

Equity of Wealth and Health
*Ensure all residents are provided
equal protection and support by
law enforcement agencies and
within the justice system*



Photo courtesy of Connor Gleason, Curry College



Recommendation:

Ensure all residents are provided equal protection and support by law enforcement agencies and within the justice system

Ensuring safety for all residents of the region requires a mix of solutions, many of which involve creating the right economic, health and social conditions that confront the legacy of structural racism and allow people to thrive. Achieving true “public safety,” in both the traditional and non-traditional sense, will require many complementary changes in public policy. For example, affordable housing access and housing stability are essential tools to lower recidivism rates and to make reintegration into society from incarceration easier. On a macro level, housing stability and community reinvestment are correlated with stronger collective efficacy and improved social cohesion, which is believed to be a key determinant of community safety and rates of violence.¹ Additionally, barriers to individuals with Criminal Offender Record Information (CORI) records continue to make it difficult for former inmates to fully re-enter society and find secure housing and suitable employment. Access to transitional jobs for youth and young adults was also identified as a key tool to address recidivism and economic insecurity as a driver to violence. As seen in Chicago as recently as 2014, “[s]ummer jobs for teens have been tied to a 43% reduction in juvenile arrest yet juvenile court records, including non-conviction information, are accessible to certain teen employers and a three year wait for sealing non-convictions hinders a young person’s access to summer jobs”.² Many of these themes are addressed in other recommendations in MetroCommon.

Following the murders of George Floyd, Ahmaud Arbery, and Breonna Taylor in 2020, the Massachusetts Black and Latino Legislative Caucus lead the state level advocacy push to address systemic racism and police brutality. During the drafting of this recommendation, the Legislature passed [S.2963, An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth](#) and the Governor signed it into law as the [Chapter 253 of the Acts of 2020](#). While we were pleased to see some of our initial recommendations included in the final piece of legislation, there were also important provisions missing that are included as part of these recommendations.

We recognize that Black residents and other people of color are disproportionately represented in the criminal justice system and are more likely than white residents to be the victims of violence by police, to be arrested or cited and face stiffer sentences for similar offenses. These recommendations are therefore aimed addressing these disparities, through means such as improving police interactions with communities of color. We also recognize the urgency to advance violence prevention initiatives and alleviate the social, economic, and physical toll violence

¹ <https://nij.ojp.gov/topics/articles/collective-efficacy-taking-action-improve-neighborhoods>.

² Washington Post, “Chicago gave hundreds of high-risk kids a summer job. Violent crime arrests plummeted.” Dec 8, 2014. <https://www.washingtonpost.com/news/wonk/wp/2014/12/26/chicago-gave-hundreds-of-high-risk-kids-a-summer-job-violent-crime-arrests-plummeted/>.

has in our communities. The need to address the epidemic of gun violence in the United States is long overdue, and meaningful change will require leadership at all levels of government. We are committed to work with our partners and allies, who have been instrumental in crafting these recommendations, to continue to push for meaningful and equitable public safety policies.

The following recommendations aim to make the region safer and fairer for all its residents, but we recognize there are many topics relating to safety not addressed here that are also important – bail reform, body-worn surveillance equipment, domestic and sexual violence, gun control, and the privatization of police and security services are just a few other areas that should be further explored. These recommendations similarly do not tackle issues around disaster/emergency preparedness and response which, as the COVID pandemic has shown, are critical to protecting area residents. Some of these recommendations are addressed in “**Direct resources and technical assistance to communities that have experienced historic disinvestment and are disproportionately impacted by environmental harms including extreme heat, flooding, air pollution, and exposure to toxic facilities.**” and “**Reverse the rising rate of chronic diseases, particularly among populations experiencing health inequities.**” The policies chosen here relate to priorities expressed by regional stakeholders and that align with some of the current programming MAPC is undertaking. This agenda is likely to be broadened over time, in continued partnership with these stakeholders and allies.

Strategy 1

Develop innovative models for public safety response and intervention that rely less often on fully armed law enforcement officers as the only or primary responder.

- **Action 1.1: Support and provide incentives for municipalities to adopt a spectrum of alternative dispatch, co-response, and alternative response models.** Models nationwide have demonstrated the effectiveness of alternative response methods to crisis intervention and dispatch response, by reducing incidents of violent encounters, issuing fewer citations, and providing better wrap around services and follow up interventions. Effective examples rely on collaboration between law enforcement agencies, community leaders and organizations, and social service partners, in creating co-responder models where police response and intervention is supplemented or substituted by social service, mental health, or other professionals. As municipalities take local actions³ like reviewing police budgets, assessing allocations of funds, and re-evaluating responsibilities that are currently performed by police, this action can help address all three of these issues. Some communities in MAPC’s region already have begun to implement co-response models and we recommend further strengthening these efforts. We also encourage these communities to share best practices and identify areas for investment so that such effective practice(s) can be expanded. To be successful, communities should have multi-disciplinary teams and staff that can identify cases where service referrals can be made and assist individuals to find supports that would benefit them.

