

EXHIBIT A

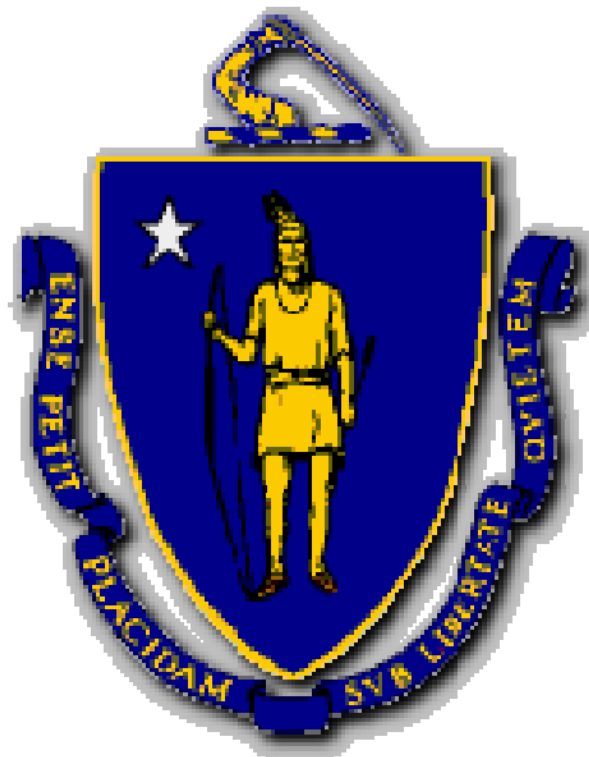
To Be Filed Under Seal

Exhibit B

MASSACHUSETTS DEPARTMENT OF CORRECTION

Quarterly Report on Admissions and Releases in the Massachusetts Department of Correction

Fourth Quarter 2012





Commonwealth of Massachusetts

Deval L. Patrick, Governor

Timothy P. Murray, Lieutenant Governor

Executive Office of Public Safety and Security

Andrea Cabral, Secretary

Sandra M. McCroom, Undersecretary of Criminal Justice

Massachusetts Department of Correction

Luis S. Spencer, Commissioner

Rhiana Kohl, Ph.D., Executive Director of Strategic Planning & Research

Author: Research & Planning Division

Prepared by: Daniel Feagans, Research Analyst

Acknowledgements

Special recognition to: Hollie Matthews, Senior Research Analyst; Gina Papagiorgakis, Research Analyst II

For questions regarding this report, please contact the Research & Planning Division:

Research & Planning Division
MCI-Concord/SFU Building
P.O. Box 9125
Concord, MA 01742
(978) 405-6677
Research@doc.state.ma.us

This and other Massachusetts Department of Correction publications can be accessed on the internet under the Research & Statistics tab at:

<http://www.mass.gov/doc>

Table of Contents

Executive Summary	.....	p.2
 Section 1. Current Population and Overall Trends		
1.1	Custody and Jurisdiction Population.....	p.3
1.2	Total Population by Commitment Type.....	p.3
1.3	Overall Admission and Releases.....	p.4
1.4	Admissions by Gender.....	p.4
1.5	Releases by Gender	p.5
 Section 2. Criminal Admissions and Releases		
2.1	Overall Criminal Admissions and Releases.....	p.5
2.2	Criminal Admissions and Releases by Gender	p.6
2.3	Male Criminal Admissions by Admission Code	p.7
2.4	Female Criminal Admissions by Admission Code	p.7
2.5	Male Criminal Releases by Release Code	p.8
2.6	Female Criminal Releases by Release Code	p.8
2.7	State Sentenced New Court Commitments by Court Jurisdiction	p.9
2.8	Monthly Drug Lab Release by Court Jurisdiction	p.9
 Section 3. Civil Admissions and Releases		
3.1	Overall Civil Admissions and Releases	p.10
3.2	Civil Admissions and Releases by Gender.....	p.10
 Section 4. Pre-Trial Admissions and Releases		
4.1	Overall Pre-Trial Admissions and Releases	p.11
4.2	Pre-Trial Admissions and Releases by Gender.....	p.11
4.3	Male Pre-Trial Admissions by Jurisdiction.....	p.12
4.4	Female Pre-Trial Admissions by Jurisdiction.....	p.12
 Appendix		
	.....	p.13

EXECUTIVE SUMMARY

Trend Period: Fourth Quarter, 2010, through Fourth Quarter, 2012

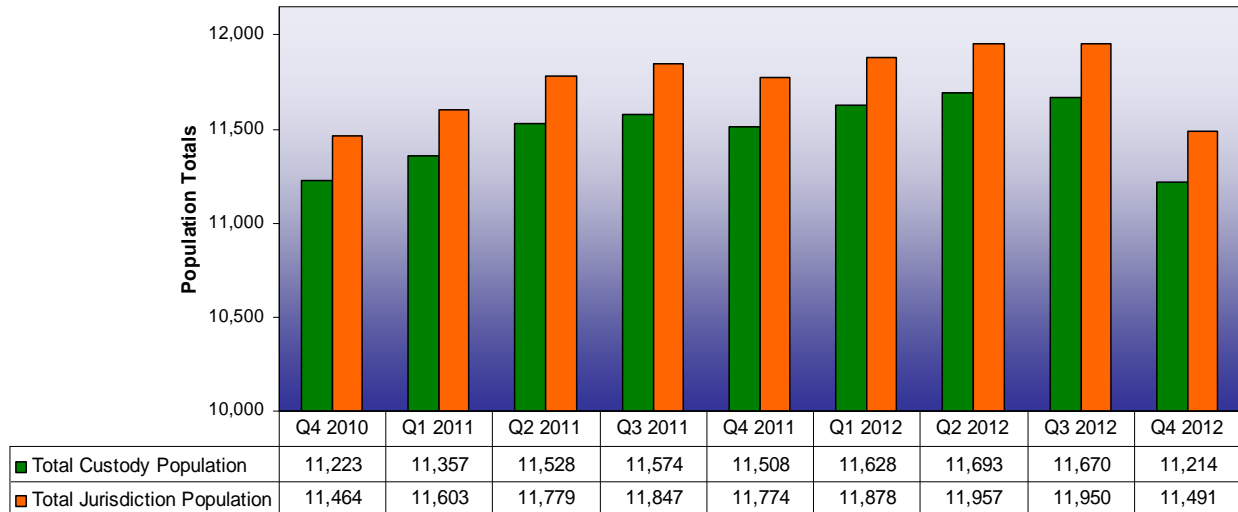
- The fourth quarter of 2012 saw a decrease in MA DOC population to levels last seen during the fourth quarter of 2010.
- Based on quarterly averages for the previous nine quarters 89.1% of the MA DOC populations were criminally sentenced, 5.4% were civil commitments, and 5.5% were pre-trial detainees.
- Over the previous nine quarters the cumulative total admissions were 23,156 and the cumulative total releases were 23,235, with the cumulative difference between admissions and releases resulting in a decrease of 147 inmates.
- Male inmates made up 58.0% of the total admissions and 57.7% of the total releases, yet females inmates saw a larger difference with a loss of 94 inmates, compared to the male loss of 53 inmates.
- Based on the difference between admissions and release, criminally sentenced inmates saw a cumulative decrease 89 inmates. The fourth quarter of 2012 had the largest impact with its difference resulting in a decrease of 334 inmates.
- Criminal releases due to the drug lab situation totaled 261 inmates during the third and fourth quarters of 2012. The majority of releases, 68.2%, were during October, 2012. Suffolk County made up the most common release community, receiving 53.6% of the drug lab releases.
- Male civil commitments saw a cumulative decrease of 100 inmates over the past nine quarters, almost twice their overall cumulative loss. Female civil commitments saw a slight increase of 3 inmates, contrasting their overall cumulative loss of 94.
- Pre-trial detainees saw increased numbers in both admissions and releases over the past nine quarters, resulting in a cumulative increase of 107 pre-trial inmates. More than half, 55.3%, of male pre-trials come from Suffolk County.

Rhiana Kohl, Ph.D.
Executive Director
Office of Strategic Planning & Research
Massachusetts Department of Correction

CURRENT POPULATION AND OVERALL TRENDS

During the past two years the MA DOC population showed a steady increase, with signs of seasonable variability, until the fourth quarter of 2012 when there was a drop to levels more comparable to the fourth quarter 2010 than the previous seven quarters. This change was most likely attributable to the implementation of changes to mandatory minimum sentencing and earned good time, as well as the state drug lab situation.

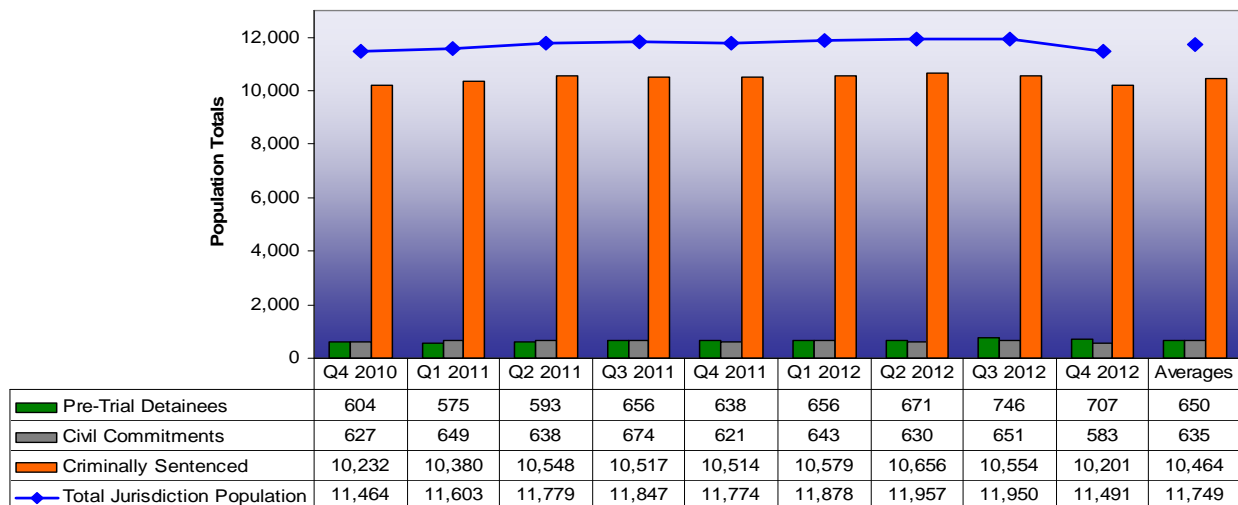
1.1 Average* Quarterly Custody¹ and Jurisdiction² Population



*Each quarter's population is the average of the three months within that quarter.

From figure 1.2, below, it may be seen that the criminal commitment population saw a gradual increase over the last nine quarters with a drop during the fourth quarter of 2012. The civil commitment population was mostly steady over the trend period, until the fourth quarter of 2012, when there was a 10.6% drop. Pre-trial detainees saw a 17.1% increase during the trend period, with the most notable jumps between quarters two and three of both 2011 and 2012, followed by slight decreases in the fourth quarters of those years.

1.2 Total Population by Commitment Type

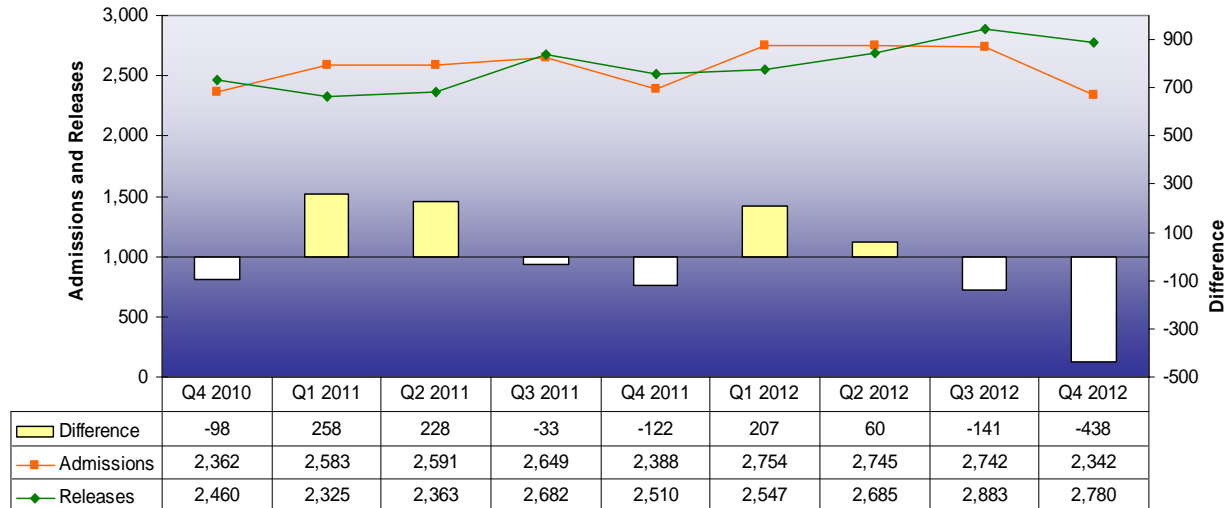


¹Total MA DOC custody population includes criminally sentenced inmates, pre-trial detainees, and civil commitments in MA DOC facilities, excluding MA DOC inmates housed in other jurisdictions (i.e., County, Federal, or Out-of-state inmates).

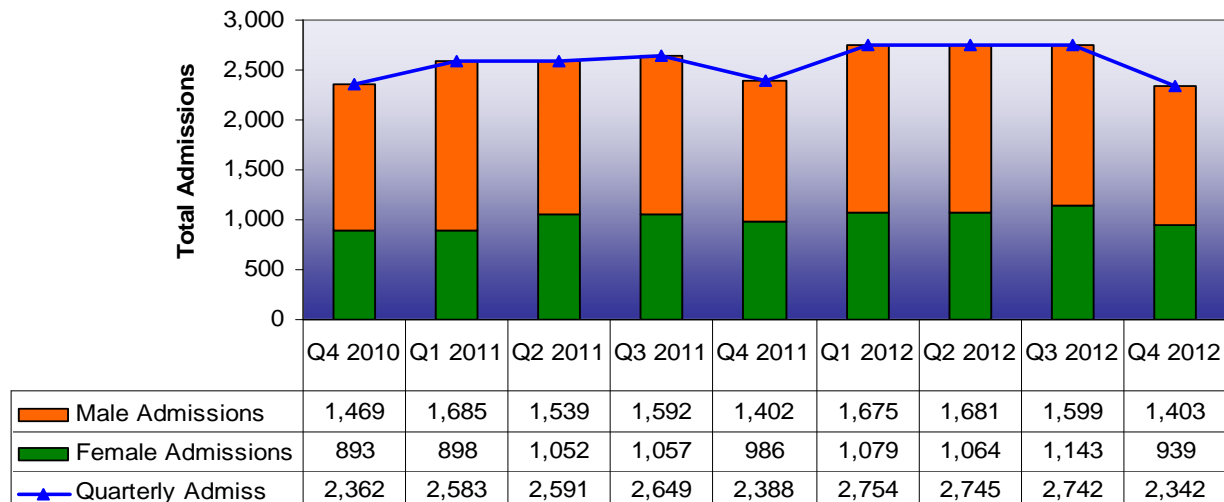
²Total MA DOC jurisdiction population includes criminally sentenced inmates, pre-trial detainees, and civil commitments in MA DOC facilities and MA DOC inmates housed in county facilities, other state facilities, and federal facilities.

2012 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

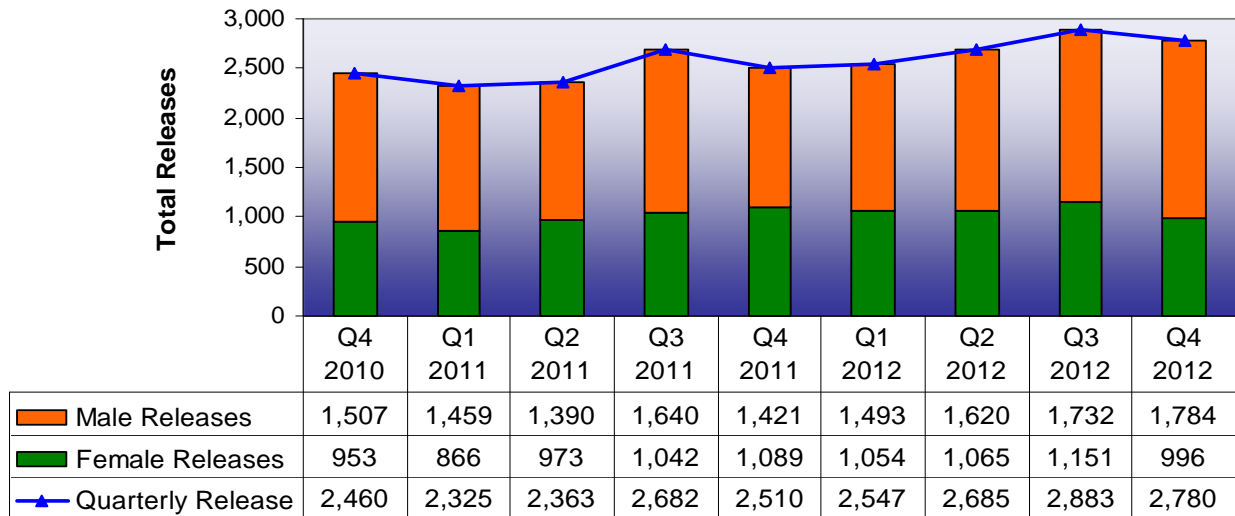
Over the past nine quarters the overall population average difference between admissions and releases resulted in a decrease of 9 inmates per quarter; with fourth quarter of 2012 omitted, this average becomes an increase of 45 inmates per quarter. Similarly, the cumulative difference over trend period showed a decrease of 79 inmates while, yet with fourth quarter 2012 omitted, this cumulative difference becomes an increase to 359 inmates.

1.3 Overall Admissions and Releases

Throughout the last nine quarters males made up the majority of the total admissions and release population at 58.0% and 57.7%, respectively). For male inmates, the difference between admissions and releases averaged no change, with an associated cumulative decrease of -1. Female inmates averaged a decrease of 9 inmates throughout the period, resulting in a cumulative decrease of 78 inmates. Males saw their greatest decrease during the fourth quarter, 2012, with a loss of 381. Females for fourth quarter, 2012, had the smallest decrease they saw in a fourth quarter during this trend period, 57 inmates.

1.4 Total Admissions by Gender

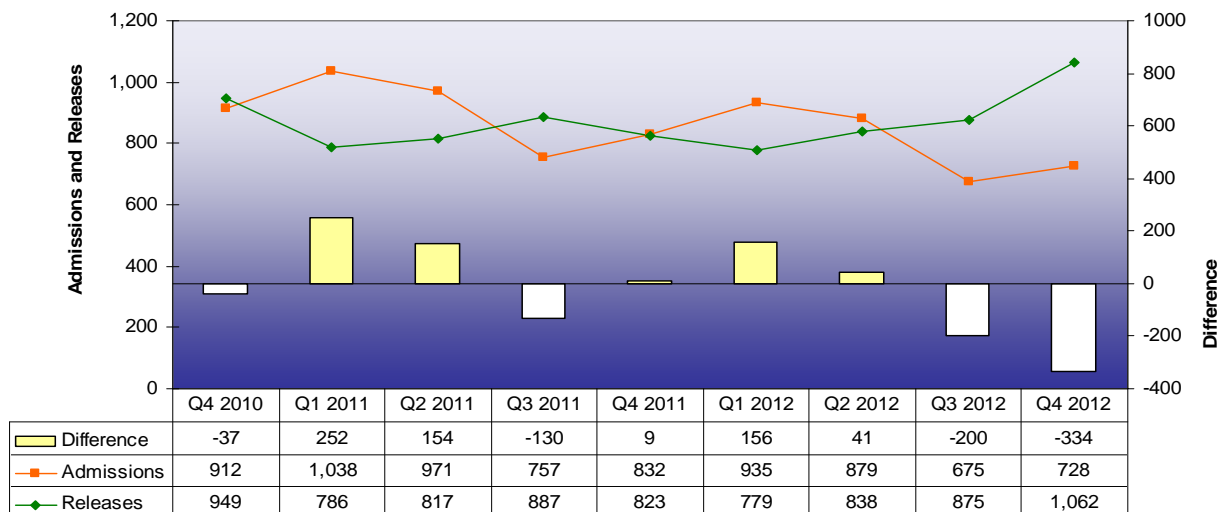
2012 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

1.5 Total Releases by Gender**CRIMINALLY SENTENCED ADMISSIONS AND RELEASES**

The previous nine quarters showed an overall negative trend for admissions and release trend in criminally sentenced inmates, resulting in a cumulative decrease. Admissions had seasonal highs during the first quarter of each year; with lows during the third quarter; and a slight increase moving from the third quarter in the fourth. On average 2012 admissions were 10.7% lower than the corresponding quarter in 2011; with fourth quarter, 2012, heaving the greatest decrease at 12.5% lower.

Releases follow a more even trend with a slight increase over the nine quarters. The fourth quarters for 2010 and 2012 are the two highest release periods with fourth quarter, 2012, being 11.9% higher than fourth quarter, 2010, at 1,062 releases.

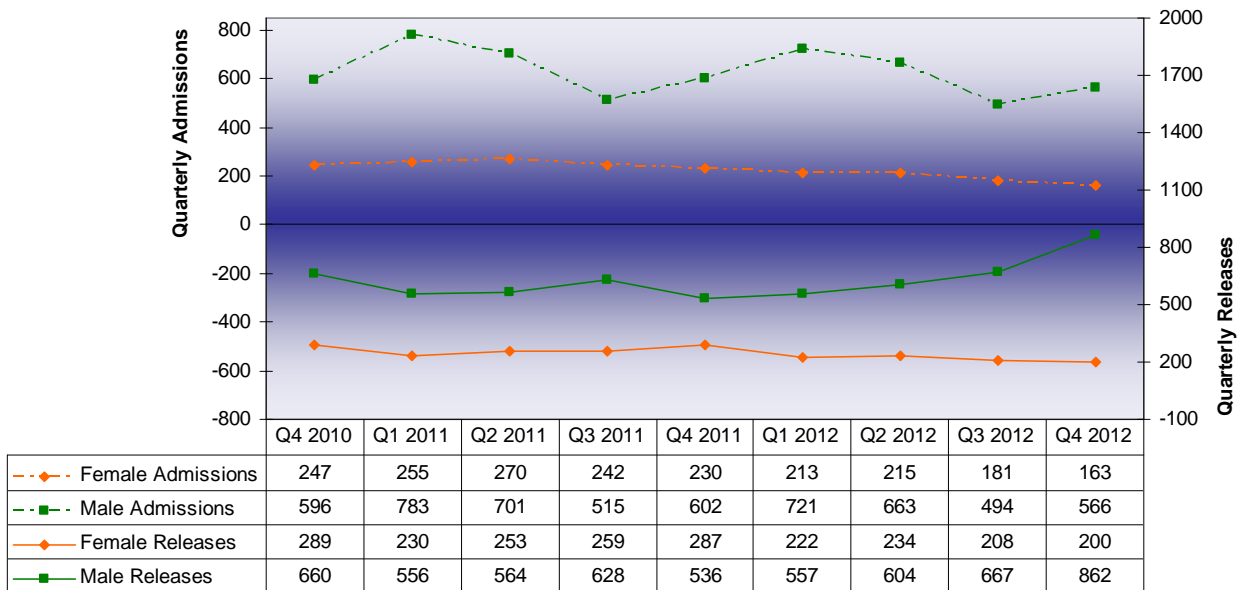
During this trend period the difference between admissions and releases showed a negative trend; averaging a decrease of 17 inmates each quarter. The two quarters with the greatest negative difference are the third and fourth quarter of 2012; leading to a cumulative decrease of 157 inmates for the total trend period. Omitting the fourth quarter, 2012, results in a cumulative gain of 177 inmates.

2.1 Overall Criminal Admissions and Releases

Male inmates showed a slight decline in admissions over the trend period and a slight increase in releases. Both of these trends showed signs of seasonality as well. Male admissions were greatest during the first quarter of each year and lowest during the third quarter. Male releases saw the opposite trend, albeit to a lesser degree: greatest during the third quarter of each year and lowest during the first quarter. Releases for fourth quarter, 2012, were an exception to this rule, being greater than third quarter 2012 by 29.2%.

For females, both admissions and releases showed a steady decline over the last two years. Comparing between the fourth quarters for 2010 and 2012 showed female admissions dropping 34% and releases dropping 30.8%.

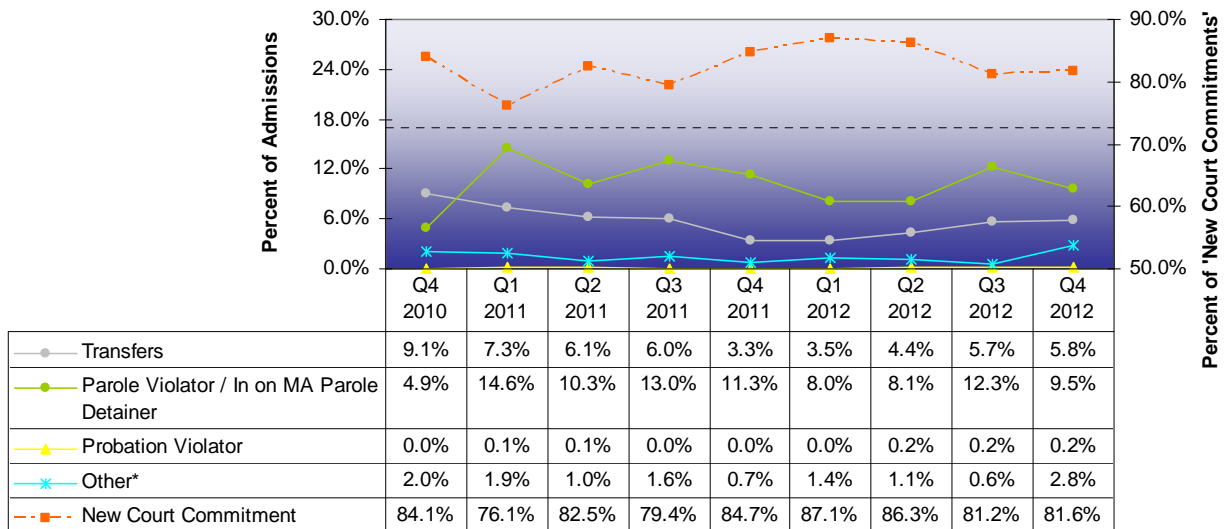
2.2 Criminal Admissions and Releases by Gender



Male criminal admissions by admission code, Table 2.3, are split into two axes, with 'New Court Commitments' represented on the right axis and all other admission codes represented on the left axis. Over the trend period new court commitments dominated male admissions, averaging 82.5%, and showed a slight upward trend. The next two most common male admissions, 'Received from HOC' (House of Correction) and 'Parole Violator', tended to show trends counter to new court commitments, and thus had slight negative trends.

