



The Commonwealth of Massachusetts

NORFOLK DISTRICT ATTORNEY'S OFFICE

45 SHAWMUT ROAD | CANTON, MA 02021 | 781.830.4800 | F: 781.830.4801 | www.norfolkda.com

MICHAEL W. MORRISSEY
NORFOLK DISTRICT ATTORNEY

Press Release

Smart on Crime Works

(Opinion eventually published in the Quincy Patriot Ledger 4/1/23)

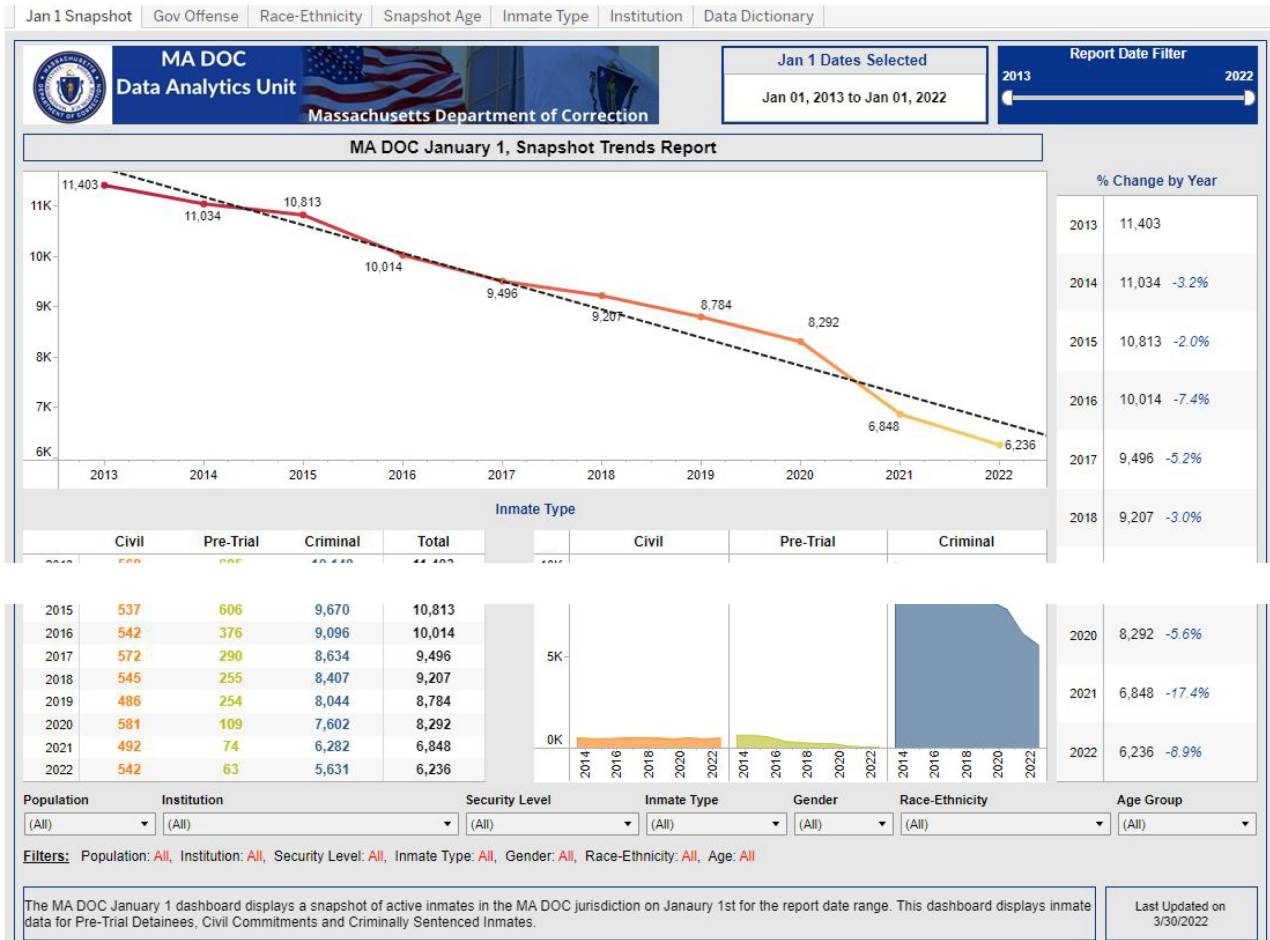
By Michael W. Morrissey, Norfolk District Attorney.

Contact: D. Traub, 781-830-4917

Massachusetts continues to imprison fewer people than any other state – often by a substantial margin.

