

Malta Justice Initiative

Recommendations

Based on our review of the best practices in other states and countries, we have developed a set of 30 recommendations that will help realize the four desired outcomes. We have grouped our 30 recommendations into five categories: Legislative Changes; Executive Policies and Practices; Department of Correction Initiatives; Alternatives to Incarceration; and Improvement in the Re-entry Process.

Legislative Changes

Recommendation No. 1

Enactment of legislative reforms to reduce the use of long-term minimum mandatory sentences for non-violent offenses and/or prisoners who do not pose a high risk to public safety, and/or to allow for the exercise of discretion and consideration of the actual history of violent behavior or propensity for violence of offenders (including elimination of the inflexible requirement to serve 85 percent of a sentence in all cases of crimes classified as “violent”).

Recommendation No. 2

Enactment of legislative reforms aimed at vesting judges with greater discretion relative to sentencing and sentencing conditions, including the use of an offender-based data system, sentencing-support analytics and mandatory offender family impact statements to facilitate informed decision-making.

Recommendation No. 3

Adoption of legislative and/or executive reforms to provide parole and probation officers with greater discretion in handling parole/probation violations.

Recommendation No. 4

Adoption of legislative and/or executive reforms to enhance the prospects of early parole and time off for good behavior.

Recommendation No. 5

Enactment of legislative and executive reforms aimed at reducing parole and probation revocations and minimizing re-incarceration for minor or technical parole or probation violations.

Recommendation No. 6

Creation of tax and other incentives to encourage in-state employers to hire ex-offenders.

Recommendation No. 7

Provide some protection and civil immunity to employers who hire ex-offenders.

Executive Policies and Practices

Recommendation No. 8

Formation of a cabinet-level committee to coordinate legislative and executive reforms, whose members are drawn from high-level state agency executives, the state attorney general's office, law enforcement, mental health and drug rehabilitation service providers, prisoner advocacy groups, victims' rights advocates, faith-based groups and local community organizations.

Recommendation No. 9

Take full advantage of the Bureau of Justice Assistance's Justice Reinvestment Initiative (JRI) recidivism programs and the National Institute of Corrections' Transition from Prison to Community Model projects.

Recommendation No. 10

Allocation of one-third of the cost savings realized from the reduction of prison beds and the closure of correctional facilities toward GED and other educational programs and vocational training aimed at reducing recidivism and enhancing the employment prospects of releases.

Recommendation No. 11

Allocation of one-third of the cost savings from the reduction in the number of prison beds and the closure of correctional facilities toward proven evidence-based treatment and post-release support programs.

Recommendation No. 12

Allocate the remaining one-third by giving 30 percent of the cost savings from the reduction of prison beds and the closure of correctional facilities to the General Fund as a taxpayer dividend and give 3 percent of such cost savings to a newly-created victims' fund to pay for counseling and treatment of victims and educational scholarships for the family members of victims.

Recommendation No. 13

Sell mothballed prison properties and earmark the sale proceeds for housing vouchers, additional halfway houses, the expansion of mental health facilities and treatment options and the funding of the pension liabilities of corrections personnel. Strong consideration should be given to converting one or more correctional facilities into mental health hospitals, thereby redressing the acute shortage of such facilities in our state.

Recommendation No. 14

Place a freeze on both the hiring of correctional officers and the authorization of overtime, so as to align the size of the correctional force with the reduced number of inmates and prisons. Also re-train existing correctional officers to provide post-release supervision services, including as parole and probation officers.

Department of Correction Initiatives

Recommendation No. 15

Development of an accurate and detailed offender database (accessible by all state agencies and stakeholders) and procurement of proven analytical tools to assist judges in analyzing, on both an aggregated and individualized basis, criminal histories and propensity for violence in connection with arraignment, pretrial release and sentencing matters.

Recommendation No. 16

Procurement of additional proven analytical tools for assessing prisoner treatment needs and risks.

Recommendation No. 17

Procurement of proven analytical tools to assist probation and parole authorities in setting and supervising parole and probation conditions.

Recommendation No. 18

Expand the number of mental health professionals on staff at correctional facilities and re-train current correctional staff members to enable them to provide and/or support mental health services.

Recommendation No. 19

For women offenders, implement holistic, trauma-influenced, gender-appropriate counseling and treatment programs.

Recommendation No. 20

Development of a set of proven, evidence-based, alternative post-release sanctions that can be administered quickly and decisively in lieu of parole revocations and re-incarceration.

Recommendation No. 21

Development of an accurate and detailed offender database (accessible by all state agencies and stakeholders) and procurement of proven analytical tools for (a) measuring recidivism on both an aggregated and individualized basis and (b) more effectively tracking offenders following their release.

Recommendation No. 22

Expand the use of parole and supervised release for ex-offenders as a way of both enhancing public safety and increasing the prospects of rehabilitation.

Incarceration Alternatives and No-Entry Diversion Programs

Recommendation No. 23

As an overall guiding principle, substitute treatment for incarceration in the case of addicted, mentally ill and DUI offenders, particularly where they do not pose an inordinate threat to public safety.

Recommendation No. 24

Condition expungement of criminal arrests or convictions on the successful completion of diversion programs and staying clean.

Recommendation No. 25

Examine ways to reduce the stigma or collateral consequence of criminal arrests for those defendants placed in diversionary programs.

Recommendation No. 26

In connection with arraignments, pretrial release and consideration of referrals to diversion programs, require the submission and consideration of family impact statements.

Improving the Re-entry Process

Recommendation No. 27

Double inmate GED graduation rates and vocational training completion rates every two years and condition participation in such programs on sustained good behavior.

Recommendation No. 28

Mandatory and/or greater use of individual Transitional Accountability Plans (TAPs) for prisoners entering the correctional system with parole eligibility. Implementation and/or greater use of Transitional Housing Units (THUs) for prisoners who possess a high risk of recidivism.

Recommendation No. 29

Appoint a commission to examine possible measures to reduce the stigma, loss of entitlements and/or other collateral impediments facing prisoners upon their release (including in the housing and job markets).

Recommendation No. 30

Development and/or greater use of proven, evidence-based, post-release support programs (e.g., job counseling/training, housing vouchers) that can be incorporated as part of TAPs and THUs.