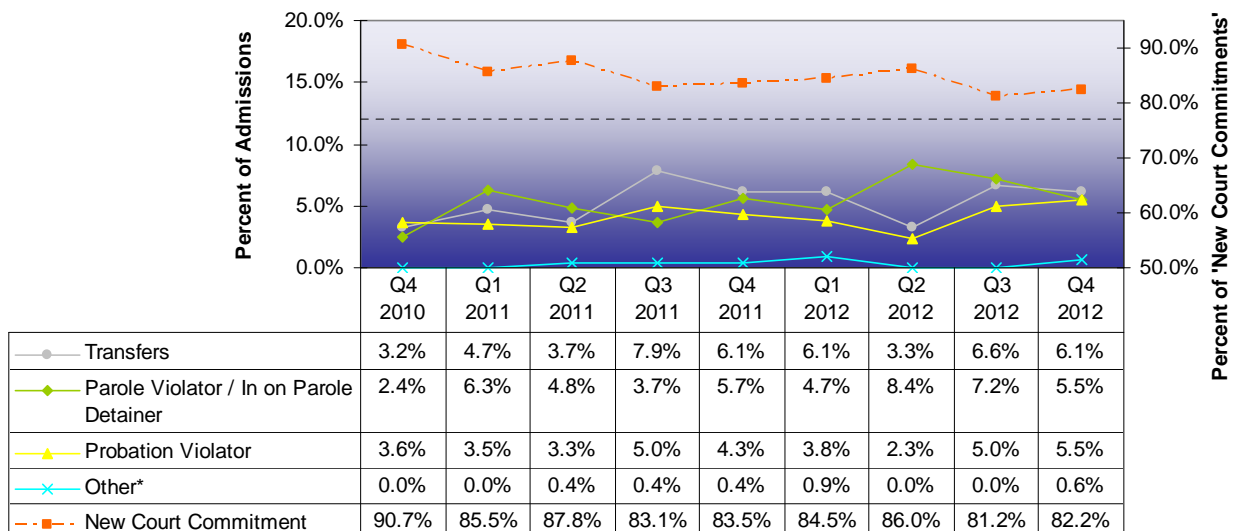
Male parole violators saw an increase during the first quarter 2011, subsequent to major shifts in parole, and have since averaged out at a rate of 10.2% of male criminal admissions. Male probation violators remained steady throughout the trend period, averaging 0.1% of the male admissions.

2012 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

2.3 Male Criminal Admissions by Admission Code

*See Appendix for definition of Other

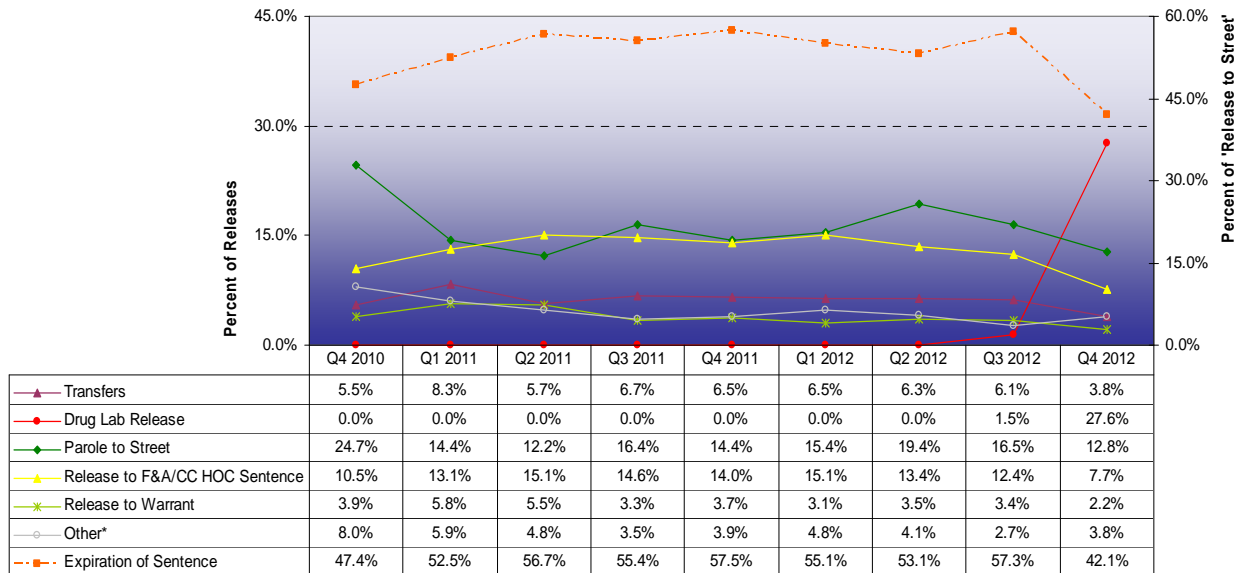
Female admissions differed from male admissions with a decrease in new court commitments over the trend period and an increase in parole violators and inmates received from a HOC. Female admissions also showed an increase in probation violators, further magnifying their much higher percentage compared to male admissions.

2.4 Female Criminal Admissions by Admission Code

*See Appendix for definition of Other

Releases for criminally sentenced males, Table 2.5, for the trend period were primarily 'Release to the Street', averaging 53.0% of the releasing population. The next highest release type was 'Parole to Street', which saw a drop in first quarter 2011, subsequent to the changes in parole, and have remained steady since then. The spike during the last two quarters of 2012 consisted of male inmates released due to the drug lab situation; fourth quarter 2012 saw 27.6% of males released due to this situation.

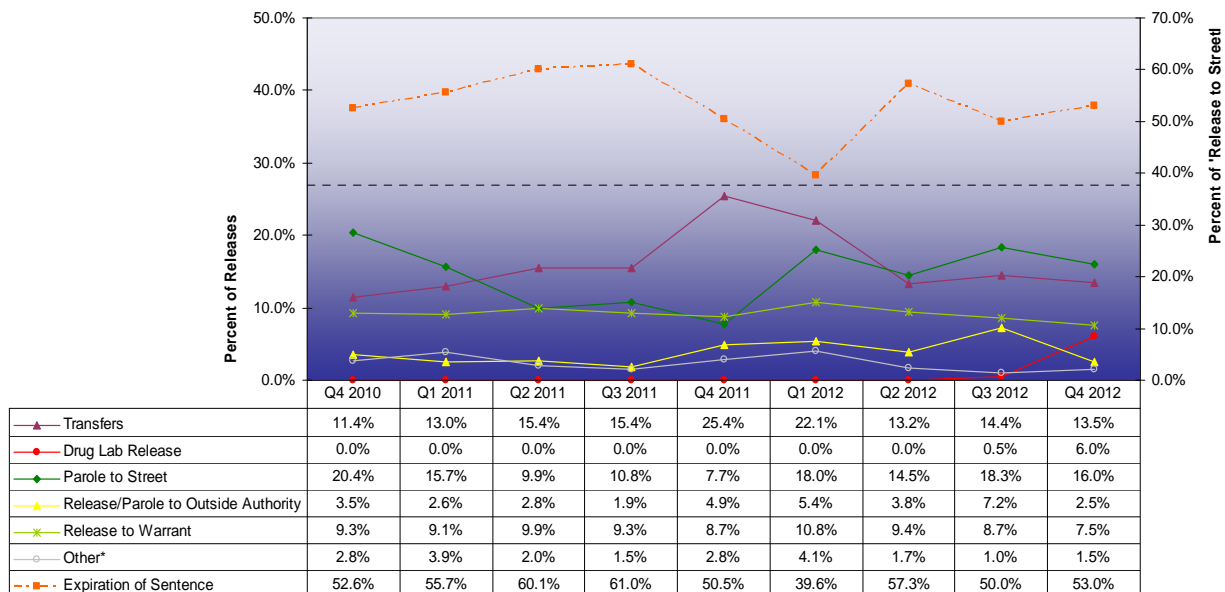
2012 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

2.5 Male Criminal Releases by Release Code

*See Appendix for definition of Other

Female criminal sentences releases for the trend period were due mostly releases to the street, averaging 53.3%. Their second most common release type was non-DOC inmates transferred to outside entities, many of these county females housed at Framingham; this release type appears to have mostly run counter to releases to the street during this period. This shift, seen during quarter four, 2011, and quarter one, 2012, may be largely explained by the opening of beds for female inmates in a county facility in western Massachusetts

The third most common release type for females was 'Parole to Street'. The percent of female parolees dropped subsequent to the changes in parole, but have since risen to rates similar to fourth quarter, 2010. It should be noted that while the percentage of parolees has risen, the number has not, and this rate increase is mostly due to a decrease in females housed by the DOC.

2.6 Female Criminal Releases by Release Code

*See Appendix for definition of Other

2012 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

State new court commitments for each jurisdiction followed a seasonal trend similar to the overall new court commitment population. Suffolk County accounted for 19.3% of the new court commitments, Essex and Middlesex each accounted for about 13.5%, Hampden accounted for 13.0%, and Worcester and Bristol both accounted for 11.9%.

2.7 State* Criminally Sentenced New Court Commitments by Court Jurisdiction

	Q4 2010	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Total
Suffolk	110	93	131	99	97	108	119	76	83	916
Essex	72	86	81	61	83	67	92	52	52	646
Middlesex	78	117	54	50	80	96	59	53	53	640
Hampden	76	69	92	37	69	92	61	55	67	618
Worcester	68	50	103	40	58	62	66	39	78	564
Bristol	52	69	65	41	57	61	89	56	73	563
Plymouth	19	53	23	21	25	58	21	15	19	254
Norfolk	24	28	17	17	32	35	24	11	15	203
Barnstable	16	16	12	17	6	14	5	17	9	112
Berkshire	10	26	13	12	6	20	7	9	9	112
Franklin	7	7	9	3	3	10	16	6	2	63
Hampshire	1	3	6	8	4	8	5	7	9	51
Dukes	1	0	1	0	0	0	2	0	4	8
	534	617	607	406	520	631	566	396	473	4750

*excludes county inmates

During the final four months of 2012, 261 criminally sentenced inmates were released due to the drug lab situation. The majority of these inmates, 53.6%, were released to Suffolk County. Over two-thirds, 68.2%, of the inmates were released during October. These releases account only for inmates who were serving criminal sentences at the MA DOC.

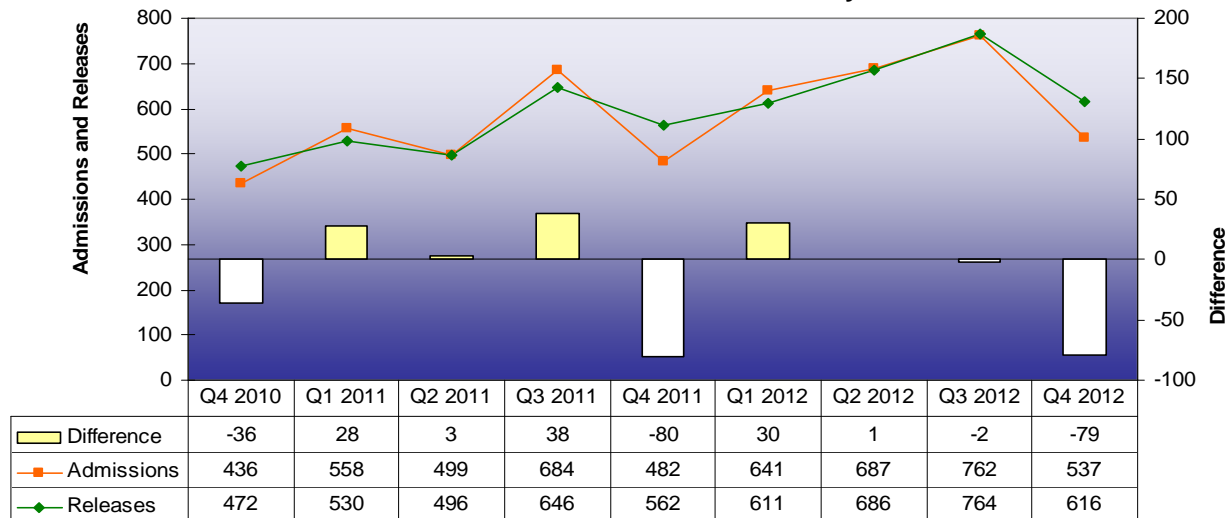
2.8 Monthly Drug Lab Release by Court Jurisdiction

	SEPT	OCT	NOV	DEC	Total
Suffolk	3	105	20	12	140
Plymouth	3	21	6	1	31
Norfolk	2	19	0	1	22
Essex	1	0	11	6	18
Bristol	0	11	6	1	18
Barnstable	1	14	1	0	16
Middlesex	1	6	5	2	14
Worcester	0	1	0	0	1
Dukes	0	1	0	0	1
	11	178	49	23	261

CIVILLY SENTENCED ADMISSIONS AND RELEASES

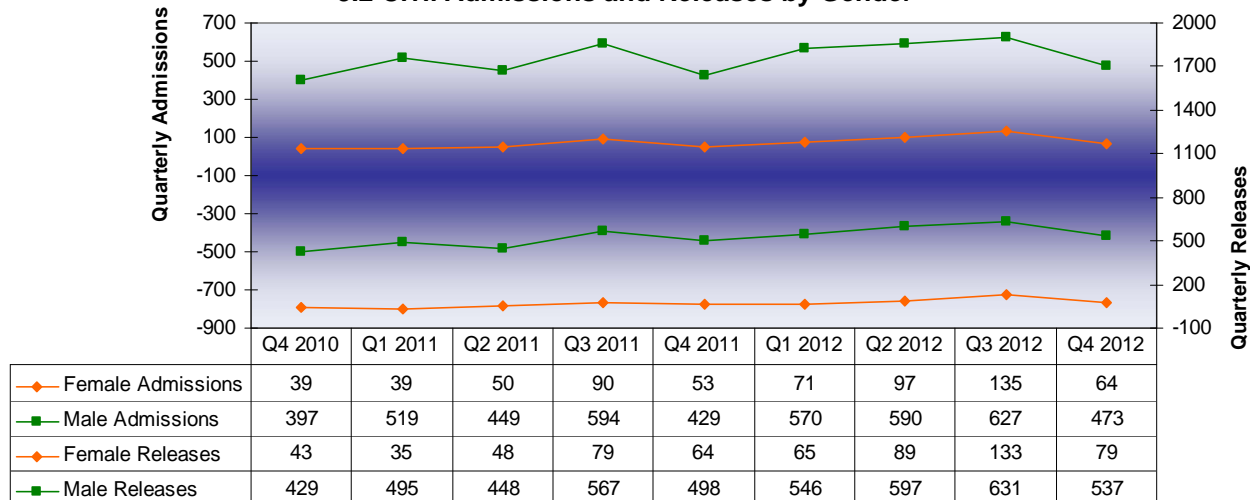
Quarterly admissions and releases for civilly sentenced inmates ran roughly parallel throughout the trend period. A seasonal trend may be seen with a gradual rise in both admissions and releases over each year with a drop in both during each fourth quarter. Overall, both admissions and releases showed a positive trend with civil admissions averaging 587 inmates each quarter and releases averaging 598. During the trend period there was a cumulative decrease of 97 inmates due to the difference between admissions and releases.

3.1 Overall Civil Admissions and Releases by Quarter



Female inmates make up 11.7% of civil admissions and 11.4% of civil releases. Over the past nine quarters civil inmates followed cumulative trends different than the total population cumulative trends. Male civil commitments saw a cumulative decrease of 100, in contrast to the total male population decrease of only 43. Female civil commitments had a cumulative increase of 3, very different from a cumulative population decrease of 89.

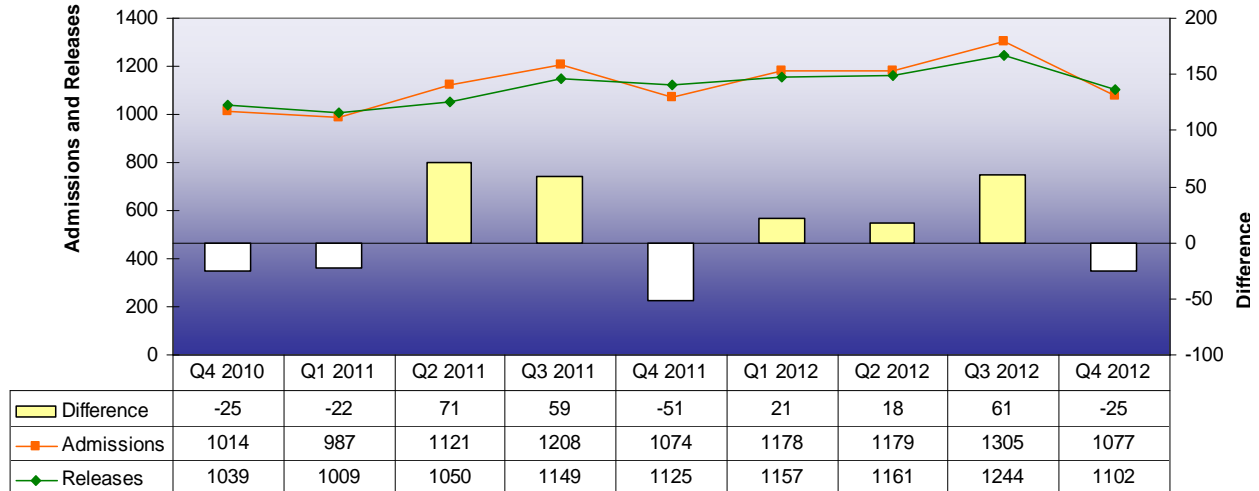
3.2 Civil Admissions and Releases by Gender



PRE-TRIAL ADMISSIONS AND RELEASES

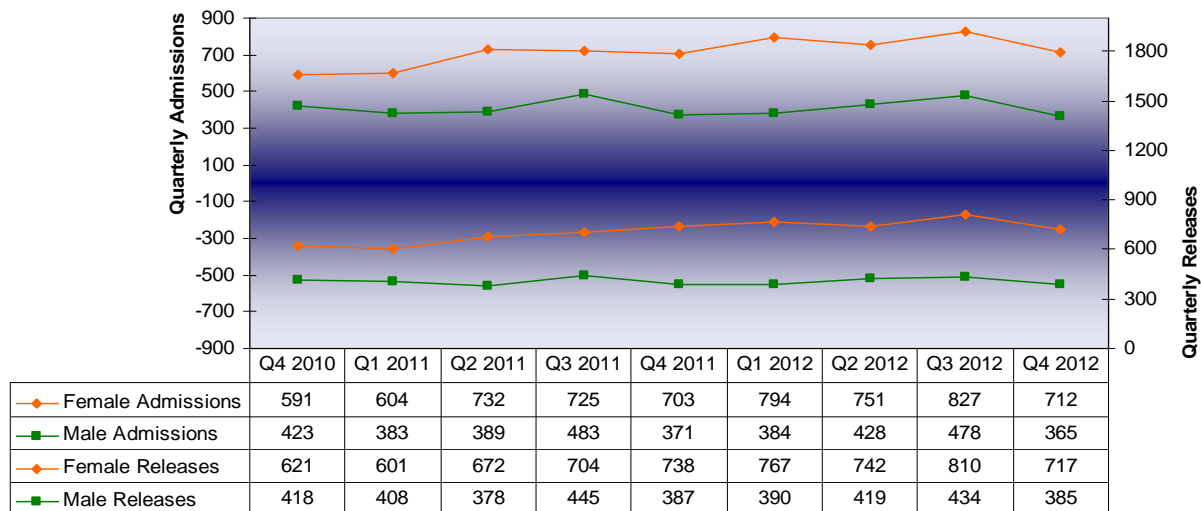
Pre-trial admissions and releases had a slightly positive, parallel trend over the last nine quarters. Pre-trial admissions averaged 1127 per quarter, releases averaged 1115, and there was a cumulative increase of 107 over the trend period.

4.1 Overall Pre-Trial Admissions and Releases by Quarter



Male pre-trial admissions and releases, made up mostly of 52A's, both showed a slight, positive admission trend over the past two years while their releases showed a slight negative trend. Female pre-trial inmates exhibited a positive trend for both admissions and releases. The cumulative differences for male pre-trial inmates showed an increase of 40 inmates; while for females there was an increase of 67 inmates.

4.2 Pre-Trial Admissions and Release by Gender



2012 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

The majority of male pre-trial admissions for the trend period came from Suffolk and Middlesex counties, 55.3% and 28.3%, respectively. There were some notable points within the data. Suffolk had its lowest pre-trial admissions during fourth quarter 2012, being the only quarter where it made up less than half of the admissions (46.3%). Middlesex saw the opposite trend during the fourth quarter 2012 with its greatest admissions, making up 38.6% of admissions for that quarter. Finally, Federal pre-trial admissions showed a spike during third quarter 2012 with 41 inmates, over twice their next closest admissions period during the last nine quarters.

4.3 Male Pre-Trial Admissions by Jurisdiction

	Q4 2010	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Total
Suffolk	245	208	231	272	208	215	236	266	169	2050
Middlesex	113	97	101	133	109	111	124	118	141	1047
Out-of-State	17	24	17	25	20	19	22	20	25	189
Worcester	19	21	24	16	13	18	19	17	9	156
Federal	17	16	6	18	3	2	15	41	10	128
Plymouth	3	5	3	7	4	7	9	5	6	49
Norfolk	2	5	3	8	5	3	1	3	0	30
Bristol	2	5	3	2	5	4	1	5	1	28
Essex	4	1	1	2	2	3	1	1	3	18
Barnstable	0	0	0	0	1	2	0	1	1	5
Hampden	0	1	0	0	0	0	0	1	0	2
Berkshire	0	0	0	0	1	0	0	0	0	1
Hampshire	1	0	0	0	0	0	0	0	0	1
	423	383	389	483	371	384	428	478	365	3704

For the past nine quarters 99% of female pre-trials come from the counties of Essex, Worcester, Middlesex, Norfolk, or Plymouth. Over the trend period the rates of female pre-trials for each county stayed fairly steady, though the numbers tend to increase; following the increase in female pre-trials overall.

4.4 Female Pre-Trial Admissions by Jurisdiction

	Q4 2010	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Total
Essex	156	161	227	188	198	209	204	236	201	1780
Worcester	128	154	157	169	152	213	169	193	161	1496
Middlesex	125	122	141	147	179	155	167	153	143	1332
Norfolk	100	73	118	123	99	116	110	123	110	972
Plymouth	74	89	84	86	72	93	98	118	94	808
Suffolk	4	2	2	6	0	0	1	1	1	17
Bristol	0	1	1	2	2	2	0	2	1	11
Out-of-State	3	0	1	2	0	2	0	0	0	8
Federal	0	2	1	0	0	2	1	1	1	8
Barnstable	0	0	0	1	0	1	1	0	0	3
Hampden	0	0	0	0	1	1	0	0	0	2
Berkshire	0	0	0	1	0	0	0	0	0	1
Franklin	1	0	0	0	0	0	0	0	0	1
	591	604	732	725	703	794	751	827	712	6439

Appendix

Notes and Definitions

Note: This report examines admission and release trends over the past nine quarters for the Massachusetts Department of Correction (MA DOC). Unless otherwise stated, all trends in this report refer to the MA DOC jurisdiction population.

Note: Admission and Release data for this report was gathered in January of 2013. Numbers in this report may vary slightly from numbers in other reports due to the continuous updating of data and information in the Inmate Management System

Admissions	Inmates or detainees committed to a MA DOC facility as a “new court commitment”, “parole violator”, “transfer”, “probation violator”, “pre-trial detainee”, a “civil commitment” or other admission through legal means. “Other” admissions include: “Re-admit from Court Release” and “Return from Escape”.
Pre-Trial Detainee	An individual who is detained prior to trial, but not yet convicted of a crime to include male and female county detainees, male county detainees transferred to state facilities under Massachusetts General Law Chapter 276, section 52A, and federal detainees (both male and female).
Civil Commitment or “Civil”	The involuntary commitment of an individual via legal means to incarcerate an individual against their will.
Criminally Sentenced	An individual who has been found guilty of a criminal offense through legal means, and is required to be incarcerated.
Custody Population	An individual is considered to be in Massachusetts DOC custody when they are being held in a Massachusetts DOC facility.
Expiration of Sentence (Release)	An inmate is discharged from his sentence at the expiration of his term, less any statutory or earned good time. Statutory good time was eliminated for all offenses committed after June 30, 1994, due to the enactment of the “Truth in Sentencing” law.
HOC	House of Correction, i.e. county jail.
Jurisdiction Population	An individual is considered to be under Massachusetts DOC jurisdiction when the Commonwealth has legal authority over the individual regardless of where the inmate is being held to include those incarcerated in Massachusetts DOC facilities as well as those housed in correctional facilities outside of the Massachusetts DOC (Massachusetts Houses of Correction, other state’s correctional facilities and the Federal Bureau of Prisons).
MA DOC	Massachusetts Department of Correction, i.e. state prison.

Parole (Releases)

Inmates released on parole are under the supervision of parole while in the community and may be re-incarcerated for violating the terms of their supervision. Unless otherwise specified, parole to other authority may include: "Parole to Out of State Sentence", "Parole to Federal Authority", "Parole to Immigration", "Parole to From & After HOC Sentence", "Parole to Warrant", "Parole to From & After DOC Sentence", or "Parole to Civil Commitment". "Other" releases include: "HABEAS to Court – Received Forthwith Sentence", "Escape", "Death", "Court Release – Sentence Revoked", "Release to From and After at DOC", and "Release from Weekend Sentence".

Probation

Probation is a court-ordered sanction placed on a person convicted of a crime. The offender is allowed to remain in the community under the strict supervision of a probation officer.

Release to Street

A release to street occurs when an inmate is released from the custody of the Massachusetts DOC by way of parole or discharge to the street. Conditions warranting a release to street include: Parole, Good Conduct Discharge (GCD), and Expiration of Sentence.

Releases

A release occurs when an inmate is released from the custody of the Massachusetts DOC by way of expiration of sentence, parole, a non-DOC release to other jurisdiction, a court release or other legal release from the custody of MA DOC.

Drug Lab Releases

Drug lab releases refer to criminally sentenced inmates who received court releases to the street due to the state drug lab situation.

