary charge increased from 208 in FY 1994 to 422 in FY 1999, an increase of 102.9%; and,
- the proportion of DOC sentences with post-release probation supervision on a secondary charge increased from 12.7% in FY 1994 to 37.2% in FY 1999.

House of Correction Sentences.

For those offenders sentenced to houses of correction:

- due to the elimination of statutory good time, expected time to serve was closer to the sentence imposed for those offenders sentenced under the provisions of the new law;
- there were no substantial changes in nominal sentence length following implementation of the new law:
 - for *all* house of correction sentences imposed under the old law the mean sentence was 7.2 months; and,
 - for *all* house of correction sentences imposed under the new law the mean sentence was 7.0 months;
- after adjusting for the impact of the elimination of statutory good time, the mean expected maximum time to serve under the new law was longer than the mean expected maximum time to serve under the old law for offenders at all levels:
 - for *all* house of correction sentences imposed under the old law the mean expected maximum time to serve was 6.2 months; and,
 - for *all* house of correction sentences imposed under the new law the mean expected maximum time to serve was 7.0 months;

Sentence Estimate	All House of Correction Sentences	
	Old Law	New Law
Sentence	7.2 Mos.	7.0 Mos.
Expected Maximum Time to Serve	6.2 Mos.	7.0 Mos.
Parole Eligibility	4.0 Mos.	3.8 Mos.

- the amount of time for which offenders sentenced to houses of correction could be under parole supervision was not diminished following implementation of Chapter 432.

State Prison Sentences.

For those offenders with state prison sentences:

- due to the elimination of statutory good time and changes to parole eligibility, expected time to serve was closer to the sentence imposed for those offenders sentenced under the provisions of the new law;
- in order to make a comparison of equivalent sentences, old law state prison sentences were adjusted to estimate parole eligibility (minimum sentence) and to estimate statutory good time (maximum sentence);
- further, because many of the new law state prison sentences with minimum sentence lengths of under 2 ½ years might have been reformatory or state prison / split sentences under the old law, the analysis considered both *all* state prison sentences and *traditional* length state prison sentences, or those with a minimum sentence length of 2 ½ years or more;
- there were substantial changes in the nominal minimum and maximum sentence lengths following implementation of the new law;
- mean time to parole eligibility increased for those offenders with state prison sentences; and,
- there was no evidence that mean expected maximum time to serve increased for those offenders with state prison sentences.

Sentence Estimate	All State Prison Sentences		Traditional Length State Prison Sentences	
	Old Law	New Law	Old Law	New Law
Minimum	75.9 Mos.	52.2 Mos.	76.5 Mos.	62.2 Mos.
Maximum	104.4 Mos.	68.8 Mos.	105.2 Mos.	80.5 Mos.
Parole Eligibility	48.2 Mos.	52.2 Mos.	48.5 Mos.	62.2 Mos.
Expected Maximum Time to Serve	81.3 Mos.	68.8 Mos.	81.9 Mos.	80.5 Mos.

- for those offenders with state prison sentences, the amount of time for which they could be under parole supervision, if they were paroled at their earliest parole eligibility date, decreased substantially following implementation of Chapter 432.

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MASSACHUSETTS SENTENCING COMMISSION

SURVEY OF SENTENCING PRACTICES: TRUTH-IN-SENTENCING REFORM IN MASSACHUSETTS

PART I. INTRODUCTION

Chapter 432 of the Acts of 1993 (Chapter 432), "An Act to Promote the Effective Management of the Criminal Justice System through Truth-in-Sentencing," established the Massachusetts Sentencing Commission (commission) and introduced the first phase of truth-in-sentencing reform in Massachusetts. The objective of the sentencing reform initiative was to establish a more truthful relationship between the sentence imposed and time served by incarcerated offenders. Chapter 432 applied to sentences imposed for crimes committed after June 30, 1994. Some of the specific provisions of this legislation included:

- the elimination of the Concord or reformatory sentence;
- the elimination of the split sentence to the state prison;¹
- the elimination of statutory good time;
- the elimination of parole eligibility at one-third or two-thirds of the minimum sentence for state prison sentences; and,
- the reduction of the minimum allowable state prison sentences for certain felonies from 2 ½ years to 1 year.²

The purpose of this paper is to examine sentencing practices under this new law, with a particular emphasis on incarceration sentences. The aim of the research is to consider the extent to which the goals established for the truth-in-sentencing act were reached, to examine changes in sentence structure under the new law, and to estimate the impact of the new law on expected time to serve for offenders sentenced to incarceration.

¹ Section 11 of Chapter 432 modified M.G.L. c. 127 § 133 to read ". . . sentences of imprisonment in the state prison shall not be suspended in whole or in part." This effectively eliminated state prison / split sentences and state prison suspended sentences. Because the latter do not involve a period of incarceration, state prison suspended sentences are not included as part of the current analysis.

² This provision of Chapter 432 applied to crimes committed after April 12, 1994.

PART II. METHOD

The sample was selected from a database of defendants convicted during fiscal years (FY) 1994 through 1999, the period beginning July 1, 1993 and ending June 30, 1999. Information on the method used to construct the sample can be found in the statistical report series entitled *Survey of Sentencing Practices*.³

Historical information from the Department of Correction (DOC) and the Massachusetts Parole Board was also reviewed. The review of DOC material focused on court commitments to the DOC and houses of correction for the period 1984 to 1998.⁴ The review of historical DOC information also included estimates of the number of offenders incarcerated in state and county correctional facilities for the period January 1990 to January 2000 as reported on daily count sheets. The review of Massachusetts Parole Board material considered parole activity in both the state and county correctional systems. This review considered the number of parole hearings held, the number of paroles granted, and the number of hearings waived during the period 1988 to 1998.

New Law Cases. In general, the truth-in-sentencing reforms applied to sentences imposed for offenses committed after June 30, 1994. During FY 1995 to FY 1999, defendants were sentenced under the provisions of the old law (pre-truth-in-sentencing reform) and the new law (post-truth-in-sentencing reform). Throughout the narrative, the term "old law" refers to cases sentenced under the pre-truth-in-sentencing reform statutes and the term "new law" refers to cases sentenced under the post-truth-in-sentencing statutes.

³ The six year statistical report series contains the following titles:

Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1999*, Boston, January 2000;
Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1998*, Boston, July 1999;
Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1997*, Boston, December 1998;
Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1996*, Boston, April 1999;
Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1995*, Boston, January 1999; and,
Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1994*, Boston, May 1999.

⁴ There are several differences between the definition of a sentence to incarceration used by the commission and the definition of a court commitment used in the DOC reports. First, DOC reports on a calendar year basis and the commission reports on a fiscal year basis. Second, the commission reports on the initial sentence imposed following conviction. Incarceration resulting from violations of probation or commitments in lieu of paying a fine are not included as an initial sentence to incarceration by the commission but are considered court commitments by the DOC.

The date of offense is not available in the CARI database upon which the survey of sentencing practices was based. The method used to estimate the sentencing law applicable in an individual case involved an evaluation of the arraignment date, court department, and sentence structure:

- cases sentenced in the superior court with an arraignment date prior to September 1, 1994 were assumed to be old law cases;
- cases sentenced in the superior court with an arraignment date of September 1, 1994 or later were assumed to be new law cases;
- cases sentenced in the district court with an arraignment date prior to July 1, 1994 were assumed to be old law cases;
- cases sentenced in district court with an arraignment date of July 1, 1994 or later were assumed to be new law cases;
- cases sentenced to state prison for less than 30 months, with a superior court arraignment date prior to September 1, 1994, and related district court arraignment date of July 1, 1994 or later were assumed to be new law cases; and,
- for all courts and arraignment dates, reformatory sentences, suspended state prison sentences, and state prison / split sentences were assumed to be old law cases.

Sentence Adjustments. In order to compare sentences imposed under the provisions of the old law with those imposed under the provisions of the new law, a number of sentence adjustments were made based on offense of conviction, sentence structure, and sentence length.⁵ These estimates were not based on actual time served by offenders, but rather were meant to be used to compare cohorts of sentenced offenders at the point of conviction. That is, comparisons of the time to earliest parole eligibility and expected maximum time to serve under the old law and the new law were based on the point of conviction. Under both the old law and the new law, offenders may also be eligible for further sentence reductions based on program participation, that is earned good time deductions. Because Chapter 432 did not change these deductions, no sentence adjustments were made to either old law or new law sentences for earned good time.

Sentencing Guidelines Grid. In order to consider the relationship between sentencing reform, shifts in correctional jurisdiction, and changes in sentence length, it was

⁵ The following source materials were helpful in developing these estimates: M. Yvonne Gonzalez, *From Here to Eternity . . . Understanding the Sentencing Quagmire in Massachusetts*, Judicial Institute of the Massachusetts Trial Court, Boston, November 1989; David Slade, *Computation of Sentences Under the New 'Truth in Sentencing' Law*, Massachusetts Department of Correction, Boston, June 1994; and Massachusetts Department of Correction, *Sentence Computation Manual*.

important to control not only for changes in sentence structure but also for changes in the seriousness of offenses for which defendants were convicted over the six-year period under study.

Because most of the sentencing reforms related to sentencing options available to superior court judges, changes in the seriousness of offenses for which defendants in the superior court were convicted were of particular concern. Previous research indicated a decrease in the number of defendants convicted in the superior court of offenses in levels 5 through 8 and an increase in the number of defendants convicted of offenses in levels 3 through 4 over the six year period under consideration.⁶ It was assumed that these changes in the distribution of offense levels were unrelated to the implementation of Chapter 432. It was further assumed that any changes in the proportion of superior court sentences to houses of correction should be attributed both to the level of offense seriousness in the new law cases along with the implementation of Chapter 432. The changes in the level of offenses merits further analysis. Such an expanded analysis is beyond the scope of this study.

The vertical axis of the proposed sentencing grid was used as a framework for the analysis. Comparisons of sentence structure and sentence length for defendants convicted of offenses at the same seriousness level were considered along with aggregate estimates of sentence structure and sentence length for defendants sentenced under the old law and new law.

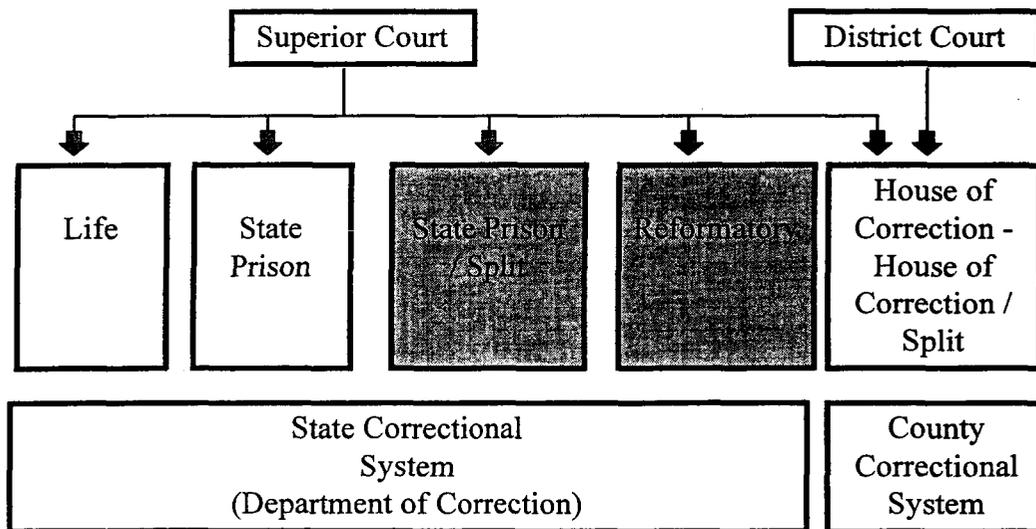
⁶ Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1999*, Boston, January 2000, p. 19.

PART III. SENTENCING PATTERNS PRIOR TO CHAPTER 432

This section reviews the use of reformatory sentences, state prison / split sentences, statutory good time, and parole eligibility prior to the enactment of Chapter 432. Throughout the narrative, the term “court department” is used to distinguish convictions occurring in the superior court from those occurring in the district court and the term “jurisdiction” is used to distinguish sentences to incarceration in a house of correction from sentences to incarceration in the DOC.

Prior to the passage of Chapter 432 there were two types of sentences to incarceration in houses of correction (house of correction and house of correction / split) and four types of sentences to incarceration in the DOC (life, state prison, state prison / split, and reformatory). With the exception of certain serious felonies which require a state prison sentence, superior court judges could impose any type of sentence to the houses of correction or the DOC. For the most part, district court judges imposed sentences to the houses of correction but could impose a reformatory sentence of up to five years for some offenses. Following the passage of Chapter 432, reformatory sentences and state prison / split sentences were eliminated.

Figure 1. Superior Court and District Court Sentencing Jurisdiction



Reformatory Sentences

Chapter 432 eliminated the reformatory or Concord sentence. These sentences were characterized by a maximum term ranging from 2 ½ years up to the maximum term permitted by statute. Reformatory sentences had no minimum term of incarceration. Parole eligibility was established by Parole Board regulation. Parole Board regulations set parole eligibility for reformatory sentences from 6 months to 24 months based on sentence length and criminal history. Reformatory sentences had come to be viewed as the epitome of the lack of truth-in-sentencing.

Reformatory sentences could be given by the superior court with sentence lengths ranging up to the statutory maximum. Reformatory sentences could also be imposed by the district court for those felonies over which the district court had jurisdiction with sentence lengths ranging up to five years. Male defendants receiving this type of sentence would initially be committed to MCI-Concord. Female defendants receiving this type of sentence would initially be committed to MCI-Framingham.

Table 1 shows the committing institution for males committed to the DOC for the period 1984 through 1998. As seen in this table, the number of reformatory sentences declined every year since 1989, well in advance of the implementation of Chapter 432. In 1993, the year prior to the implementation of the truth-in-sentencing law, only 332 or 14.8% of all males committed to the DOC received a reformatory sentence.

