

## No Parole, Three Strikes-No Problem.

### The \$550 Million Dollar Bond to Build More Prisons and Jails.

By Lois Ahrens

A letter accompanying the Corrections Master Plan from Mary Elizabeth Heffernan, Secretary of the Executive Office of Public Safety and Security (EOPSS) January 19, 2012. (Italics and BOLD emphasis below are mine.)

“This plan is a blue print for the Patrick-Murray Administration’s strategy to address prisons overcrowding and the escalating cost of housing and caring for inmates, building on the Governor’s comprehensive sentencing and supervision reform proposals. This plan includes recommendations for investing up to \$550 million to upgrade existing facilities and add new beds over ten years. “

*(Specifically included in the Plan are three regional women’s jails and regional “sub-actuate care faculties” for aging and dying prisoners. It does not specify new prisons needed in response to three strikes.)* The letter continues:

“At a time when funding for most state services has gone down, state funding for DOC expenditures has increased by more than \$100 million in the past decade....close to a 30% increase in funding.” *(The DOC budget now is over one billion dollars a year. The \$550 million bond is for prison and jail building only. The \$550 million can be spent from 2008 to 2018 when this bond authorization ends. The bond is a not reflected in the yearly operating budget although the interest paid on the bond comes from of the operating budget.)*

“As you know, the Legislature is currently considering significant changes to the state’s sentencing laws. Provisions to strengthen our Habitual Offender statute would lengthen the terms for people already subject to long sentences under existing law. While this will add some cost to the system in the future, that number is manageable within the Master Plan.

“The Corrections Master Plan **assumes** we will make these necessary reforms (*referring to the reduction in mandatory sentences for people convicted of non-violent drug offences*), and also assumes we have a more coordinated and effective system of supervision and re-entry. This is why the Governor is renewing the effort to consolidate the Parole and Probation systems.... **WITHOUT THESE REFORMS, WE WILL NEED AN ADDITIONAL 10,000 NEW BEDS, MORE THAN THE 1,900 NEW BEDS WE HAVE PROPOSED IN OUR PLAN.** (emphasis mine). We would need to more than double our planned capital investment to at least 1.3 billion and spend an additional \$100 million a year on top of our already record levels.”

In 2008, the Legislature authorized a bond in the amount of \$550 million dollars to build new jails and prisons. The Department of Capital Asset Management (DCAM), with EOPSS, the Department of Corrections and sheriffs departments can spend this money between now and

2018. They have just begun building with an "expanded" jail for women in Hampden County and also another "expanded" jail in Hampshire County. This will leave approximately \$520 million or so to spend. It is possible that they won't spend the whole \$550 but based on how things are going in Massachusetts, this seems unlikely.

### **Misleading projections**

Secretary Heffernan has based her projection on the legislature passing three strikes which the Governor signed into law on August 2, 2012. However, Heffernan, the Governor and the House and Senate estimated that each year 8 to 10 people would be sentenced under three strikes. Other estimates differ on the number of people caught in this bigger net. In April 2012, the Massachusetts Sentencing Commission estimated that under the new law approximately 300 individuals *per year could* be sentenced to the maximum term permitted resulting in many more very long sentences including more sentenced to life without the possibility of parole. It is estimated that when the law is fully in effect, that the total prison population could increase by as much as 1,800 to 2,000 prisoners, which would cost taxpayers an additional \$90 to \$130 million annually. In California, after three strikes passed, 23 prisons were built in 25 years.

In her letter, Heffernan is optimistic about the prospect of consolidating Parole and Probation as a way of reducing prison and jail overcrowding. Given the indictments and disarray in the Probation Department compounded by the siege mentality of the Parole Board it is extremely unlikely these two departments, each with their own set of crony-protectors in the legislature, will consolidate.

Along with passing three strikes, the evisceration of the Parole Board is another alarming example of the organizing power of "professional victim rights" organizations, district attorneys, and vengeful former prosecutors, all of whom were able to forward their agenda by using the 1999 murder of Melissa Gosule and the 2010 killing of a police officer by Domenic Cinelli who was on parole. The Governor reacted in a retaliatory and reckless fashion by firing the Board that paroled Cinelli and packing the Board with members who do not believe in parole. As a result, **parole rates for prisons and Houses of Correction are down 58%** further increasing the number of people caged in Massachusetts and creating still more need for more prisons and jails.