Exhibit C

MASSACHUSETTS DEPARTMENT OF CORRECTION

Quarterly Report on Admissions and Releases in the Massachusetts Department of Correction

Fourth Quarter 2013





Commonwealth of Massachusetts

Deval L. Patrick, Governor

Executive Office of Public Safety and Security

Andrea Cabral, Secretary

Sandra M. McCroom, Undersecretary of Criminal Justice

Massachusetts Department of Correction

Luis S. Spencer, Commissioner

Rhiana Kohl, Ph.D., Executive Director of Strategic Planning & Research

Author: Research & Planning Division

Prepared by: Daniel Feagans, Research Analyst

Acknowledgements

Special recognition to: Hollie Matthews, Deputy Director of Research and Planning; Gina Papagiorgakis, Research Analyst II; and Nick Cannata, Research Analyst II

For questions regarding this report, please contact the Research & Planning Division:

Research & Planning Division
MCI-Concord/SFU Building
P.O. Box 9125
Concord, MA 01742
(978) 405-6677
Research@doc.state.ma.us

This and other Massachusetts Department of Correction publications can be accessed on the internet under the Research & Statistics tab at:

<http://www.mass.gov/doc>

Table of Contents

Executive Summary	.....	p.2
 Section 1. Current Population and Overall Trends		
1.1	Custody and Jurisdiction Population.....	p.3
1.2	Jurisdiction Population by Commitment Type.....	p.3
1.3	Overall Admission and Releases.....	p.4
1.4	Admissions by Gender.....	p.4
1.5	Releases by Gender	p.5
 Section 2. Criminally Sentenced Admissions and Releases		
2.1	Overall Criminal Admissions and Releases.....	p.5
2.2	Criminal Admissions and Releases by Gender	p.6
2.3	Male Criminal Admissions by Admission Code	p.6
2.4	Female Criminal Admissions by Admission Code	p.7
2.5	Male Criminal Releases by Release Code	p.7
2.6	Female Criminal Releases by Release Code	p.8
2.7	State Criminally Sentenced New Court Commitments by Court Jurisdiction..	p.8
 Section 3. Civilly Committed Admissions and Releases		
3.1	Overall Civil Admissions and Releases	p.9
3.2	Civil Admissions and Releases by Gender.....	p.9
 Section 4. Pre-Trial Admissions and Releases		
4.1	Overall Pre-Trial Admissions and Releases	p.10
4.2	Pre-Trial Admissions and Releases by Gender.....	p.10
4.3	Male Pre-Trial Admissions by Jurisdiction.....	p.11
4.4	Female Pre-Trial Admissions by Jurisdiction.....	p.11
 Appendix		
	.....	p.12

EXECUTIVE SUMMARY

Trend Period: Third Quarter, 2011, through Fourth Quarter, 2013

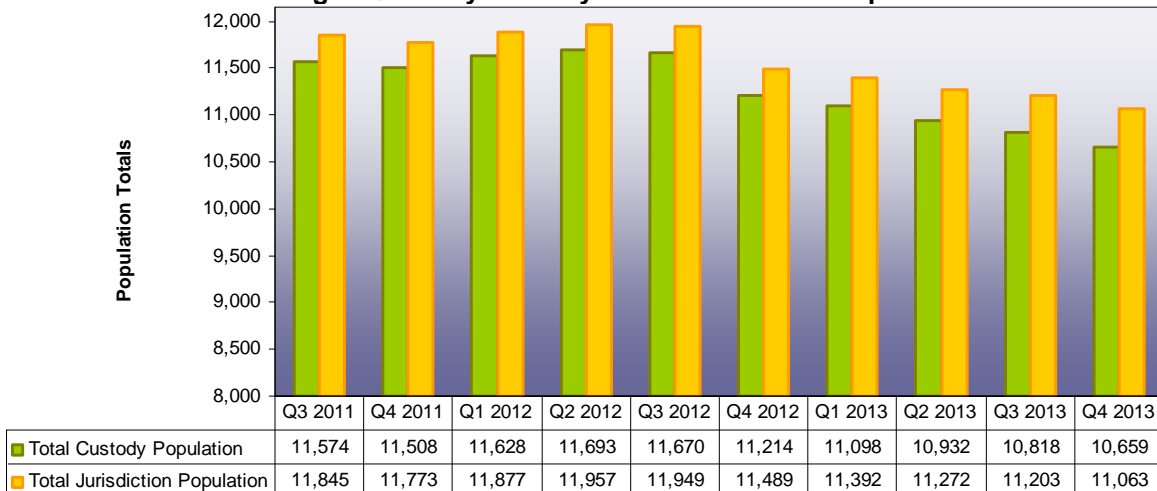
- The fourth quarter of 2013 saw a continuation of the decrease in MA DOC population begun in the third quarter 2012 with a resulting 8.8% decrease in **custody population** and 7.5% decrease in **jurisdiction population** since the height in second quarter 2012.
- Based on quarterly averages for the ten quarters of the trend period, 88.8% of the **MA DOC jurisdiction population** were criminally sentenced, 5.3% were civil commitments, and 5.9% were pre-trial detainees. The fourth quarter average population of 11,063 was the lowest of the trend period.
- During the trend period the **cumulative total admissions** were 26,018 and the **cumulative total releases** were 26,815, with the cumulative difference between admissions and releases resulting in a decrease of 797 inmates.
- Male inmates made up 59.0% of the total admissions and 59.9% of the total releases during the trend period.
- The overall difference between admissions and releases over the trend period resulted in female inmates decreasing by 76, while male inmates saw a decrease of 721 inmates.
- Based on the difference between admissions and releases, **criminally sentenced inmates** saw a cumulative decrease of 779 inmates. The fourth quarter of 2012 had the largest impact on this with a decrease of 334 inmates.
- **Male civil commitments** saw a cumulative decrease of 121 inmates during the past ten quarters. **Female civil commitments** saw a cumulative decrease of 8 inmates over that same period.
- **Pre-trial detainees** saw increased numbers in both admissions and releases during the trend period resulting in a cumulative increase of 82 pre-trial inmates. More than half, 54.6%, of male pre-trials came from Suffolk County.

Rhiana Kohl, Ph.D.
Executive Director
Office of Strategic Planning & Research
Massachusetts Department of Correction

CURRENT POPULATION AND OVERALL TRENDS

The MA DOC populations, both jurisdiction and custody, saw a sixth straight period of decline during the fourth quarter of 2013; with jurisdiction averaging a 1.3% drop per quarter and custody averaging a 1.5% drop per quarter. Prior to third quarter, 2012, there was a general increase in population; followed with the fourth quarter of 2012 having a large drop in population - mostly due to implementation of the Crime Bill and issues regarding accuracy of testing at the Hinton Crime Lab. The continued drop throughout 2013 was in large part due to continued effects from the Crime Bill changes.

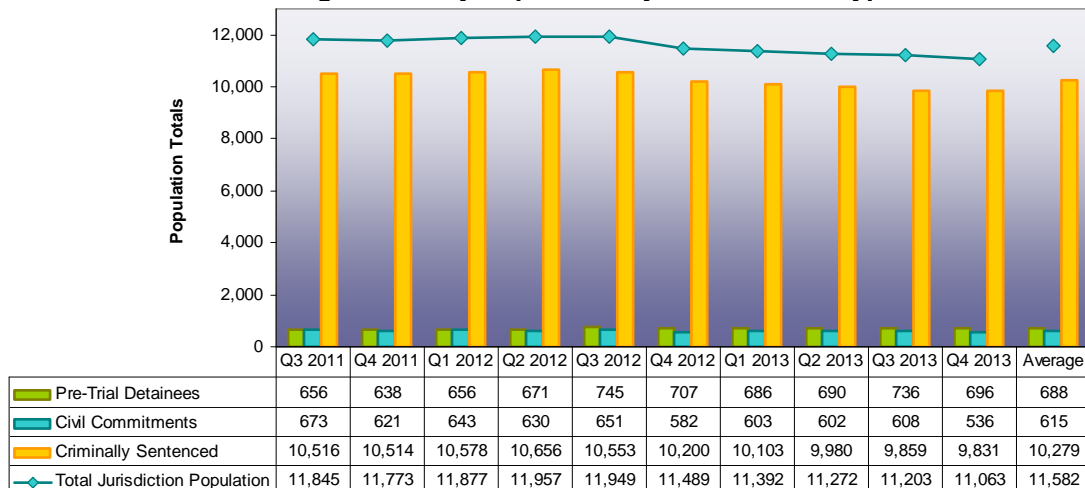
1.1 Average* Quarterly Custody¹ and Jurisdiction² Population



*Each quarter's population is the average of the three months within that quarter.

The fourth quarter of 2013 saw the normal seasonal trends. Compared to the preceding quarter, there was a decrease in civil commitments (-11.8%), a decrease in pre-trial detainees (-5.4%), and a decrease in the criminally-sentenced population (-0.3%). The change in civil commitments was the largest quarterly change seen during the ten quarter trend period.

1.2 Average Quarterly Population by Commitment Type



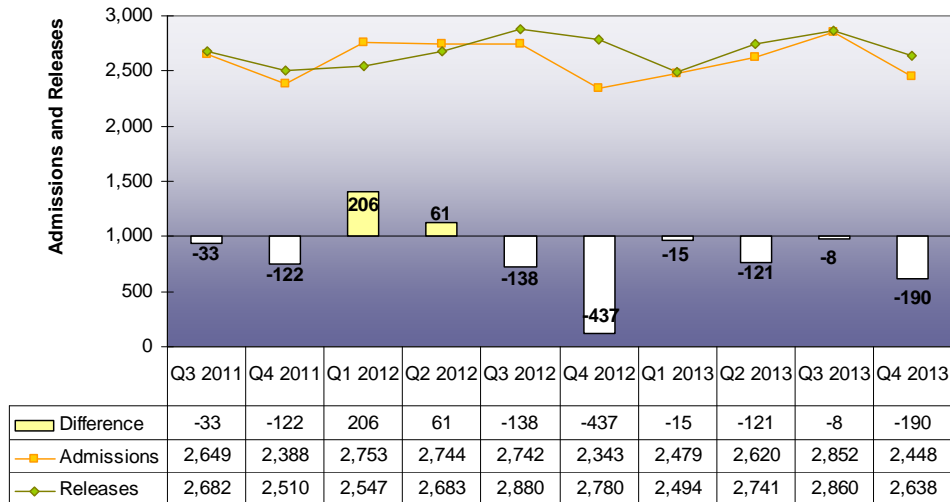
¹Total MA DOC custody population includes criminally sentenced inmates, pre-trial detainees, and civil commitments in MA DOC facilities, excluding MA DOC inmates housed in other jurisdictions (i.e., County, Federal, or Out-of-state inmates).

²Total MA DOC jurisdiction population includes criminally sentenced inmates, pre-trial detainees, and civil commitments in MA DOC facilities and MA DOC inmates housed in county facilities, other state facilities, and federal facilities.

2013 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

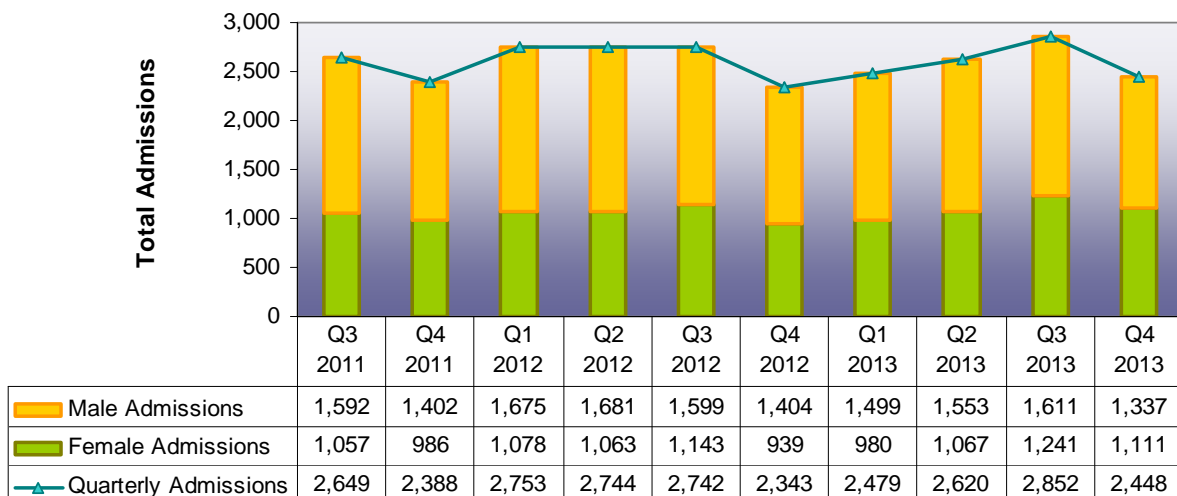
Over the past nine quarters the difference in the MA DOC population admissions and releases resulted in an **average decrease of 80 inmates** per quarter. Similarly, the cumulative difference over the trend period showed a **decrease of 797 inmates**; driven mostly by the second half of 2012. The fourth quarter saw the second highest admission-release difference during the trend period with a decrease of 190 inmates.

1.3 Overall Admissions and Releases

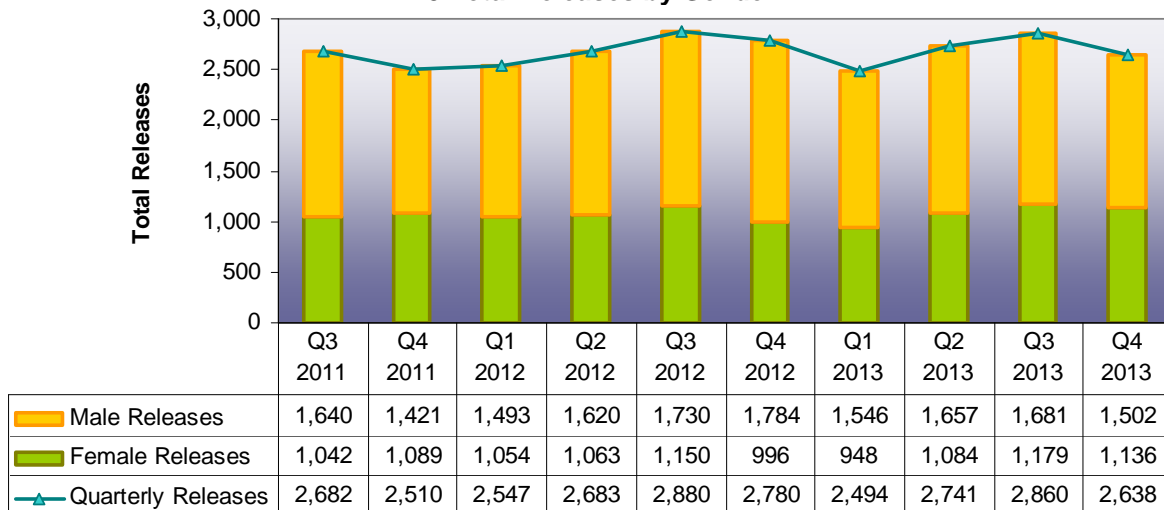


Throughout the trend period males made up the majority of the total admissions and release population with 59.0% of admissions and 59.9% of releases. For male inmates, the difference between admissions and releases averaged a decrease of 72 inmates per quarter, with an associated, cumulative decrease of 721 inmates. Female inmates averaged a decrease of 8 inmates each quarter throughout the period, with a cumulative decrease of 76 inmates. Admissions for both males and females showed their first quarter of decrease this year, down 14.2% from last quarter. Releases saw a decrease, down 7.8% from last quarter.

1.4 Total Admissions by Gender

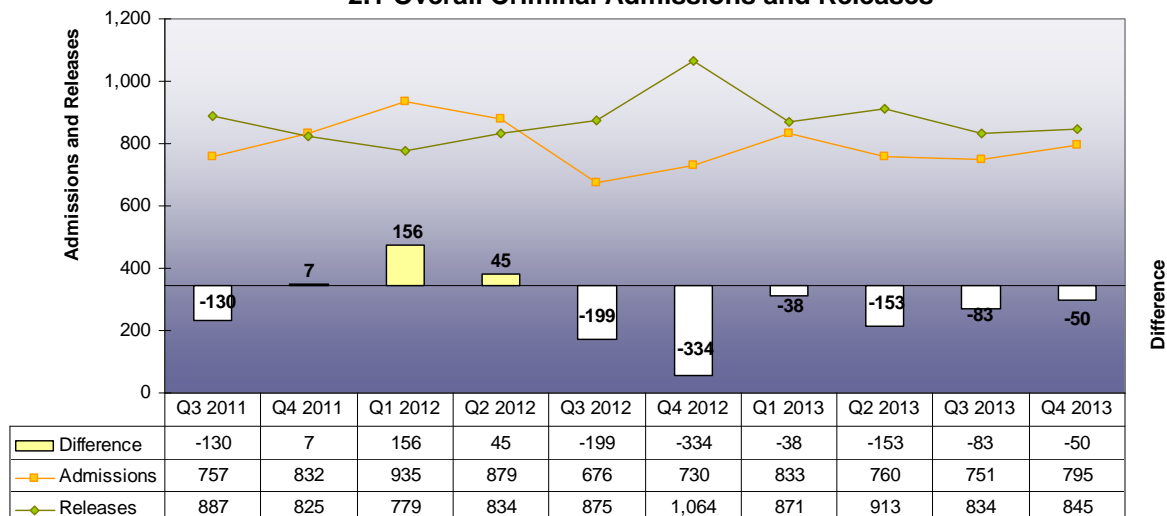


2013 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

1.5 Total Releases by Gender**CRIMINALLY SENTENCED ADMISSIONS AND RELEASES**

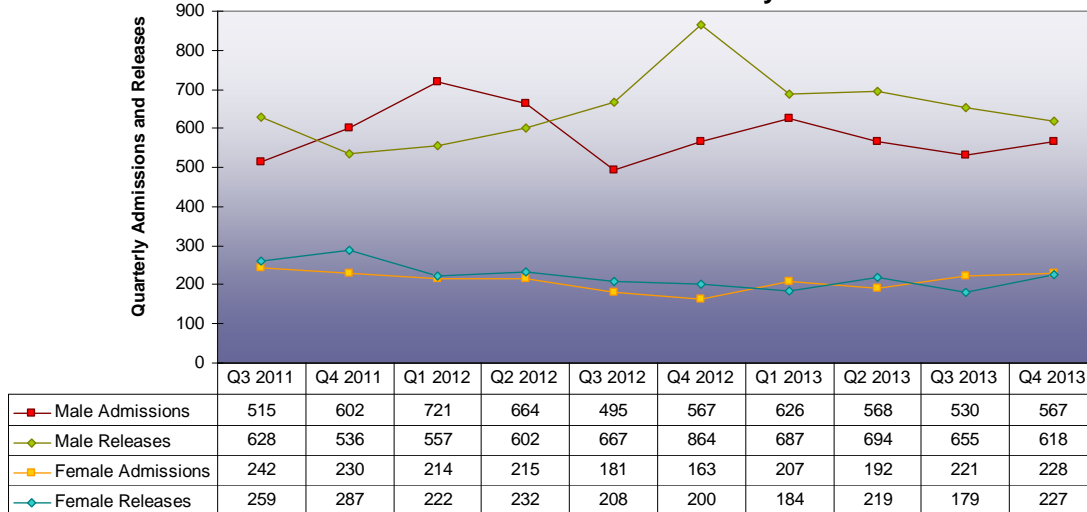
The ten quarter period, from third quarter 2011 through fourth quarter 2013, displayed an overall negative trend for admissions and an overall positive trend for releases; with releases trending more strongly. Also, during this trend period the difference between admissions and releases showed a negative slope; averaging a decrease of 78 inmates each quarter, with an overall negative change of 775 criminally sentenced inmates.

Comparison of total admissions and releases between 2012 and 2013 saw an overall decrease in both movements. For 2012 there were 3,220 admissions, compared to 3,139 for 2013, a decrease of 2.5%. Similarly, there were 3,552 releases in 2012 and 3,463 in 2013, a decrease of 2.5%. These numbers reflect an overall decrease in movement in and out of the DOC in 2013 compared to 2012.

2.1 Overall Criminal Admissions and Releases

During the ten quarter trend period male criminally sentenced inmates followed trends very similar to the overall criminally sentenced population. This was expected due to males comprising 73.7% of criminal admissions and 74.6% of criminal releases. During this period female criminally sentenced admissions and releases both showed negative trends, with releases trending much stronger than admissions for the period.

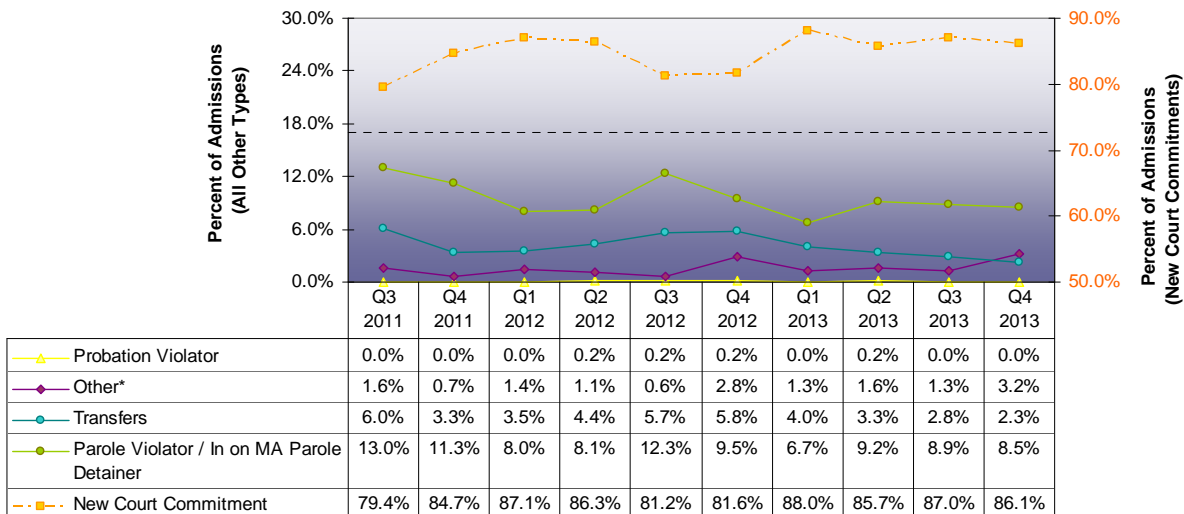
2.2 Criminal Admissions and Releases by Gender



Male criminal admissions by admission type, Graph 2.3, are split into two axes, with 'New Court Commitments' represented on the right axis and all other admission types represented on the left axis. New court commitments were the most common type of male admission and averaged 84.7% each quarter during the trend period. The next two most common types of male admissions, 'Parole Violator/In on MA Parole Detainer' and 'Transfers', averaged 9.6% and 4.1% of admissions during the trend period, respectively.

New court commitments for 2013 were steady in comparison to 2012 and had a higher average with 85.6% of admissions compared to 84.0%, respectively.

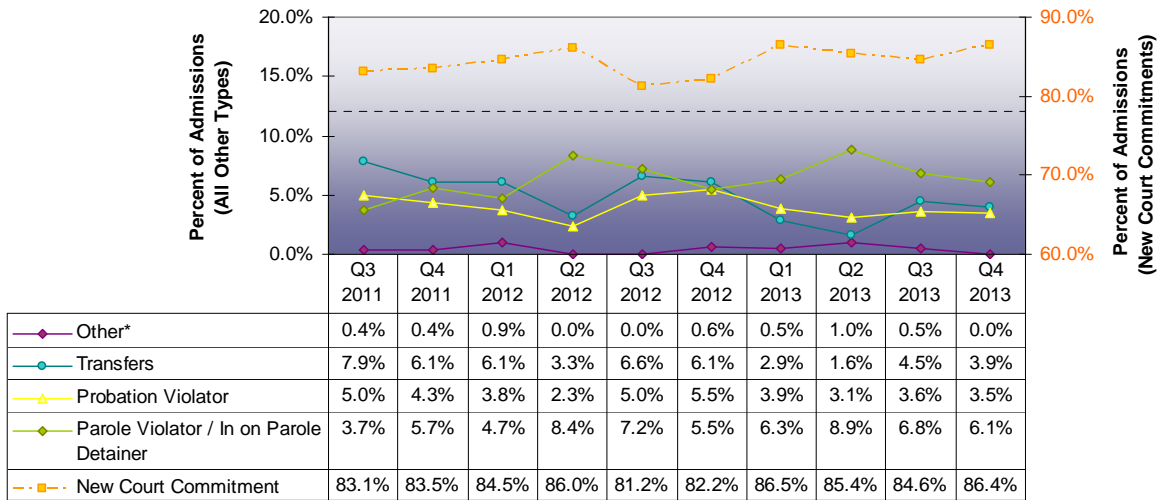
2.3 Male Criminal Admissions by Admission Type



*See Appendix for definition of Other

Female criminally sentenced admissions for the trend period were predominately new court commitments, with an average of 84.3%, followed by 'Parole Violator/In on Parole Detainer' and 'Transfers', with respective averages of 6.3% and 4.9%. The fourth quarter of 2013 saw, in relation to the third quarter, a seasonal increase in new court commitment and associated decrease in the other admission types.

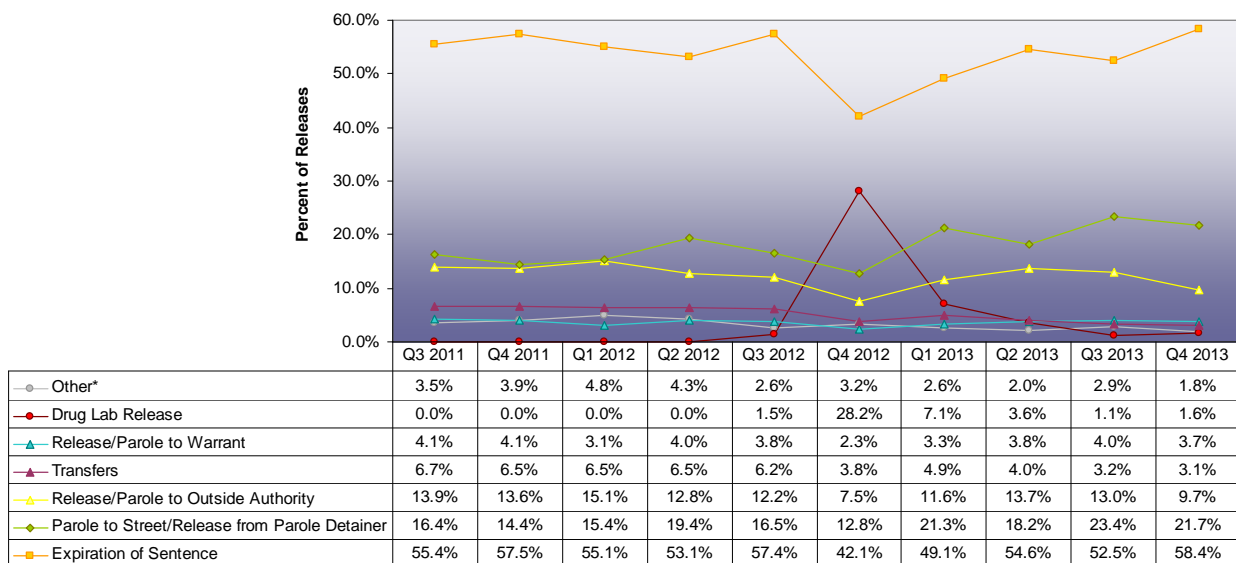
2.4 Female Criminal Admissions by Admission Type



*See Appendix for definition of Other

During the first five quarters of the trend period the male criminal release type rates were steady, followed by a notable shift during the fourth quarter of 2012, and then a gradual resumption of prior trends. The shift during the last quarter of 2012 was mostly attributable to the crime lab situation; this led to a large amount of court releases, specified in Graph 2.5 as "Crime Lab Releases", which resulted in notable rate decreases for other release types. The past year saw a steady increase in expirations of sentence and paroles to the street/releases from parole detainers with the fourth quarter of 2013 displaying the highest rate of expiration of sentence over the ten quarter trend period and the second highest rate of paroles to street/releases from parole detainer.

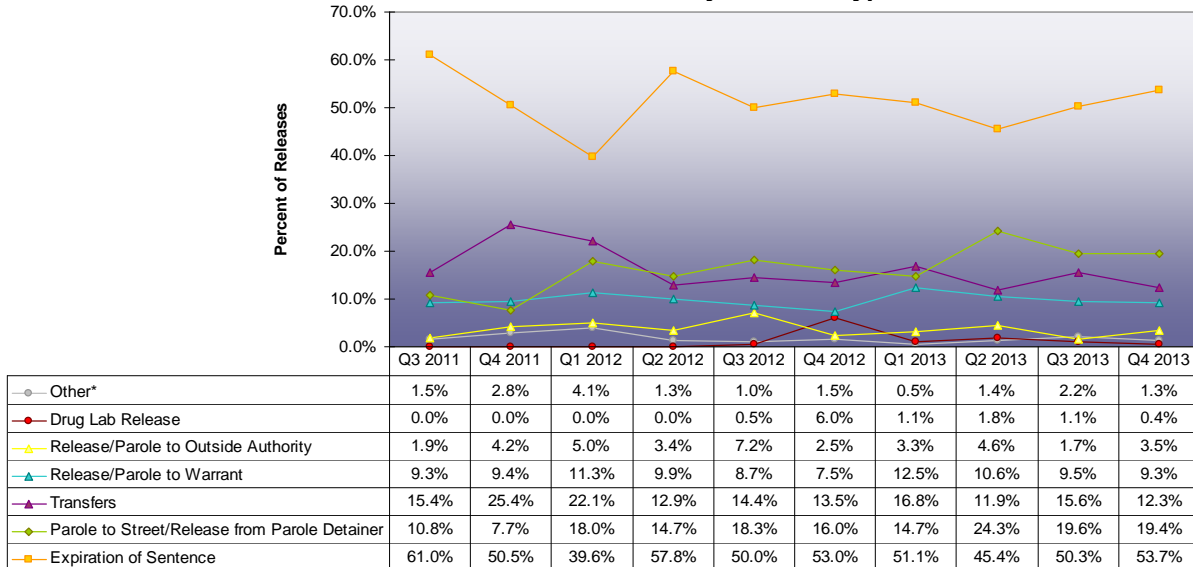
2.5 Male Criminal Releases by Release Type



*See Appendix for definition of Other

2013 Fourth Quarter Report on Admissions and Releases in the Massachusetts DOC

Female criminally sentenced releases for the trend period were most commonly due to expiration of sentence, averaging 51.2%. The next two most common release types were paroles to street/releases from parole detainers, averaging 16.3%, and transfers, averaging 16.1%. Of note was the period from fourth quarter 2011 through first quarter 2012 when 51 County sentenced female inmates in DOC custody were transferred to a regional correctional center in Hampden County. During 2013 females saw a rise in paroles to the street/releases from parole detainer with quarters two through four possessing the three highest parole rates during the trend period.