³ <https://www.mapc.org/news/massachusetts-municipal-leaders-pledge-to-take-action-on-systemic-racism/>

Action 1.1: Best/Emerging Practice

Models nationwide, like CAHOOTS (Crisis Assistance Helping Out On The Streets) in Eugene, Oregon; MACRO (Mobile Assistance Community Responders of Oakland) in Oakland, California; and STAR (Support Team Assisted Response) in Denver, Colorado, have demonstrated the effectiveness of alternative response methods to crisis intervention and mental health intervention. Many municipalities in Massachusetts have begun to explore such models like Northampton and Cambridge. The Town of Winthrop created its CLEAR (Community and Law Enforcement Assisted Recovery) Program, to offer an intra-departmental and community-team based approach to connect people struggling with substance use disorders to recovery resources. The program uses police data to identify people in the community with such needs who are then contacted directly by police and social service partners to offer them support. The City of Lynn also recently allocated \$500,000 for an unarmed response team that is based off the CAHOOTS model.

- ▶ **Action 1.2: Explore opportunities for police to engage residents and respond to incidents without firearms more often.** Police forces in other parts of the world often have officers conduct a range of work without carrying firearms. This could reduce the potential for deadly interactions, build trust and de-escalate certain situations. Areas where unarmed enforcement could work be examined include transit fare evasion, traffic violations and other civil infractions. MAPC recognizes that the prevalence of firearms in the United States makes it dangerous and difficult to achieve this action, even as rates of gun violence in Massachusetts are well below the national average. The federal government must pursue stricter gun control measures at the national level.

Action 1.2: Best/Emerging Practice

Using non-armed police units to respond to non-violent or low-risk calls. For example, London's Metropolitan Police is overwhelmingly comprised of "bobbies on the beat" officers that do not carry firearms – and whose priority is to deescalate and diffuse conflicts.

- ▶ **Action 1.3: Ensure police training continually follows the highest and best standards with respect to mental and behavioral health support.** The implementation of co-response and alternative response mechanisms will not completely eliminate the need for law enforcement officers to receive more advanced training on the topics of trauma-informed care, substance abuse, domestic violence, and mental health emergencies, which those officers will occasionally confront. The Commonwealth should provide adequate resources for such training and facilitate collaboration between the Municipal Police Training Committee (MPTC) and state agencies such as the Department of Public Health and Department of Mental Health to improve the quality of training.

- ▶ **Action 1.4: End state and local collaboration with federal immigration enforcement agencies.** Allowing local and state law enforcement to be deputized into immigrant enforcement efforts is a critical misuse of limited police resources. Furthermore, agreements between Immigrant and Customs Enforcement (ICE) and local police departments like the 287(g) program, create more mistrust among the community; Massachusetts is the only state in New England with such agreements in place. Residents are less willing to report crime and cooperate with investigations if they suspect local police departments are cooperating with federal immigration enforcement efforts, inhibiting effective community policing.

Strategy 2

Reduce instances of police misconduct and/or misuse of power and provide greater transparency.

- ▶ **Action 2.1: Provide resources to implement policies and practices enacted in [Chapter 253 of the Acts of 2020](#) and pursue further reform.** Even before the most recent act, a 2019 report by the State Auditor found that police departments throughout the state had not met the Commonwealth's training requirements. It is essential that the Commonwealth ensure compliance of new laws, standards, and training requirements and seek meaningful consequences for failing to do so. Further reforms to policing include clearer definitions around use of force, requiring decertification findings to be referred to independent prosecutors, loss of all or part of pension benefits in certain circumstances if officer is found guilty of misconduct, and reforms to the arbitration system to ensure that misconduct results in timely and effective discipline and dismissal where warranted.
- ▶ **Action 2.2: Reform the Civil Service exam and recruitment process to pursue greater diversity and more thorough vetting of future law enforcement officers.** The current Civil Service recruitment system is a barrier to forming police forces committed to anti-violence and that reflect the diversity of Greater Boston. The use of a single exam to provide a list of potential police recruits is not sufficient to properly vet candidates. The Special Legislative Commission to Study and Examine the Civil Service Law should recommend legislation that allows any community to take their police departments out of the civil service system by a simple majority vote of their Town Meeting or City Council. That legislation should also ensure that leaving the civil service is not considered a working condition change that triggers renegotiation of collective bargaining agreements.
- ▶ **Action 2.3: Require police departments to consolidate and make data relating to police involvement and arrests and other metrics publicly available in a specified data standard.** The 2020 Police Reform bill already includes language requiring that DESE and DPH collect information relating to police arrests, police-involved injuries, and deaths. However, the law does not specify the way in which data is published or reported. This data will help inform recommendations about non-armed policing and analyze other patterns to understand more fully trends in policing and crime. As a complementary strategy, the Commonwealth could develop a standard community survey that could measure the public's trust in law enforcement.

- ▶ **Action 2.4: Standardize and disaggregate data collected by law enforcement agencies to more easily share with other public safety partners like EMS and public health entities.** This data sharing would facilitate better coordination across jurisdictions to respond more effectively to calls such as opioid overdoses and to direct civilians to appropriate follow up services.

Strategy 3

Reduce incarceration and recidivism rates in the region, with a particular focus on at-risk youth.