Table 1. Committing Institution, Male Commitments to DOC, 1984 to 1998⁷

Year	State Prison / Cedar Junction		Reformatory / Concord		Total	
	N	%	N	%	N	%
1984	827	56.3%	643	43.7%	1,470	100.0%
1985	993	61.7%	617	38.3%	1,610	100.0%
1986	1,033	60.9%	662	39.1%	1,695	100.0%
1987	1,250	64.1%	701	35.9%	1,951	100.0%
1988	1,364	70.2%	579	29.8%	1,943	100.0%
1989	1,888	71.6%	750	28.4%	2,638	100.0%
1990	1,985	73.8%	705	26.2%	2,690	100.0%
1991	2,042	74.9%	686	25.1%	2,728	100.0%
1992	2,037	81.1%	475	18.9%	2,512	100.0%
1993	1,909	85.2%	332	14.8%	2,241	100.0%
1994	2,046	92.8%	158	7.2%	2,204	100.0%
1995	2,121	97.3%	58	2.7%	2,179	100.0%
1996	1,936	98.4%	32	1.6%	1,968	100.0%
1997	1,974	98.4%	14	0.7%	2,006	100.0%
1998	1,903	99.0%	13	0.7%	1,923	100.0%

State Prison / Split Sentences

Chapter 432 eliminated state prison / split sentences. Split sentences include a specified period of incarceration with the balance of the sentence suspended during which time the offender is subject to a period of probation supervision. Split sentences can also be imposed to houses of correction. House of correction / split sentences were retained under Chapter 432.

Table 2 shows the number of split sentences for males committed to the DOC for the period 1984 to 1998. Split sentences were used for commitments to the state prison and the reformatory. The number of split sentences to the DOC increased through 1994. In 1993, the year prior to the implementation of the truth-in-sentencing law, there were a reported 573 split sentences to the DOC, representing 25.6% of all males committed to the state correctional system. In 1994, there were a reported 632 split sentences to the DOC, representing 28.7% of all males committed to the state correctional system. Prior

⁷ The source of this information is the Massachusetts Department of Correction annual statistical report series on court commitments to the DOC. In 1997, 18 males were reported as court commitments to the DOC with a house of correction sentence. In 1998, 7 males were reported as court commitments to the DOC with a house of correction sentence. These individuals were included in the total but were not assigned to a committing institution.

to the implementation of Chapter 432, the use of reformatory or state prison / split sentences was common. In 1993, 832 or 37.1% of all sentences for males committed to the DOC were either split or reformatory sentences.

Table 2. Type of Sentence by Committing Institution, Male Commitments to DOC, 1984 to 1998⁸

Year	State Prison / Cedar Junction						Reformatory / Concord					
	Split		Not Split		Total		Split		Not Split		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
1984	31	3.7%	796	96.3%	827	100.0%	97	15.1%	546	84.9%	643	100.0%
1985	42	4.2%	951	95.8%	993	100.0%	119	19.3%	498	80.7%	617	100.0%
1986	64	6.2%	969	93.8%	1,033	100.0%	154	23.3%	508	76.7%	662	100.0%
1987	125	10.0%	1,125	90.0%	1,250	100.0%	160	22.8%	541	77.2%	701	100.0%
1988	137	10.0%	1,227	90.0%	1,364	100.0%	114	19.7%	465	80.3%	579	100.0%
1989	204	10.8%	1,684	89.2%	1,888	100.0%	155	20.7%	595	79.3%	750	100.0%
1990	163	8.2%	1,822	91.8%	1,985	100.0%	126	17.9%	579	82.1%	705	100.0%
1991	307	15.0%	1,735	85.0%	2,042	100.0%	113	16.5%	573	83.5%	686	100.0%
1992	374	18.4%	1,663	81.6%	2,037	100.0%	93	19.6%	382	80.4%	475	100.0%
1993	500	26.2%	1,409	73.8%	1,909	100.0%	73	22.0%	259	78.0%	332	100.0%
1994	589	28.8%	1,457	71.2%	2,046	100.0%	43	27.2%	115	72.8%	158	100.0%
1995	329	15.1%	1,850	84.9%	2,179	100.0%	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
1996	76	3.9%	1,892	96.1%	1,968	100.0%	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
1997	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
1998	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.

⁸ The source of this information is the Massachusetts Department of Correction annual report series on court commitments to the DOC. In 1995 and 1996 the number of split sentences were reported by gender rather than committing institution. For purposes of this analysis, all males were assigned to the State Prison / Cedar Junction category. Split sentence information was not reported (N.R.) for 1997 and 1998.

Jurisdiction of Incarceration Sentences

Table 3 shows the correctional jurisdiction of court commitments emanating from the superior court for the period 1984 to 1998. As indicated in the table, the number of court commitments from the superior court to the jurisdiction of houses of correction increased every year since 1990, several years prior to the implementation of Chapter 432:

- superior court commitments to houses of correction increased from 515 in 1990 to 1,316 in 1998, an increase of 801 or 155.5%; and,
- superior court commitments to the DOC decreased from 2,710 in 1990 to 1,934 in 1998, a decrease of 776 or 28.6%.

Table 3. Correctional Jurisdiction of Court Commitments from the Superior Court, 1984 to 1998⁹

Year	Houses of Correction		Department of Correction		Total	
	N	%	N	%	N	%
1984	677	31.3%	1,484	68.7%	2,161	100.0%
1985	678	29.4%	1,632	70.6%	2,310	100.0%
1986	650	27.3%	1,732	72.7%	2,382	100.0%
1987	656	24.6%	2,007	75.4%	2,663	100.0%
1988	675	25.5%	1,967	74.5%	2,642	100.0%
1989	530	16.5%	2,686	83.5%	3,216	100.0%
1990	515	16.0%	2,710	84.0%	3,225	100.0%
1991	635	19.0%	2,712	81.0%	3,347	100.0%
1992	647	19.9%	2,607	80.1%	3,254	100.0%
1993	796	25.8%	2,285	74.2%	3,081	100.0%
1994	830	26.7%	2,283	73.3%	3,113	100.0%
1995	872	27.5%	2,295	72.5%	3,167	100.0%
1996	1,100	34.7%	2,072	65.3%	3,172	100.0%
1997	1,158	36.0%	2,057	64.0%	3,215	100.0%
1998	1,316	40.5%	1,934	59.5%	3,250	100.0%

⁹ The source of this information is the Massachusetts Department of Correction annual statistical report series on court commitments to the Department of Correction and court commitments to county correctional facilities. These figures include both male and female court commitments. The number of females committed to the DOC from the superior court with a house of correction sentence was estimated as the reported number of females committed to the DOC with house of correction sentences less female commitments to the DOC from sources other than superior courts. If the residual number was less than zero, no adjustment was made. These cases were included in the house of correction column and excluded from the DOC column.

Statutory Good Time

Chapter 432 eliminated statutory good time for all types of sentences to incarceration. With certain exceptions, statutory good time was awarded to both state and county sentenced defendants at the beginning of their sentence. These deductions affected only the maximum sentence and reduced the expected maximum time to serve. There were no changes in earned good time due to Chapter 432.

Table 4 shows the number of days of statutory good time credit awarded to offenders prior to the implementation of Chapter 432. The impact of statutory good time on time served could potentially be great for those defendants who were not released via parole and served the maximum time for their sentence. For example, a maximum sentence of 10 years would routinely be reduced by 1,500 days or over 4 years based on statutory good time deductions.

Table 4. Statutory Good Time Deductions by Sentence Length

Sentence Greater Than or Equal to	Sentence Less Than	Statutory Good Time Deductions Per Month	Typical Sentence	Total Good Time Deduction
----	4 months	0 days	1 Month	0 months
4 months	1 Year	2 ½ days	6 months	½ Month
1 Year	2 Years	5 days	18 months	3 months
2 Years	3 Years	7 ½ days	2 ½ Years	7 ½ months
3 Years	4 Years	10 days	3 ½ Years	14 months
4 Years	----	12 ½ days	10 Years	50 months

Parole Eligibility

The Massachusetts sentencing system after Chapter 432 remained an indeterminate sentencing system, albeit less indeterminate than before Chapter 432. That is, for most offenders sentenced to incarceration, discretionary release by the Parole Board was still possible. For house of correction sentences there was no change in eligibility for parole release due to truth-in-sentencing reform. In general, offenders with a house of correction sentence of 2 months or more were eligible for parole release at 50% of the sentence length under both the old law and the new law.

Chapter 432 modified the relationship between the minimum state prison sentence and eligibility for parole release. Prior to Chapter 432, parole eligibility for sentences to the state prison was established at either one-third or two-thirds of the minimum sentence, depending on the offense of conviction. For most offenses against the person and sex offenses, parole eligibility was established at two-thirds of the minimum sentence and for most property, drug, and other offenses, parole eligibility was established at one-third of the minimum sentence. Pursuant to Chapter 432, the minimum sentence length itself established the parole eligibility for the offender.

It is important to note that nominal sentences imposed under the old law will appear much longer than sentences imposed under the new law, although they are actually the equivalent in terms of expected time to serve. Table 5 shows examples of the parole eligibility for state prison sentences under the old law and the new law to illustrate this relationship.

In the first case, an individual convicted of a two-thirds offense (e.g. armed robbery) was sentenced to 9 to 12 years in the state prison. Under the old law, parole eligibility was set at two-thirds of the minimum sentence, or 6 years. At the beginning of the incarceration the offender would be awarded 12 ½ days of statutory good time per month based on the maximum sentence length. Therefore, the offender would be awarded 1,800 days of statutory good time and the expected maximum time to serve would be 7 years. Under the old law if paroled at the earliest date, the offender would be under parole supervision until the end of the original sentence, less any statutory good time earned while incarcerated (approximately 900 days), or a period of 3.5 years. An equivalent sentence under the new law, that is a sentence with the same expected time to parole eligibility and same expected maximum time to serve, would be 6 to 7 years, much lower than the actual old law sentence of 9 to 12 years.

In the second example, an individual convicted of a one-thirds offense (e.g. B&E) with a sentence of 6 to 9 years would have been eligible for parole at one-third of the minimum sentence, or 2 years. The expected maximum time to serve for the offender would be approximately 5.3 years. An equivalent sentence under the new law would be 2 to 5.3 years, much lower than the actual old law sentence of 6 to 9 years.

Table 5. State Prison Sentences: Sentence Structure, Parole Release, Parole Supervision, and Maximum Time to Serve

Sentence Estimates	Two-Thirds Offense: 9 to 12 Years	One-Third Offense: 6 to 9 Years
Earliest Parole Release	6 Years	2 Years
Total Statutory Good Time Awarded	1,800 Days	1,350 Days
Expected Maximum Time to Serve	7.0 Years	5.3 Years
Statutory Good Time Earned While Incarcerated	900 Days	300 Days
Maximum Time Under Parole Supervision	3.5 Years	6.2 Years
Equivalent New Law Sentence	6 to 7 Years	2 to 5.3 Years

Table 6 displays information for the state and county correctional system on the number of parole hearings, the number of paroles granted, and the number of hearings waived for the period 1988 to 1998. Three percentages are also shown: the parole grant rate, or the number of paroles granted to the number of hearings held; the waiver rate, or the number of waivers to the total number of parole eligibles (hearings plus waivers); and, an adjusted grant rate, including the effect of waivers, or the number of paroles granted to the total number of parole eligibles (hearings plus waivers).

For those offenders in the state correctional system there was a decreased use of parole as evidenced by the number of paroles, the number of waivers, and parole grant rates:

- the number of paroles granted decreased from 1,699 in 1988 to 817 in 1998;
- the number of paroles granted in 1998 (817) was the second lowest during the period;
- the parole grant rate decreased from 61.7% in 1988 to 35.3% in 1998;
- the parole grant rate in 1998 (35.3%) was the second lowest during the period;

- the number of state sentenced offenders who waived their parole hearing increased from 395 (12.6% of the population of parole eligibles) in 1988 to 1,095 (32.1% of the parole eligibles) in 1998; and,
- the grant rate, including those who waived their parole hearing, decreased from 54.0% in 1988 to 24.0% in 1998.

In contrast, for those offenders in the county correctional system there was no substantial decrease in the use of parole as a release mechanism. During this period there was an increase in the number of parole hearings and an increase in the number of paroles granted. However, during the same period, the number of county offenders waiving parole and the waiver rate continued to increase. As shown in Table 6:

- the number of paroles granted increased from 2,611 in 1988 to 3,925 in 1998;
- the number of paroles granted in 1998 (3,925) was the second highest during the period;
- the parole grant rate was 48.5% in both 1988 and 1998;
- the parole grant rate varied from 38.1% in 1993 to 57.7% in 1990;
- the number of county sentenced offenders who waived their parole hearing increased from 1,314 (19.6% of the population of parole eligibles) to 4,049 (33.3% of the parole eligibles); and,
- the grant rate including those who waived their parole hearing decreased from 39.0% in 1988 to 32.3% in 1998.

Table 6. Parole Hearings, Parole Waivers and Parole Grant Rates by Jurisdiction, 1988 to 1998¹⁰

Year	State Sentence						County Sentence					
	Hearings	Parole Granted	% Granted / Hearings	Hearing Waived	% Waived	% Granted / Total	Hearings	Parole Granted	% Granted / Hearings	Hearing Waived	% Waived	% Granted / Total
1988	2,752	1,699	61.7%	395	12.6%	54.0%	5,388	2,611	48.5%	1,314	19.6%	39.0%
1989	2,830	1,869	66.0%	392	12.2%	58.0%	6,145	3,255	53.0%	1,139	15.6%	44.7%
1990	2,821	1,963	69.6%	361	11.3%	61.7%	6,607	3,811	57.7%	1,358	17.0%	47.8%
1991	2,798	1,481	52.9%	462	14.2%	45.4%	5,921	2,435	41.1%	2,053	25.7%	30.5%
1992	3,048	1,286	42.2%	621	16.9%	35.1%	6,227	2,519	40.5%	2,290	26.9%	29.6%
1993	2,969	1,140	38.4%	825	21.7%	30.0%	6,577	2,504	38.1%	2,313	26.0%	28.2%
1994	2,879	1,109	38.5%	824	22.3%	29.9%	6,076	2,827	46.5%	2,719	30.9%	32.1%
1995	2,335	850	36.4%	949	28.9%	25.9%	6,394	3,368	52.7%	2,988	31.8%	35.9%
1996	2,354	769	32.7%	1,059	31.0%	22.5%	7,047	3,754	53.3%	3,102	30.6%	37.0%
1997	2,290	843	36.8%	695	23.3%	28.2%	8,177	4,068	49.7%	2,856	25.9%	36.9%
1998	2,315	817	35.3%	1,095	32.1%	24.0%	8,099	3,925	48.5%	4,049	33.3%	32.3%

¹⁰ The source of this material is a Massachusetts Parole Board research report series prepared by Richard W. Lunden, *10 Year Trends 1988 - 1997*, and *10 Year Trends 1989-1998*.

Correctional Population

Figure 2 shows the population in state and county correctional facilities at the beginning of the year for the period 1990 to 2000. The number of individuals incarcerated in Massachusetts increased during the period of sentencing reform implementation. The change in the number of incarcerated individuals may be related to many factors other than sentencing reform.