2.6 Female Criminal Releases by Release Type

*See Appendix for definition of Other

On average Suffolk County accounted for 19.7% of the new court commitments followed by, Essex (13.7%), Middlesex (12.7%), Bristol (12.2%), Hampden (12.0%), and Worcester (12.0%).

2.7 State* Criminally Sentenced New Court Commitments by Court Jurisdiction

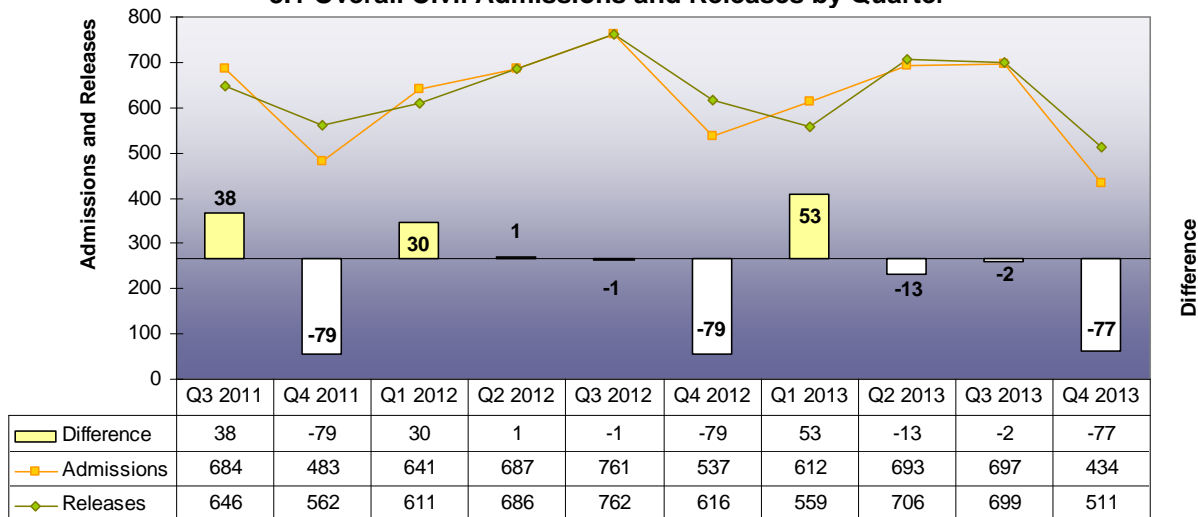
	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Tot
Suffolk	99	97	108	119	76	83	95	119	85	111	992
Essex	61	83	67	92	52	52	75	61	56	87	686
Middlesex	50	80	96	59	53	53	62	57	61	68	639
Bristol	41	57	61	89	56	73	66	57	66	49	615
Hampden	37	69	92	61	55	67	63	49	47	63	603
Worcester	40	58	62	66	39	78	65	71	59	63	601
Plymouth	21	25	58	21	15	19	60	18	18	20	275
Norfolk	17	32	35	24	11	15	30	23	28	20	235
Barnstable	17	6	14	5	17	9	17	13	21	11	130
Berkshire	12	6	20	7	9	9	17	9	15	6	110
Franklin	3	3	10	16	6	2	11	6	8	3	68
Hampshire	8	4	8	5	7	9	5	5	6	1	58
Dukes	0	0	0	2	0	4	1	1	1	0	9
Nantucket	0	0	0	0	0	0	0	1	2	0	3
	406	520	631	566	396	473	567	490	473	502	5024

*excludes county and out-of-state inmates

CIVILLY COMMITTED ADMISSIONS AND RELEASES

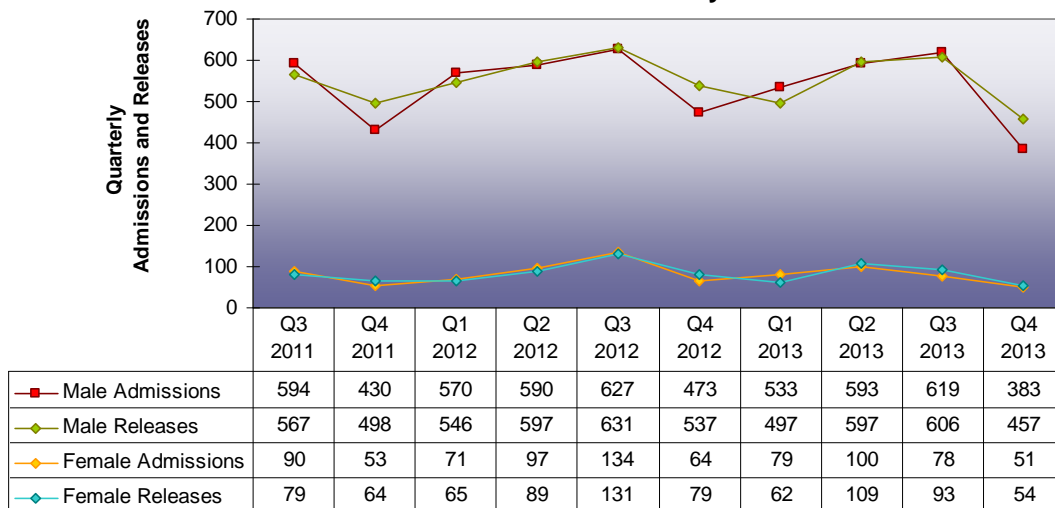
Both quarterly admissions and releases for civilly committed inmates had similar patterns throughout the trend period. A seasonal trend was seen with a gradual rise in both admissions and releases over each year with a drop in both trends during the fourth quarter. Fourth quarter 2013 had the least movement in both civil admissions and releases during the trend period. Overall, both admissions and releases displayed weak negative trends with civil admissions averaging 623 inmates each quarter and releases averaging 636. During the trend period there was a cumulative decrease of 129 inmates due to the difference between admissions and releases.

3.1 Overall Civil Admissions and Releases by Quarter



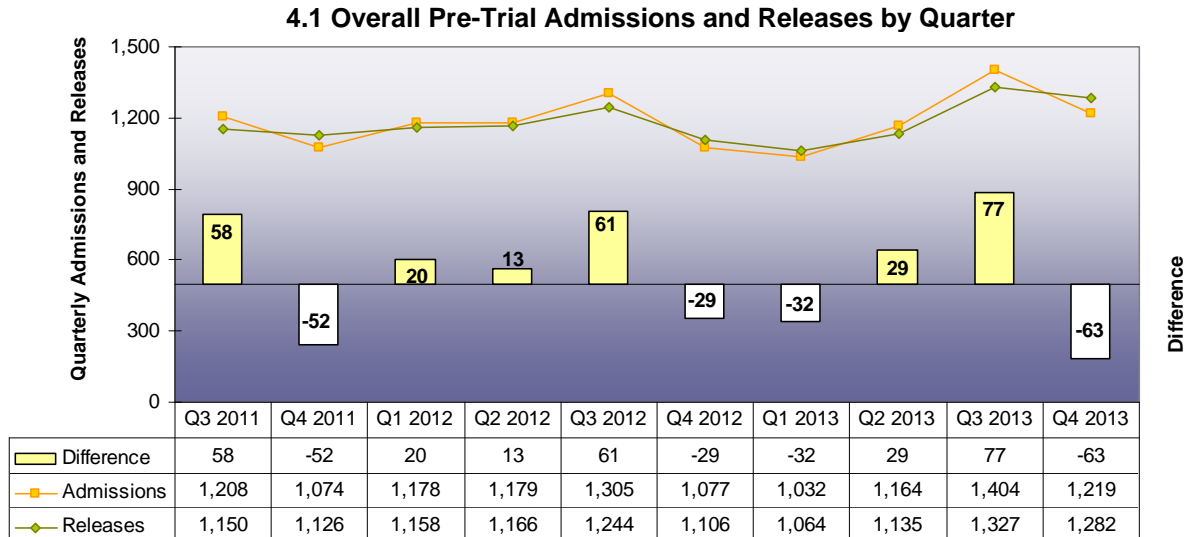
Over the past ten quarters female inmates made up 13.0% of civil admissions and 13.0% of civil releases. Male civilly committed inmates saw weak negative trends in both admissions and releases during the trend period while the female civil commitments saw a slight decrease in admissions and a negligible increase in the amount of releases. Both females and male saw an overall decrease: by 8 civil commitments for females and by 121 civil commitments for males.

3.2 Civil Admissions and Releases by Gender



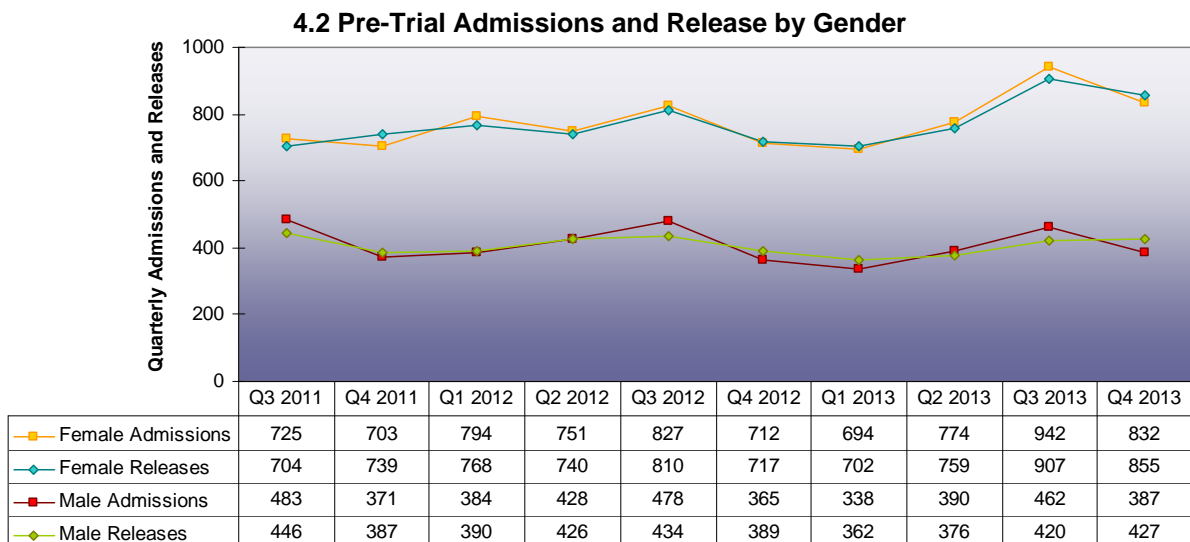
PRE-TRIAL ADMISSIONS AND RELEASES

Pre-trial admissions and releases both saw overall increases over the course of the ten-quarter trend period. Pre-trial admissions averaged 1,180 per quarter, releases averaged 1,164 per quarter, and there was a cumulative increase of 82 pre-trial detainees.



Over the trend period, female pre-trial detainees had a more variable trend than male detainees, characterized by strong positive trend lines for both admissions and releases. Male pre-trial detainees, in contrast, saw overall weak negative trends in both admissions and releases. Overall, females had a cumulative increase of 53 detainees and males had an increase 29 over the course of the trend period.

The second and third quarters of 2013 saw relatively steep increases for all four trend lines, male and females, for both admissions and releases. Fourth quarter 2013 saw the normal seasonal decrease in admissions resulting in a slight decline in pre-trial detainee populations.



Over the trend period the majority of male pre-trial admissions came from the counties of Suffolk and Middlesex; the rate for these two counties averaged 54.6% and 29.8%, respectively. There were some notable points within the data: Suffolk had its lowest pre-trial admissions during fourth quarter 2012 - the only quarter where it made up less than half of all pre-trial admissions, at 46.3%. During the fourth quarter of 2013, Suffolk County had its second lowest pre-trial admission rate for the trend period at 49.9%; coming off of the third lowest rate in third quarter 2013. Middlesex saw the opposite trend during the fourth and third quarters of 2013, with its second and third highest pre-trial admissions rate at 33.6 and 32.5%, respectively.

4.3 Male Pre-Trial Admissions by Jurisdiction

	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Total
Suffolk	272	208	215	236	266	169	197	230	249	193	2235
Middlesex	133	109	111	124	118	141	104	101	150	130	1221
Out-of-State	25	20	19	22	20	25	15	23	20	18	207
Worcester	16	13	18	19	17	9	9	11	9	17	138
Federal	18	3	2	15	40	10	5	6	9	5	113
Plymouth	7	4	7	9	5	6	4	9	13	14	78
Bristol	2	5	4	1	5	1	2	8	4	2	34
Norfolk	8	5	3	1	3	0	0	3	3	5	31
Essex	2	2	3	1	1	3	3	3	2	2	22
Barnstable	0	1	2	0	1	1	0	0	3	0	8
Hampden	0	0	0	0	1	0	0	1	0	0	2
Berkshire	0	1	0	0	0	0	0	0	0	0	1
Mass Parole	0	0	0	0	1	0	0	0	0	1	2
Franklin	0	0	0	0	0	0	0	0	0	0	0
	483	371	384	428	478	365	339	395	462	387	4092

For the trend period, 99.2% of female pre-trials came from the counties of Essex, Worcester, Middlesex, Norfolk, or Plymouth; with 27.3% coming from Essex, 23.3% coming from Worcester, and 21.7% from Middlesex. Over the trend period Essex, Middlesex, and Plymouth saw some modest increases in percent of admissions, Worcester remained mostly steady other than the first quarter of 2012, and Norfolk had a steady decrease.

4.4 Female Pre-Trial Admissions by Jurisdiction

	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Total
Essex	188	198	209	204	236	201	180	209	245	244	2114
Worcester	169	152	213	169	193	161	155	189	216	196	1813
Middlesex	147	179	155	167	152	143	161	173	219	184	1680
Norfolk	123	99	116	109	123	110	90	99	124	97	1090
Plymouth	86	72	93	98	118	94	104	97	127	105	994
Bristol	2	2	2	0	2	1	2	1	1	1	14
Suffolk	6	0	0	1	1	1	0	1	0	1	11
Federal	0	0	2	1	1	1	1	2	2	1	11
Out-of-State	2	0	2	0	0	0	1	1	5	2	13
Barnstable	1	0	1	1	0	0	0	1	1	0	5
Hampden	0	1	1	0	0	0	0	1	1	0	5
Mass Parole	0	0	0	1	1	0	0	0	0	1	3
Berkshire	1	0	0	0	0	0	0	0	0	0	1
Franklin	0	0	0	0	0	0	0	0	1	0	1
	725	703	794	751	827	712	694	774	942	832	7755

Appendix

Notes and Definitions

Note: This report examines admission and release trends over the past nine quarters for the Massachusetts Department of Correction (MA DOC). Unless otherwise stated, all trends in this report refer to the MA DOC jurisdiction population.

Note: Admission and Release data for this report was gathered in January of 2014. Numbers in this report may vary slightly from numbers in other reports due to the continuous updating of data and information in the Inmate Management System

Admissions	Inmates or detainees committed to a MA DOC facility as a “new court commitment”, “parole violator”, “transfer”, “probation violator”, “pre-trial detainee”, a “civil commitment” or other admission through legal means. “Other” admissions include: “Re-admit from Court Release” and “Return from Escape”.
Pre-Trial Detainee	An individual who is detained prior to trial, but not yet convicted of a crime to include male and female county detainees, male county detainees transferred to state facilities under Massachusetts General Law Chapter 276, section 52A, and federal detainees (both male and female).
Civil Commitment or “Civil”	The involuntary commitment of an individual via legal means to incarcerate an individual against their will.
Criminally Sentenced	An individual who has been found guilty of a criminal offense through legal means, and is required to be incarcerated.
Custody Population	An individual is considered to be in Massachusetts DOC custody when they are being held in a Massachusetts DOC facility.
Expiration of Sentence (Release)	An inmate is discharged from his sentence at the expiration of his term, less any statutory or earned good time. Statutory good time was eliminated for all offenses committed after June 30, 1994, due to the enactment of the “Truth in Sentencing” law.
HOC	House of Correction, i.e. county jail.
Jurisdiction Population	An individual is considered to be under Massachusetts DOC jurisdiction when the Commonwealth has legal authority over the individual regardless of where the inmate is being held to include those incarcerated in Massachusetts DOC facilities as well as those housed in correctional facilities outside of the Massachusetts DOC (Massachusetts Houses of Correction, other state’s correctional facilities and the Federal Bureau of Prisons).
MA DOC	Massachusetts Department of Correction, i.e. state prison.

Parole (Releases)

Inmates released on parole are under the supervision of parole while in the community and may be re-incarcerated for violating the terms of their supervision. Unless otherwise specified, parole to other authority may include: "Parole to Out of State Sentence", "Parole to Federal Authority", "Parole to Immigration", "Parole to From & After HOC Sentence", "Parole to Warrant", "Parole to From & After DOC Sentence", or "Parole to Civil Commitment". "Other" releases include: "HABEAS to Court – Received Forthwith Sentence", "Escape", "Death", "Court Release – Sentence Revoked", "Release to From and After at DOC", and "Release from Weekend Sentence".

Probation

Probation is a court-ordered sanction placed on a person convicted of a crime. The offender is allowed to remain in the community under the strict supervision of a probation officer.

Release to Street

A release to street occurs when an inmate is released from the custody of the Massachusetts DOC by way of parole or discharge to the street. Conditions warranting a release to street include: Parole, Good Conduct Discharge (GCD), Expiration of Sentence, and court release.

Releases

A release occurs when an inmate is released from the custody of the Massachusetts DOC by way of expiration of sentence, parole, a non-DOC release to other jurisdiction, a court release or other legal release from the custody of MA DOC.

Crime Lab Releases

Issues regarding accuracy of testing at the Hinton Crime Lab resulted in several hundred releases "from court", primarily during the months of September-November, 2012.

Exhibit D

MASSACHUSETTS DEPARTMENT OF CORRECTION

Quarterly Report on Admissions and Releases in the Massachusetts Department of Correction

First Quarter 2014





Commonwealth of Massachusetts

Deval L. Patrick, Governor

Executive Office of Public Safety and Security

Andrea Cabral, Secretary

Sandra M. McCroom, Undersecretary of Criminal Justice

Massachusetts Department of Correction

Luis S. Spencer, Commissioner

Rhiana Kohl, Ph.D., Executive Director of Strategic Planning & Research

Author: Research & Planning Division

Prepared by: Daniel Feagans, Research Analyst

Acknowledgements

Special recognition to: Hollie Matthews, Deputy Director of Research and Planning; Gina Papagiorgakis, Research Analyst II; and Courtney Eaves, Research Analyst I.

For questions regarding this report, please contact the Research & Planning Division:

Research & Planning Division
MCI-Concord/SFU Building
P.O. Box 9125
Concord, MA 01742
(978) 405-6677
Research@doc.state.ma.us

This and other Massachusetts Department of Correction publications can be accessed on the internet under the Research & Statistics tab at:

<http://www.mass.gov/doc>

Table of Contents

Executive Summary	.....	p.2
 Section 1. Current Population and Overall Trends		
1.1	Custody and Jurisdiction Population.....	p.3
1.2	Jurisdiction Population by Commitment Type.....	p.3
1.3	Overall Admission and Releases.....	p.4
1.4	Admissions by Gender.....	p.4
1.5	Releases by Gender	p.5
 Section 2. Criminally Sentenced Admissions and Releases		
2.1	Overall Criminal Admissions and Releases.....	p.5
2.2	Criminal Admissions and Releases by Gender	p.6
2.3	Male Criminal Admissions by Admission Code	p.6
2.4	Female Criminal Admissions by Admission Code	p.7
2.5	Male Criminal Releases by Release Code	p.7
2.6	Female Criminal Releases by Release Code	p.8
2.7	State Criminally Sentenced New Court Commitments by Court Jurisdiction..	p.8
 Section 3. Civilly Committed Admissions and Releases		
3.1	Overall Civil Admissions and Releases	p.9
3.2	Civil Admissions and Releases by Gender.....	p.9
 Section 4. Pre-Trial Admissions and Releases		
4.1	Overall Pre-Trial Admissions and Releases	p.10
4.2	Pre-Trial Admissions and Releases by Gender.....	p.10
4.3	Male Pre-Trial Admissions by Jurisdiction.....	p.11
4.4	Female Pre-Trial Admissions by Jurisdiction.....	p.11
 Appendix		
	.....	p.12

EXECUTIVE SUMMARY

Trend Period: Fourth Quarter 2011 through First Quarter 2014

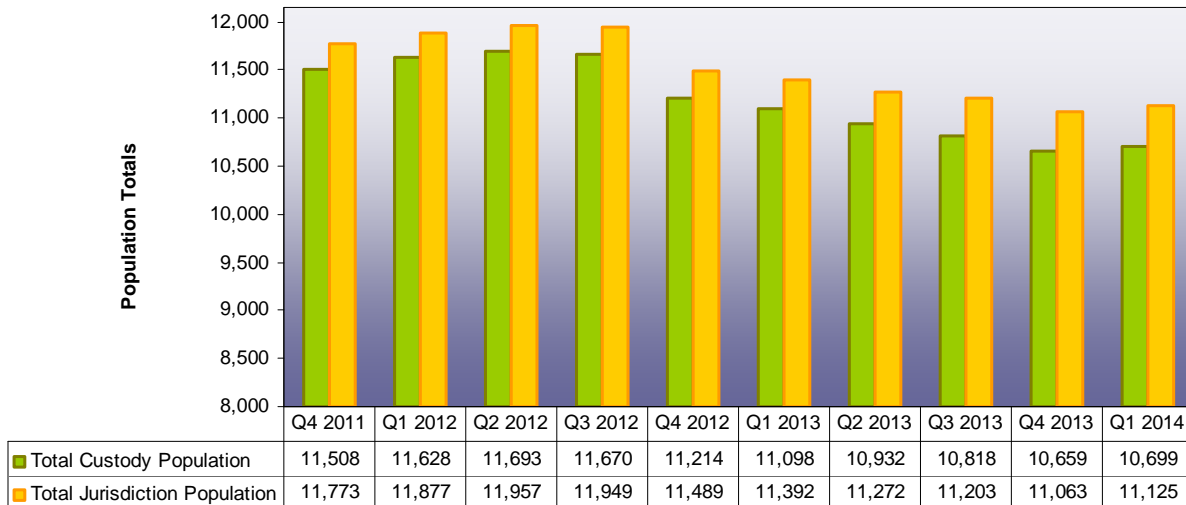
- The first quarter of 2014 saw the first increase in MA DOC population since the third quarter of 2012 with a 0.4% increase in **custody population** and 0.6% increase in **jurisdiction population**.
- From its height in the second quarter of 2012, the **custody population** was down **994** inmates (8.5%) in the first quarter of 2014. Likewise, the **jurisdiction population** was down **832** inmates (7.0%).
- Based on quarterly averages for the ten quarters of the trend period, 88.7% of the **MA DOC jurisdiction population** was criminally sentenced, 5.3% were civil commitments, and 6.0% were pre-trial detainees. The 2014 first quarter average population of 11,125 was the second lowest of the trend period.
- During the ten-quarter trend period, the **cumulative total admissions** were 26,023 and the **cumulative total releases** were 26,689, with the cumulative difference between admissions and releases resulting in a decrease of 666 inmates.
- Male inmates made up 58.8% of the total jurisdiction admissions and 59.6% of the total jurisdiction releases during the trend period.
- The overall difference between admissions and releases over the trend period resulted in female inmates decreasing by 61, while male inmates saw a decrease of 605 inmates.
- Based on the difference between admissions and releases, **criminally sentenced inmates** saw a cumulative decrease of 617 inmates. The fourth quarter of 2012 had the largest impact on this trend with a decrease of 334 inmates.
- **Male civil commitments** saw a cumulative decrease of 110 inmates during the past ten quarters. **Female civil commitments** saw a cumulative decrease of 12 inmates over that same period.
- **Pre-trial detainees** saw increased numbers in both admissions and releases during the trend period, resulting in a cumulative increase of 45 pre-trial inmates. More than half, 54.8%, of male pre-trials came from Suffolk County.

Rhiana Kohl, Ph.D.
Executive Director
Office of Strategic Planning & Research
Massachusetts Department of Correction

CURRENT POPULATION AND OVERALL TRENDS

The MA DOC populations, both jurisdiction and custody (Graph 1.1), saw the first period of increase in seven quarters during the first quarter of 2014, with the jurisdiction population increasing by 0.6% and the custody population increasing by 0.4%. Over the ten-quarter trend period there was an average loss in the jurisdiction population of 0.6% and an average loss of custody population of 0.8%. Prior to third quarter, 2012, there was a general increase in population followed by a large drop in population in the fourth quarter of 2012 - mostly due to implementation of the 2012 Crime Bill and issues regarding accuracy of testing at the Hinton Crime Lab. The MA DOC population continued to drop throughout 2013, until the first quarter, 2014.

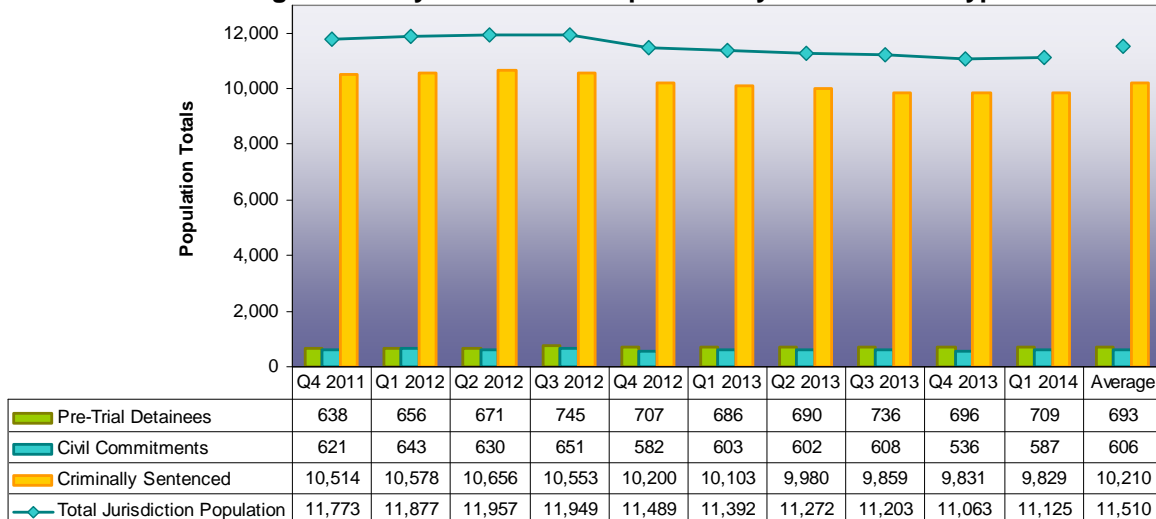
1.1 Average* Quarterly Custody and Jurisdiction Population



*Each quarter's population is the average of the three months within that quarter.

