



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

SENATOR CYNTHIA STONE CREEM

FIRST MIDDLESEX AND NORFOLK DISTRICT

ROOM 416B

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COMMITTEES:

JUDICIARY (CHAIR)

BONDING, CAPITAL EXPENDITURES AND

STATE ASSETS (VICE CHAIR)

SENATE WAYS & MEANS

TELECOMMUNICATION, UTILITIES AND

ENERGY

VETERANS & FEDERAL AFFAIRS

Rep. Charles Murphy
Chair, House Ways and Means Committee
Room 237, State House
Boston, MA 02133

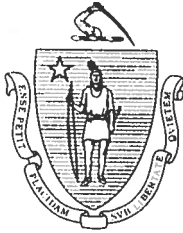
Dear Chairman Steven Murphy:

We are writing to urge the FY11 Budget Conference Committee to include the Senate's language relative to reforming the Probation Department in its final report (attached).

Even prior to the Boston Globe's published report that revealed significant deficiencies in the oversight and management of the department, many of us have been concerned with providing increased state financial resources to the department without increased accountability. In response to the revelations contained in the Boston Globe story, the Courts have placed the Probation Commissioner on administrative leave and have appointed a Special Master and Commissioner to conduct an inquiry into the management practices and procedures of the Probation Department. While these actions are appropriate and necessary relative to investigating past practices, we believe that it is incumbent upon the Legislature to take certain remedial actions for the immediate future, while putting in place a structure that will lead to a more comprehensive solution for the long-term.

Towards this end, the Senate unanimously adopted a bi-partisan amendment that takes the following actions:

- Provides full transferability to the Trial Court over all Probation and Community Corrections line items.
- Changes Probation line-item language in the budget to remove exclusive authority of the Commissioner of Probation to dismiss, appoint, discipline and assign personnel, leaving those decisions subject to approval by the CJAM.



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Sen. Steven Panagiotakos
Chair, Senate Ways and Means Committee
Room 212, State House
Boston, MA 02133

Dear Chairman Panagiotakos:

We are writing to urge the FY11 Budget Conference Committee to include the Senate's language relative to reforming the Probation Department in its final report.

Even prior to the Boston Globe's published report that revealed significant deficiencies in the oversight and management of the department, many of us have been concerned with providing increased state financial resources to the department without increased accountability. In response to the revelations contained in the Boston Globe story, the Courts have placed the Probation Commissioner on administrative leave and have appointed a Special Master and Commissioner to conduct an inquiry into the management practices and procedures of the Probation Department. While these actions are appropriate and necessary relative to investigating past practices, we believe that it is incumbent upon the Legislature to take certain remedial actions for the immediate future, while putting in place a structure that will lead to a more comprehensive solution for the long-term.

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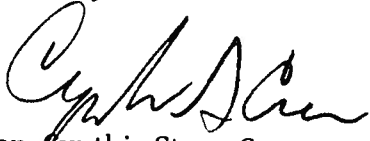
- Provides full transferability to the Trial Court over all Probation and Community Corrections line items.
- Changes Probation line-item language in the budget to remove exclusive authority of the Commissioner of Probation to dismiss, appoint, discipline and assign personnel, leaving those decisions subject to approval by the CJAM.

- Amends the General Laws to reflect the removal of exclusive authority of the Commissioner of Probation to dismiss, appoint, discipline, and assign personnel, leaving those decisions subject to approval by the CJAM.
- Amends the General Laws to make all of the Commissioner of Probation's appointments of probation officers to the trial court subject to the approval of the CJAM. The Commissioner of Probation can still suspend or discipline probation officers, but the suspended or disciplined officer may appeal to the CJAM.
- Amends the General Laws to limit the appointment of the Commissioner of Probation, by the CJAM, to a term of five years.
- Establishes a special task force of experts to investigate and make recommendations by October 1st, on moving the Office of Probation, the Office of Community Corrections and the Parole Board to either the Judiciary or the Executive Office of Public Safety and Security. In an effort to best provide accountability, oversight, leadership, effectiveness in carrying out essential functions, and efficiency of administration, the task force will consider models from other states, best practices for management in government, performance measures, clarity of reporting lines and responsibilities, and opportunities for budget savings through efficiencies -- all while protecting the safety of the public.