The "Crime Bill" which passed in July did include important first steps in reforming some mandatory sentences for people convicted of some non-violent drug offences. The legislation the Governor proposed went further than what was voted into law. According to the Governor's office, the new law created parole eligibility for 580 people convicted of nonviolent drug offences; however, with a Parole Board unwilling to actually parole people, we will see how many people now *eligible* for parole receive it.

## **Where are our voices?**

The Corrections Master Plan was written by EOPSS, the Department of Capital Asset Management along with the Department of Correction and the sheriffs. The bond to fund the Plan was passed by the Legislature with no public input. The plan was created in a closed loop. The Corrections Master Plan includes no specific timetable and no specific budget. In numerous conversations and emails I have had with a Deputy Commissioner at DCAM, I was told that there is no overall budget or timetable for prison and jail building; instead, the only way to find out what will be built is by looking at the Capital Budget.

If we look at the Five- Year Capital Investment Plan for FY 2012-2016 ([http://www.mass.gov/bb/cap/fy2009/dnld/fy12capplan\\_c.pdf](http://www.mass.gov/bb/cap/fy2009/dnld/fy12capplan_c.pdf) ) we see the beginnings of building; for example, Hampshire Sheriff Department - Pre-Release / Re-Entry Center - Expansion with a line item of a little over 1.5 million. This is planning money since the expansion will cost much more than \$1.5 million. When I asked two Hampshire County state representatives and the Senator if they were aware of this project, all said no. There has been nothing reported of the jail expansion in the newspaper, no community meetings or notification to land abutters. In Hampden County, the “new” jail for women completed in 2007, is expanding by 64 cells that is an increase of 128 women. The first the public read about this was one laudatory article in the Springfield *Republican* after the project began when it was announced the new jail would be open in the Fall of 2013. Once again, not one community meeting and no community input.

## **EOPSS and the DOC building prisons and jails at will**

The reality is that as long as the state can continue passing bonds to build new jails and prisons at will, they create their own safety valve...there will always room for more including the increasing number of people convicted of mandatory sentences and the many who will not receive parole. And, since there is no specific budget and no timeline in the Corrections Master Plan and if DCAM professes ignorance about specific plans, then how do we, who oppose more jails and prisons, intervene?

The recommendation of the CMP calls for the expansion and or building of three “regional” jails for women which would include the Suffolk HOC, Framingham and the women’s jail in Chicopee. In the Chicopee jail for example, 30% of the women are incarcerated for first time mandatory drug offences, 72% are serving time for non-violent offences and 84% have histories of drug addiction and *67% are there pre-trial...that is, they have not been convicted of anything*. Rather than seek less costly and more effective alternatives to incarceration such as bail reform, community-run drug treatment programs, education, housing and job training for today’s job market and an end to mandatory minimum sentences for people convicted of drug offences, the default is more jails. When there are new and bigger jails, it is no problem incarcerating a man or woman who cannot make \$50 bail at a cost of \$3,000 a month.

And for people locked up, bloated budgets to pay guards and those supervising them, pays for less and less. For example, this past May the state eliminated more than \$1 million for HIV testing and education in county jails, eliminating staff who educated prisoners about HIV, curtailing testing and ending visits by infectious disease doctors. Overall, less than 2.4% of the more than \$1 billion a year DOC budget goes for ALL programs.

On the 19<sup>th</sup> of March, a State Integrity Investigation report led by The Center for Public Integrity was made public. It gave Massachusetts a D in public accountability in the budgeting process and D+ in legislative accountability. The overall grade for MA was C. No surprise. The process by which bonds are moved through Senate and House Committees on Bonding, Capital Expenditures and State Assets (Sen. Sonia Chang-Diaz sits on the Senate committee) and voted on by the full House and Senate and then signed by the Governor, are designed exclude us.

### **Demanding a seat at the table**

Our struggles to eliminate mandatory sentences, create a parole board that believes in parole, develop and fund community-run programs as true alternatives to incarceration and reform bail so that jails are not debtors prisons, are only possible if the first and only response to every criminal justice problem is not to build more jails and prisons. Prison and jail building is extraordinarily expensive but small compared to the daily cost of keeping more than twenty-five thousand men and women locked in cages and guarded every day. The closed system of planning, decision making and the allocation of hundreds of millions of dollars will guarantee that Massachusetts will continue moving backward. It is up to us to demand a place at the table BEFORE new costly decisions are made that cause so much harm and pain.

Link to the Correction Master Plan: <http://www.mass.gov/eopss/docs/eops/publications/the-massachusetts-corrections-master-plan.pdf>

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