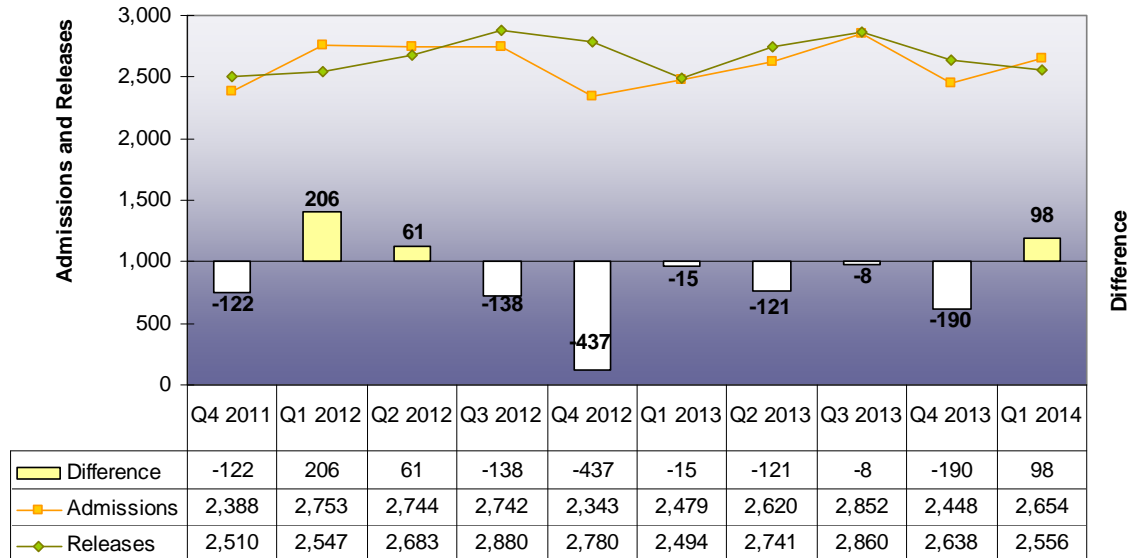
There was a slight increase during the first quarter of 2014, likely due to a seasonal increase, which did not occur during 2013 (see Graph 1.2). Compared to the previous quarter, the first quarter of 2014 saw an increase in pre-trial detainees of 1.9%, an increase in civil commitments of 9.5%, and a decrease in criminally sentenced inmates of 0.02%.

1.2 Average Quarterly Jurisdiction Population by Commitment Type

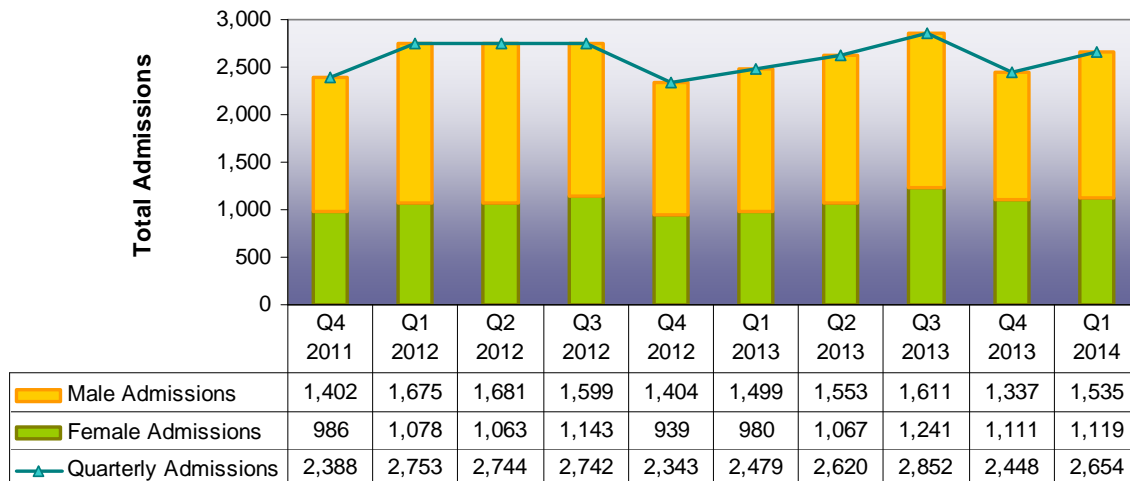


2014 First Quarter Report on Admissions and Releases in the Massachusetts DOC

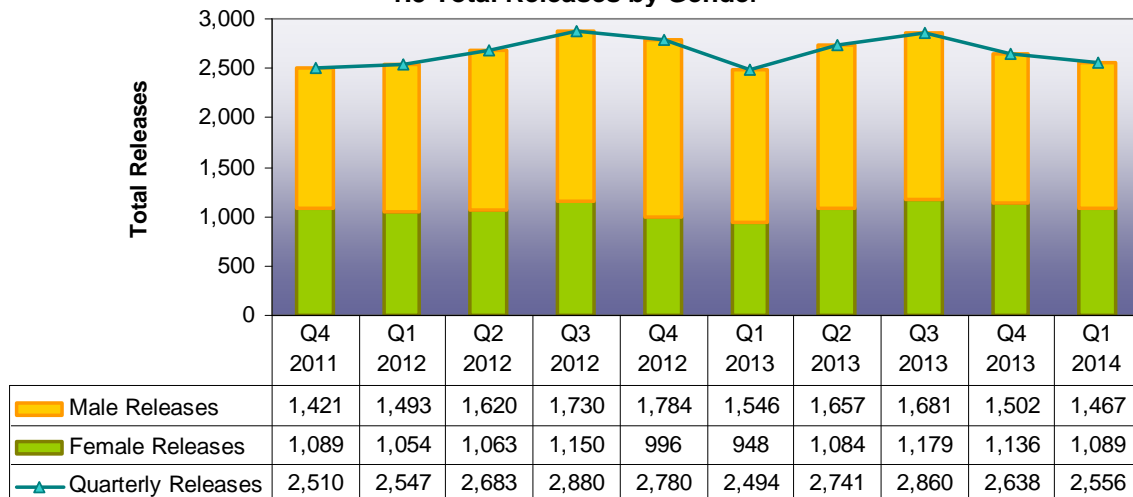
Over the past ten quarters, Graph 1.3, the difference in the MA DOC population admissions and releases resulted in an **average decrease of 67** inmates per quarter. Similarly, the cumulative difference over the trend period showed a **decrease of 666** inmates; this was driven largely by the second half of 2012. The first quarter of 2014 saw the second highest positive admission-release difference during the trend period with an increase of 98 inmates; the highest was the first quarter 2012, with a difference of 206 inmates.

1.3 Overall Admissions and Releases

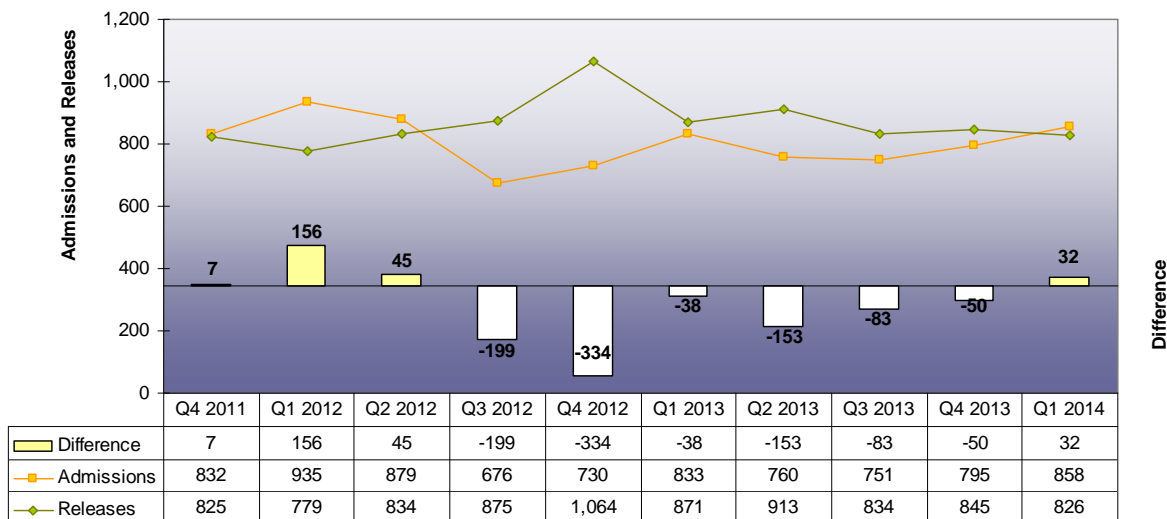
Throughout the trend period males made up the majority of the total admissions (Graph 1.4) and release (Graph 1.5) population with 58.8% of admissions and 59.6% of releases. For male inmates, the difference between admissions and releases averaged a decrease of 61 inmates per quarter, with an associated, cumulative decrease of 605 inmates. Female inmates averaged a decrease of 6 inmates each quarter throughout the period, with a cumulative decrease of 61 inmates.

1.4 Total Admissions by Gender

2014 First Quarter Report on Admissions and Releases in the Massachusetts DOC

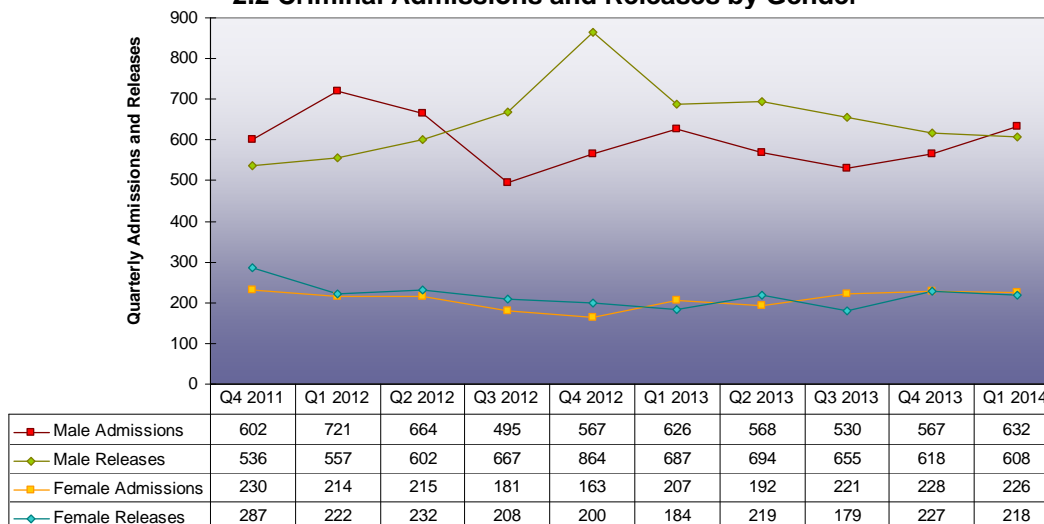
1.5 Total Releases by Gender**CRIMINALLY SENTENCED ADMISSIONS AND RELEASES**

The ten-quarter period, from fourth quarter 2011 through first quarter 2014 (see Graph 2.1), displayed an overall negative trend for criminally sentenced admissions and an overall positive trend for criminally sentenced releases, with admissions trending more strongly. During this trend period, the difference between admissions and releases showed a negative slope averaging a decrease of 62 inmates each quarter, with an overall negative change of 617 criminally sentenced inmates.

2.1 Overall Criminal Admissions and Releases

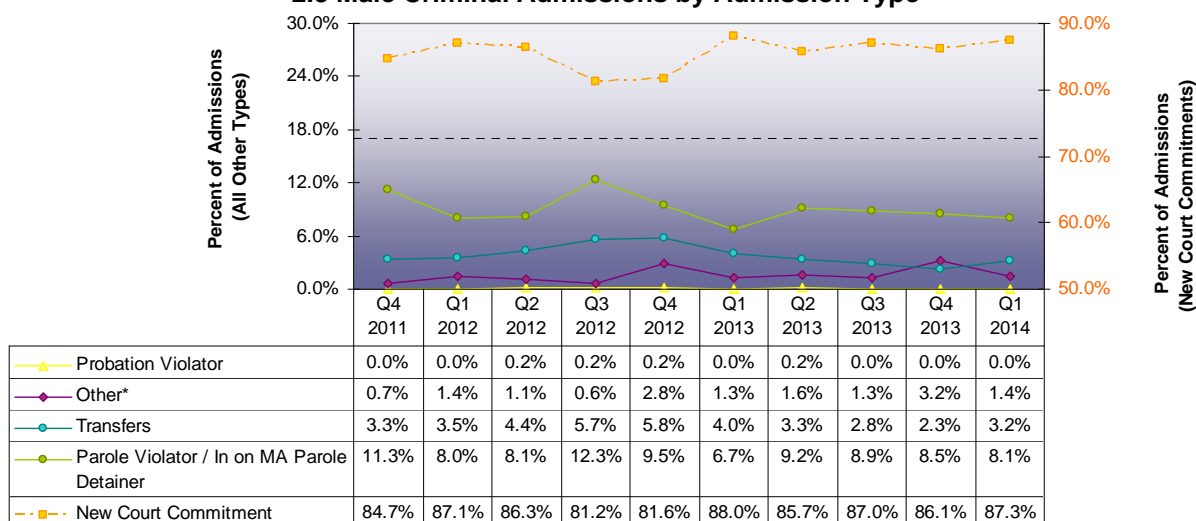
Graph 2.2, below, shows criminal sentenced jurisdiction admissions and releases. During the ten-quarter trend period male criminally sentenced inmates followed trends very similar to the overall criminally sentenced population. This is expected due to males comprising 74.2% of criminal admissions and 74.9% of criminal releases. Over the trend period, female criminally sentenced admissions saw a slight positive trend while releases saw a stronger, negative trend.

2014 First Quarter Report on Admissions and Releases in the Massachusetts DOC

2.2 Criminal Admissions and Releases by Gender

Male criminal admissions by admission type, shown in Graph 2.3, are split into two axes, with 'New Court Commitments' represented on the right axis and all other admission types represented on the left axis. New court commitments were the most common type of male admission and averaged 85.5% each quarter during the trend period. The next two most common types of male admissions, 'Parole Violator/In on MA Parole Detainer' and 'Transfers', averaged 9.1% and 3.8% of admissions during the trend period, respectively.

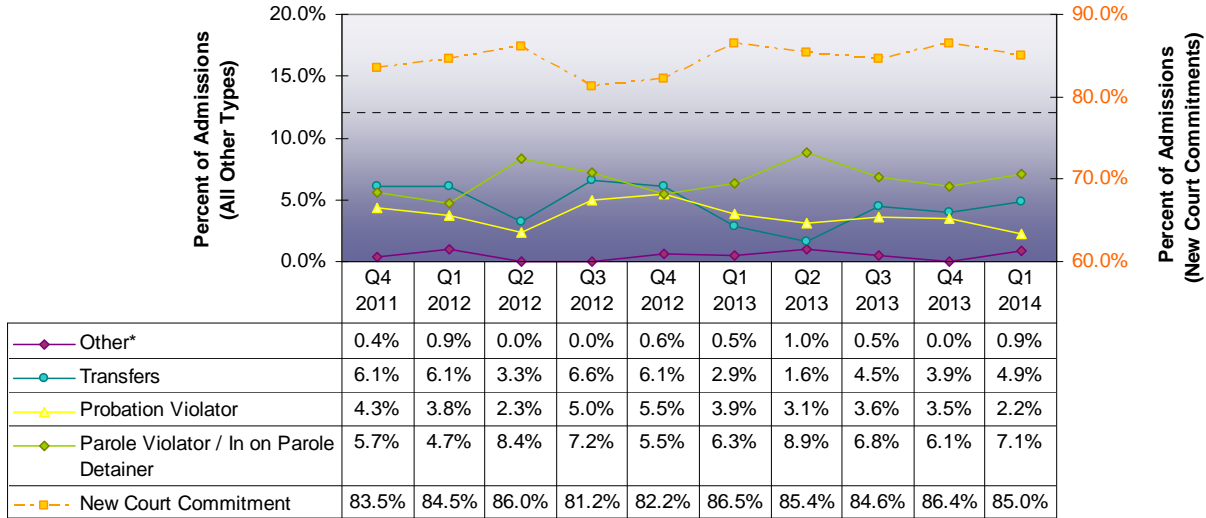
Over the trend period, new court commitments were the only male criminal admission type which saw a positive trend; this was despite the large drop seen in the third and fourth quarters of 2012.

2.3 Male Criminal Admissions by Admission Type

*See Appendix for definition of Other

Female criminally sentenced admissions, as seen in Graph 2.4, for the trend period were predominately new court commitments, with an average of 84.5%, followed by 'Parole Violator/In on Parole Detainer' and 'Transfers', with averages of 6.7% and 4.6%, respectively. Overall, the female admission types saw less definite, although more variable, trends than their male counterparts.

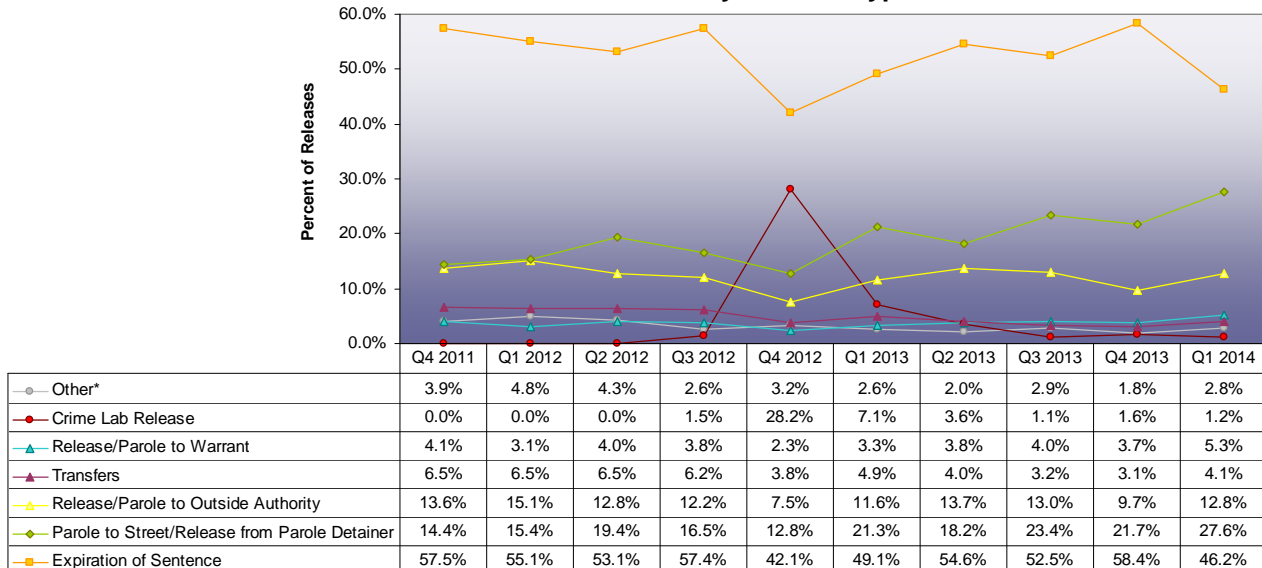
2.4 Female Criminal Admissions by Admission Type



*See Appendix for definition of Other

During the first four quarters of the trend period, (Graph 2.5) the male criminal release type rates were steady, followed by a notable shift during the fourth quarter of 2012, and then a gradual resumption of prior trends. The shift during the last quarter of 2012 was mostly attributable to the crime lab situation; this led to a large amount of court releases, specified in Graph 2.5 as "Crime Lab Releases", which resulted in notable rate decreases for other release types. During 2013, there was a steady increase in expirations of sentence and paroles to the street/releases from parole detainers. First quarter 2014 saw the largest drop in expirations to the street since the fourth quarter 2012; this was most heavily countered by a notable rate increase in paroles to the highest level of the trend period.

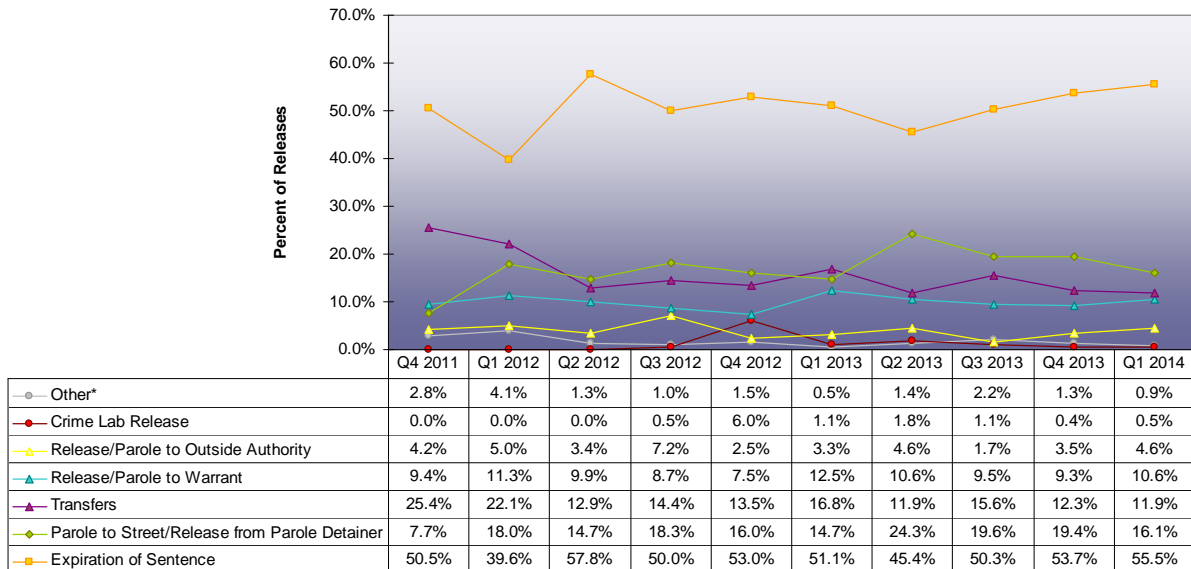
2.5 Male Criminal Releases by Release Type



*See Appendix for definition of Other

2014 First Quarter Report on Admissions and Releases in the Massachusetts DOC

As seen in Graph 2.6, Female criminally sentenced releases were most commonly due to expiration of sentence, averaging 50.7%. The next two most common release types were paroles to street/releases from parole detainers, averaging 16.9%, and transfers, averaging 15.7%. Of note was the period from fourth quarter 2011 through first quarter 2012 when 51 County sentenced female inmates in DOC custody were transferred to a regional correctional center in Hampden County. Counter to the male criminally sentenced releases, female saw their third straight increase in expirations of sentences with decreasing paroles.

2.6 Female Criminal Releases by Release Type

*See Appendix for definition of Other

On average Suffolk County accounted for 19.4% of the new court commitments followed by, Essex (13.3%), Middlesex (12.6%), Bristol (12.3%), Hampden (12.2%), and Worcester (11.9%). Table 2.7 displays additional information pertaining to criminally sentenced counties of origin.

2.7 State* Criminally Sentenced New Court Commitments by Court Jurisdiction

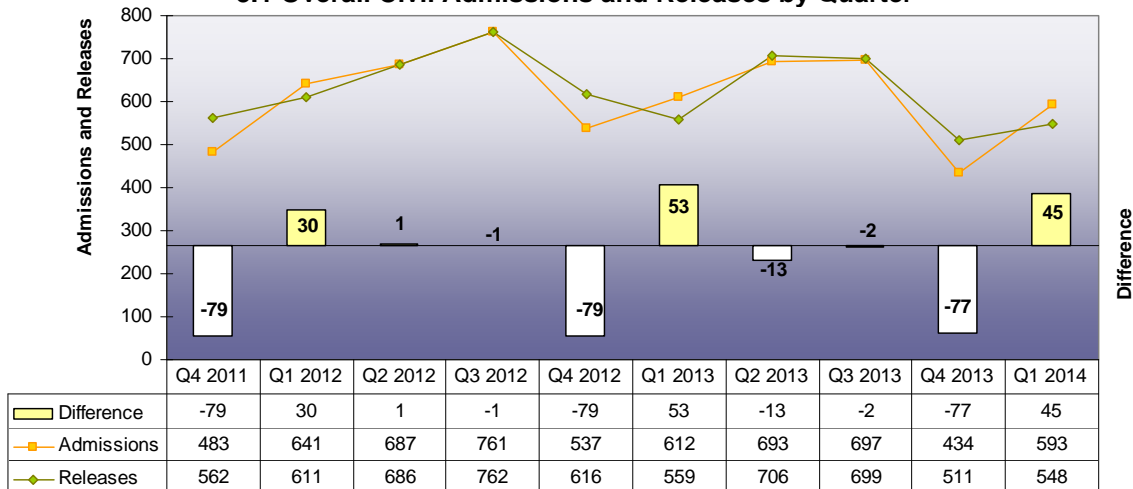
	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Total
Suffolk	97	108	119	76	83	95	119	85	111	112	1,005
Essex	83	67	92	52	52	75	61	56	87	60	685
Middlesex	80	96	59	53	53	62	57	61	68	61	650
Bristol	57	61	89	56	73	66	57	66	49	61	635
Hampden	69	92	61	55	67	63	49	47	63	63	629
Worcester	58	62	66	39	78	65	71	59	63	56	617
Plymouth	25	58	21	15	19	60	18	18	20	66	320
Norfolk	32	35	24	11	15	30	23	28	20	25	243
Barnstable	6	14	5	17	9	17	13	21	11	10	123
Berkshire	6	20	7	9	9	17	9	15	6	14	112
Franklin	3	10	16	6	2	11	6	8	3	13	78
Hampshire	4	8	5	7	9	5	5	6	1	8	58
Dukes	0	0	2	0	4	1	1	1	0	1	10
Nantucket	0	0	0	0	0	0	1	2	0	0	3
	520	631	566	396	473	567	490	473	502	550	5,168

*excludes county and out-of-state inmates

CIVILLY COMMITTED ADMISSIONS AND RELEASES

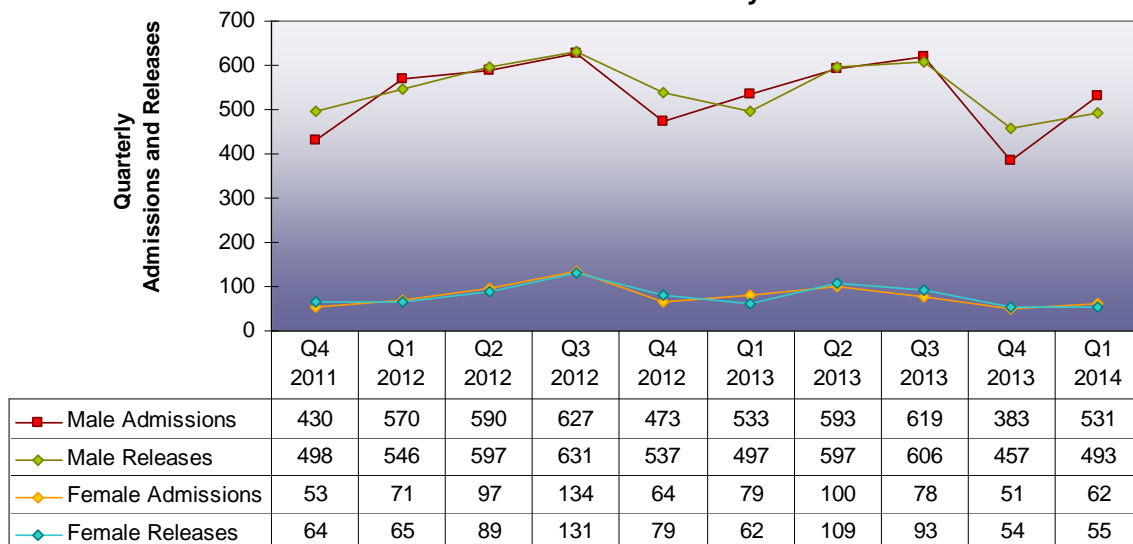
Both quarterly admissions and releases for civilly committed inmates had similar patterns throughout the trend period (see Graph 3.1). A seasonal trend was seen with a gradual rise in both admissions and releases over each year with a drop in both trends during the fourth quarter. The first quarter of 2014 saw a normal, seasonal increase in civil commitments; but did see the lowest number of both admissions and releases for a first quarter during the trend period. Overall, there was a cumulative decrease of 122 inmates due to the difference between admissions and releases over the trend period.

