

To: The Special Commission on Department of Correction and Sheriffs' Department Funding

From: Rachel Roth and Elizabeth Whalley, residents of Massachusetts

Re: Public Testimony on the Need to Make State Funding of Prisons and Jails Contingent on Transparency and Accountability

Date: March 8, 2021

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As longtime residents and taxpayers in Massachusetts, we are providing testimony to highlight the unacceptable lack of transparency in relation to budgeting for the Massachusetts Department of Correction (DOC) and Sheriffs' Departments.

The State Auditor and Department of Public Health have found the DOC and Sheriffs' Departments to be among the least transparent and accountable agencies in the Commonwealth. Our recent experiences provide further evidence for this characterization.

Consider this recent example that illustrates the pervasive lack of transparency in the DOC and Sheriffs' departments:

The DOC recently transferred either 21 or 22 women close to the end of their sentences from the minimum-security South Middlesex Correctional Center (SMCC) to at least three jails throughout the Commonwealth. The DOC made this decision instead of releasing them as required by the Legislature in Budget Section 8900-0001 of the final budget enacted in December 2021, which instructs the DOC to **"take all measures possible to release, transition to home confinement, or furlough" individuals "who can be safely released"** from incarceration because of the ongoing threat of COVID-19 infection in the state's prisons.

All of the women held at SMCC are classified as either minimum-security or pre-release. They have served most of their sentences already. To transfer them during this pandemic is to court public health catastrophe because COVID-19 outbreaks tend to follow the transfer of people between prisons and jails.<sup>[1]</sup> It is particularly disruptive and stressful for this group of women to be moved to a jail after spending time in prison and progressing toward the day they can go home. Some had been told they were going to be released home, and their children and families eagerly awaited them. State officials made home visits. Yet instead of releasing them, the DOC transferred some of these women to Hampden County and Essex County and others to Middlesex County.

Middlesex County has never before incarcerated women. The Sheriff either built or renovated an entirely new space at the Billerica Jail to house eleven women **whose very presence in his compound violates the Legislature's explicit instruction.** To make matters worse, this was all done without any notice to the public and indeed was withheld from members of the public who made direct inquiries.

According to the Sheriff's own press release on March 1,<sup>[2]</sup> "after months of planning and design," the Sheriff signed an agreement with the DOC in February to assume custody of these women – well after the Legislature's instructions to the DOC to take all possible measures to release individuals who can be safely released.

Numerous residents of the Commonwealth called and wrote to ask the DOC and Middlesex Sheriff why it was planning to transfer rather than release this group of women. Yet when the public called, wrote, and asked about these women, no honest answers were to be found. One of us (Rachel Roth) repeatedly spoke with a member of the Sheriff's staff in January and again in February about whether women were being transferred there and was told that nothing had been decided and the DOC would be "finalizing options" the first two weeks in March – all patently false.

Where is the accountability to the Legislature and to the public? If the DOC and Sheriffs are not being held accountable to the State Budget as written, what is the purpose of the legislation?

Of particular concern to us as constituents and taxpayers is the enormous staff budget given to these agencies, driven by ever higher staff ratios despite the steady trend of smaller numbers of people in prison and jail. In Middlesex County where we live, from FY2017 to FY2019, the average daily jail population *declined by 23 percent* from 1,012 to 783. Yet during this same two-year period, the cost of incarceration per person rose from \$67,763 to \$92,125, *a 35 percent increase*. In FY2019, Middlesex had ***almost a 1:1 ratio of staff to people in custody*** (1 full time employee to 1.19 persons in custody). The Massachusetts Sheriffs' Association has proposed cost-saving measures, such as encouraging early retirement for supervisors and not immediately filling every position when someone retires, **but has not taken its own advice**.

Budgets reflect values, and across the Commonwealth Sheriffs' budgets place too little value on funding programs proven to help the people in their custody, such as providing telephone calls at no cost. Indeed, Sheriffs led the opposition to the "No Cost Calls" bill before the Legislature last session.<sup>[3]</sup>

Imagine what public school teachers could do with smaller class sizes. Imagine what social workers could do with smaller caseloads. Imagine what nurses and doctors in the public and community health sector could do with smaller patient rosters. Imagine what our state could be like with a smaller prison population.

For too long, spending on confinement and punishment has taken precedence over important public goods. For example, Massachusetts spends almost \$40,000 more per incarcerated person per year than it does per student<sup>[4]</sup>:

- **Per-Pupil Spending:** \$15,592
- **Average Cost per Incarcerated Person:** \$55,170 [\$117,000 per incarcerated woman]
- **Difference:** \$39,577

In addition to this testimony, we submitted testimony with a number of other Middlesex County residents outlining in detail our concerns about the Sheriffs' failure to meet statutory reporting requirements. The DOC and Sheriffs are both derelict in failing to be transparent with the public about their budgets and about such basic matters as the whereabouts of people in their custody.

To conclude, **we urge this Commission to recommend that funding for the DOC, the individual Sheriffs' Departments, and the Massachusetts Sheriffs' Association be reduced or at least frozen until such time as they comply with transparency and accountability measures.** To do otherwise would be to undermine the Legislature's authority and the public trust.

Rachel Roth, Arlington

Elizabeth Whalley, Watertown

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- [1] Cary Aspinwall and Ed White, “Moving People – and Coronavirus – from Prison to Prison,” The Marshall Project, December 21, 2020; available at: <https://www.themarshallproject.org/2020/12/21/moving-people-and-coronavirus-from-prison-to-prison>
- [2] “Middlesex Sheriff’s Office establishes pre-release center for sentenced females” (press release), March 1, 2021; available at: <https://www.middlesexsheriff.org/home/news/middlesex-sheriff%E2%80%99s-office-establishes-pre-release-center-sentenced-females>
- [3] We appreciate that many Sheriffs provided free phone calls during the first six months or so of the pandemic. However, by September 2020, some sheriffs were charging for calls again, even though these costs were likely offset by savings from freezing virtually all programs.
- [4] Joel Anderson, “America Spends Much More on Prisons than Students – Here’s Why,” May 22, 2019, available at: <https://www.gobankingrates.com/money/economy/states-that-spend-more-on-prisons-than-education/>