

Testimony of Susan Tordella-Williams – H 1434

To: Judiciary Committee Members

From: Susan Tordella-Williams, legislative director of EMIT – End MAss Incarceration Together, a task force of Unitarian Universalist Mass Action Network; Volunteer and coordinator of Toastmasters programs for incarcerated people.

Date: March 18, 2014

Re: Opposition to H 1434

“If you build it, they will come.” -- Field of Dreams, Universal Pictures, 1989

For better or worse, this cogent prediction holds true. If we build a new prison, we will fill it.

I encourage the Joint Committee on the Judiciary to scrap plans for a pre-trial facility for women and consider instead, three alternatives that will bring greater benefit to the state and individuals. In the long term, building more prisons is a bankrupt proposition that profits contractors and staff instead of incarcerated individuals and taxpayers.

FACT: Some 40 percent of women held at DOC Framingham are awaiting trial, many of them for want of \$100 or \$150 bail. For what might seem like a trivial amount, many women and men languish in jail, in purgatory, where they may lose access to jobs, child custody, housing, education and support networks.

By implementing the three alternatives below, with or without legislation, the Commonwealth can avoid constructing a new facility, reduce costs and improve services to the accused, who are some of the most downtrodden state residents.

1. **Revise pre-trial services.** Follow the lead of Maine, California, New York, Minnesota and other states and countries. Embrace a model that has demonstrated its effectiveness to save money while avoiding incarceration, to evaluate the risk of flight of an individual charged with a crime. Tim Murray, Executive Director, Pretrial Justice Institute, spent a day on Beacon Hill in December along with two directors from Maine's pretrial services, who explained the financial gain and benefits to revising pre-trial services policies. See more here <http://www.courtinnovation.org>.
2. **Institute statewide coordination of problem solving courts** and other alternatives to traditional justice, following the models of California, Idaho, Indiana, Maryland and New York. See more in this PDF. <http://www.courtinnovation.org/sites/default/files/documents/Statewide%20Coordination%20of%20Prblem-Solving%20Courts.pdf>
3. **Treat addiction like a health problem instead of a crime.** Spend the money for the jail to contract with mental health providers to offer addicts the opportunity to get clean. Some 25 percent of incarcerated individuals have substance abuse problems. Prison costs ten times the cost of rehabilitation services. We need public-private partnerships to build and manage drug and alcohol treatment centers, not new prisons.

True examples of how the system fails the poor

Here are three stories of women and families impacted by the inability to make bail, provided by the Massachusetts Bail Fund. The names have been changed. These people suffer from our outdated state laws and criminal policies that lack justice for poor, mostly black and brown people.

Carlos, 20, of Lawrence was charged with possession of marijuana. He cares for his younger brother with cerebral palsy while their single mother is at work. The state held him for \$250 that the family could not pay. Without Carlos to care for his disabled brother, his mother would have missed work, not gotten paid and possibly lost her job. The Mass Bail fund posted the bail and the case was dismissed six weeks later.

Mary, 43, of Springfield, has a long history of mental illness. She was charged with assault and battery against police officer. Her parents contacted police for help when she threatened them. Her bail was set at \$500, which her family couldn't post. The Mass. Bail Fund posted bail and arranged with a community mental health

provider for treatment. The case is still pending, awaiting a competency evaluation requested by defense attorney. Mary belonged on bail or in a mental health facility, not on prison for lack of bail.

John, 23, of Chelsea was charged with assault and battery along with eight co-defendants, and was held on a \$1,500 bail. He was a student at a community college, incarcerated for six weeks awaiting trial. His single mother did not have bail money. His father, deployed to Iraq, could not be reached. The client was offered a plea, which he refused. When bailed out by the Mass. Bail Fund, he was forced to withdraw for the semester because he missed class and homework. Before the trial, the district attorney dismissed the charges.

The Bail Fund can't help everyone. New laws and instituting new pre-trial policies and procedures can help hundreds of people stay out of jail between arrest and court date. We can change laws and policies to spend taxpayer money more wisely for the benefit of all and avoid building new prisons.

EMIT of UU Mass Action Network is a statewide movement of citizens and organizations who embrace the three actions as alternatives to building a new jail. If you build it, it will be filled and staffed by personnel who will require benefits, a pension, vacations and more. American has constructed a massive profitable prison industry, with 2.3 million inmates nationwide, and an estimated 2.1 million employees.

I urge the Joint Committee on the Judiciary to plot a new course, to take the bold step of turning the battleship, building one rehab treatment facility at a time instead of a new jail, and implementing alternatives to incarceration.

Too many times, justice is only afforded by those with deep pockets to pay bail, the right skin color, and ability to hire a good lawyer to stay out of jail.

Susan Tordella-Williams
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