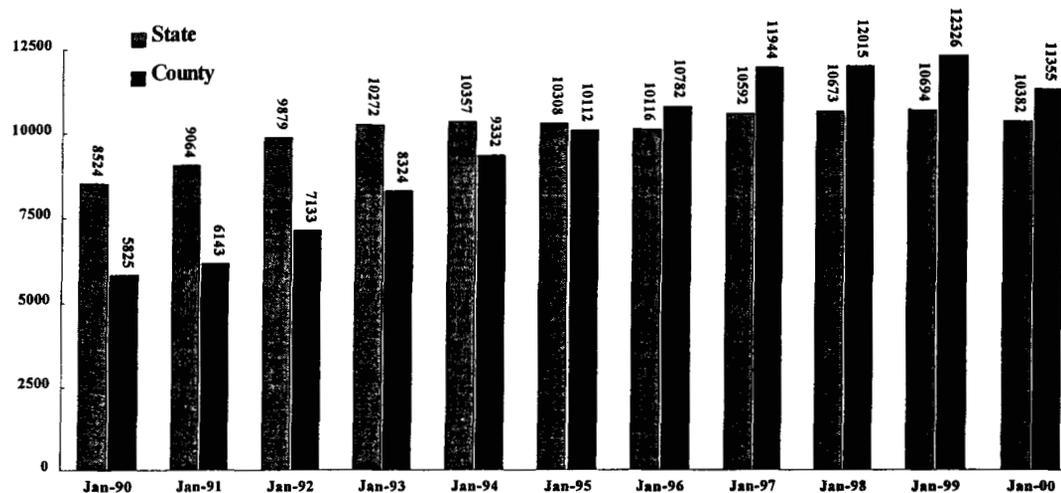
The population in both correctional systems increased during the period from 1990 through 1999 and declined in the most recent period from 1999 to 2000. The population in the county correctional system increased more than the population in the DOC, and by 1996 the population in houses of correction exceeded that of the DOC:

- the population in houses of correction increased from 5,825 in 1990 to 11,355 in 2000, an increase of 5,530 or 94.9%; and,
- the population in the DOC increased from 8,524 in 1990 to 10,382 in 2000 an increase of 1,858 or 21.8%.

In the period since the implementation of Chapter 432, changes in correctional population in the state correctional system were modest, but the county correctional system continued a period of substantial growth:

- the population in houses of correction increased from 9,332 in 1994 to 11,355 in 2000, an increase of 2,023 or 21.7%; and,
- the population in the DOC increased from 10,357 in 1994 to 10,382 in 2000 an increase of 25 or 0.2%.

Figure 2. Population in State and County Correctional Facilities, 1990 to 2000¹¹



¹¹ The source of this information is the Massachusetts Department of Correction detailed daily count sheets for the period. The count reported for the state correctional system includes the DOC inmate facility total, Bridgewater State Hospital, SDP Treatment Center, and Addiction Center. The state count excludes Longwood Treatment Center and county inmates in the Massachusetts Boot Camp. The count reported for the county correctional system includes Longwood Treatment Center and county inmates in the Massachusetts Boot Camp.

PART IV. RESEARCH QUESTIONS

It was assumed that the objective of Chapter 432 was to ensure greater truth-in-sentencing, that is that the expected time to serve by the offender would more closely resemble the sentence imposed. The aim of the research questions is to consider the extent to which the goals established for the truth-in-sentencing act were reached, to examine changes in sentence structure under the new law, and to estimate the impact of the new law on expected time to serve for offenders sentenced to incarceration.

The first set of research questions focuses on the overall implementation of the truth-in-sentencing law:

- how many cases were sentenced under the provisions of the new law?
- how did the rate of implementation vary in the district court and the superior court?

The second set of research questions focuses on the manner in which the system accommodated the elimination of the reformatory and state prison / split sentence:

- was the elimination of the reformatory sentence and state prison / split sentence associated with a shift in correctional jurisdiction of incarceration sentences from the DOC to the houses of correction?
- did the introduction of the short state prison sentence (under 2 ½ years) serve as a replacement for the reformatory and state prison / split sentence?
- was the elimination of the reformatory sentence and the state prison / split sentence associated with the imposition of incarceration sentences with periods of post-release probation supervision?

For house of correction sentences, the following questions were considered:

- were sentence lengths adjusted to accommodate for the loss of statutory good time?
- were there any differences in the sentencing practices in the district court and the superior court?
- was the expected time to serve by the offender closer to the sentence imposed?

For state prison sentences, the following questions were considered:

- were minimum state prison sentence lengths adjusted such that expected time to parole eligibility remained the same?
- were maximum state prison sentence lengths adjusted such that the expected maximum time to serve remained the same?
- was expected time to serve by the offender closer to the sentence imposed?

PART V. FINDINGS

Truth-in-Sentencing Law Implementation

The first set of research questions focuses on the overall implementation of the truth-in-sentencing law:

- how many cases were sentenced under the provisions of the new law?
- how did the rate of implementation vary in the district court and the superior court?

All sentences imposed for offenses committed on or after the effective date of the legislation, July 1, 1994, were subject to the provisions of the new law. Because the truth-in-sentencing reforms applied to incarceration sentences, only those offenders who received a sentence that included a period of incarceration and were convicted of offenses assigned to the sentencing guidelines grid were selected for this analysis.

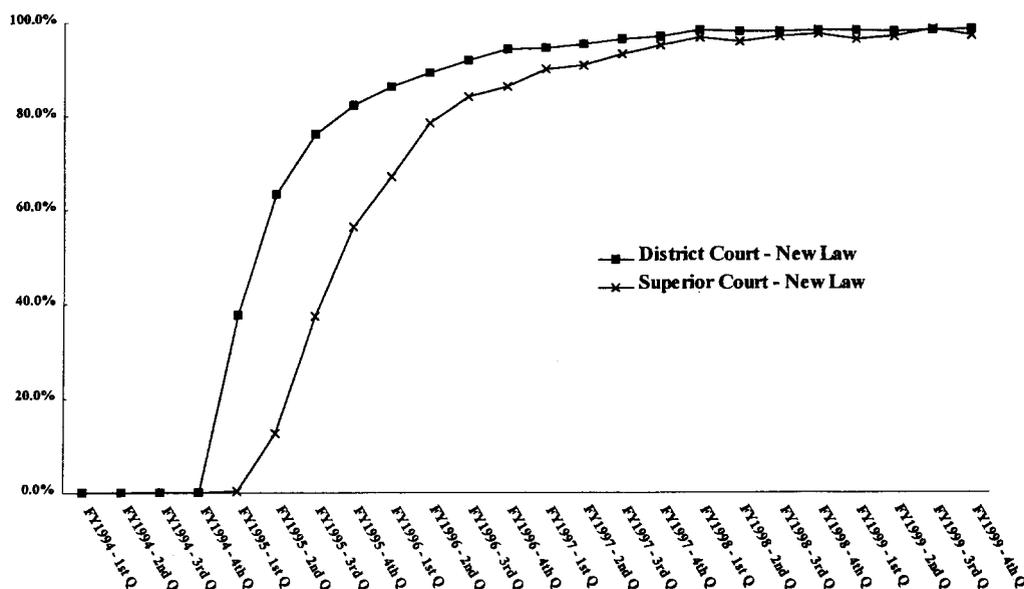
Table 7 shows the year of conviction and truth-in-sentencing status of the 126,467 defendants convicted of offenses assigned to the sentencing grid and sentenced to incarceration during the period FY 1994 to FY 1999. Of the 126,467 defendants sentenced to incarceration, it was estimated that 35,276 or 27.9% were sentenced under the provisions of the old law and 91,191 or 72.1% were sentenced under the provisions of the new law. In FY 1994 all of the defendants were sentenced under the provisions of the old law. By FY 1999 only 2.0% of the defendants were sentenced under the provisions of the old law.

Table 7. Truth-in-Sentencing Status, FY 1994 to FY 1999

Year of Conviction	Old Law		New Law		Total	
	N	%	N	%	N	%
FY 1994	22,003	100.0%	0	0.0%	22,003	100.0%
FY 1995	8,821	40.9%	12,741	59.1%	21,562	100.0%
FY 1996	2,434	11.4%	18,950	88.6%	21,384	100.0%
FY 1997	1,052	5.0%	20,193	95.0%	21,245	100.0%
FY 1998	570	2.7%	20,320	97.3%	20,890	100.0%
FY 1999	396	2.0%	18,987	98.0%	19,383	100.0%
Total	35,276	27.9%	91,191	72.1%	126,467	100.0%

Figure 3 shows the proportion of defendants convicted of an offense assigned to the sentencing grid and sentenced to incarceration under the provisions of the new law in the district court and the superior court for the six-year period FY 1994 to FY 1999. In the first two years following the effective date of the truth-in-sentencing legislation, the proportion of cases sentenced under the new law was noticeably lower in the superior court than in the district court. Because the superior court handles more serious cases, this difference is probably due to the longer time for cases to be investigated and to reach final disposition in the superior court than in the district court. Individuals whose offenses were committed prior to July 1, 1994 continued to be processed in the superior court well into the two fiscal years following the effective date of the legislation. By FY 1999 these differences had largely disappeared.

Figure 3. Proportion of Cases Sentenced Under the Provisions of the New Law by Court Department, FY 1994 to FY 1999



Elimination of the Reformatory and State Prison / Split Sentence

The second set of research questions focuses on identifying the manner in which the system accommodated the elimination of the reformatory and state prison / split sentence:

- was the elimination of the reformatory sentence and state prison / split sentence associated with a shift in correctional jurisdiction of incarceration sentences from the DOC to the houses of correction?
- did the introduction of the short state prison sentence (under 2 ½ years) serve as a replacement for the reformatory and state prison / split sentence?
- was the elimination of the reformatory sentence and the state prison / split sentence associated with the imposition of incarceration sentences with periods of post-release probation supervision?

Jurisdiction of Incarceration Sentences

Because the elimination of the reformatory sentence and the state prison / split sentence constrained sentencing options in the superior court more than in the district court, an initial focus was on the jurisdiction of sentences to incarceration, particularly those sentences imposed in the superior court. Table 8 shows the jurisdiction of incarceration sentences by court department for the period FY 1994 to FY 1999 for those defendants convicted of an offense assigned to the sentencing grid and sentenced to incarceration. Consistent with the data presented earlier regarding court commitments emanating from the superior court, there was some evidence of a shift in jurisdiction of superior court incarceration sentences:

- in FY 1994, 25.4% of the superior court cases sentenced to incarceration were sentenced to a house of correction and 74.6% were sentenced to the DOC; and,
- in FY 1999, 39.2% of the superior court cases sentenced to incarceration were sentenced to a house of correction and 60.8% were sentenced to the DOC.

Table 8. Jurisdiction of Incarceration Sentences by Court Department, FY 1994 to FY 1999

Jurisdiction and Court Department	FY 1994		FY 1995		FY 1996		FY 1997		FY 1998		FY 1999	
	N	%	N	%	N	%	N	%	N	%	N	%
All Courts												
House	19,595	89.1%	19,172	88.9%	19,279	90.2%	19,240	90.6%	18,889	90.4%	17,540	90.5%
DOC	2,408	10.9%	2,390	11.1%	2,105	9.8%	2,005	9.4%	2,001	9.6%	1,843	9.5%
Total	22,003	100.0%	21,562	100.0%	21,384	100.0%	21,245	100.0%	20,890	100.0%	19,383	100.0%
District Court												
House	18,789	99.8%	18,157	100.0%	18,083	100.0%	17,989	100.0%	17,600	100.0%	16,354	100.0%
DOC	36	0.2%	1	0.0%	2	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	18,825	100.0%	18,158	100.0%	18,085	100.0%	17,989	100.0%	17,600	100.0%	16,354	100.0%
Superior Court												
House	806	25.4%	1,015	29.8%	1,196	36.3%	1,251	38.4%	1,289	39.2%	1,186	39.2%
DOC	2,372	74.6%	2,389	70.2%	2,103	63.7%	2,005	61.6%	2,001	60.8%	1,843	60.8%
Total	3,178	100.0%	3,404	100.0%	3,299	100.0%	3,256	100.0%	3,290	100.0%	3,029	100.0%

Type of Sentence

Table 9 shows the type of sentence imposed by offense level and truth-in-sentencing status for those defendants convicted in the superior court of an offense assigned to the sentencing grid and sentenced to incarceration. For purposes of this analysis, these superior court cases were assigned to one of four sentence categories based on jurisdiction, sentence structure, and sentence length:

- house of correction sentences and house of correction / split sentences;
- short state prison sentences, those with a minimum sentence length of less than 2 ½ years;¹²
- reformatory sentences or state prison / split sentences;¹³ and,
- traditional state prison sentences, those with a minimum sentence length of 2 ½ years or more.¹⁴

It was estimated that 26.3% of the old law sentences and 39.1% of the new law sentences were house of correction or house of correction / split sentences. Superior court sentences to incarceration in a house of correction were most often imposed for offenses in lower offense levels. As indicated in Table 9, 88.1% of old law superior court sentences to houses of correction were in offenses level 1 through 4; and 88.3% of new law superior court sentences to houses of correction were for offenses in level 1 through 4. However, at every offense level, a larger proportion of cases were sentenced to the jurisdiction of houses of correction under the new law than under the old law.

It was estimated that 23.7% of the sentences imposed under the old law were reformatory or state prison / split sentences. State prison / split sentences and reformatory sentences were most often imposed for offenses at higher offense seriousness levels. As indicated in Table 9, 65.0% of the old law reformatory sentences and state prison / split sentences were imposed for offenses in offense levels 5 through 8. Further, 30.2% of all old law sentences to incarceration for offenses in levels 5 through 8 were reformatory sentences or state prison / split sentences.

¹² A small number of old law cases were classified in this group and represent exceptions to the 2 ½ year minimum sentence standard.

¹³ A small number of new law cases were classified in this group and represent some of the offenders sentenced under the habitual offender statute.

¹⁴ This category includes life sentences and state prison sentences with missing sentence length.

State prison sentences were the most common type of sentence imposed for both old law and new law cases. Almost half of the sentences imposed under the old law were state prison sentences and with few exceptions, those sentences were traditional length state prison sentences. Of all the new law sentences, 60.8% were state prison sentences including 1,774 or 14.0% where the minimum sentence was under 2 ½ years and 5,948 or 46.9% where the minimum sentence was the more traditional length of 2 ½ years or more.