After dropping to 50th among the states in per capita imprisonment before the landmark Criminal Justice Reform Act of 2018, the Commonwealth’s legislators, judges, police, and district attorneys have continued to innovate ways to protect public safety without turning to mass incarceration.

Our Department of Correction **publicizes** its incarceration numbers, including historical data. Since January 1, 2013, the number of people in Massachusetts prisons has decreased by 45 percent – from 11,403 in 2013 to 6,236 at the beginning of 2022. That works out to 96 people per 100,000 population in 2022.





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The population on **March 20, 2023 had dropped to 5,896**. Just a year ago, the DOC **announced** that the falling numbers mean it can close the sprawling MCI-Cedar Junction facility in Walpole.

For perspective, we imprison less than a fifth as many citizens per capita as Mississippi, Louisiana, Arkansas, and Oklahoma. Less than a quarter as many as Arizona, Idaho, Texas, Georgia, and Kentucky. And less than a third as many as fifteen others and the **US overall** (350 per 100,000).

Thoughtful voices, like those of Khaliah Ali and Jason Flom in their opinion piece ("A war on us" QPL March 18, 2023), argue that over-incarceration – particularly for drug crimes – has become a failed war on the population.

Others **posit** that the destabilization of families, and by extension communities, that comes as a result of incarceration hurts public safety in the aggregate by increasing the desperation and alienation that can foster criminal activity.

Opposing voices believe that more incarceration and longer sentences mean safer streets – that "tough on crime" works and social interventions are feel good non-sense.

The violent crime data for each state, **collected annually by the FBI**, can be compared over time. Doing so largely settles the debate on what impact being "smart" on crime instead of "tough" on crime has had: During the period that Massachusetts prison population has been cut by 45%, the violent crime rate has fallen by 24%.

Firefighters know that pouring water on the visible flame is not the only step in extinguishing a structure fire. They often have to dig into the walls of a building to extinguish the hidden roots of a fire – or be called back when the underlying causes rekindle.

Fighting crime in the aggregate has some similarities. But the fire in the walls of society is too-often addiction, lack of access to mental health treatment, destructive beliefs about interpersonal relationships, the distortions of mind that come with various adverse experiences, and recidivism.

In the Norfolk District, where I serve as District Attorney, we have partnered with the Trial Court to provide Drug Court, Domestic Violence Court, and Mental Health Court Sessions in Quincy, and New England's first Veterans Court Session in Dedham.



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When now-Congressman Bill Keating was Norfolk District Attorney, this office secured a state grant to embed a **mental health clinician** with the Quincy Police Department – among the first communities to take that step. Fifteen years later, that practice has expanded across the state, including smaller communities pairing up to split the services of a clinician to help guide people in crisis safely to treatment – before crisis behavior becomes criminal and leads to a cell.

When the Legislature saw the readjustment challenges of Veterans returning from Iraq and Afghanistan, it created the Valor Act, then the Brave Act, to allow military Veterans to get treatment prior to arraignment in many circumstances, and supports their long-term stability without so much as a criminal record.

As a young state Representative in 1981, I voted with the majority of the Legislature to establish a **right for those** charged with a simple drug offense to request a substance use disorder evaluation and appropriate treatment – delaying court activity until help was obtained, and sometimes providing eventual dismissal.

In their opinion piece, Ali and Flom write that the national mass incarceration problem has been “in large part” due to the “War on Drugs.” In Massachusetts, the DOC tracks detainees by the “governing” (or lead) offense that has led to their incarceration. In 2022, just 8.7% of Massachusetts prison inmates had a drug crime as a governing offense. Our legislature, judges, and prosecutors lean heavily toward treating substance use disorder as an illness and seeking treatment over punishment.

I inherited a thoughtful juvenile diversion program from my predecessor as District Attorney, allowing non-violent young offenders to face consequences for their actions without being saddled with a criminal record. Early in my term, I expanded this program – and the supervision and structure it entails – to include young adults even into their 20s.

If we want to perpetuate the twin trends of Massachusetts prison population decreasing while violent crime also decreases, citizens need to support Legislators who understand that solving complex problems requires more than incarceration. It requires **investing in re-entry programs** that support people coming out of jails and prisons as they try to re-establish housing and professional activities. It means supporting an increase in affordable housing not just in our cities, but in every town.



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District attorneys and our police partners cannot succeed without the partnership of those we are sworn to protect and serve. Preventing the crises, situations, and problems that lead to crime starts in our schools, in our homes, in our communities, and at the ballot box.

Massachusetts' great success in escaping the facile trap of mass incarceration is, in a very real sense, as much a credit to our educated and enlightened voters as it is to the assistant district attorneys I send to court or the judges who pass sentence. There will always be murder and other crimes that merit incarceration, but Massachusetts is proving that there are some problems that incarceration does not constructively address.