3.1 Overall Civil Admissions and Releases by Quarter



Over the past ten quarters female inmates made up 12.9% of civil admissions and 12.8% of civil releases. Both male and female civilly committed inmates saw weak negative trends in both admissions and releases over the trend period. This resulted in overall decreases of 12 civil commitments for females and by 110 civil commitments for males.

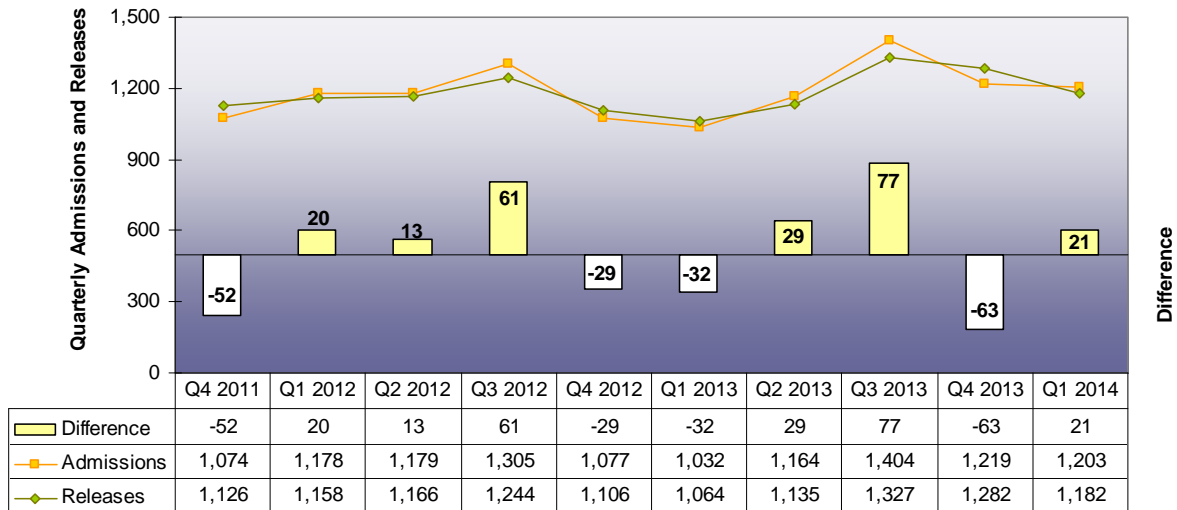
3.2 Civil Admissions and Releases by Gender



PRE-TRIAL ADMISSIONS AND RELEASES

Pre-trial admissions and releases (Graph 4.1) both saw overall increases during the ten-quarter trend period. Pre-trial admissions averaged 1,184 per quarter, releases averaged 1,179 per quarter, and there was a cumulative increase of 45 pre-trial detainees.

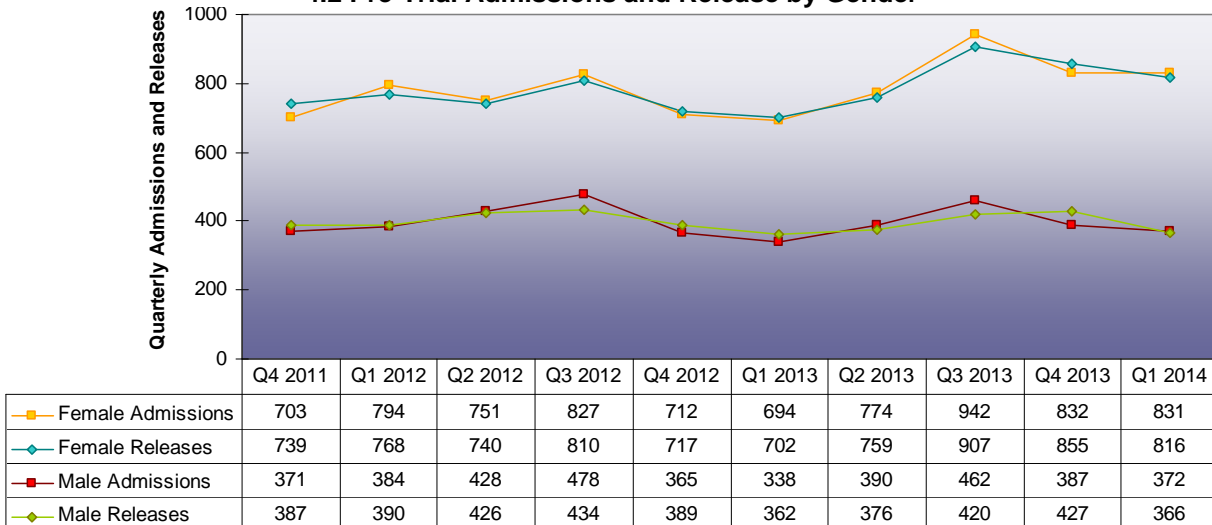
4.1 Overall Pre-Trial Admissions and Releases by Quarter



Over the trend period shown in Graph 4.2, female pre-trial detainees had a more variable trend than male detainees, characterized by positive trend lines for both admissions and releases. Male pre-trial detainees, in contrast, saw overall weak negative trends in both admissions and releases. Overall, females had a cumulative increase of 47 detainees and males saw a decline of two detainees.

The second and third quarters of 2013 saw relatively steep increases for all four trend lines, male and females, for both admissions and releases. The first quarter of 2014 saw the normal, seasonal decrease in admissions and releases, which resulted in a slight increase in pre-trial detainee populations.

4.2 Pre-Trial Admissions and Release by Gender



Over the trend period (Table 4.3), the majority of male pre-trial admissions came from the counties of Suffolk and Middlesex; the rate for these two counties was 54.8% and 30.0%, respectively. There were some notable points within the data: Suffolk had its lowest pre-trial admissions during fourth quarter 2012 where it made up less than half of all pre-trial admissions, at 46.3%. During the first quarter of 2014, Suffolk County had its highest pre-trial admission rate at 58.3%, coming off of its second lowest rate in fourth quarter 2013, at 49.9%. Middlesex saw the opposite trend with its second lowest pre-trial admission rate during first quarter 2014, at 28.5%, and its second highest rate at during fourth quarter 2013 at 33.6%.

4.3 Male Pre-Trial Admissions by Jurisdiction

	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Total
Suffolk	208	215	236	266	169	197	230	249	193	217	2,180
Middlesex	109	111	124	118	141	104	101	150	130	106	1,194
Out-of-State	20	19	22	20	25	15	23	20	18	18	200
Worcester	13	18	19	17	9	9	11	9	17	13	135
Federal	3	2	15	40	10	5	6	9	5	6	101
Plymouth	4	7	9	5	6	4	9	13	14	7	78
Bristol	5	4	1	5	1	2	8	4	2	1	33
Norfolk	5	3	1	3	0	0	3	3	5	1	24
Essex	2	3	1	1	3	3	3	2	2	2	22
Barnstable	1	2	0	1	1	0	0	3	0	0	8
Hampden	0	0	0	1	0	0	1	0	0	1	3
Berkshire	1	0	0	0	0	0	0	0	0	0	1
Mass Parole	0	0	0	1	0	0	0	0	1	0	2
Franklin	0	0	0	0	0	0	0	0	0	0	0
	371	384	428	478	365	339	395	462	387	372	3,981

For the trend period (Table 4.4), 99.2% of female pre-trials came from the counties of Essex, Worcester, Middlesex, Norfolk, or Plymouth; with 27.7% coming from Essex, 23.5% from Worcester, and 21.4% from Middlesex. Over the trend period Essex, Middlesex, and Plymouth saw some modest increases in percent of admissions; Norfolk saw its highest rate of pre-trial admissions for the trend period in the first quarter 2014.

4.4 Female Pre-Trial Admissions by Jurisdiction

	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Total
Essex	198	209	204	236	201	180	209	245	244	249	2,175
Worcester	152	213	169	193	161	155	189	216	196	201	1,845
Middlesex	179	155	167	152	143	161	173	219	184	151	1,684
Norfolk	99	116	109	123	110	90	99	124	97	127	1,094
Plymouth	72	93	98	118	94	104	97	127	105	93	1,001
Bristol	2	2	0	2	1	2	1	1	1	0	12
Suffolk	0	0	1	1	1	0	1	0	1	2	7
Federal	0	2	1	1	1	1	2	2	1	3	14
Out-of-State	0	2	0	0	0	1	1	5	2	2	13
Barnstable	0	1	1	0	0	0	1	1	0	0	4
Hampden	1	1	0	0	0	0	1	1	0	2	6
Mass Parole	0	0	1	1	0	0	0	0	1	0	3
Berkshire	0	0	0	0	0	0	0	0	0	0	0
Franklin	0	0	0	0	0	0	0	1	0	1	2
	703	794	751	827	712	694	774	942	832	831	7,860

Appendix

Notes and Definitions

Note: This report examines admission and release trends over the past ten quarters for the Massachusetts Department of Correction (MA DOC). Unless otherwise stated, all trends in this report refer to the MA DOC jurisdiction population.

Note: Admission and Release data for this report was gathered in April of 2014. Numbers in this report may vary slightly from numbers in other reports due to the continuous updating of data and information in the Inmate Management System.

Admissions	Inmates or detainees committed to a MA DOC facility as a “new court commitment”, “parole violator”, “transfer”, “probation violator”, “pre-trial detainee”, a “civil commitment” or other admission through legal means. “Other” admissions include: “Re-admit from Court Release” and “Return from Escape”.
Pre-Trial Detainee	An individual who is detained prior to trial, but not yet convicted of a crime to include male and female county detainees, male county detainees transferred to state facilities under Massachusetts General Law Chapter 276, section 52A, and federal detainees (both male and female).
Civil Commitment or “Civil”	The involuntary commitment of an individual via legal means to incarcerate an individual against their will.
Crime Lab Releases	Issues regarding accuracy of testing at the Hinton Crime Lab resulted in several hundred releases “from court”, primarily during the months of September-November, 2012.
Criminally Sentenced	An individual who has been found guilty of a criminal offense through legal means, and is required to be incarcerated.
Custody Population	An individual is considered to be in Massachusetts DOC custody when they are being held in a Massachusetts DOC facility.
Expiration of Sentence (Release)	An inmate is discharged from his sentence at the expiration of his term, less any statutory or earned good time. Statutory good time was eliminated for all offenses committed after June 30, 1994, due to the enactment of the “Truth in Sentencing” law.
HOC	House of Correction, i.e. county jail.
Jurisdiction Population	An individual is considered to be under Massachusetts DOC jurisdiction when the Commonwealth has legal authority over the individual regardless of where the inmate is being held to include those incarcerated in Massachusetts DOC facilities as well as those housed in correctional facilities outside of the Massachusetts DOC (Massachusetts Houses of Correction, other state’s correctional facilities and the Federal Bureau of Prisons).
MA DOC	Massachusetts Department of Correction, i.e. state prison.

Parole (Releases)

Inmates released on parole are under the supervision of parole while in the community and may be re-incarcerated for violating the terms of their supervision. Unless otherwise specified, parole to other authority may include: "Parole to Out of State Sentence", "Parole to Federal Authority", "Parole to Immigration", "Parole to From & After HOC Sentence", "Parole to Warrant", "Parole to From & After DOC Sentence", or "Parole to Civil Commitment". "Other" releases include: "HABEAS to Court – Received Forthwith Sentence", "Escape", "Death", "Court Release – Sentence Revoked", "Release to From and After at DOC", and "Release from Weekend Sentence".

Probation

Probation is a court-ordered sanction placed on a person convicted of a crime. The offender is allowed to remain in the community under the strict supervision of a probation officer.

Release to Street

A release to street occurs when an inmate is released from the custody of the Massachusetts DOC by way of parole or discharge to the street. Conditions warranting a release to street include: Parole, Good Conduct Discharge (GCD), Expiration of Sentence, and court release.

Releases

A release occurs when an inmate is released from the custody of the Massachusetts DOC by way of expiration of sentence, parole, a non-DOC release to other jurisdiction, a court release or other legal release from the custody of MA DOC.

Exhibit E

Massachusetts Department of Public Health



Sec 35 – Civil Commitments

FY 12 – Year End Report



Table of Contents

Page	
2	Introduction
3 - 4	Overview
5 - 6	Cost
7 - 8	Court Referrals
9	Criminal Status
10	Admissions
11	MCI - Framingham
12 - 14	Client Profile
15	Insurance
16	Discharge Dispositions
17	Length of Commitment
18	Length of Treatment Episode
19 - 20	Family Services

INTRODUCTION

Massachusetts General Laws Chapter 123, Sec 35 permits the courts to involuntarily commit someone whose alcohol or drug use puts themselves or others at risk. Such a commitment can lead to inpatient substance abuse treatment for a period of up to 30 days.

A spouse, blood relative, guardian, police officer, physician, or court official may petition a court for commitment. Forensic Mental Health of the Department of Mental Health is responsible for conducting an assessment, which is reported back to the court for its consideration as to whether the individual meets the statutes' criteria for commitment.

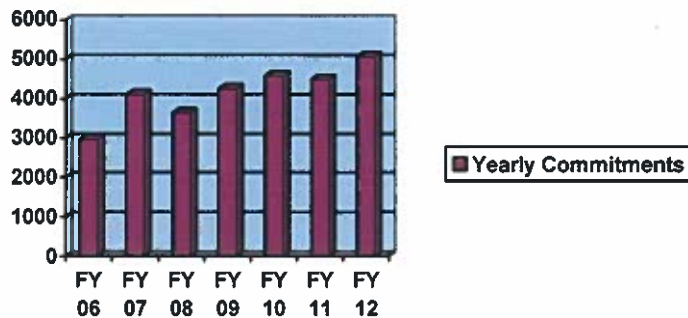
In FY 06 (2005) there was a legislative mandate for the Department of Public Health to expand capacity for "secure" treatment services for the admission of civilly committed women. Prior to this, the Bureau of Substance Abuse Services (BSAS) had funded an 8 bed secure unit that had operated since 1999 and admissions were also accommodated in the public Acute Treatment Services (ATS) system. The Women's Addiction Treatment Center (WATC) opened in 2006 with a total of 68 beds (28 detox and 40 step-down). In February 2008 the program added another 16 bed step-down unit which increased the overall bed capacity from 68 beds to 84 beds. MCI Framingham also has approximately 20 beds that are utilized for sec 35 civil commitments.

In FY 07 (2006) there was another legislative mandate for the Department of Public Health to provide capacity for "secure" treatment services for the admission of civilly committed men. Prior to this program the Department of Corrections operated a facility called the Massachusetts Alcohol Substance Abuse Center (MASAC), which had approximately 250 beds and was the only facility for civilly committed men.

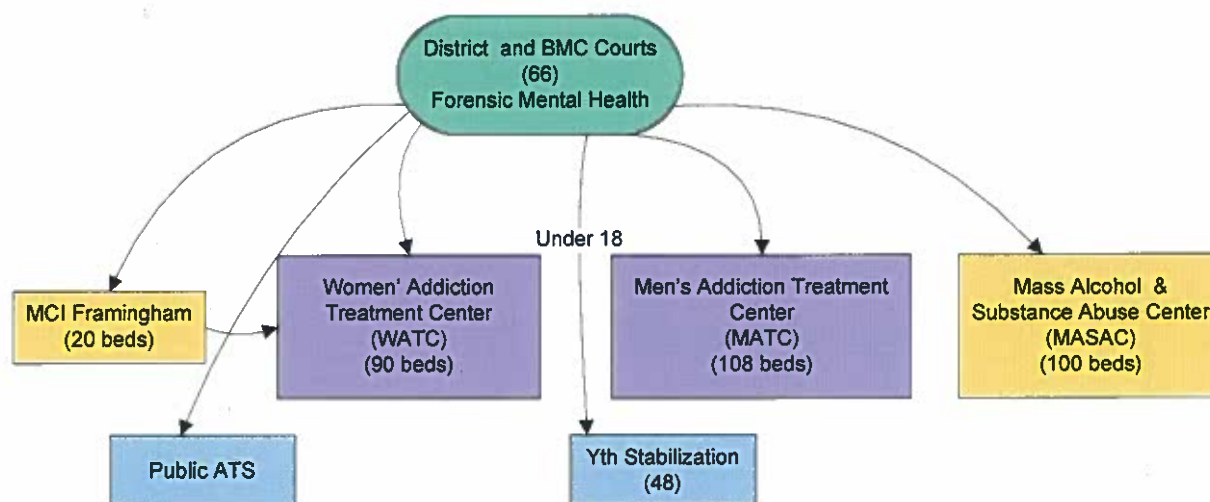
The Men's Addiction Treatment Center (MATC) opened in December of 2008 with a total of 104 beds (32 detox and three 24 bed step-down units). The Massachusetts Alcohol Substance Abuse Center (MASAC) continued to operate in conjunction with MATC. MASAC in Bridgewater also reduced its bed capacity from 250 beds to 100 beds in May 2009. In 2011 MATC increased its' bed total to 108 consisting of 28 detox beds, 48 clinical stabilization beds, and 32 beds for transitional support. In 2012 The WATC also increased its' bed total from 84 beds to 90 beds consisting of 24 beds for detox, 58 beds for clinical stabilization and 8 beds for transitional support

DPH also created two Youth Stabilization Programs for adolescents ages 12-17. In FY 06 a 16 bed unit was opened in Worcester which has since expanded to 24 beds and another 24 bed program was opened in FY 07 in Brockton. Although these programs are not specific to section 35 clients they will accept those up to the age of 17 that are civilly committed.

There were over five thousand civil commitments in the Commonwealth for FY 12 which is approximately a 41% increase from FY 06 and represents the highest number of commitments in the last 7 years.



Commitment System Overview

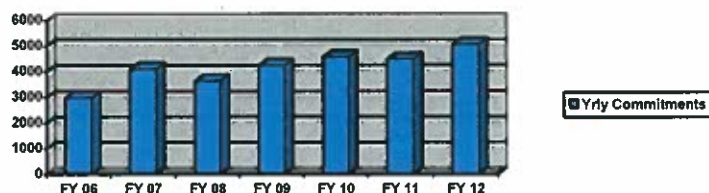


In FY 12 there were approximately 360 beds that were available for civil commitments. Every court except Nantucket performed at least one civil commitment.

Numbers of Civil Commitments

	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12
Male	2,635	2,738	2,416	2,803	3,069	3,048	3,479
Female	347	1,370	1,231	1,452	1,514	1,449	1,591
Total	2,982	4,108	3,647	4,255	4,583	4,497	5,070

- Women's Addiction Treatment Center (WATC) became operational in FY 07
- Men's Addiction Treatment Center (MATC) became operational in FY 09



FY 12 Admission distribution

	FY 11	FY 12
Mass Alcohol & Substance Abuse Center (MASAC)	1,295	1,539
Men's Addiction Treatment Center (MATC)	1,780	1,903
MCI – Framingham (MCI-F)	200	310
Women's Addiction Treatment Center (WATC)	1,215	1,247
Youth Stabilization Programs	69	67
Public Acute Treatment Service (ATS)	38	4
Total	4,597	5,070

FY 12 – Overview

- There were over 5,000 total civil commitments in FY 12 in the Commonwealth which is the highest number over the past 7 years. Overall admissions to MATC and WATC increased by 253 over the previous year.
- Total costs of services for civil commitments including 3rd party payments to DPH programs are over \$14.6 million. Additional costs are also incurred for civil commitments to MCI Framingham and MCI Bridgewater (MASAC).
- The leading primary drug used was opiates (50%) followed by alcohol (39%).
- Approximately 23.6% of male commitments and 33.1% of female commitments report at least one overdose in their lifetime
- The majority of civil commitments to DPH programs come from the SE and Metro-West regions.
- The top five courts for the number of commitments are in order: Quincy (464), Brockton (186), Plymouth (163), Lowell (123) and New Bedford (119).
- Approximately 20% of the civil commitments come from two (2) courts, Quincy and Brockton.
- Approximately 35.2% of the males and 37.9% of the female civil commitments have some type of current criminal charge pending.
- Approximately 38% and 15% of women had a Probation violation.
- Approximately 38.6% of men and 53.0% of women were on a psychiatric medication at time of admission.
- Approximately 8% of male commitments and 14% of female commitments have had a prior psychiatric hospitalization.
- Approximately 11% of all civil commitments are age 20 or younger.
- 52.8% of the women report having children
- Approximately 90% of all commitments are white.
- Family members were the petitioners for approximately 67% of the commitments
- Court/Probation is the petitioner in approximately 10% of commitments and "self" petitioners represent approximately 15% of the admissions.
- Approximately 19% of the commitments had no health insurance coverage at time of admission.
- Lengths of stays averaged 23.0 days for men at MATC, 20.2 days for women at WATC, and 19.5 days at the CASTLE (Youth Stabilization Program).
- Approximately 11% of commitments signed consent waivers to remain in the programs past the 30 day limit of the commitment.
- Approximately 70% of discharges accept some form of an aftercare plan.
- There were over 1,000 family counseling sessions held, involving over 1,800 family members, at the MATC and WATC.
- All clients are trained in overdose prevention and offered training in the use of Narcan.

COST**DPH Contracts**

	WATC	MATC	Total
FY 07	\$ 2,368,005	-	\$ 2,368,005
FY 08	\$ 1,994,660	\$ 49,628	\$ 2,044,288
FY 09	\$ 1,455,799	\$ 3,345,723	\$ 4,801,522
FY 10	\$ 1,684,660	\$ 3,640,623	\$ 5,325,283
FY 11	\$1,716,319	\$3,856,723	\$5,573,042
FY 12	\$2,218,360	\$3,745,723	\$5,964,083

3rd Party Revenue

	WATC	MATC	Total
FY 07	\$ 1,401,890	-	\$ 1,401,890
FY 08	\$ 2,367,539	-	\$ 2,367,539
FY 09	\$ 2,578,360	\$ 3,624,633	\$ 6,202,993
FY 10	\$ 3,321,716	\$ 3,049,679	\$ 6,371,395
FY 11	\$3,317,519	\$3,883,652	\$7,201,171
FY 12	\$3,774,927	\$4,333,358	\$8,108,285

DPH and 3rd Party Combined

	WATC	MATC	Total
FY 07	\$ 3,769,895	-	\$ 3,769,895
FY 08	\$ 4,362,199	\$ 49,628	\$ 4,411,827
FY 09	\$ 4,034,159	\$ 6,970,356	\$ 11,004,515
FY 10	\$ 5,006,376	\$ 6,690,302	\$ 11,696,678
FY 11	\$ 5,033,838	\$7,740,375	\$12,774,213
FY 12	\$5,993,287	\$8,079,081	\$14,072,368

• Total costs reflect WATC and MATC only and not any costs associated with treatment for civil commitments at MCI Bridgewater, MCI Framingham or admissions to alternative or public Acute Treatment Service programs (ATS)

COST – (Cont.)**Per Bed Day Costs**

WATC	ATS Cost per Bed	Step-Down Cost per Bed	Overall Cost per Bed
FY 07	\$ 332.74	\$ 136.29	\$ 185.52
FY 08	\$ 462.25	\$ 128.34	\$ 187.36
FY 09	\$ 379.58	\$ 135.03	\$ 178.86
FY 10	\$ 301.07	\$ 153.36	\$ 185.25
FY 11	\$ 255.67	\$ 213.71	\$ 223.45
FY 12	\$288.72	\$187.54	\$209.81

MATC	ATS Cost per Bed	Step-Down Cost per Bed	Overall Cost per Bed
FY 07	-	-	-
FY 08	-	-	-
FY 09	\$ 352.43	\$ 181.73	\$ 196.70
FY 10	\$ 308.01	\$ 151.76	\$ 182.09
FY 11	\$ 257.20	\$ 196.12	\$ 209.93
FY 12	\$290.81	\$188.93	\$212.50

- The approximate cost for a full 30 day commitment in FY 12 was \$ 6,294 at the WATC and \$6,375 at the MATC.
- DPH contracts increased approximately 19% for the WATC and decreased 2.8% for MATC from FY 011 to FY 12
- FY 12 3rd party revenue increased 13.7% for WATC and 11.5% for MATC from FY 11 to FY 12
- WATC overall bed day cost decreased \$13.64 while MATC overall bed day cost increased \$2.57.
- 3rd party payers represent 62.9% of WATC's revenue and 53.6% of MATC's revenue. The percentage for the WATC was a decrease of 3.0% from FY 11 while MATC had a 3.5% increase.
- In FY 11, the DPH contracts for both the MATC and WATC moved to a unit rate contract, whereas in previous fiscal years they were on a cost reimbursement contract.
- In April 2012 EOHS Healthcare and Finance increased the unit rate for ATS (detox) units from \$222.27 to \$286.83 or \$64.56 per ATS bed day
- The unit rate established by EOHS Healthcare and Finance is the same as the public system with the exception that each unit provided, has an enhancement of \$34.09 per day, paid for by DPH to cover the additional services that are required by a civil commitment level of care.
- DPH pays the enhancement for both insured and non insured commitments.