A comparison was made of the proportion of sentences in each of the four sentence groups under the old law and the new law in order to develop an estimate of the jurisdictional effect of Chapter 432. These proportional differences were used to estimate an allocation of reformatory sentences and state prison / split sentences by correctional jurisdiction under the new law; that is, where did the reformatory and state prison / split sentences go after the implementation of Chapter 432. This model was applied to each offense level in order to control for changes in the offense seriousness of offenders sentenced under the old law and the new law.¹⁵ As shown in Table 9, the distribution of

¹⁵ These assumptions regarding the distribution of offenses by level result in differences in the final estimates. The following table compares the actual distribution of sentence type under the old law and the new law with an estimate of the distribution of sentence type that would have been expected given the same relative distribution of offense seriousness. For example, the observed proportion of house of correction sentences under the old law was 26.3% and the observed proportion of house of correction sentences under the new law was 39.1%. It was further estimated that the proportion sentenced to houses of correction observed under the old law would have increased to 32.0% using the distribution of offense levels that were observed under the new law. In estimating the jurisdictional impact of Chapter 432, it was assumed that the proportion of sentences imposed to houses of correction increased from 26.3% to 32.0% due to the offense seriousness level of defendants sentenced under the new law and that the proportion of sentences imposed to houses of correction increased from 32.0% to 39.1%, or 7.1%, due to Chapter 432. This latter proportion is the estimate of the jurisdictional effect of Chapter 432. The new law distribution of offense levels was used to estimate the shift of correctional jurisdiction and the allocation of state prison sentences under 2 ½ years; and the old law distribution of offense levels was used to estimate the re-distribution of reformatory and state prison / split sentences. The model further assumed that offenders sentenced at the same level would tend to retain jurisdiction and within jurisdiction were assigned to the categories of traditional state prison sentence and shorter state prison sentence respectively.

	House of Correction	State Prison Under 2 ½ Years	Reformatory or State Prison / Split	State Prison 2 ½ Years or More
Old Law (Observed)	26.3%	0.5%	23.7%	49.5%
New Law (Observed)	39.1%	14.0%	0.1%	46.9%
Old Law Estimate Using New Law Offense Levels	32.0%	0.5%	22.6%	44.9%

offense levels was higher for those defendants sentenced to incarceration under the old law than for those defendants sentenced under the new law:

- of those cases sentenced under the provisions of the old law, 54.2% were in levels 5 through 9 and 43.6% were in levels 1 through 4; and,
- of those cases sentenced under the provisions of the new law, 44.2% were in levels 5 through 9 and 54.2% were in levels 1 through 4.

While the model does not control for all factors that are associated with the correctional jurisdiction and sentence structure, estimates of the impact of Chapter 432 can be made:

- 92.9% of superior court sentences to incarceration imposed under the new law retained correctional jurisdiction:
 - 32.0% stayed in the county correctional system;
 - 60.9% stayed in the DOC;
- 7.1% of superior court sentences to incarceration imposed under the new law changed correctional jurisdiction from the DOC to the houses of correction.

Of all old law reformatory sentences and state prison / split sentences, it was estimated that:

- 73.6% retained correctional jurisdiction:
 - 28.6% were estimated to be traditional length state prison sentences;
 - 44.7% were estimated to be shorter state prison sentences; and,
- 26.4% changed correctional jurisdiction from the DOC to the houses of correction.

The model further indicates that what happened to old law reformatory and state prison / split sentences varied by offense seriousness. In general, those old law reformatory and state prison / split sentences imposed for higher level offenses would have been more likely to retain correctional jurisdiction within the DOC when sentenced under the new law, while those old law reformatory and state prison / split sentences for lower level offense would have been more likely to change jurisdiction from the DOC to the houses of correction when sentenced under the new law.

Of those old law reformatory sentences and state prison / split sentences in levels 5 through 8, it was estimated that:

- 87.8% retained correctional jurisdiction within the DOC:
 - 44.0% were estimated to be traditional length state prison sentences;
 - 43.6% were estimated to be shorter state prison sentences; and,
- 12.2% changed correctional jurisdiction from the DOC to the houses of correction.

Of those old law reformatory sentences and state prison / split sentences in levels 1 through 4, it was estimated that:

- 49.0% retained correctional jurisdiction within the DOC and virtually all of these cases were estimated to be shorter state prison sentences; and,
- 51.0% changed correctional jurisdiction from the DOC to the houses of correction.

Of all new law state prison sentences under 2 ½ years, it was estimated that:

- 23.2% would have been traditional length state prison sentences under the old law; and,
- 73.2% would have been reformatory sentences or state prison / split sentences under the old law.

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Table 9. Type of Sentence by Offense Level and Truth-in-Sentencing Status, Superior Court Sentences to Incarceration, FY 1994 to FY 1999

Level	Old Law										New Law									
	House of Correction		State Prison Under 2 ½ Years		Reformatory / Split		State Prison 2 ½ Years or More		Total		House of Correction		State Prison Under 2 ½ Years		Reformatory / Split		State Prison 2 ½ Years or More		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
9	0	0.0%	0	0.0%	0	0.0%	205	100.0%	205	100.0%	0	0.0%	0	0.0%	0	0.0%	273	100.0%	273	100.0%
8	0	0.0%	0	0.0%	96	24.8%	291	75.2%	387	100.0%	1	0.3%	11	2.8%	0	0.0%	386	97.0%	398	100.0%
7	7	1.1%	1	0.2%	179	28.2%	447	70.5%	634	100.0%	17	1.8%	113	12.1%	0	0.0%	804	86.1%	934	100.0%
6	97	5.7%	7	0.4%	539	31.8%	1,051	62.0%	1,694	100.0%	280	10.8%	414	16.0%	3	0.1%	1,884	73.0%	2,581	100.0%
5	62	8.3%	2	0.3%	229	30.8%	450	60.6%	743	100.0%	186	13.1%	202	14.2%	0	0.0%	1,037	72.8%	1,425	100.0%
4	900	44.1%	18	0.9%	430	21.1%	691	33.9%	2,039	100.0%	2,384	52.7%	846	18.7%	4	0.1%	1,293	28.6%	4,527	100.0%
3	462	70.3%	0	0.0%	65	9.9%	130	19.8%	657	100.0%	1,471	81.5%	145	8.0%	1	0.1%	188	10.4%	1,805	100.0%
2	187	84.2%	1	0.5%	26	11.7%	8	3.6%	222	100.0%	485	96.0%	14	2.8%	1	0.2%	5	1.0%	505	100.0%
1	21	75.0%	0	0.0%	4	14.3%	3	10.7%	28	100.0%	41	97.6%	0	0.0%	0	0.0%	1	2.4%	42	100.0%
N.A.	46	29.7%	3	1.9%	36	23.2%	70	45.2%	155	100.0%	96	47.5%	29	14.4%	0	0.0%	77	38.1%	202	100.0%
Total	1,782	26.3%	32	0.5%	1,604	23.7%	3,346	49.5%	6,764	100.0%	4,961	39.1%	1,774	14.0%	9	0.1%	5,948	46.9%	12,692	100.0%

Post-Release Probation Supervision

The final area of structural change to be considered is the use of post-release probation supervision. While probation is often viewed primarily as an alternative to incarceration, it also has an important use in sentencing as a supplement to incarceration. When imposing a sentence, a judge may want to sentence the defendant to both a term of incarceration and a term of post-release probation supervision. This can be accomplished for most defendants through the use of split sentences or from & after probation sentences. Prior to Chapter 432, judges could impose state prison / split sentences or house of correction / split sentences. Subsequent to Chapter 432, state prison / split sentences were no longer available as a sentencing option. As indicated previously, state prison / split sentences were an increasingly used sentencing option until their elimination under Chapter 432. Currently, in the case of a defendant convicted of a single charge, a judge may be able to impose a house of correction / split sentence; and, in the case of a defendant convicted of multiple charges, a judge may impose a sentence of incarceration on one charge and a sentence to from & after probation on a second charge. This section of the report considers the use of post-release probation supervision in the absence of the state prison / split sentence.

Table 10 shows the post-release probation supervision status by court department for those offenders convicted of an offense assigned to the sentencing grid and sentenced to incarceration for the period FY 1994 to FY 1999. During this period, post-release probation supervision was used with great frequency and the overall proportion of sentences to incarceration involving post-release probation supervision for all courts remained approximately the same:

- in FY 1994, 40.8% of all sentences to incarceration included a period of post-release probation supervision; and,
- in FY 1999, 40.4% of all sentences to incarceration included a period of post-release probation supervision.

There were some changes in the use of post-release probation supervision among superior court sentences to incarceration that merit further consideration. In every year considered, the proportion of sentences to incarceration involving post-release probation supervision was greater in the superior court than in the district court. In the most recent period considered, about half of the superior court sentences to incarceration also included a period of post-release probation supervision. However, the proportion of superior court cases with post-release probation supervision decreased from 45.9% in FY 1994 to 40.9% in FY 1996 and increased to 50.1% in FY 1999.

Survey of Sentencing Practices: Truth-in-Sentencing Reforms in Massachusetts

Table 10. Post-Release Probation Supervision Status by Court Department, FY 1994 to FY 1999

Court Department and Post-Release Probation Supervision Status	FY 1994		FY 1995		FY 1996		FY 1997		FY 1998		FY 1999	
	N	%	N	%	N	%	N	%	N	%	N	%
All Courts												
With Post Release Supervision	8,987	40.8%	8,636	40.1%	8,229	38.5%	8,255	38.9%	8,066	38.6%	7,830	40.4%
Without Post Release Supervision	13,016	59.2%	12,926	59.9%	13,155	61.5%	12,990	61.1%	12,824	61.4%	11,553	59.6%
Total	22,003	100.0%	21,562	100.0%	21,384	100.0%	21,245	100.0%	20,890	100.0%	19,383	100.0%
District Court												
With Post Release Supervision	7,529	40.0%	7,125	39.2%	6,881	38.0%	6,840	38.0%	6,521	37.1%	6,313	38.6%
Without Post Release Supervision	11,296	60.0%	11,033	60.8%	11,204	62.0%	11,149	62.0%	11,079	62.9%	10,041	61.4%
Total	18,825	100.0%	18,158	100.0%	18,085	100.0%	17,989	100.0%	17,600	100.0%	16,354	100.0%
Superior Court												
With Post Release Supervision	1,458	45.9%	1,511	44.4%	1,348	40.9%	1,415	43.5%	1,545	47.0%	1,517	50.1%
Without Post Release Supervision	1,720	54.1%	1,893	55.6%	1,951	59.1%	1,841	56.5%	1,745	53.0%	1,512	49.9%
Total	3,178	100.0%	3,404	100.0%	3,299	100.0%	3,256	100.0%	3,290	100.0%	3,029	100.0%

Table 11 shows the use of post-release probation supervision by correctional jurisdiction for superior court defendants. Throughout this period, the use of post-release probation supervision was more frequent among superior court sentences to houses of correction than to the DOC:

- in FY 1994, 57.1% of superior court sentences to houses of correction and 42.1% of superior court sentences to the DOC included post-release probation supervision; and,
- in FY 1999, 69.1% of superior court sentences to houses of correction and 37.8% of superior court sentences to the DOC included post-release probation supervision.

Among superior court sentences to houses of correction, the proportion of cases involving post-release probation supervision declined modestly from 57.1% in FY 1994 to 56.2% in FY 1995 and subsequently increased to 69.1% in FY 1999. For those sentences imposed to houses of correction, there was an increase in both the use of house of correction / split sentences and house of correction sentences with from & after probation supervision on an associated charge:

- in FY 1994 there were 252 house of correction / split sentences imposed in the superior court; and,
- in FY 1999, there were 398 house of correction / split sentences imposed in the superior court;
- in FY 1994, there were 208 house of correction sentences imposed that included a period of post-release probation supervision on an associated charge; and,
- in FY 1999, there were 422 house of correction sentences imposed that included a period of post-release probation supervision on an associated charge.

Among superior court sentences to the DOC, the proportion of cases involving post-release probation supervision declined more sharply from 42.1% in FY 1994 to 31.6% in FY 1996 and subsequently increased to 37.8% in FY 1999. During this period, there was a marked decline in the number of state prison / split sentences and an increase in the number of state prison sentences with a period of post-release probation supervision on an associated charge:

- in FY 1994, there were 697 state prison / split sentences; and,
- in FY 1999, there were 12 state prison / split sentences;

- in FY 1994, 301 or 12.7% of the sentences to the DOC included a period of post-release probation supervision on an associated charge; and,
- in FY 1999, 685 or 37.2% of the sentences to the DOC included a period of post-release probation supervision on an associated charge.

There was evidence that sentencing practices accommodated the elimination of the state prison / split sentence without reducing the proportion of cases provided with post-release probation supervision.

Table 11. Post-Release Probation Supervision Status by Correctional Jurisdiction, Superior Court Sentences to Incarceration, FY 1994 to FY 1999

Type of Sentence, Jurisdiction & Post-Release Probation Status	FY 1994		FY 1995		FY 1996		FY 1997		FY 1998		FY 1999	
	N	%	N	%	N	%	N	%	N	%	N	%
House of Correction												
Split Sentence	252	31.3%	263	25.9%	360	30.1%	358	28.6%	358	27.8%	398	33.6%
Other From & After Probation	208	25.8%	307	30.2%	324	27.1%	406	32.5%	493	38.2%	422	35.6%
Sub-Total Post-Release Probation	460	57.1%	570	56.2%	684	57.2%	764	61.1%	851	66.0%	820	69.1%
Without Post-Release Probation	346	42.9%	445	43.8%	512	42.8%	487	38.9%	438	34.0%	366	30.9%
Total House of Correction	806	100.0%	1,015	100.0%	1,196	100.0%	1,251	100.0%	1,289	100.0%	1,186	100.0%
Department of Correction												
Split Sentence	697	29.4%	538	22.5%	141	6.7%	48	2.4%	22	1.1%	12	0.7%
Other From & After Probation	301	12.7%	403	16.9%	523	24.9%	603	30.1%	672	33.6%	685	37.2%
Sub-Total Post-Release Probation	998	42.1%	941	39.4%	664	31.6%	651	32.5%	694	34.7%	697	37.8%
Without Post-Release Probation	1,374	57.9%	1,448	60.6%	1,439	68.4%	1,354	67.5%	1,307	65.3%	1,146	62.2%
Total DOC	2,372	100.0%	2,389	100.0%	2,103	100.0%	2,005	100.0%	2,001	100.0%	1,843	100.0%
All Jurisdictions												
Split Sentence	949	29.9%	801	23.5%	501	15.2%	406	12.5%	380	11.6%	410	13.5%
Other From & After Probation	509	16.0%	710	20.9%	847	25.7%	1,009	31.0%	1,165	35.4%	1,107	36.5%
Sub-Total Post-Release Probation	1,458	45.9%	1,511	44.4%	1,348	40.9%	1,415	43.5%	1,545	47.0%	1,517	50.1%
Without Post-Release Probation	1,720	54.1%	1,893	55.6%	1,951	59.1%	1,841	56.5%	1,745	53.0%	1,512	49.9%
Total All Jurisdictions	3,178	100.0%	3,404	100.0%	3,299	100.0%	3,256	100.0%	3,290	100.0%	3,029	100.0%

House of Correction Sentences

For house of correction sentences the following questions were considered:

- were sentence lengths adjusted to accommodate for the loss of statutory good time?
- were there any differences in the sentencing practices in the district court and the superior court?
- was the expected time to serve by the offender closer to the sentence imposed?