We believe that the enactment of these actions represent a balanced and thoughtful approach toward restoring the public's perception of the integrity the Probation Department, as well as developing a long-term plan on how to best incorporate and utilize our resources in protecting and enhancing public safety. Therefore, we again urge the conference committee to support these proposals.

Thank you for your consideration of this important issue.

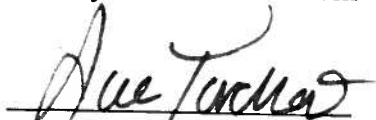
Sincerely,



Sen. Cynthia Stone Creem



Rep. Denise Provost



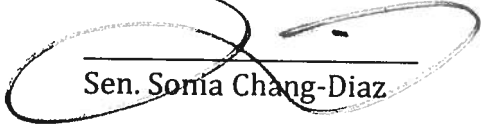
Sen. Susan Tucker

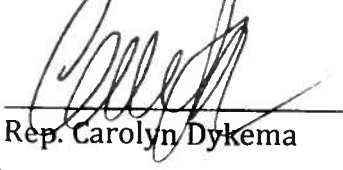


Rep. Cory Atkins

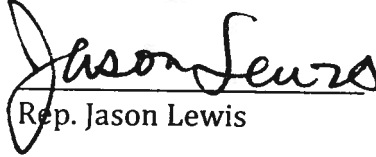

Sen. Susan Fargo

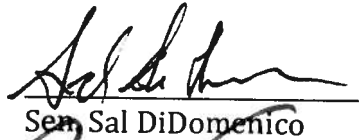

Rep. Katherine Clark


Sen. Sonia Chang-Diaz

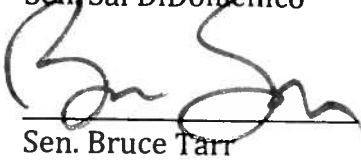

Rep. Carolyn Dykema

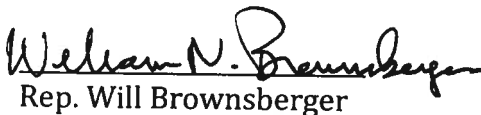

Sen. Karen Spilka

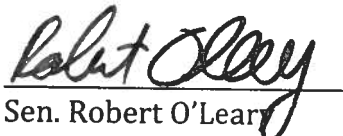

Rep. Jason Lewis


Sen. Sal DiDomenico

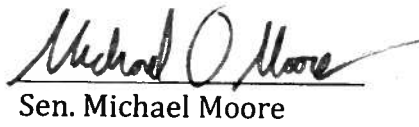

Rep. Matthew Patrick

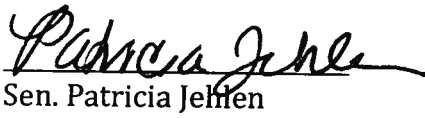

Sen. Bruce Tarr


Rep. Will Brownsberger


Sen. Robert O'Leary

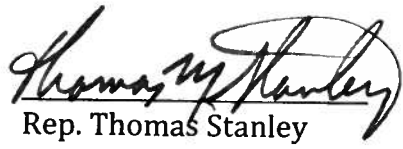
Rep. Carl Sciortino


Sen. Michael Moore


Sen. Patricia Jehlen

Attachment: Senate Budget Amendment #114

- Cc: Senate President Therese Murray
House Speaker Robert DeLeo
Sen. Steven Brewer
Sen. Michael Knapik
Rep. Barbara L'Italien
Rep. Robert Hargraves


Rep. Thomas Stanley