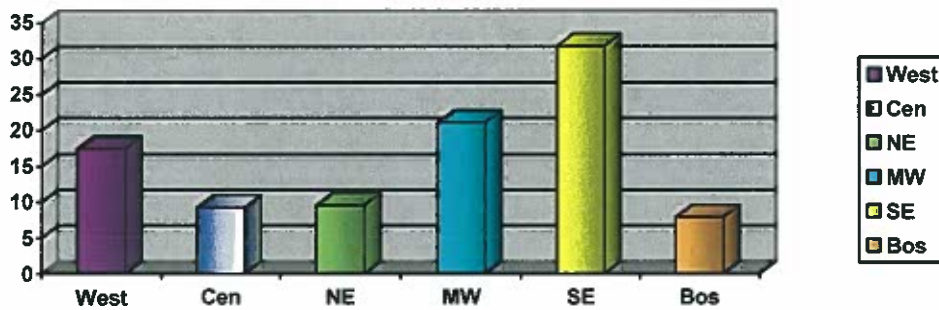
COURT	MATC	WATC	TOTALS
Attleboro	13	14	27
Ayer	8	3	11
Barnstable	21	32	53
Berkshire	5	1	6
Boston Municipal	16	19	35
Brighton	12	12	24
Brockton	126	60	186
Brookline	1	3	4
Cambridge	28	24	52
Charlestown	6	1	7
Chelsea	34	21	55
Chicopee	12	10	22
Clinton	9	2	11
Concord	6	4	10
Dedham	43	24	67
Dorchester	32	35	67
Dudley	24	21	45
E Boston Municipal	9	5	14
E Brookfield	6	8	14
E Hampshire	10	4	14
Edgartown	0	1	1
Fall River	35	24	59
Falmouth	12	27	39
Fitchburg	16	17	33
Framingham	16	8	24
Gardner	24	13	37
Gloucester	12	7	19
Greenfield	22	11	33
Hampden	5	0	5
Haverhill	31	20	51
Hingham	53	30	83
Holyoke	13	5	18
Ipswich	2	1	3
Lawrence	9	11	20
Leominster	15	12	27
Lowell	70	53	123
Lynn	53	33	86
Malden	40	28	68
Marlborough	15	4	19
Milford	10	4	14
Nantucket	0	0	0
Natick	5	0	5
New Bedford	55	64	119
Newburyport	11	11	22
Newton	6	1	7
Norfolk	1	0	1
Northampton	19	10	29
No Berkshire	9	0	9
Orange	8	1	9
Orleans	6	8	14
Palmer	22	4	26
Peabody	11	18	29
Pittsfield	19	17	36
Plymouth	83	80	163
Quincy	324	140	464
Roxbury Municipal	9	8	17
Salem	20	14	34
Somerville	59	22	81
So Boston Municipal	43	28	71
Springfield	44	28	72
Stoughton	11	15	26
Taunton	35	37	72
Uxbridge	4	7	11
Waltham	12	8	20
Wareham	27	19	46
W Roxbury	29	10	39
Westborough	8	0	8
Westfield	15	12	27
Winchendon	6	4	10
Woburn	36	20	56
Worcester	70	39	109
Wrentham	19	16	35
Total	1,900	1,253	3,153

Court Referrals

Civil Commitments by Region

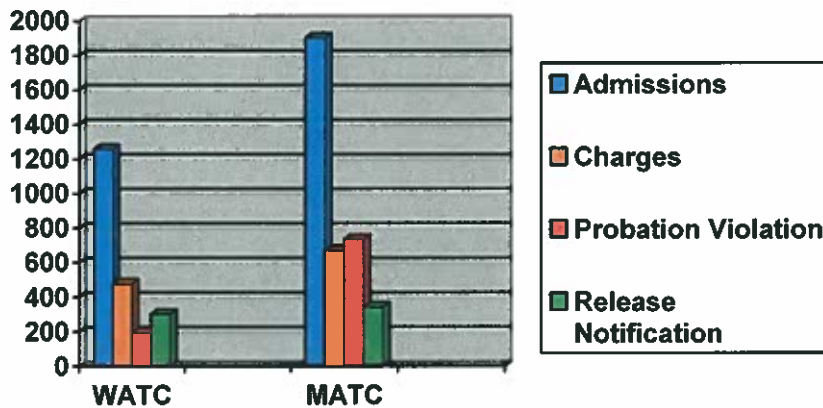
	% of Men	% of Women	Overall % of Total
West	16.5	19.0	17.5
Central	9.0	9.6	9.3
NE	10.1	8.8	9.6
Metro-West	20.6	21.8	21.1
SE	33.5	29.3	31.8
Boston	7.3	8.3	7.9
Unknown	2.8	2.6	2.7

- West region has had increased commitments each of the last three years. SE and Metro West regions had slight decreases.
- The top five courts, by number of commitments were Quincy (464), Brockton (186), Plymouth (163), Lowell (123), and New Bedford (119). Quincy and Brockton Courts account for approximately 20.6% or 1 of every 5 commitments.
- Overall commitments to MATC and WATC in FY 12 increased by 253 over FY 11.



CRIMINAL STATUS

- Approximately 35.2% of admissions to MATC had criminal charges pending which is approximately a 10% increase from FY 11.
- Approximately 37.9% of admissions to WATC had criminal charges pending,
- Approximately 26.7% of men and 24.6% of women report an arrest within the past 30 days.
- Approximately 15.3% of women and 38.6% of men were on a Probation violation
- Courts requested a 48 hour notice of discharge for approximately 18% of male commitments and 24% of female commitments
- MATC and WATC programs do not accept civil commitments that have a bail status. Commitments with bail must be admitted to MCI Bridgewater or MCI Framingham



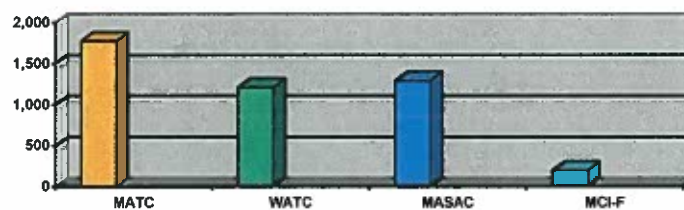
- The three courts that had the highest number of commitments with criminal charges were Quincy (133), Brockton (39), and Plymouth. Some other courts did have higher percentages of their commitments with charges such as Woburn (52.7%) and Cambridge (57.1%)

- When the Men's Addiction Treatment Center (MATC) reaches capacity additional commitments are then directed to Mass Alcohol & Substance Abuse Center (MASAC). MASAC reported 1,020 commitments that were not under bail or 66.2% of their admissions while 33.8% did have bail. A commitment may still have charges pending and not have a bail status.

- MCI – Framingham listed 220 or 70.9% of their commitments as "straight civils" meaning they did not have a bail but could have had charges pending. 24.5% were listed as having a bail and 4.5% were listed as being committed for contempt of court charges.

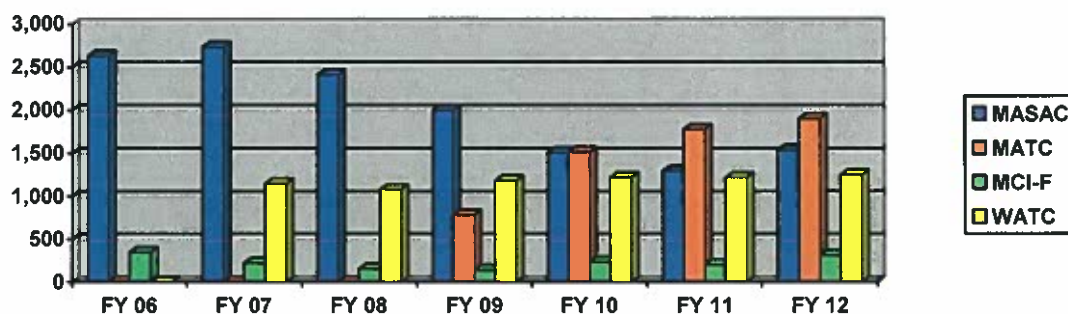
	MATC	WATC	MASAC	MCI-F	CASTLE	ATS *	TOTAL
July – 11	149	88	121	26	6		390
Aug	163	108	162	25	6		464
Sept	167	104	135	39	9	1	455
Oct	166	98	92	15	7		378
Nov	164	103	105	19	6	1	398
Dec	147	92	88	19	2		348
Jan - 12	162	104	149	22	6	1	444
Feb	153	99	130	21	5		408
March	161	115	128	28	3		435
April	160	108	110	23	5		406
May	159	124	141	40	5		469
June	152	104	178	33	7	1	475
	1,903	1,247	1,539	310	67	4	5,070

* ATS – represents those admissions admitted to an alternative public detox



Yearly Admissions

	2006	2007	2008	2009	2010	2011	2012
MASAC	2,635	2,738	2,416	2,005	1,508	1,295	1,539
MATC	-	-	-	779	1,516	1,780	1,903
MCI-F	347	221	152	137	234	200	310
WATC	-	1,149	1,079	1,180	1,224	1,215	1,247



MCI-FRAMINGHAM - CIVIL COMMITMENTS

FY 12

Civil Commitments	July 11	Aug	Sept	Oct	Nov	Dec	Jan 12	Feb	March	April	May	June	Totals
Straight	19	14	25	12	10	12	15	17	17	19	33	27	220
Dual/Bail	7	10	13	3	7	4	5	4	10	2	6	5	76
Contempt	0	1	1	0	2	3	2	0	1	2	1	1	14
Total	26	25	39	15	19	19	22	21	28	23	40	33	310

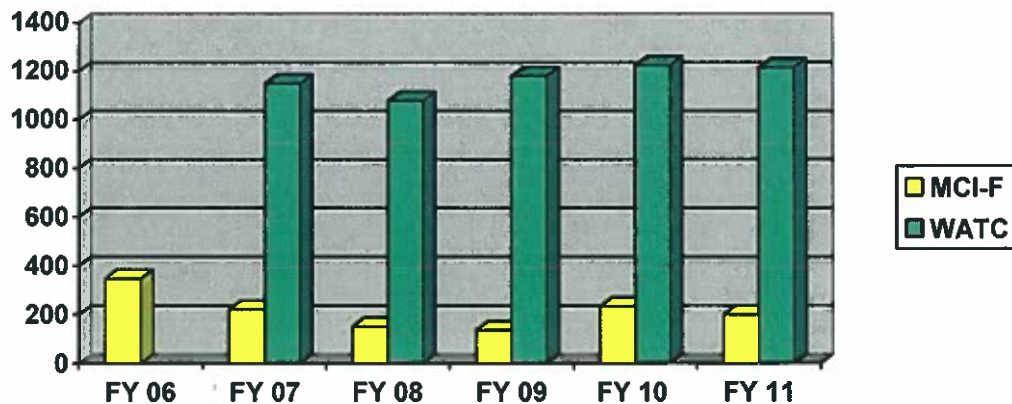
* Dual represents a civil commitment on bail status

** Straight civil commitments may have charges pending but are not on bail

Civil Commitments to MCI Framingham			
	Straight	Contempt/Bail	Total
FY 06	137	210	347
FY 07	37	184	221
FY 08	39	113	152
FY 09	49	88	137
FY 10	132	102	234
FY 11	107	93	200
FY 12	220	90	310

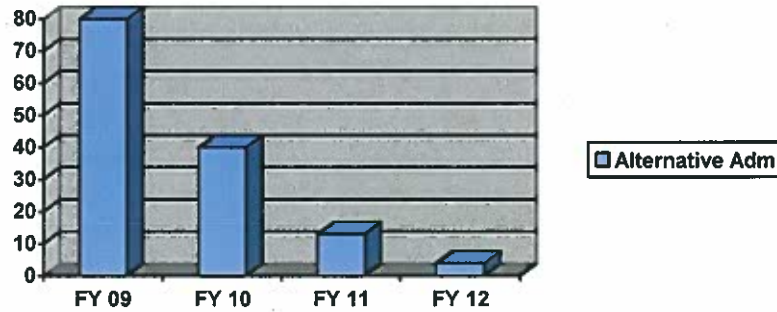
Civil Commitments to WATC			
	Straight	With Charges	Total
FY 07	686	463	1,149
FY 08	633	446	1,079
FY 09	722	458	1,180
FY 10	795	429	1,224
FY 11	758	457	1,215
FY 12	775	472	1,247

* Straight represents those with no criminal charges pending

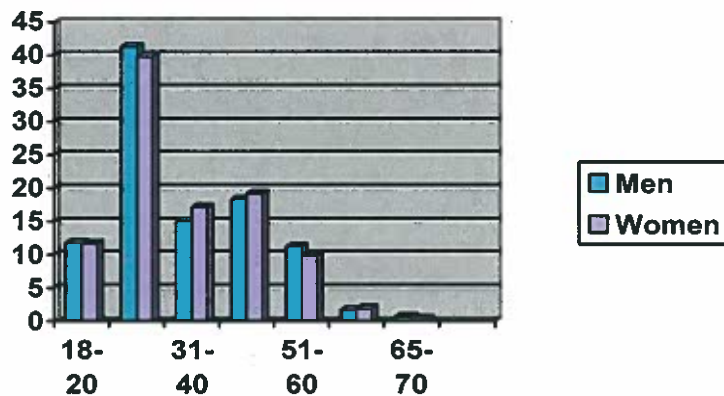
Overall Female Civil Commitments

Alternative Admissions

There are instances where a civil commitment will be admitted to an alternative program such as a local public Acute Treatment Service (ATS) program or a dual diagnosis program due to clinical / medical issues. This occurs most frequently in the West Region where the time for transportation may be a factor. There are times when 12 hours may expire between arrival in court to the admission at the program. If the commitment presents with medical concerns that may be exacerbated by the length of transport then alternative local programs are considered as options.

**Client Profile****Ages**

	MATC		WATC	
16-20 Years	195	10.2%	141	11.2%
21-30 Years	824	43.3%	580	46.1%
31-40 Years	306	16.1%	182	14.5%
41-50 Years	316	16.6%	213	16.9%
51-60 Years	208	10.9%	114	9.1%
61-64 Years	34	1.8%	18	1.4%
65 – 70+ Years	13	.7%	6	.5%



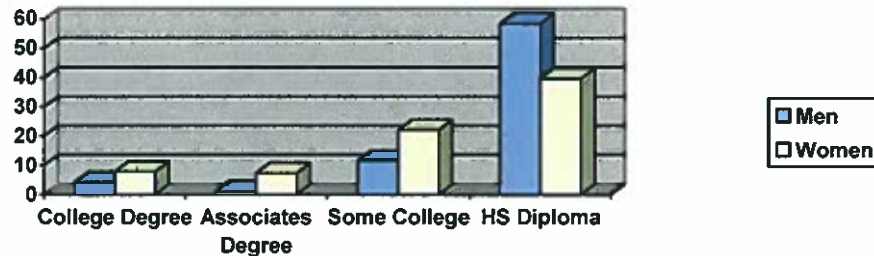
Race

	MATC	WATC
American Indian	.3%	.8%
Asian	.6%	.1%
Black or African American	3.1%	2.5%
Hispanic	3.9%	3.2%
White	89.9%	91.7%
Other	2.2%	1.7%

Education

	Men	Women
College Degree	4.4%	7.9%
Associates Degree	1.2%	7.3%
Some College	11.6%	22.1%
High School Diploma/GED	58.4%	39.6%

- Women overall reported higher education levels than men

Primary Drug Used

	MATC	WATC
Alcohol	42.2%	37.6%
Heroin/ Other Opiates	36.8%	45.0%
Oxycodone	10.4%	4.3%
Non Rx Opiates	1.8%	1.4%
Cocaine / Crack	3.6%	7.5%
Benzodiazepine	2.7%	3.5%
Marijuana	1.6%	.2%

Overdoses

	Self Reported Overdoses Past Year	Self Reported Overdoses Lifetime
MATC	13.8%	23.7%
WATC	27.3%	33.1%

- Approximately 4% of MATC admissions and 5.1% of WATC admissions report 5 or more overdoses in their lifetime

Client Profile (cont)**IV Use**

	MATC	WATC
Within past week	39.2%	42.2%
Lifetime	47.4%	55.0%
Never	52.6%	45.0%

Marital Status

	MATC	WATC
Divorced	9.0%	9.2%
Married	13.0%	12.1%
Never Married	73.6%	70.3%
Separated	3.0%	4.3%
Widowed	.7%	2.3%
Partnership	.5%	1.0%

- 52.8% of female commitments reported having children

Mental Health

- 45.3% of men and 44.6% of women report a psychiatric diagnosis.
- 33.1% of men and 53.0% of women were on psychiatric medications at time of admission
- Anti depressants were the most frequently prescribed psychiatric medication.
- 8.3% of male commitments and 14.4% of women commitments report a prior psychiatric hospitalization within the past 6 months.

Commitment Petitioner

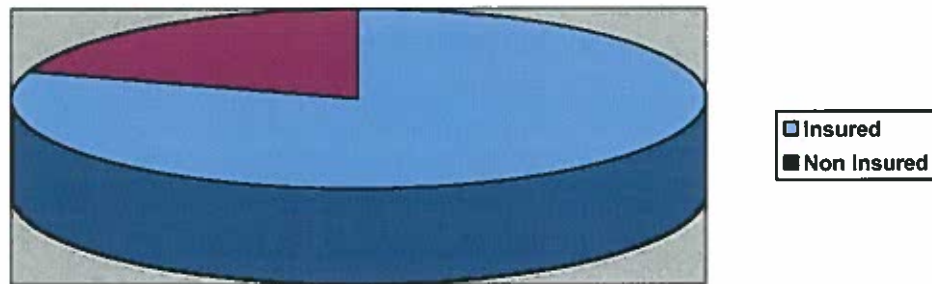
	MATC	WATC
Family Member	65.6%	69.1%
Court / Probation	9.4%	11.6%
Physician / Hospital	6.3%	4.2%
Police	2.3%	1.0%
Other / Self	15.9%	14.0%

- On average family members are the petitioners in approximately 67% of the commitments
- The Court / Probation are the petitioner in approximately 10% of commitments.
- Individuals or Self Petitioners represent approximately 15% of commitments

Insurance Coverages

	MATC		WATC	
	FY 11	FY 12	FY 11	FY 12
DPH (none)	23.5%	21.0%	15.3%	17.0%
MBHP	27.0%	26.1%	28.3%	27.5%
BC/BS	11.2%	11.4%	9.6%	9.8%
BMC	7.9%	5.6%	11.7%	10.3%
Medicare	6.7%	5.8%	8.3%	6.9%
NHP	6.2%	6.9%	7.8%	8.6%
Network	5.3%	7.9%	7.3%	8.1%
Tufts	2.5%	3.6%	2.2%	2.3%
Harvard Pilgrim	3.8%	4.2%	4.5%	3.1%
Fallon	.7%	1.0%	1.3%	1.1%
Other	4.9%	6.1%	5.7%	5.0%

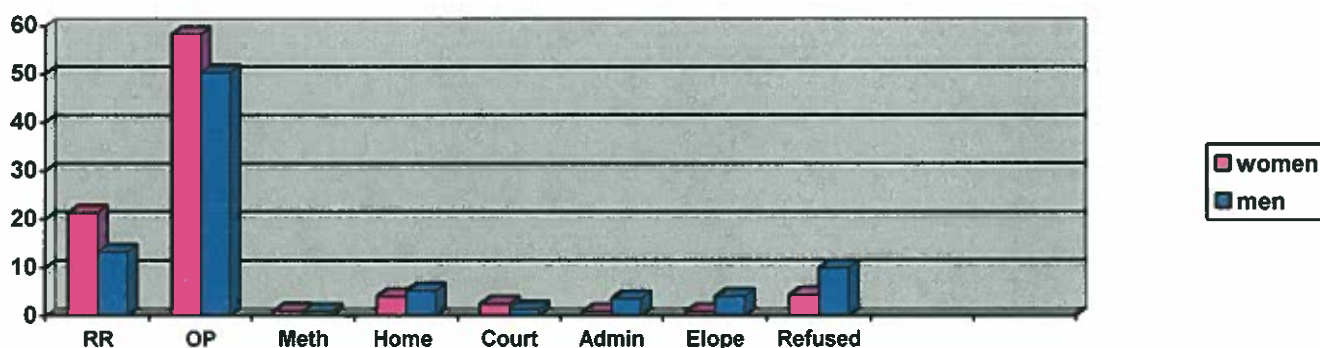
Other includes such plans as: Aetna, Cigna, UBH, Celtic Care, Health Net, GIC



- Most insurance will cover the medical detoxification but vary from 5-15 days as to what they will cover for step down or clinical stabilization services.
- DPH reimburses for the uninsured. DPH also reimburses for those days that extend beyond what the insurer will reimburse which results in DPH having a higher percentage of the overall cost beyond the uninsured.
- DPH also reimburses an enhancement rate of \$34.09 on every bed day for insured and non-insured to cover expense of civil commitment level of care
- The percentages of uninsured males is approximately 4% higher than that of females which is down from 8% in FY 11

Discharge Dispositions

	MATC	WATC
Residential / sober	13.3%	21.4%
Outpatient/ Day Tx	50.4%	58.4%
Opiod/Methadone	1.0%	1.1%
Home AA / NA	5.3%	4.1%
Court	1.5%	2.5%
Administrative	3.6%	.9%
Eloped	4.1%	.9%
Refused Aftercare	10.0%	4.4%



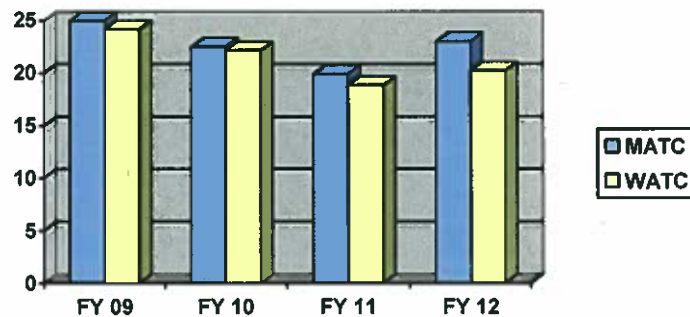
- Women were slightly more likely to have a referral to residential or outpatient as an aftercare plan than men.
- The elopement rate for men was approximately seven (7) times that of the women. There were 11 female elopements in FY 12 vs 75 male elopements. Male elopements tend to be younger clients with criminal charges pending and the elopement typically occurs from the facility, while female elopements tend to be from off site locations where they are transported for medical or court appointments.
- Administrative discharges occur for a number of issues ranging from assaults and threats to staff and/or other patients, property destruction, or program non compliance.
- Administrative discharges are typically referred back to the court. The court has the discretion to amend the commitment order to either MCI Bridgewater or MCI Framingham if they so choose.

Lengths of Commitment

- The average length of commitment in MATC was 23.0 days
- The average length of commitment in WATC was 20.2 days
- The average length of commitment in CASTLE (Youth Stabilization Program) was 19.5 days
- Individuals who do not meet the criteria for continued commitment may voluntarily remain in the MATC, WATC, or CASTLE programs to finalize aftercare plans. Each individual is informed of the termination / expiration of commitment and signs a consent form to remain in the program voluntarily.

Average Length of Commitment

	FY 09	FY 10	FY 11	FY 12
MATC	25.0	22.5	19.9	23.0
WATC	24.1	22.1	18.8	20.2



Number of Clients that had Stays of More than 30 Days

	MATC	WATC
30 – 39 days	56	59
40 – 49 days	39	34
50 – 59 days	46	14
60 – 69 days	20	11
70 – 79 days	29	5
80 days or more	24	2

- Approximately 11% of both MATC and WATC admissions had stays that exceeded the commitment expiration

Lengths of Treatment Episode

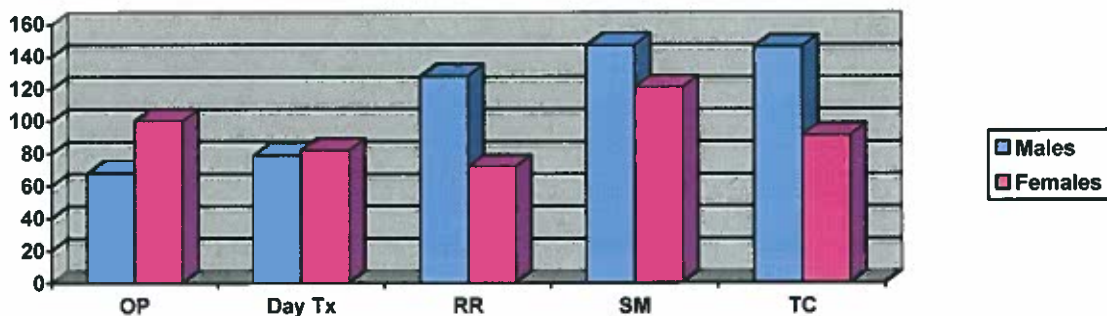
The length of commitment and transition to a step down level of care is considered the length of a treatment episode. The end of a treatment episode does not necessarily translate into relapse, an individual may in fact, remain abstinent or participate in self help programming after leaving the structured treatment setting.

Overall Treatment Episode - Females

Avg Length of Commitment	Transition Service Type	Avg Length in Treatment Service	Avg Total Days in Treatment
22.6	Outpatient	77.8	100.2
20.9	Day Treatment	60.5	82.0
28.9	Recovery Home	43.3	71.9
44.0	Social Model	78.9	120.9
32.7	Therapeutic Community	57.4	91.4

Overall Treatment Episode - Males

Avg Length of Commitment	Transition Service Type	Avg Length in Treatment Service	Total Days in Treatment
16.8	Outpatient	51.9	67.8
15.1	Day Treatment	63.4	78.8
49.6	Recovery Home	80.3	128.0
49.3	Social Model	95.8	147.2
47.0	Therapeutic Community	112.3	146.3



FAMILY SERVICES

According to statute Chapter 123; section 35 "A spouse, blood relative, guardian, police officer, physician, or court official may petition a court for commitment." Clearly the largest numbers of petitioners are represented from spouses and blood relatives. Families and relatives are dramatically affected by a family member's use and often the civil commitment process is utilized as a means to do an intervention with the active user. The Men's Addiction Treatment Center (MATC) has three (3) full time family clinicians and the Women's Addiction Treatment Center (WATC) has two (2) full time family clinicians to engage families in the process of treatment and aftercare.

Every client has a treatment team that consists of a primary clinician, family clinician, and aftercare clinician. The family clinician contacts each client about having a family session. Those clients that agree to the family sessions are met with individually and all releases are signed to allow the family to be contacted.

Family sessions consist of educating the participants on the disease concept and the client's progress in treatment. Aftercare needs and significant others role in the aftercare are addressed. Other topics consist of conflict resolution, treatment contracts, boundaries / enabling, sponsorship, relapse, consequences, communication skills, trust, legal matters, codependency, grief, honesty, shame, amends, and goals for the family and client.

	MATC		WATC	
	Family Sessions	Number of Individuals	Family Sessions	Number of Individuals
July (11)	50	81	12	20
Aug	56	99	45	68
Sept	61	103	69	118
Oct	62	115	43	73
Nov	33	54	49	96
Dec	29	66	34	66
Jan (12)	23	39	49	83
Feb	20	23	37	85
March	35	55	44	73
April	54	90	40	66
May	63	107	47	86
June	60	109	49	82
Total	546	941	518	916

- Between the MATC and WATC programs there was a total of 1,064 family sessions held involving 1,857 family members

Family Members Involved in Sessions

Mothers	34.0%
Fathers	21.7%
Spouse/SO	18.1%
Siblings	14.6%
Grandparent	1.3%
Children	7.2%
Other	2.7%

* Other represents relatives, pastor, etc.

FAMILY SERVICES (cont)

- Participants in the family sessions came from across the state including towns as far west as Pittsfield, north from Newburyport, and from Martha's Vineyard on the Cape. All regions had representations.
- There is also a monthly Open Family Education Night that is run at both the MATC program and the WATC program. The Family Education Night averages approximately 10 participants. Participants are offered referrals to Narcan training, and support groups such as Learn to Cope, Families Anonymous, Al Anon, as well as outpatient programs.
- All clients attend Overdose Education and Prevention training while in the program and in FY 12 there were 446 Narcan kits distributed to MATC clients and 35 kits to their families.
- The MATC began an Alumni Group in March of 2010. The AA group meets each Sunday at the program, is open to the community and averages approximately 10-15 in attendance.

Excerpts from a letter sent by a family member

As you can imagine this has been a very difficult time for my family and of course my older brother, there have been many sleepless nights and even harder days. The fact is it's been 16 yrs since I could say I have seen my brother and not the shell of what this long difficult road of addiction has made him.

Yesterday my family and I had an opportunity to meet with a family therapist at the Brockton facility. As you can imagine we were very nervous about the meeting as it was the first time we had seen my brother since he was brought to the facility.

I am writing this with a huge smile as yesterday I was able to meet the brother I almost lost to the streets. The treatment, attention to the issues and overall caring nature of the staff at MATC has already impacted my brother's life drastically. For the first time in so many years we laughed together, we shared ideas for further treatment and left with a positive outlook for the future.