In order to compare sentence lengths for house of correction sentences imposed under the old law with those imposed under the new law, an adjustment was made to old law house of correction and house of correction / split sentences. This adjustment was made to estimate the impact of statutory good time on sentence length. No adjustments were made to those sentences imposed under the new law.

Table 12 shows the estimated number of good conduct days deducted per month from those house of correction sentences imposed under the old law. For those individuals sentenced to houses of correction, the number of good conduct days deducted per month of sentence length ranged from zero (due to the nature of the offense or the length of the sentence) to 7 ½ days per month. For many house of correction sentences imposed under the old law, no statutory good time was deducted: 13,984 or 47.8% of the house of correction sentences had no statutory good time deducted. Actual estimates of statutory good time were adjusted to account for mandatory minimum requirements.

Table 12. House of Correction Sentences: Estimated Statutory Good Conduct Time Deduction Rate¹⁶

Number of Days Deducted per Month	N	%
0 Days	13,984	47.8%
2 ½ Days	6,926	23.7%
5 Days	5,665	19.4%
7 ½ Days	2,671	9.1%
Total	29,246	100.0%

¹⁶ Excludes 1,009 cases due to missing sentence length

Figure 4 shows the distribution of house of correction sentences by truth-in-sentencing status without any adjustments to those sentences imposed under the old law. The distribution of nominal sentence lengths for both old law and new law cases was very similar.

Table 13 shows the mean house of correction sentence length by offense level and truth-in-sentencing status. For all offense levels, the mean house of correction sentence imposed for those defendants sentenced under the provisions of the old law was very similar to the mean house of correction sentence imposed for those defendants sentenced under the provisions of the new law. For all defendants sentenced under the provisions of the old law, the mean house of correction sentence was 7.2 months and for all defendants sentenced under the provisions of the new law, the mean house of correction sentence was 7.0 months.

Table 13 also shows the mean adjusted sentence length for those house of correction sentences imposed under the old law. For all offense levels, the mean adjusted house of correction sentence for those defendants sentenced under the old law was lower than the mean house of correction sentence for those defendants sentenced under the new law. For all defendants sentenced under the provisions of the old law, the mean adjusted house of correction sentence was 6.2 months and for all defendants sentenced under the provisions of the new law, the mean house of correction sentence was 7.0 months.

Overall, it appears that nominal sentence lengths to houses of correction did not change substantially following the implementation of Chapter 432. When comparing the adjusted mean sentence under the old law (6.2 months) with the mean sentence under the new law (7.0 months), the elimination of statutory good time could be expected to contribute to a longer expected maximum time to serve for offenders sentenced at the same offense level. Because of the relatively large volume of offenders sentenced to houses of correction, even a modest change in expected time served in an admissions cohort could have a substantial impact on the total correctional population. As noted earlier, the population in county correctional facilities did increase during the period following implementation of Chapter 432.

Figure 4. House of Correction Sentences: Sentence Length by Truth-in-Sentencing Status, All Courts¹⁷

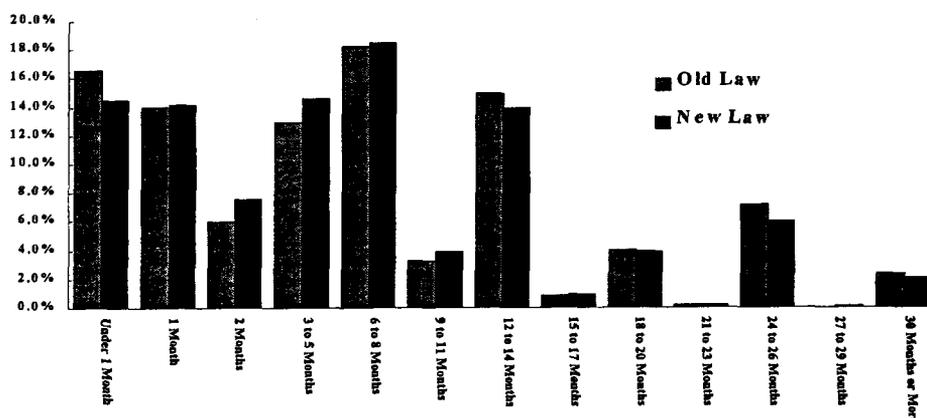


Table 13. House of Correction Sentences: Sentence Length by Offense Level and Truth-in-Sentencing Status, All Courts¹⁸

Level	Old Law			New Law	
	N	Sentence Mean	Adjusted Sentence Mean	N	Sentence Mean
9	0	N.A.	N.A.	0	N.A.
8	0	N.A.	N.A.	1	30.0 Mos.
7	7	21.7 Mos.	16.7 Mos.	17	22.9 Mos.
6	95	19.6 Mos.	18.0 Mos.	294	18.9 Mos.
5	321	11.8 Mos.	11.0 Mos.	916	11.4 Mos.
4	5,189	13.2 Mos.	11.2 Mos.	12,312	13.3 Mos.
3	12,623	7.6 Mos.	6.4 Mos.	36,184	7.3 Mos.
2	7,971	4.5 Mos.	4.0 Mos.	23,186	4.5 Mos.
1	2,783	1.4 Mos.	1.3 Mos.	7,417	1.5 Mos.
N.A.	257	8.2 Mos.	6.8 Mos.	592	8.4 Mos.
Total	29,246	7.2 Mos.	6.2 Mos.	80,919	7.0 Mos.

¹⁷ Excludes 3,550 cases due to missing sentence length: 1,009 old law cases and 2,541 new law cases.

¹⁸ Excludes 3,550 cases due to missing sentence length: 1,009 old law cases and 2,541 new law cases.

The second research question considers variation in sentencing to houses of correction from the district court and the superior court. This is an important consideration, because house of correction sentences imposed in the superior court are typically longer than those imposed in the district court,¹⁹ and the superior court was more likely to sentence to the jurisdiction of the houses of correction following implementation of Chapter 432.

Figure 5 shows the distribution of sentence length of those house of correction sentences imposed in the district court by truth-in-sentencing status without any adjustments to those sentences imposed under the old law. As indicated in Figure 5, the distribution of nominal sentence lengths for both old law and new law house of correction sentences imposed in the district court was very similar.

Table 14 shows the mean house of correction sentence length by offense level and truth-in-sentencing status for all district court house of correction sentences. For all offense levels, the mean house of correction sentence imposed for those defendants sentenced under the provisions of the old law was very similar to the mean house of correction sentence imposed for those defendants sentenced under the provisions of the new law. For those defendants convicted in the district court, the mean house of correction sentence imposed for old law defendants was 6.7 months and the mean house of correction sentence imposed for new law defendants was 6.3 months.

Table 14 also shows the adjusted sentence lengths for those house of correction sentences imposed in the district court under the old law. For all offense levels, the mean adjusted house of correction sentence for those defendants sentenced under the old law was lower than the mean house of correction sentence for those defendants sentenced under the new law. For all defendants sentenced in the district court under the provisions of the old law, the mean adjusted house of correction sentence was 5.8 months and for all defendants sentenced in the district court under the provisions of the new law, the mean house of correction sentence was 6.3 months.

For those sentences imposed to houses of correction in the district court, it appears that nominal sentence lengths did not change substantially following the implementation of Chapter 432. When comparing the adjusted mean sentence under the old law (5.8 months) with the mean sentence under the new law (6.3 months), the expected maximum time to serve was longer for those district court house of correction sentences imposed under the new law.

¹⁹ Massachusetts Sentencing Commission, *Survey of Sentencing Practices, FY 1999*, Boston, pp. 34-35.

Figure 5. House of Correction Sentences: Sentence Length by Truth-in-Sentencing Status, District Court²⁰

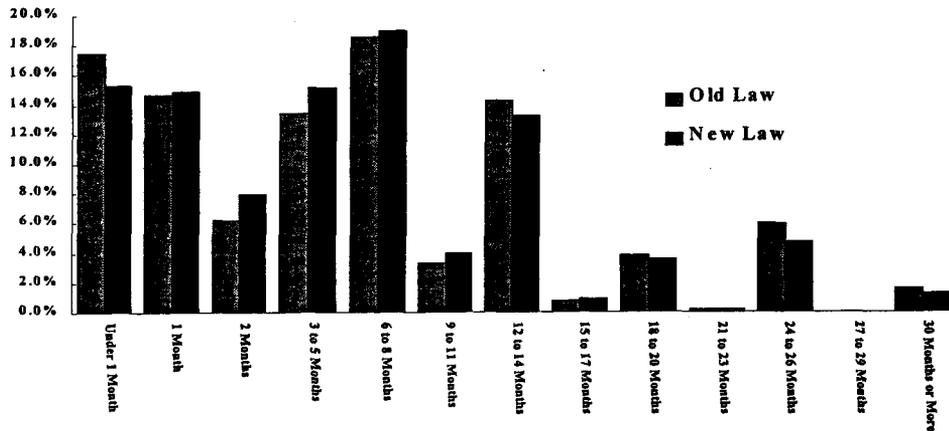


Table 14. House of Correction Sentences: Sentence Length by Offense Level and Truth-in-Sentencing Status, District Court²¹

Level	Old Law			New Law	
	N	Sentence Mean	Adjusted Sentence Mean	N	Sentence Mean
9	0	N.A.	N.A.	0	N.A.
8	0	N.A.	N.A.	0	N.A.
7	0	N.A.	N.A.	0	N.A.
6	4	12.1 Mos.	10.1 Mos.	18	13.1 Mos.
5	260	10.4 Mos.	9.7 Mos.	732	10.0 Mos.
4	4,321	12.5 Mos.	10.7 Mos.	9,944	12.4 Mos.
3	12,172	7.2 Mos.	6.2 Mos.	34,726	6.9 Mos.
2	7,790	4.3 Mos.	3.8 Mos.	22,708	4.3 Mos.
1	2,762	1.4 Mos.	1.3 Mos.	7,377	1.4 Mos.
N.A.	213	7.2 Mos.	6.1 Mos.	498	7.0 Mos.
Total	27,522	6.7 Mos.	5.8 Mos.	76,003	6.3 Mos.

²⁰ Excludes 3,447 cases due to missing sentence length: 951 old law cases and 2,496 new law cases.

²¹ Excludes 3,447 cases due to missing sentence length: 951 old law cases and 2,496 new law cases.

Figure 6 shows the distribution of sentence length for those house of correction sentences imposed in the superior court by truth-in-sentencing status without any adjustments to those sentences imposed under the old law. As indicated in Figure 6, while superior court sentences to houses of correction are generally much higher than those imposed by the district court, the distribution of nominal sentence lengths for both old law and new law house of correction sentences was very similar.

Table 15 shows the mean house of correction sentence length by offense level and truth-in-sentencing status for all superior court house of correction sentences. For all offense levels, the mean house of correction sentence imposed for those defendants sentenced under the provisions of the old law was very similar to the mean house of correction sentence imposed for those defendants sentenced under the provisions of the new law. For those defendants convicted in the superior court, the mean house of correction sentence imposed for old law defendants was 15.9 months and the mean house of correction sentence imposed for new law defendants was 16.5 months.

Table 15 also shows the mean adjusted sentence length for those house of correction sentences imposed in the superior court under the old law. For all offense levels, the mean adjusted house of correction sentence for those defendants sentenced under the old law was lower than the mean house of correction sentence for those defendants sentenced under the new law. For all defendants sentenced in the superior court under the provisions of the old law, the mean adjusted house of correction sentence was 13.2 months and for all defendants sentenced in the superior court under the provisions of the new law, the mean house of correction sentence was 16.5 months. Similar to the findings when considering all courts and the district court, for those sentences to houses of correction in the superior court, it appears that nominal sentence lengths did not change substantially following the implementation of Chapter 432. When comparing the adjusted mean sentence under the old law (13.2 months) with the mean sentence under the new law (16.5 months), the expected maximum time to serve was longer for those superior court house of correction sentences imposed under the new law.

Figure 6. House of Correction Sentences: Sentence Length by Truth-in-Sentencing Status, Superior Court²²

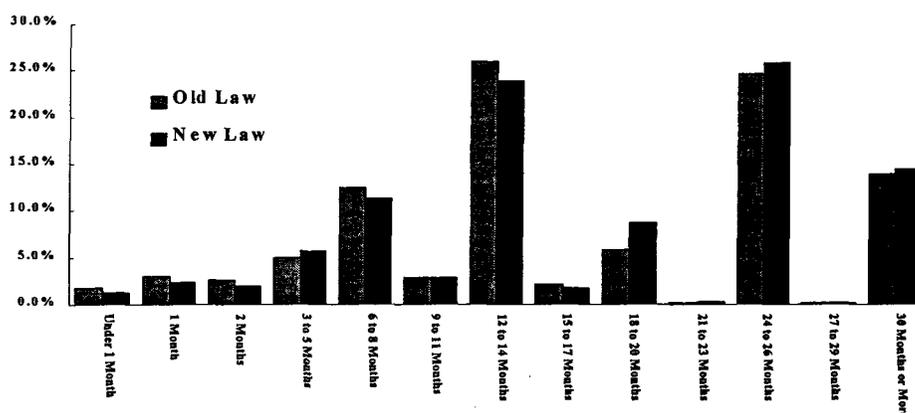


Table 15. House of Correction Sentences: Sentence Length by Offense Level and Truth-in-Sentencing Status, Superior Court²³

Level	Old Law			New Law	
	N	Sentence Mean	Adjusted Sentence Mean	N	Sentence Mean
9	0	N.A	N.A	0	N.A
8	0	N.A	N.A	1	30.0 Mos.
7	7	21.7 Mos.	16.7 Mos.	17	22.9 Mos.
6	91	19.9 Mos.	18.3 Mos.	276	19.3 Mos.
5	61	17.5 Mos.	16.7 Mos.	184	17.1 Mos.
4	868	16.5 Mos.	13.8 Mos.	2,368	17.1 Mos.
3	451	16.2 Mos.	12.8 Mos.	1,458	16.7 Mos.
2	181	11.7 Mos.	9.5 Mos.	478	12.2 Mos.
1	21	6.2 Mos.	5.5 Mos.	40	6.4 Mos.
N.A.	44	12.9 Mos.	10.3 Mos.	94	16.1 Mos.
Total	1,724	15.9 Mos.	13.2 Mos.	4,916	16.5 Mos.