- ▶ **Action 3.1: Reduce prosecuting many low-level misdemeanors and continue to enact sentencing reforms that recognize that long-term incarceration for non-violent crimes can be counterproductive and exacerbate racial disparities in criminal justice.**

Action 3.1: Best/Emerging Practice

Establish a presumption of non-prosecution for low-level misdemeanor offenses. This policy has been implemented by Suffolk County District Attorney Rachel Rollins and a study of its impacts showed that individuals who were not fully prosecuted (i.e., did not have the case go beyond arraignment or conviction) were less likely to reoffend in the following two years.

- ▶ **Action 3.2: Expand and provide more funding for programs, such as treatment and harm reduction support, that support individuals with underlying mental health and substance use disorders and diverts people from the criminal justice system.**
- ▶ **Action 3.3: Expand re-entry programs that provide supports and services to youth and other individuals coming out of the justice system.** The track records of such programs in aiding people into jobs, stable housing, and treatment where needed should be evaluated to see which local efforts are working. Harvard University's Institute of Politics 2019 report titled Successful Reentry: A Community Level-Analysis recommended efforts focusing on addressing "health, employment, housing, skill development, mentorship and social networks, as these factors have the most significant impact on reentry success."⁴
- ▶ **Action 3.4: Broaden the expungement of records for youth with juvenile court records.** While the [Chapter 253 of the Acts of 2020](#) addresses a subset of these cases, current laws still include arbitrary limits on number of offenses and timeline for expungement. We also recommend the state pursue legislation like Illinois'⁵, that does not share fingerprints of minors with FBI databases.

⁴ https://iop.harvard.edu/sites/default/files/sources/program/IOP_Policy_Program_2019_Reentry_Policy.pdf

⁵ <https://www.njjn.org/uploads/digital-library/Illinois-Prohibits-Sending-Juvenile-Arrest-Records-to-FBI-SB-1030.pdf>

- ▶ **Action 3.5: Raise the age of juvenile jurisdiction to 20 years old and consider further age increases in future years.** Studies have shown that recidivism rates are lower for individuals processed in juvenile courts and therefore keeping more cases out of the adult system can reduce crime and help emerging adults get out the criminal justice system. Any expansion in the number of individuals participating in the juvenile justice system must be accompanied by additional funding and a serious modernization of facilities and strategies.

Action 3.5: Best/Emerging Practice

Follow Vermont's policy by legislating to raise the age for juvenile jurisdiction to 20. This can be done in a step-by-step process over the next five years to reach 20 from the current 17, enabling the youth justice system to transition effectively.

- ▶ **Action 3.6: Create and fund a new state budget line item for youth diversion programs by examining and researching data to determine which offenses should have diversion mandates.** Examples to look to include the Juvenile Diversion Policy of the District Attorney of Johnson County, Kansas, and the Court Designated Worker Program in Kentucky.^{6,7}

Strategy 4

Ensure that police departments and community-based organizations have the necessary resources to work together to prevent crime and support at-risk individuals.

- ▶ **Action 4.1: Increase funding for programs that take a community-centered approach to reducing gang and youth violence, including the Senator Charles E. Shannon Jr. Community Safety Initiative and the Safe and Successful Youth Initiative.** Eligible uses of program funds should remain flexible to meet specific community needs. Programs requiring that recipients of funding contribute to a statewide gang database should be reevaluated. Additionally, we recommend enhancing and expanding opportunities for regional collaboration within these programs.
- ▶ **Action 4.2: Support state and federal-level programs that provide funding for collaborative efforts among police departments, nonprofits, community organizations, and others.** This includes federal grants from the Department of Justice, like the Edward Byrne Memorial Justice Assistance Grant (JAG) program.

⁶ <https://da.jocogov.org/juvenile-diversion>.

⁷ <https://kycourts.gov/Court-Programs/Family-and-Juvenile-Services/Pages/Juvenile-Services.aspx>.

Strategy 5

Provide increased resources and education for reentry into society.

- ▶ **Action 5.1: Change how inmates are counted in the US Census so that it is based on home address of the incarcerated individual, not the location of the incarceration facility.** Currently, people incarcerated are counted in the community where the facility is located, which ultimately leads to a higher count of that location and therefore more funding, since population counts are used in funding formulas. In many instances, these correctional facilities are located in wealthier and rural municipalities.
- ▶ **Action 5.2: Restore the right to vote to individuals incarcerated on felony charges and standardize education and outreach to all incarcerated individuals about their voting rights.** In Massachusetts, people convicted on felony charges temporarily lose their right to vote during their sentence and is restored upon release from prison if they re-register to vote. Restricting one's ability to vote, does not advance reentry efforts and has negative rehabilitative consequences. In fact, disenfranchisement in Massachusetts happened relatively recently – legislation passed in 2002 through a ballot initiative. Voting right and criminal justice advocates point to examples of returning citizens not voting after they were incarcerated (regardless of the charge), because there is little information made available specifically regarding re-registering to vote upon release, to explain people's voting rights. Currently, Maine, Vermont and Washington D.C. allow individuals with felony charges to vote in elections even when they are incarcerated.