My family and I owe a great deal of gratitude to the MATC staff, not only for what they have done for my brother but for what they have done to provide my family with honesty, respect and hope for a better tomorrow for our loved one.

- Participants in the family sessions came from across the state including towns as far west as Pittsfield, north from Newburyport, and from Martha's Vineyard on the Cape. All regions had representations.
- There is also a monthly Open Family Education Night that is run at both the MATC program and the WATC program. The Family Education Night averages approximately 10 participants. Participants are offered referrals to Narcan training, and support groups such as Learn to Cope, Families Anonymous, Al Anon, as well as outpatient programs.
- All clients attend Overdose Education and Prevention training while in the program and in FY 12 there were 446 Narcan kits distributed to MATC clients and 35 kits to their families.
- The MATC began an Alumni Group in March of 2010. The AA group meets each Sunday at the program, is open to the community and averages approximately 10-15 in attendance.

Excerpts from a letter sent by a family member

As you can imagine this has been a very difficult time for my family and of course my older brother, there have been many sleepless nights and even harder days. The fact is it's been 16 yrs since I could say I have seen my brother and not the shell of what this long difficult road of addiction has made him.

Yesterday my family and I had an opportunity to meet with a family therapist at the Brockton facility. As you can imagine we were very nervous about the meeting as it was the first time we had seen my brother since he was brought to the facility.

I am writing this with a huge smile as yesterday I was able to meet the brother I almost lost to the streets. The treatment, attention to the issues and overall caring nature of the staff at MATC has already impacted my brother's life drastically. For the first time in so many years we laughed together, we shared ideas for further treatment and left with a positive outlook for the future.

My family and I owe a great deal of gratitude to the MATC staff, not only for what they have done for my brother but for what they have done to provide my family with honesty, respect and hope for a better tomorrow for our loved one.

Exhibit F

**DECLARATION OF DR. ERIKA KATES
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Erika Kates, hereby declare:

1. I submit this declaration in support of Plaintiffs' Motion for Class Certification.
2. I am a Senior Research Scientist at the Wellesley Centers for Women.
3. I hold a B.Sc. in Sociology from London University and a Ph.D. in Social Policy from the Heller Graduate School of Policy and Management, Brandeis University.
4. Since 2009, I have directed the Massachusetts Women's Justice Network ("MWJN").
5. MWJN focuses on critical concerns regarding alternatives to incarceration of women in Massachusetts and the United States.
6. In my capacity as director of MWJN, I organized and attended a MWJN meeting on February 18, 2014.
7. At this meeting, Rhianna Kohl, Director of Research and Policy at the Department of Correction, provided updated information on women who were admitted to MCI-Framingham under Chapter 123, Section 35 of the Massachusetts General Laws ("Section 35") based on their addiction to drugs and alcohol. Superintendent Lynn Bissonnette, Superintendent of the Massachusetts Correctional Institution – Framingham ("MCI-Framingham") also attended the meeting.
8. They provided us with copies of Exhibit A during this presentation.
9. Attached hereto is Attachment 1, which is a true and accurate reflection of the document that was provided at the February 18, 2014 MWJN meeting.
10. Attachment 1 provides annual data from 2007 to 2013, and monthly data from July 2013 to January 2014, regarding women who are admitted to MCI-Framingham under Section 35
11. Attachment 1 uses the terms "straight" and "dual".
12. "Dual" commitments refer to women who are sent to MCI-Framingham both because they have been civilly committed under Section 35 and because they are charged with or convicted of a crime.
13. "Straight" commitments refer to women who are sent to MCI-Framingham only because they have been civilly committed under Section 35. These women are not sent to MCI-Framingham because they are charged with or convicted of a crime.

14. Attachment 1 provides annual numbers of both dual and straight commitments from 2007-2013.
15. Attachment 1 also provides the monthly admission numbers of both dual and straight commitments from July 2013-January 2014.
16. Attachment 1 also provides the monthly average length of stay for straight commitments from July 2013-January 2014.
17. Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2014

Erika Kates

Erika Kates. Ph.D

Attachment 1

I. MCI-Framingham Count as of 2/13/14:

Total:	683	
Sentenced	389	
Awaiting Trial	294	43%
Civil Commitments:	1	
Straight	1	
Contempt	0	

II. Annual Admissions/Releases – 2013

Admissions – Total	4,388	Releases – Total	4,089
Sentenced	842	Sentenced	557
Awaiting Trial	3,238	Awaiting Trial	3,214
Civil Commitments	308	Civil Commitments	318

III. Civil Commitment Historical Statistics (attached)

IV. Mittimus In Lieu of Bail Questionnaire – Oct. 2013 (attached)

V. Breakdown of Awaiting-Trial Population @ MCI-Framingham on February 13, 2014

Essex	80	New York*	1
Federal	1	Norfolk	34
Middlesex	44	Plymouth	29
New Hampshire*	1	Worcester	52
*Fugitives from Justice			

Exhibit G

**DECLARATION OF WILLIAM F. LEE IN SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION**

I, William F. Lee, hereby declare:

1. I am a partner at the law firm of Wilmer, Cutler, Pickering, Hale and Dorr LLP ("WilmerHale"). I have practiced at WilmerHale since 1976. I served as managing partner of Hale & Dorr LLP from 2000 to 2004 and then served as co-managing partner of WilmerHale from 2004 to 2012.

2. WilmerHale has been committed to pro bono representation since the early twentieth century, when partner Reginald Heber Smith authored the seminal book *Justice and the Poor* and galvanized the organized bar nationally to secure equal justice for those unable to afford counsel. Since then, the firm's lawyers have remained involved in influential pro bono cases and other volunteer legal projects. In 1954, Joseph P. Welch, assisted by James F. St. Clair and John Kimball, Jr., represented the U.S. Army on a pro bono basis in the nationally televised Army-McCarthy hearings. In 1963, Lloyd Cutler and others served as the leading force in creating the Lawyers' Committee for Civil Rights Under Law at the request of President John F. Kennedy. In 1992, John Pickering led the effort to establish the Pro Bono Institute's Law Firm Pro Bono Challenge and ensured that the firm was its first charter signatory. The firm helped establish Lawyers for Children America, a nonprofit organization dedicated to providing services and advancing pro bono advocacy for abused and neglected children in the child welfare system. In addition, the firm co-founded and continues to support the WilmerHale Legal Services Center of Harvard Law School, a major clinical teaching facility that has assisted more than 20,000 low-income persons in the past ten years.

3. WilmerHale's pro bono and philanthropy work has garnered numerous awards and honors, including the following:

- 2014 - WilmerHale was honored for outstanding pro bono dedication and efforts at the Healing & Hope reception, an annual awards ceremony and fundraiser for the Campaign for the Fair Sentencing of Youth.
- 2013 – Who's Who Legal selected WilmerHale to its 2013 "Pro Bono Leading Firm" list, honoring the firm for committing significant time and resources to strengthen local communities.
- 2013 - For the second consecutive year, Law360 selected WilmerHale to its "Pro Bono Firms of the Year" list for notable successes ranging from issues affecting the nation to life-altering representations of individual clients.
- 2013 - WilmerHale was again named as one of the "Top Charitable Contributors in Massachusetts" by Boston Business Journal at the publication's annual Corporate Citizenship Summit. The firm was the highest overall contributor among area law firms.
- 2003-2013 - The firm is recognized in the annual American Lawyer "A-List," a compilation that lists the leading US firms and honors overall excellence, including financial success, commitment to pro bono work, workforce diversity and the training and development of younger lawyers.

4. WilmerHale has often handled high-profile, large-scale public interest litigation. These pro bono cases have covered various issues, including several ongoing death penalty representations, campaign finance reform legislation, detainees' rights at Guantanamo Bay, and defending the Massachusetts Interest on Lawyer Trust Account (IOLTA) programs funding legal services for the poor. Many of the firm's pro bono matters have focused on issues of federal rights in the contexts of health care, housing, and criminal defense. The collective knowledge and experience of the firm will contribute significantly to the success of the class in this case.

5. WilmerHale is a leading law firm with decades of complex class action

experience, including several class actions taken on a pro bono basis. For example, in *Rosie D. v. Patrick*, the firm earned high praise from this Court for its vigorous representation of Medicaid recipients seeking to enforce their rights to state benefits. *See* 593 F. Supp. 2d 325, 327 (D. Mass. 2009) (“[T]he level of professionalism exhibited by Plaintiffs’ counsel at every stage has been unsurpassed by any the court has seen,” and “the result achieved by Plaintiffs’ counsel has been profound and, for their clients, one hopes, transformational.”).

6. My practice concentrates on intellectual property and commercial litigation. I have tried more than 100 cases to verdict and argued more than 75 cases on appeal. I have also been a member of the faculty at Harvard Law School for more than ten years.

7. In 2014, I was named “Lawyer of the Year” for litigation/patent by *Best Lawyers in America*, and was one of eight finalists selected by *The American Lawyer* as “Litigator of the Year” in 2012. I have acted as lead trial counsel in a number of federal court cases, including for Apple, Inc. in the “smart phone war” litigations. From July 1987 through June 1989, I served as associate counsel to Independent Counsel Lawrence E. Walsh in the Iran-Contra investigation. In that capacity, I was responsible for certain portions of the grand jury investigation and resulting indictments. I have also served as a special assistant to the Massachusetts Attorney General for the purpose of investigating alleged incidents of racial bias in the Commonwealth’s courts.

8. I have been admitted to practice in this Court since 1977. I am also admitted to practice in the Supreme Judicial Court of Massachusetts, the U.S. Supreme

Court, the First, Fourth, Seventh, and Federal Circuit Courts of Appeal, and the Northern District of New York, the Eastern District of Wisconsin, the Northern District of California, and the District of Colorado.

9. Lisa Pirozzolo is a partner at WilmerHale and has practiced at the firm since 1993. Her practice focuses on commercial litigation, with a particular emphasis on intellectual property litigation. She is Co-Chair of the firm's Intellectual Property Litigation Practice Group and a member of the Appellate and Supreme Court Litigation Practice Group. Ms. Pirozzolo has worked with the Boston-based Lawyers Committee for Civil Rights and Economic Justice for more than a decade, and currently serves as co-chair of its Board of Directors.

10. In 2013, she was selected in the "Top Women of Law" by *Massachusetts Lawyers Weekly*, and has been recognized as a leader in intellectual property law in the 2008-2014 editions of *Chambers USA: America's Leading Lawyers for Business*. She recently served as lead trial counsel in *Ford v. Bender*, a prisoner's rights case in which this Court "stresse[d] that the quality of the work performed was excellent, and that the attorneys were well-prepared, professional and dedicated to their client and the case." 903. F. Supp. 2d 90, 94-95 (D. Mass. 2012).

11. To date, WilmerHale has served a pivotal role in preparing this case for litigation, including, but not limited to: visiting MCI-Framingham, conducting interviews with women incarcerated under Section 35, conducting legal research regarding potential claims, and participating in strategy sessions with co-counsel.

12. WilmerHale is committed to dedicating the necessary resources and

working together with Prisoners' Legal Services, the American Civil Liberties Union Foundation of Massachusetts, and the Center for Public Representation as Co-Lead Counsel for the benefit of the class.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ William F. Lee
William F. Lee (BBO# 291960)
WILMER CUTLER PICKERING
HALE AND DORR, LLP
60 State Street
Boston, MA 02109
Telephone: 617-526-6000
william.lee@wilmerhale.com

Dated: June 30, 2014

DECLARATION OF ATTORNEY JAMES R. PINGEON

I, James R. Pingeon, hereby depose and affirm as follows:

1. I am the Litigation Director at Prisoners' Legal Services of Massachusetts, formerly known as Massachusetts Correctional Legal Services, and am one of the lead counsel representing the plaintiffs in this case.

2. Prisoners' Legal Services is a not-for-profit legal services corporation, founded in 1972, that provides civil legal assistance to people who are incarcerated in Massachusetts state prisons or in the county jails and houses of correction. Our mission is to promote the safe, humane and lawful treatment of Massachusetts prisoners through civil rights litigation, administrative advocacy, client counseling, and outreach to policy makers and the public. The office focuses on four issues: health and mental health care, guard-on-prisoner violence, physical conditions of confinement, and segregation and isolation.

3. I graduated *magna cum laude* from Boston College Law School in 1983 where I was elected to the order of the coif. I began representing prisoners as an associate at Choate, Hall, and Stuart in 1983. In 1985, I became a staff attorney at Massachusetts Correctional Legal Services. In 1995, I became a senior staff attorney at the Center for Public Representation, concentrating on the rights of prisoners with disabilities. In 2001 I returned to Prisoners' Legal Services as litigation director.

4. I have made frequent presentations on prisoners' rights law in Massachusetts and elsewhere. I have also written articles and book chapters on sentencing and corrections law. See, e.g. "Imprisonment and Release from Custody," in *Massachusetts Criminal Defense*, Ed. Eric Blumenson (2012).

5. I have represented prisoners in many successful class action cases, as well as dozens of cases on behalf of individual prisoners. The class action cases include *Greenlee v. Sheriff, Essex County* (challenge to unsanitary conditions); *Hoffer v. Commissioner of Correction* (challenge to segregation conditions and practices); *Piggott v. Commissioner* (challenge to earned good time practices); *Kelley v. Sheriff, Bristol County* (challenge to overcrowding); *Ahearn v. Commissioner* (challenge to inadequate plumbing); *Haverty v. Commissioner* (challenge to segregation procedures and conditions), *Souza v. Sheriff, Bristol County*, (challenge to daily incarceration fees); (*Bentley v. Sheriff, Essex County* (challenge to medical fees).

I affirm that the foregoing is true to the best of my knowledge under penalty of perjury.

/s/James R. Pingeon

James R. Pingeon

Dated: June 30, 2014

**DECLARATION OF MATTHEW R. SEGAL IN SUPPORT OF PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION**

I, Matthew R. Segal, hereby declare:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts, and I am legal director at the American Civil Liberties Union Foundation of Massachusetts.
2. I submit this Declaration in support of Plaintiffs' Motion for Class Certification and Appointment of Class Counsel.

American Civil Liberties Union Foundation of Massachusetts Background

3. The American Civil Liberties Union Foundation of Massachusetts (ACLUM), a nonprofit membership organization with over 20,000 members and supporters, is a state affiliate of the American Civil Liberties Union (ACLU). ACLUM works to defend the civil rights and civil liberties embodied in the constitutions and laws of the Commonwealth and of the United States. ACLUM often participates in cases implicating those principles, both through direct representation and as amicus curiae. *See, e.g., Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011); *Barr v. Galvin*, 626 F.3d 99 (1st Cir. 2010).
4. ACLUM is headquartered in Boston and has satellite offices in Worcester and Springfield. In addition, ACLUM is one of more than 50 affiliates of the national American Civil Liberties Union. The American Civil Liberties Union and its affiliates have offices in every state, Washington, D.C., and Puerto Rico.
5. ACLUM has extensive experience representing individuals bringing civil rights claims before the Massachusetts state and federal court. It also has experience in litigating class actions, including in several recent cases. *See Gordon v. Johnson*, -- F.R.D.--, No. 13-cv-30146-MAP, 2014 WL 2120002 (D. Mass. May 21, 2014) (order

granting class-wide summary judgment); *Richardson v. Koutoujian*, No. MICV 1988-05857 (Middlesex County Superior Ct. June 14, 2013) (granting relief to a class of pretrial detainees); *Five Registered Sex Offenders v. City of Lynn*, No. ESCV 2012-00749 (Essex Cty. Superior Ct. Feb. 13, 2013) (order allowing class certification).

Attorney Qualifications

Matthew R. Segal

6. I have experience litigating a range of legal issues, at the trial and appellate levels, involving civil rights and civil liberties.
7. I received a Bachelor of Arts degree, *summa cum laude*, from Brandeis University in 1999 and a Juris Doctor degree from Yale Law School in 2002. Aside from a one-year clerkship with the Honorable Raymond C. Fisher of the U.S. Court of Appeals for the Ninth Circuit, I have practiced law continuously since being admitted to the Massachusetts bar in 2003.
8. I am admitted to practice in the Commonwealth of Massachusetts, the District of Columbia (inactive), and several federal courts: the United States Supreme Court, the U.S. Courts of Appeals for the First, Fourth, Fifth, and Seventh Circuits, and the U.S. District Courts for the District of Massachusetts, the Western District of North Carolina, the Northern District of Illinois, and the District of Columbia.
9. Before joining ACLUM, I was a litigation associate at law firms in Washington, DC. For example, from 2006 to 2008 I worked at Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP.
10. I then spent four years as an assistant federal defender in the appellate division of Federal Defenders of Western North Carolina, Inc. In that capacity, I presented 21

oral arguments to, and filed numerous appellate briefs with, the U.S. Court of Appeals for the Fourth Circuit.

11. As an assistant federal defender, I was involved in substantial victories at the Fourth Circuit. *See, e.g., United States v. Whitfield*, 695 F.3d 288 (4th Cir. 2012) (vacating conviction that had mandated a life sentence); *United States v. Moore*, 666 F.3d 313 (4th Cir. 2012) (holding that federal courts may not order indigent criminal defendants to repay the costs of their court-appointed attorneys); *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc) (interpreting statutory language so as to require, in effect, the overturning of numerous wrongful convictions and sentences).
12. Since joining ACLUM, I have spent substantial time litigating class actions in both *Gordon*, 2014 WL 2120002 (D. Mass.), and *Richardson*, No. MICV 1988-05857 (Middlesex County Superior Ct.).
13. Also at ACLUM, I have filed numerous appellate briefs and argued two cases at the Massachusetts Supreme Judicial Court. *See Commonwealth v. Augustine*, 4 N.E.3d 846 (Mass. 2014) (holding that the warrantless collection two weeks' worth of cell site location information violated the Massachusetts Declaration of Rights); *Commonwealth v. Charles*, 992 N.E.2d 999 (Mass. 2013) (addressing litigation arising from misconduct at the William A. Hinton State Laboratory Institute).
14. Both at ACLUM and as an assistant federal defender, my work has involved civil rights and civil liberties matters of interest to the public. *See, e.g., Hiawatha Bray, SJC rules on data searches by police*, Boston Globe, Feb. 19, 2014, at A (discussing *Augustine* decision); Brad Heath, *Locked up but INNOCENT?*, USA TODAY, June 14,

2012, at 1A (discussing the consequences of the *Simmons* decision).

Jessie J. Rossman

15. Jessie J. Rossman is an attorney licensed to practice law in the Commonwealth of Massachusetts, and she is a staff attorney at ACLUM.

16. Ms. Rossman is a graduate of Yale University (B.A., *magna cum laude*, 2003) and Harvard Law School (J.D., *magna cum laude*, 2007).

17. Ms. Rossman is admitted to practice in the Commonwealth of Massachusetts and the State of Illinois (inactive), as well as in the U.S. Court of Appeals for the First, Sixth and Seventh Circuits and the U.S. District Court for the District of Massachusetts and the Eastern District of Michigan.

18. Before joining ACLUM, Ms. Rossman clerked for the Honorable Raymond C. Fisher of the U.S. Court of Appeals for the Ninth Circuit. She also worked as a litigation fellow at the Natural Resources Defense Council and a staff attorney at the American Civil Liberties Union Foundation of Michigan. She has been employed by ACLUM as a staff attorney since June, 2013.

19. Ms. Rossman has actively participated in class action litigation, including *Gordon*, 2014 WL 2120002, and *Duncan et al v. Michigan*, Case No. 07-242-CZ (Ingham Circuit Court, June 5, 2007) *affirmed*, 284 Mich. App. 246 (2009) (certified class of present and future indigent defendants in three counties challenging indigent defense systems in those counties on federal and state constitutional grounds), *class vacated on other grounds*, 486 Mich. 906 (2010).

The Litigation

20. ACLUM has devoted substantial time and resources to preparing this lawsuit on behalf of women who have been placed into custody of the Massachusetts Department of Correction following a civil commitment under Chapter 123, Section 35, of the Massachusetts General Laws (“Section 35”).
21. These efforts include: conducting interviews with women incarcerated under Section 35, conducting legal research regarding potential claims, drafting papers and participating in strategy sessions with co-counsel.
22. Neither I nor any of my co-counsel has received or will receive any reimbursement from the individual plaintiffs or class members in this case.
23. ACLUM is committed to dedicating the necessary resources to prosecute this case, and to working together with Wilmer Cutler Pickering Hale and Door, LLP, the Center for Public Representation and Prisoners’ Legal Services for the benefit of the class.

Women Incarcerated Under Section 35

24. In connection with ACLUM’s preparations to litigate this case, I have used the web site VINELink.com to identify women who have been incarcerated at the Massachusetts Correctional Institution at Framingham (“MCI-Framingham”) following a civil commitment under Section 35.
25. The VINELink site permits searches for people who are in Massachusetts DOC custody. *See* <https://www.vinelink.com/vinelink/siteInfoAction.do?siteId=20000>.
26. Women in DOC custody who have been committed under Section 35, even when they have not been convicted of a criminal offense, are nevertheless assigned an “Offender ID” by the DOC. Their “Offender IDs” begin with “M.”

27. Together with my co-counsel, I was able to identify 25 women who, for at least part of June 2014, appear to have been imprisoned at MCI-Framingham following their civil commitment under Section 35.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2014

/s/ Matthew Segal

Matthew R. Segal

**DECLARATION OF ATTORNEY ROBERT D. FLEISCHNER IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Robert D. Fleischner, being of full age, depose and state:

1. I am an attorney in good standing licensed in the Commonwealth of Massachusetts. I am also a member of the bars of the United States District Court for the District of Massachusetts, the United States Supreme Court, the First, Third and Eleventh Circuit Courts of Appeal and of the United States District Courts for the Western District of Michigan and the District of Connecticut.
2. I graduated from Boston College Law School in 1973.
3. I am employed by the Center for Public Representation ("the Center"). The Center is a national public interest law firm with offices in Northampton and Newton, Massachusetts. The Center provides legal assistance to individuals with disabilities, particularly those who are confined to institutions. I have worked at the Center since 1978. Prior to that I worked at Western Massachusetts Legal Services in Springfield, Massachusetts.
4. In my more than 40 years of legal practice, I have represented people with disabilities in class actions and system reform cases in United States Courts in several states. Among my federal court class action and system reform cases include Disability Law Center v. Department of Correction, 2012 WL 1237760 (D. Mass. 2012); Ricci v. Patrick, 544 F.3d 8 (1st Cir. 2008) cert denied 2009 WL 229763; Emily J. v. Rowland, No. 3:93CV1944 (RNC)(D. Conn.); Brown v. Bush, 194 Fed. Appx. 879, 2006 WL 2591874 (11th Cir 2006); Michigan Protection and Advocacy Service, Inc. v. Caruso, (W.D. Mich. Filed 2005, settled and dismissed 2011); United States and NEARI v. Massachusetts Industrial Finance Agency, 910 F.Supp. 21 (D.Mass. 1996); 162 F.R.D. 410 (D.Mass. 1995); T.P. v. Dubois, 843 F.Supp. 775 (D.Mass. 1993); McNamara v. Dukakis, 1993 WL 389146 (D. Mass.); and Brewster v. Dukakis, (Consent Decree, December 7, 1978) reported decisions at 575 F.2d (1st Cir. 1982), 520 F.Supp. 822 (D. Mass. 1981) *rev'd. in part and remanded* 687 F.2d 495 (1st Cir. 1982), 544 F.Supp. 1069.
5. Nearly all of the cases listed in the preceding paragraph involved complex legal claims and resulted in remedies that included systemic reform of institutional practices and human service delivery systems. Several of the cases (e.g., Disability Law Center, Emily J. and Michigan Protection and Advocacy Services) were brought on behalf of adults and youth in prisons and juvenile justice facilities.
6. I have also litigated in state courts in Massachusetts and Michigan. I have successfully argued seven cases to the Massachusetts Supreme Judicial (SJC) and Appeals Courts.

7. I have written several law review and journal articles on matters relating to people with disabilities. I co-authored a book on guardianship that has been cited by the SJC and the Appeals Court. John H. Cross, Robert D. Fleischner, Jeanne Elder, Guardianship and Conservatorship in Massachusetts, 2d. Ed. (Lexis).
8. My colleague at the Center, Samuel Miller, and I have been engaged in many aspects of the preparation of this case. We drafted several of the legal memoranda that considered possible legal claims and we have been part of the legal and factual development of the case.
9. I am committed to dedicating the necessary resources and working together with attorneys from Prisoners Legal Services, the ACLU Foundation and Wilmer Hale as Co-lead Counsel for the benefit of the class.

Signed under penalties of perjury, this 30th day of June, 2014.

A handwritten signature in cursive script, reading "Robert D. Fleischner".

Robert D. Fleischner

Exhibit H

DECLARATION OF SEAN K. THOMPSON

I, Sean K. Thompson, hereby declare:

1. I am a Counsel at WilmerHale. I submit this declaration in support of Plaintiffs' Motion for Class Certification.
2. On April 18, 2014, Doug Levine, General Counsel of the Executive Office of Public Safety and Security, sent a copy of Attachment 1, to me and Lisa Pirozzolo, a partner at WilmerHale.
3. Attachment 1 provides historical data regarding men who are admitted to MASAC and women who are admitted to MCI-Framingham under Chapter 123, Section 35 of the Massachusetts General Laws ("Section 35") based on their addiction to drugs or alcohol.
4. The exhibit uses the terms "straight" and "dual".
5. "Dual" commitments refer to individuals who are sent to MASAC or MCI-Framingham both because they have been civilly committed under Section 35 and because they are charged with or convicted of a crime.
6. "Straight" commitments refer to individuals who are sent to MASAC or MCI-Framingham only because they have been civilly committed under Section 35. These individuals are not sent to MASAC or MCI-Framingham because they are charged with or convicted of a crime.
7. Attachment 1 provides the monthly admission numbers of both dual and straight commitments from July 2013-April 2014.
8. Attachment 1 also provides the monthly average length of stay for straight commitments from July 2013-March 2014.
9. Attachment 1 is a true and accurate copy of the document that Doug Levine emailed to me on April 18, 2014.
10. On June 27, 2014, I called Doug Levine to confirm that we could use Attachment 1 as a public document.
11. On June 30, 2014 Doug Levine authorized our use of Attachment 1 as a public document.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2014 in Boston, Massachusetts.

/s/ Sean K. Thompson

Sean K. Thompson

Attachment 1

Section 35 Monthly Statistics FY 14													
MASAC													
	13-Jul	13-Aug	13-Sep	13-Oct	13-Nov	13-Dec	14-Jan	14-Feb	14-Mar	14-Apr	14-May	14-Jun	Total FY14
Admissions	143	128	133	92	89	65	143	128	126	31			1078
Straight	123	110	115	78	76	50	128	110	104	25			919
Dual	20	18	18	14	13	15	15	18	22	6			159
*Length of Stay	24	28	25	28	26	29	17	26	33.5				
*LOS is calculated by averaging the length of stay on all section 35 commitments discharged each month.													
Individuals Committed More Than Once During FY2014: 53													

Section 35 Monthly Statistics FY 14													
MCI-Framingham													
	13-Jul	13-Aug	13-Sep	13-Oct	13-Nov	13-Dec	14-Jan	14-Feb	14-Mar	14-Apr	14-May	14-Jun	Total FY14
Admissions	30	28	16	32	4	10	17	16	20	18			191
Straight	21	24	11	28	1	6	11	11	18	14			145
Dual	9	4	5	4	3	4	6	5	2	4			46
*Length of Stay	15	18	22	15	15	8	15	14	11				
LOS is calculated by averaging the length of stay on all section 35 commitments discharged each month.													
Individuals Committed More Than Once During FY2014: 2													