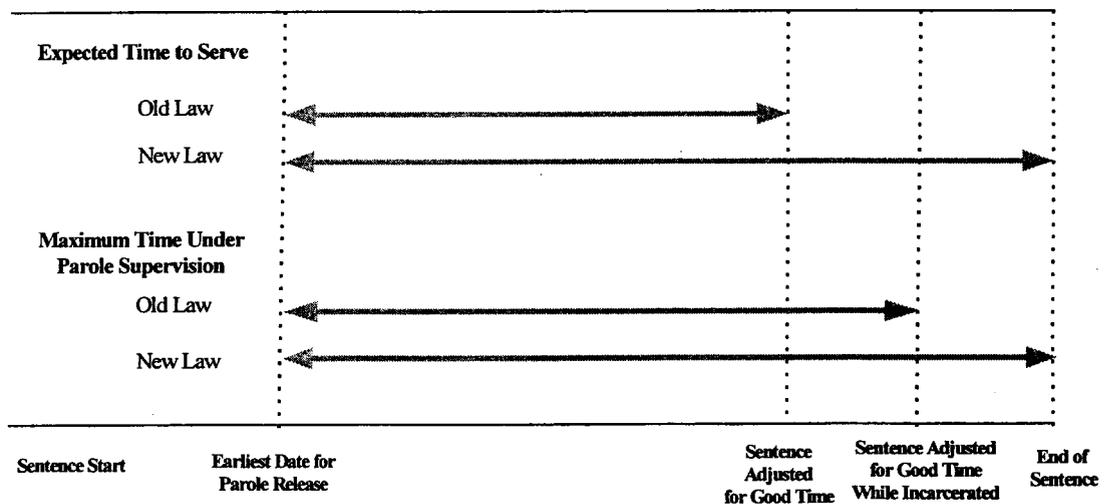
²² Excludes 103 cases due to missing sentence length: 58 old law cases and 45 new law cases.

²³ Excludes 103 cases due to missing sentence length: 58 old law cases and 45 new law cases.

The third research question concerns the relationship between expected time to serve and the nominal sentence length imposed. Under the old law, expected time to serve ranged from the earliest date for parole release to the maximum sentence adjusted for statutory good time. Under the new law, expected time to serve also ranged from the earliest date for parole release, but extended through the maximum length of the sentence. Figure 7 shows a graphical representation of this relationship. The difference in the relationship between expected time to serve and sentence imposed is sufficient to conclude that new law sentences were more truthful and achieved the principal objective of Chapter 432.

A measure of the maximum amount of time that an offender could be under parole supervision, if that release occurred at the earliest possible point in the sentence, was calculated to further compare sentence structure under the old law and new law. Figure 7 shows a graphical representation of the method used to derive this estimate. Under the old law, for eligible offenders, the time that an offender could be under parole supervision extended from the earliest date for parole release to the maximum sentence length, less any statutory good time earned while incarcerated. Under the new law, for eligible offenders, the time that an offender could be under parole supervision extended from the earliest date for parole release through the maximum length of the sentence.

Figure 7. House of Correction Sentences: Relationship of Sentence Structure and Parole Supervision by Truth-in-Sentencing Status²⁴



²⁴ The sentence concepts displayed in this figure are not to scale, but generally are meant to indicate the order in the relationship between various sentence related dates.

Table 16 shows estimates of the maximum time that an offender could be under parole supervision by offense level and truth-in-sentencing status. This analysis includes all offenders sentenced to incarceration in a house of correction regardless of sentence length or mandatory sentencing requirements. For offenders sentenced to houses of correction under the new law, the mean maximum length of time under parole supervision was longer in comparison with offenders sentenced to houses of correction under the old law. This pattern held for offenders at all offense levels. For all offenders sentenced to houses of correction:

- for those offenders sentenced under the old law, the mean maximum time under parole supervision was estimated to be 2.8 months; and,
- for those offenders sentenced under the new law, the mean maximum time under parole supervision was estimated to be 3.2 months.

Table 16. House of Correction Sentences: Maximum Time Under Parole Supervision by Truth-in-Sentencing Status²⁵

Level	Old Law		New Law	
	N	Mean	N	Mean
9	0	N.A.	0	N.A.
8	0	N.A.	1	15.0 Mos.
7	7	8.4 Mos.	17	11.5 Mos.
6	95	9.0 Mos.	294	9.4 Mos.
5	321	5.2 Mos.	916	5.6 Mos.
4	5,189	4.3 Mos.	12,312	5.3 Mos.
3	12,623	3.1 Mos.	36,184	3.5 Mos.
2	7,971	1.8 Mos.	23,186	2.1 Mos.
1	2,783	0.5 Mos.	7,417	0.6 Mos.
N.A.	257	3.3 Mos.	592	4.1 Mos.
Total	29,246	2.8 Mos.	80,919	3.2 Mos.

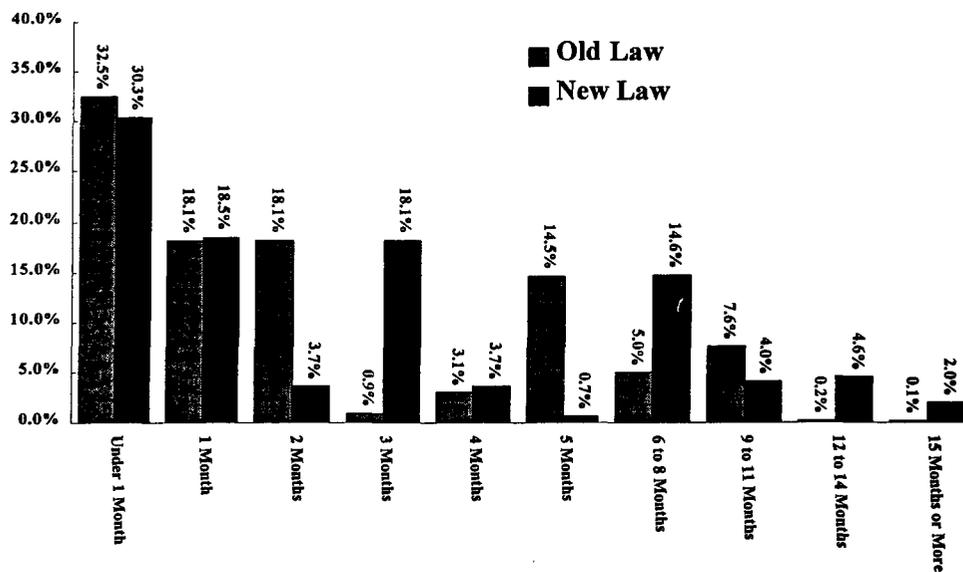
²⁵ Excludes 3,550 cases due to missing sentence length: 1,009 old law cases and 2,541 new law cases.

Figure 8 shows the distribution of the maximum time under parole supervision for those offenders sentenced to houses of correction. Under both the old law and the new law, many offenders sentenced to houses of correction would not expect to be under parole supervision due to sentence structure or mandatory sentencing requirements. However, the proportion of offenders who could be under parole supervision for six months or longer was substantially larger under the new law than the old law:

- for those offenders sentenced to houses of correction under the provisions of the old law, 12.8% could be under parole supervision for 6 months or longer; and,
- for those offenders sentenced to houses of correction under the provisions of the new law, 25.2% could be under parole supervision for 6 months or longer.

There is no evidence that the time offenders sentenced to houses of correction could be under parole supervision diminished following the implementation of Chapter 432.

Figure 8. House of Correction Sentences: Maximum Time Under Parole Supervision by Truth-in-Sentencing Status²⁶



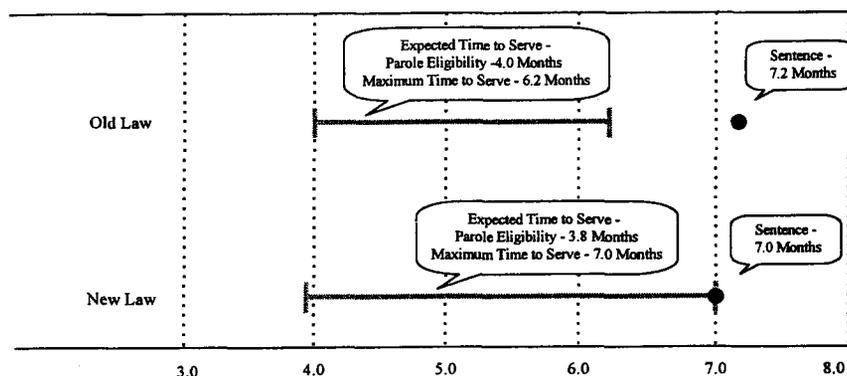
²⁶ Excludes 3,550 cases due to missing sentence length: 1,009 old law cases and 2,541 new law cases.

Table 17 and Figure 9 graphically summarize the preceding analysis for all offenders convicted of an offense assigned to the sentencing grid and sentenced to incarceration in a house of correction by truth-in-sentencing status. In summary, because expected time to serve under the new law varied between the parole eligibility date and the maximum sentence length, expected time to serve was closer to the sentence imposed. However, because nominal sentence lengths did not change substantially under the new law in response to the elimination of statutory good time, expected maximum time to serve increased under the new law. There was no evidence that the role of parole supervision for offenders sentenced to houses of correction would be diminished following the implementation of Chapter 432.

Table 17. House of Correction Sentences: Summary of Sentence Structure by Truth-in-Sentencing Status²⁷

Sentence Estimate	Old Law	New Law
Sentence Length	7.2 Mos.	7.0 Mos.
Expected Maximum Time to Serve	6.2 Mos.	7.0 Mos.
Parole Eligibility	4.0 Mos.	3.8 Mos.
Maximum Time Under Parole Supervision	2.8 Mos.	3.2 Mos.

Figure 9. House of Correction Sentences: Summary of Sentence Structure by Truth-in-Sentencing Status²⁸



²⁷ Excludes 3,550 cases due to missing sentence length: 1,009 old law cases and 2,541 new law cases.

²⁸ Excludes 3,550 cases due to missing sentence length: 1,009 old law cases and 2,541 new law cases.

State Prison Sentences

For state prison sentences, the following questions were considered:

- were minimum state prison sentence lengths adjusted such that expected time to parole eligibility remained the same?
- were maximum state prison sentence lengths adjusted such that expected maximum time to serve remained the same?
- was expected time to serve by the offender closer to the sentence imposed?

In order to compare sentence lengths for state prison sentences imposed under the old law with those imposed under the new law, adjustments were made to the minimum and maximum sentences of eligible old law state prison sentences. This analysis includes all state prison sentences but excludes other types of sentences to the DOC (reformatory sentences, state prison / split sentences, and life sentences).

The adjustment to the minimum sentence was made to estimate the impact of parole eligibility on sentence length. No adjustments were made to those sentences imposed under the new law. Table 18 shows the estimated parole eligibility for those offenders sentenced to the state prison under the old law. Of all offenders sentenced to state prison under the old law, it was estimated that 49.9% were eligible for parole at two-thirds of the minimum sentence and 50.1% were eligible for parole at one-third of the minimum sentence. Actual estimates of parole eligibility were adjusted to account for mandatory minimum sentence requirements, other minimum time to parole requirements associated with statutory minimums, and minimum parole eligibility requirements of 1 year and 2 years for one-third and two-thirds offenses respectively.

Table 18. State Prison Sentences: Parole Eligibility Status

Parole Eligibility Status	N	%
One-third	1,573	50.1%
Two-thirds	1,569	49.9%
Total	3,142	100.0%

The adjustment to the maximum sentence was made to estimate the impact of statutory good time on sentence length. No adjustments were made to those sentences imposed under the new law. Table 19 shows the estimated statutory good time for those offenders sentenced to the state prison under the old law. The number of statutory good conduct days deducted ranged from zero days per month (due to the ineligibility of the offense) to 12 ½ days per month. It was estimated that a large proportion of the state prison sentences, 81.3%, were initially eligible for 12 ½ days per month, based on a maximum sentence length of four years or more and an eligible offense. Actual estimates of statutory good time were adjusted to account for mandatory minimum requirements.

Table 19. State Prison Sentences: Estimated Statutory Good Time Deduction Rate²⁹

Number of Days Deducted per Month	N	%
0 Days	366	11.7%
2 ½ Days	0	0.0%
5 Days	6	0.2%
7 ½ Days	13	0.4%
10 Days	202	6.4%
12 ½ Days	2,554	81.3%
Total	3,141	100.0%

²⁹ Excludes 1 case due to missing sentence length.

Figure 10 shows the distribution of state prison minimum sentences by truth-in-sentencing status without any adjustments to those sentences imposed under the old law. The distribution of nominal minimum sentence length was very different for old law and new law cases.

Table 20 shows the mean state prison minimum sentence length by offense level and truth-in-sentencing status. With the exception of offenders convicted of offenses at offense level 1, the mean state prison minimum sentence imposed for those defendants sentenced under the provisions of the old law was higher than the mean state prison sentence imposed for those defendants sentenced under the provisions of the new law. For all defendants sentenced under the provisions of the old law, the mean state prison sentence was 75.9 months and for all defendants sentenced under the provisions of the new law, the mean state prison sentence was 52.2 months.

Table 20 also shows the estimated time until earliest parole eligibility, for those state prison sentences imposed under the old law. For those sentences imposed under the new law, the minimum sentence was the parole eligibility. For all offense levels, the mean time until parole eligibility for those defendants sentenced under the old law was lower than the mean time until parole eligibility (minimum sentence) for those defendants sentenced under the new law. For all defendants sentenced under the provisions of the old law, the mean time until parole eligibility was 48.2 months and for all defendants sentenced under the provisions of the new law the mean time until parole eligibility (minimum sentence) was 52.2 months. It is important to note that the aggregate old law and new law state prison sentence samples should not be considered directly comparable. Additional analysis that considers the impact of the elimination of the reformatory sentence, the elimination of the state prison / split sentence, and the availability of state prison sentences with minimum sentence lengths under 2 ½ years is contained in a later section.

Overall, it appears that nominal minimum sentence lengths of state prison sentences changed following the implementation of Chapter 432. That is, for all state prison sentences, the minimum sentences under the new law were substantially lower, but the time to earliest parole eligibility was actually higher.

Figure 10. State Prison Sentences: Minimum Sentence Length by Truth-in-Sentencing Status³⁰

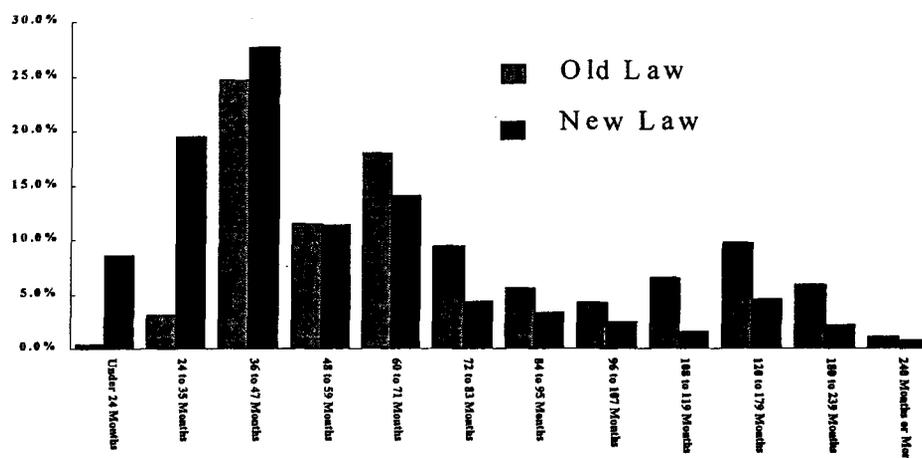


Table 20. State Prison Sentences: Minimum Sentence Length by Truth-in-Sentencing Status³¹

Level	Old Law			New Law	
	N	Sentence Mean	Time to Parole Eligibility Mean	N	Sentence Mean
9	0	N.A	N.A	0	N.A
8	280	150.8 Mos.	106.4 Mos.	389	135.8 Mos.
7	442	93.0 Mos.	68.9 Mos.	914	69.4 Mos.
6	1,048	75.0 Mos.	52.5 Mos.	2,289	55.6 Mos.
5	449	49.6 Mos.	35.8 Mos.	1,237	42.0 Mos.
4	709	57.7 Mos.	20.9 Mos.	2,137	34.9 Mos.
3	130	57.1 Mos.	23.9 Mos.	333	34.9 Mos.
2	9	61.3 Mos.	21.3 Mos.	19	25.9 Mos.
1	3	40.0 Mos.	13.3 Mos.	1	42.0 Mos.
N.A.	71	73.2 Mos.	24.6 Mos.	98	47.1 Mos.
Total	3,141	75.9 Mos.	48.2 Mos.	7,417	52.2 Mos.

³⁰ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

³¹ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

Figure 11 shows the distribution of state prison maximum sentences by truth-in-sentencing status without any adjustments to those sentences imposed under the old law. The distribution of nominal maximum sentence length was very different for old law and new law cases.

Table 21 shows the mean state prison maximum sentence length by offense level and truth-in-sentencing status. For all offense levels, except level 1, the mean state prison maximum sentence imposed for those defendants sentenced under the provisions of the old law was higher than the mean state prison sentence imposed for those defendants sentenced under the provisions of the new law. For all defendants sentenced under the provisions of the old law, the mean state prison maximum sentence was 104.4 months and for all defendants sentenced under the provisions of the new law, the mean state prison maximum sentence was 68.8 months.

Table 21 also shows the mean adjusted maximum sentence length for those state prison sentences imposed under the old law. For all offense levels, the mean adjusted state prison maximum sentence for those defendants sentenced under the old law was closer to the mean state prison maximum sentence for those defendants sentenced under the new law. For all defendants sentenced under the provisions of the old law, the mean adjusted state prison maximum sentence was 81.3 months and for all defendants sentenced under the provisions of the new law the mean state prison maximum sentence was 68.8 months. Again, it is important to note that the aggregate old law and new law state prison sentence samples should not be considered directly comparable. Additional analysis that considers the impact of the elimination of the reformatory sentence, the elimination of the state prison / split sentence, and the availability of state prison sentences with minimum sentence lengths under 2 ½ years is contained in a later section.

Overall, it appears that nominal maximum sentence lengths for state prison sentences changed following the implementation of Chapter 432 and there was no evidence that maximum time to serve increased under the new law.

Figure 11. State Prison Sentences: Maximum Sentence Length by Truth-in-Sentencing Status³²

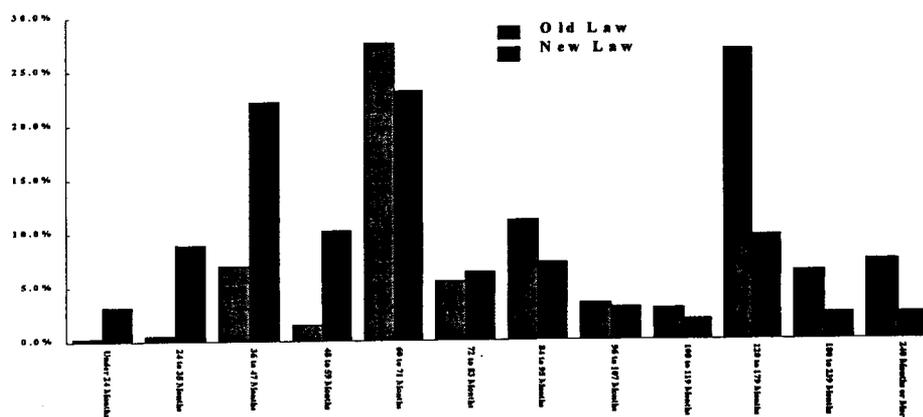


Table 21. State Prison Sentences: Maximum Sentence Length by Truth-in-Sentencing Status³³

Level	Old Law			New Law	
	N	Sentence Mean	Adjusted Sentence Mean	N	Sentence Mean
9	0	N.A.	N.A.	0	N.A.
8	280	197.2 Mos.	168.4 Mos.	389	170.8 Mos.
7	442	126.9 Mos.	100.3 Mos.	914	90.4 Mos.
6	1,048	104.2 Mos.	81.1 Mos.	2,289	73.8 Mos.
5	449	69.9 Mos.	52.6 Mos.	1,237	54.9 Mos.
4	709	81.5 Mos.	59.2 Mos.	2,137	47.4 Mos.
3	130	78.1 Mos.	57.5 Mos.	333	48.1 Mos.
2	9	82.7 Mos.	62.3 Mos.	19	34.7 Mos.
1	3	60.0 Mos.	40.0 Mos.	1	60.0 Mos.
N.A.	71	101.9 Mos.	73.5 Mos.	98	64.2 Mos.
Total	3,141	104.4 Mos.	81.3 Mos.	7,417	68.8 Mos.

³² Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

³³ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

One of the provisions of Chapter 432 reduced the minimum sentence length for state prison sentences from 2 ½ years to 1 year. Reformatory sentences and state prison / split sentences were not included in the previous analysis of sentence length and it was earlier estimated that many of these sentences might have been short state prison sentences under the new law. In order to better control for these changes in sentence structure, the same analysis of sentence length was repeated for those state prison sentences with the traditional minimum sentence length of 2 ½ years or more. Tables 22 and 23 show the results of an analysis of those state prison sentence with a minimum sentence length of 2 ½ years or more by offense level and truth-in-sentencing status.

Table 22 shows the mean state prison minimum sentence length by offense level and truth-in-sentencing status for selected defendants. With the exception of offense level 1, the mean state prison minimum sentence imposed for those defendants sentenced under the provisions of the old law was higher than the mean state prison sentence imposed for those defendants sentenced under the provisions of the new law. For all selected defendants sentenced under the provisions of the old law, the mean state prison sentence was 76.5 months and for all defendants sentenced under the provisions of the new law, the mean state prison sentence was 62.2 months.

Table 22 also shows the estimated time until earliest parole eligibility for those state prison sentences imposed under the old law. For all offense levels, the mean time until parole eligibility for those defendants sentenced under the old law was lower than the mean state prison minimum sentence for those defendants sentenced under the new law. For all defendants sentenced under the provisions of the old law, the mean time until parole eligibility was 48.5 months and for all defendants sentenced under the provisions of the new law the mean minimum state prison sentence was 62.2 months.

Overall, it appears that nominal minimum sentence lengths of state prison sentences changed following the implementation of Chapter 432. However, on average for those with sentences of 2 ½ years or longer, the mean time until earliest parole eligibility was longer under the new law than the old law (48.5 months and 62.2 months).

**Table 22. State Prison Sentences 2 ½ Years or More:
Minimum Sentence Length by Truth-in-Sentencing Status³⁴**

Level	Old Law			New Law	
	N	Sentence Mean	Time Until Parole Eligibility Mean	N	Sentence Mean
9	0	N.A	N.A	0	N.A
8	280	150.8 Mos.	106.4 Mos.	378	139.2 Mos.
7	441	93.1 Mos.	69.0 Mos.	801	76.3 Mos.
6	1,041	75.4 Mos.	52.8 Mos.	1875	63.4 Mos.
5	447	49.7 Mos.	35.8 Mos.	1,035	46.2 Mos.
4	691	58.7 Mos.	21.1 Mos.	1,291	44.7 Mos.
3	130	57.1 Mos.	23.9 Mos.	188	46.0 Mos.
2	8	66.0 Mos.	22.5 Mos.	5	40.8 Mos.
1	3	40.0 Mos.	13.3 Mos.	1	42.0 Mos.
N.A.	68	75.6 Mos.	25.2 Mos.	69	58.8 Mos.
Total	3,109	76.5 Mos.	48.5 Mos.	5,643	62.2 Mos.

Table 23 shows the mean state prison maximum sentence length by offense level and truth-in-sentencing status for selected defendants. With the exception of offense level 1, the mean state prison maximum sentence imposed for those defendants sentenced under the provisions of the old law was higher than the mean state prison maximum sentence imposed for those defendants sentenced under the provisions of the new law. For all selected defendants sentenced under the provisions of the old law, the mean state prison sentence was 105.2 months and for all defendants sentenced under the provisions of the new law, the mean state prison maximum sentence was 80.5 months.

Table 23 also shows the mean adjusted maximum sentence length for those state prison sentences imposed under the old law. For all offense levels, the mean adjusted state prison maximum sentence for those defendants sentenced under the old law was similar to the mean state prison maximum sentence for those defendants sentenced under the new law. For all selected defendants sentenced under the provisions of the old law, the mean adjusted state prison maximum sentence was 81.9 months and for all defendants sentenced under the provisions of the new law the mean state prison sentence was 80.5 months.

³⁴ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

Overall, it appears that nominal maximum sentence lengths for state prison sentences changed following the implementation of Chapter 432 and there was no evidence that maximum time to serve increased under the new law.

**Table 23. State Prison Sentences 2 ½ Years or More:
Maximum Sentence Length by Truth-in-Sentencing Status³⁵**

Level	Old Law		New Law		
	N	Sentence Mean	Adjusted Sentence Mean	Sentence Mean	
9	0	N.A.	N.A.	N.A.	
8	280	197.2 Mos.	168.4 Mos.	378	174.9 Mos.
7	441	127.1 Mos.	100.4 Mos.	801	98.4 Mos.
6	1,041	104.7 Mos.	81.5 Mos.	1875	82.9 Mos.
5	447	70.1 Mos.	52.7 Mos.	1,035	59.3 Mos.
4	691	82.9 Mos.	60.1 Mos.	1,291	58.1 Mos.
3	130	78.1 Mos.	57.5 Mos.	188	61.7 Mos.
2	8	87.0 Mos.	66.6 Mos.	5	50.4 Mos.
1	3	60.0 Mos.	40.0 Mos.	1	60.0 Mos.
N.A.	68	105.5 Mos.	75.9 Mos.	69	78.6 Mos.
Total	3,109	105.2 Mos.	81.9 Mos.	5,643	80.5 Mos.

The third research question concerns the relationship between expected time to serve and the nominal sentence length imposed. The estimated impact of parole release and statutory good time was used to compare offenders sentenced under the old law and new law. Figure 12 shows a graphical representation of the method used to derive these estimates.

For state prison sentences, eligibility for parole release changed due to truth-in-sentencing reform. Under the old law, for eligible offenders, expected time to serve ranged from the earliest date for parole release (one-third or two-thirds of the minimum sentence) and extended through the maximum length of the sentence less statutory good time deducted. Under the new law, expected time to serve also ranged from the earliest date for parole release which was established at the minimum sentence length and extended through the maximum length of the sentence with no statutory good time deductions. The difference in the relationship between expected time to serve and the sentence imposed is sufficient

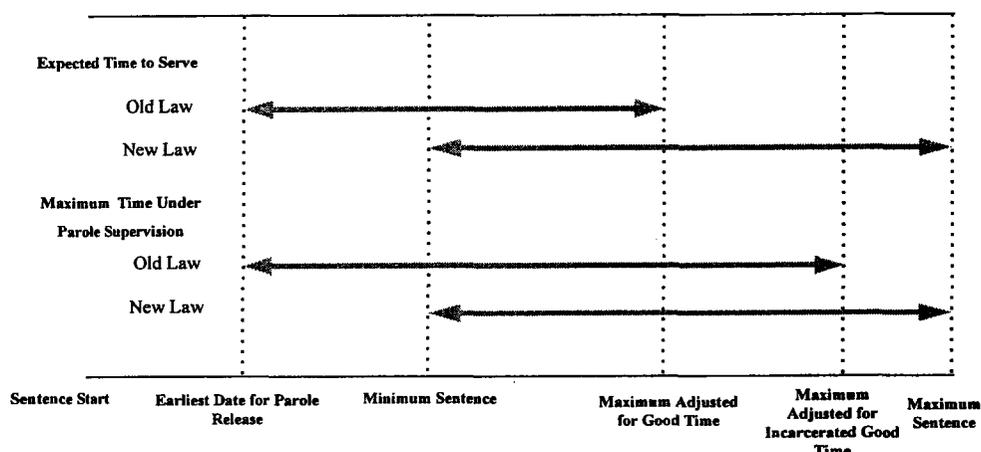
³⁵ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

to conclude that new law sentences were more truthful and achieved that objective of Chapter 432.

A measure of the maximum amount of time that an offender could be under parole supervision, if that release occurred at the earliest possible point in the sentence, was calculated to further compare sentence structure under the old law and new law.

Figure 12 shows a graphical representation of the method used to derive this estimate. Under the old law, for eligible offenders, the potential for parole supervision extended from the earliest date for parole release (one-third or two-thirds of the minimum sentence) to the maximum sentence length, less any statutory good time earned while incarcerated. Under the new law, for eligible offenders, the potential time under parole supervision also extended from the earliest date for parole release or the minimum sentence but extended through the maximum length of the sentence.

Figure 12. State Prison Sentences: Relationship of Sentence Structure and Parole Supervision by Truth-in-Sentencing Status³⁶



³⁶ The sentence concepts displayed in this figure are not to scale, but generally are meant to indicate the order in the relationship between various sentence related dates.

Table 24 shows estimates of the maximum time that an offender could be under parole supervision by offense level and truth-in-sentencing status. This analysis includes all offenders who received a state prison sentence, even if there was no possibility of a parole release due to sentence structure or mandatory sentencing requirements. For offenders sentenced to state prison under the new law, the maximum length of time under parole supervision was much shorter when compared to those offenders sentenced under the old law. This relationship held for offenders at all offense levels. For all offenders with state prison sentences:

- for those offenders sentenced under the old law, the mean maximum time under parole supervision was 41.8 months; and,
- for those offenders sentenced under the new law, the mean maximum time under parole supervision was 16.6 months.

Table 24. State Prison Sentences: Maximum Time Under Parole Supervision by Offense Level and Truth-in-Sentencing Status³⁷

Level	Old Law		New Law	
	N	Mean	N	Mean
9	0	N.A	0	N.A
8	280	64.4 Mos.	389	34.9 Mos.
7	442	38.6 Mos.	914	21.0 Mos.
6	1,048	35.4 Mos.	2289	18.2 Mos.
5	449	24.5 Mos.	1,237	12.9 Mos.
4	709	52.3 Mos.	2,137	12.5 Mos.
3	130	44.4 Mos.	333	13.2 Mos.
2	9	52.6 Mos.	19	8.9 Mos.
1	3	41.1 Mos.	1	18.0 Mos.
N.A.	71	67.1 Mos.	98	17.1 Mos.
Total	3,141	41.8 Mos.	7,417	16.6 Mos.

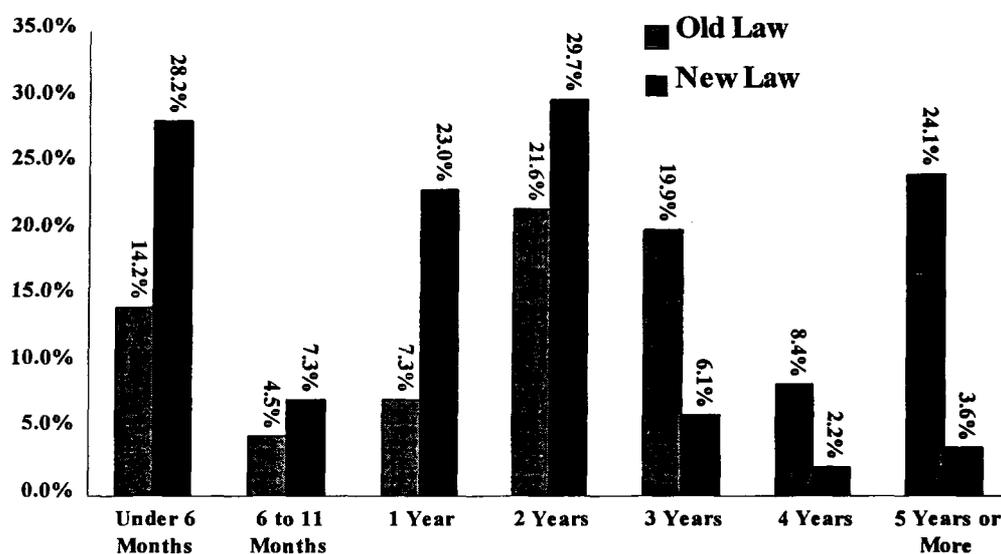
³⁷ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

Figure 13 shows the distribution of maximum time under parole supervision by truth-in-sentencing status for those offenders with a state prison sentence. Under both the old law and the new law, most offenders with state prison sentences were eligible for parole. However, the proportion of offenders who could be under parole supervision for three years or longer was substantially smaller under the new law than the old law:

- for those offenders sentenced under the old law, 52.4% could have been under parole supervision for three years or more following the earliest possible parole release; and,
- for those offenders sentenced under the new law, only 11.8% could be supervised for as long as three years following a parole release.

This evidence suggests that the time offenders with state prison sentences could be under parole supervision was diminished following the implementation of Chapter 432.

Figure 13. State Prison Sentences: Maximum Time Under Parole Supervision by Truth-in-Sentencing Status³⁸



³⁸ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

An alternate way to consider recent changes in state prison sentence structure is to examine the absolute difference between the minimum and maximum state prison sentence. This difference can range from as little as 1 day (e.g. for a sentence of 3 years to 3 years and 1 day) to ten years or more (e.g. for a sentence of 5 to 15 years). Previous research indicates that differences of one day between minimum and maximum sentences are very common for state prison sentences for mandatory drug offenses.³⁹

Table 25 shows the difference of minimum to maximum state prison sentences by type of offense (mandatory drug offense and all other offenses). As indicated in this table, there was an increase in the proportion of state prison sentences imposed where the difference between the minimum and maximum sentence lengths was less than one month (in most cases this difference was one day). This increase occurred for both groups but was particularly large for those state prison sentences imposed for offenses other than mandatory drug offenses. For those state prison sentences imposed for offenses other than mandatory drug offenses:

- in FY 1994, 1.7% had a difference between minimum and maximum sentence length of less than one month; and,
- in FY 1999, 30.9% had a difference between minimum and maximum length of less than one month.

For those state prison sentences imposed for mandatory drug offenses:

- in FY 1994, 28.5% had a difference between minimum and maximum sentence length of less than one month; and,
- in FY 1994, 57.2% had a difference between minimum and maximum sentence length of less than one month.

³⁹ Massachusetts Sentencing Commission, *op. cit.*, pp. 32-33.

Table 25. State Prison Sentences: Minimum-to-Maximum Sentence Difference, Selected Defendants, FY 1994 to FY 1999⁴⁰

Offense and Minimum to Maximum Difference	FY 1994		FY 1995		FY 1996		FY 1997		FY 1998		FY 1999	
	N	%	N	%	N	%	N	%	N	%	N	%
All Other Offenses												
Less than 1 month	19	1.7%	62	4.6%	189	13.0%	259	18.3%	338	23.6%	395	30.9%
1 to 5 Months	1	0.1%	4	0.3%	5	0.3%	9	0.6%	5	0.3%	5	0.4%
6 to 11 Months	35	3.1%	64	4.8%	101	7.0%	111	7.9%	112	7.8%	102	8.0%
12 to 23 Months	176	15.6%	224	16.6%	353	24.3%	366	25.9%	359	25.0%	333	26.0%
24 to 35 Months	478	42.3%	566	42.1%	537	37.0%	470	33.3%	438	30.5%	325	25.4%
36 to 47 Months	148	13.1%	176	13.1%	126	8.7%	96	6.8%	90	6.3%	62	4.8%
48 to 59 Months	111	9.8%	84	6.2%	49	3.4%	42	3.0%	34	2.4%	18	1.4%
60 to 119 Months	139	12.3%	145	10.8%	82	5.6%	49	3.5%	47	3.3%	31	2.4%
120 Months or More	22	1.9%	21	1.6%	11	0.8%	11	0.8%	11	0.8%	8	0.6%
Total	1,129	100.0%	1,346	100.0%	1,453	100.0%	1,413	100.0%	1,434	100.0%	1,279	100.0%
Mandatory Drug												
Less than 1 month	100	28.5%	172	44.2%	188	45.9%	220	50.1%	246	54.7%	266	57.2%
1 to 5 Months	0	0.0%	1	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
6 to 11 Months	10	2.8%	5	1.3%	13	3.2%	32	7.3%	21	4.7%	34	7.3%
12 to 23 Months	40	11.4%	32	8.2%	59	14.4%	65	14.8%	77	17.1%	60	12.9%
24 to 35 Months	108	30.8%	123	31.6%	116	28.3%	102	23.2%	84	18.7%	82	17.6%
36 to 47 Months	34	9.7%	29	7.5%	17	4.1%	14	3.2%	12	2.7%	16	3.4%
48 to 59 Months	29	8.3%	6	1.5%	5	1.2%	1	0.2%	2	0.4%	3	0.6%
60 to 119 Months	30	8.5%	19	4.9%	12	2.9%	5	1.1%	8	1.8%	4	0.9%
120 Months or More	0	0.0%	2	0.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	351	100.0%	389	100.0%	410	100.0%	439	100.0%	450	100.0%	465	100.0%

⁴⁰ Excludes 6 cases due to missing sentence length.

Table 26 and Figure 14 graphically summarize the preceding analysis for those offenders convicted of an offense assigned to the sentencing grid who received a state prison sentence by truth-in-sentencing status. Figure 14 shows those state prison sentence with a minimum sentence length of 2 ½ years or more.

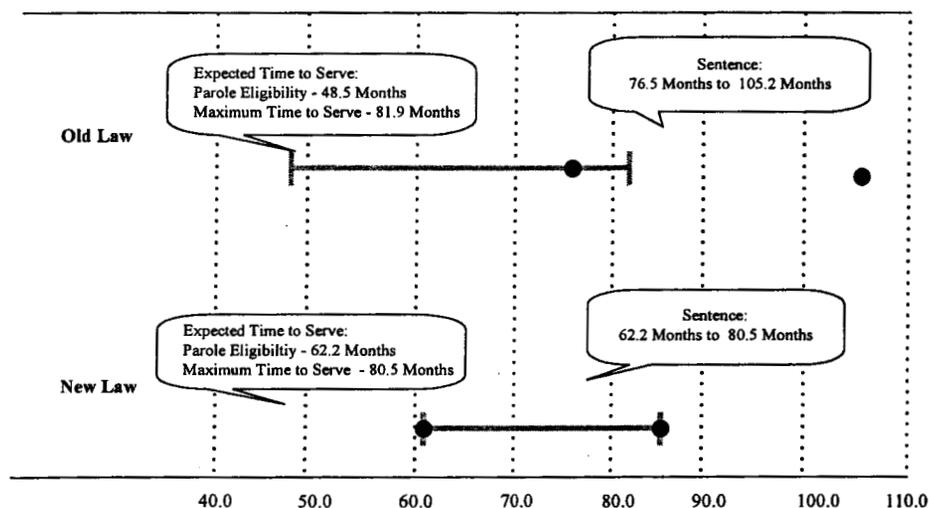
In summary, because expected time to serve under the new law varied between the minimum sentence length or the parole eligibility date and the maximum sentence length, expected time to serve was closer to the sentence imposed. For state prison sentences nominal sentence lengths did change substantially under the new law in response to the elimination of reformatory and state prison / split sentences, changes in parole eligibility, and the elimination of statutory good time. Expected time to parole eligibility increased, but there was no evidence that maximum time to serve increased. There was evidence to suggest that for offenders sentenced to the state prison the time under parole supervision would be diminished following implementation of Chapter 432.

Table 26. State Prison Sentences: Summary of Sentence Structure by Truth-in-Sentencing Status⁴¹

Sentence Estimate	All State Prison Sentences		Traditional Length State Prison Sentences	
	Old Law	New Law	Old Law	New Law
Minimum Sentence	75.9 Mos.	52.2 Mos.	76.5 Mos.	62.2 Mos.
Maximum Sentence	104.4 Mos.	68.8 Mos.	105.2 Mos.	80.5 Mos.
Parole Eligibility	48.2 Mos.	52.2 Mos.	48.5 Mos.	62.2 Mos.
Expected Maximum Time to Serve	81.3 Mos.	68.8 Mos.	81.9 Mos.	80.5 Mos.
Maximum Time Under Parole Supervision	41.8 Mos.	16.6 Mos.	42.2 Mos.	18.3 Mos.

⁴¹ Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

Figure 14. State Prison Sentences: Summary of Sentence Structure by Truth-in-Sentencing Status, Selected Defendants⁴²



⁴² Excludes 6 cases due to missing sentence length: 1 old law case and 5 new law cases.

PART VI. SUMMARY

As a result of Chapter 432 many substantial and historic changes were made to the structure of sentences to incarceration in Massachusetts. Based on an analysis of six years of sentences to incarceration imposed under the old law and the new law, it can be concluded that the main objective of Chapter 432 was met: there was a more truthful relationship between the sentence imposed and expected time to serve. Sentence structure was simplified for both sentences to houses of correction and the state prison.

At the same time there were several unintended consequences of Chapter 432 that resulted from the accommodations of the criminal justice system to revised sentence structure:

- First, there was evidence of a shift in the jurisdiction of superior court sentences to incarceration from the DOC to the houses of correction. For every offense level, a higher proportion of new law superior court sentences were imposed to houses of correction. This pattern seems to reflect both the elimination of the reformatory sentence and the state prison / split sentence and a reduction in the seriousness of the offenses that were sentenced in the superior court under the new law.
- Second, there was no apparent change in nominal sentence lengths to houses of correction in either the district court or the superior court in response to the elimination of statutory good time under Chapter 432. Based on a comparison of old law sentences adjusted for statutory good time and new law sentences, expected maximum time to serve increased for house of correction sentences imposed under the new law.
- Third, for sentences imposed to the state prison, large downward shifts in nominal sentence lengths were observed. Despite these shifts, expected time to parole eligibility increased under the new law but there was no evidence that maximum time to serve increased.
- Fourth, the use of post-release probation supervision was not diminished under the new law despite the elimination of the state prison / split sentence. House of correction / split sentences or from & after probation sentences on secondary charges were used as alternate structures under the new law.

- Fifth, for house of correction sentences there was no evidence that time under parole supervision would be diminished under the new law. However, for state prison sentences, the amount of time that offenders could be under parole supervision was substantially diminished.

Further research on the impact of sentencing reform should be encouraged. The current analysis focused on a cohort of individuals sentenced to incarceration. Additional research on cohorts of released offenders would further understanding of the impact of Chapter 432 on incarcerated offenders and could take into account the effect of parole release and earned good time on actual time served by offenders. Such analysis would also inform an enhanced understanding of the dynamics of the correctional population in Massachusetts.

Further research on the jurisdictional shifts in sentencing associated with the implementation of Chapter 432 is warranted. Such analysis should consider the statutory availability of house of correction and other sentencing alternatives available to superior court judges at the point of sentencing and would further consider the changes in the offense seriousness level of superior court cases that was noted during the analysis.

The role of post-release supervision, including supervision by probation and parole merits additional analysis. Among the sentences studied, the use of post-incarceration probation supervision was common. The interaction between parole release and post-release probation supervision requirements was beyond the scope of the current study. The effect of subsequent violations of parole or probation on time served in a correctional facility was also beyond the scope of the current study.

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National Criminal Justice Reference Service (NCJRS)
Box 6000
Rockville, MD 20849-6000