

Testimony to the Special Commission on Department of Correction and Sheriffs' Department Funding

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Thank you for the opportunity to submit this written version of my testimony at the public hearing on January 4, 2022. I live in Arlington and work with several groups whose missions intersect with this Commission's charge.

I'm here today to call on this Commission to **recommend much more stringent measures to hold the DOC and Sheriffs' Departments to account for their budgets.**

My testimony demonstrates the need for accountability with one important example: the DOC's failure to fulfill its statutory obligations to people in prison during the pandemic.

In its FY21 budget, line item 8900-0001, the Legislature instructed the DOC to establish an independent Ombudsman to oversee the COVID response in prisons and to release people who can be safely released. Public health experts including the American Public Health Association and the National Academy of Sciences agree that the gold standard with respect to prison and jail settings is to release people.

In accordance with the procedure spelled out in the budget, the Attorney General's Office put forth a candidate, an epidemiologist at Brigham and Women's Hospital who teaches at Harvard and has the support of numerous organizations.

The DOC did not hire the Attorney General's candidate. In fact, they didn't hire anyone that fiscal year.

In its FY22 budget, line item 8900-0001, the Legislature again included language requiring an independent ombudsman. This time, the budget specified a date by which the DOC had to take certain steps. The DOC entered an agreement with UMASS Medical School by the deadline, and UMASS in turn hired someone to be the Ombudsman.

The person they hired was so problematic and so poorly vetted that UMASS fired him within two weeks of announcing his appointment. News outlets reported that he was involved in a wrongful death lawsuit which alleged that he had forged records to cover up his own wrongdoing when he was an Emergency Medical Technician.

Curious about the process of selecting UMASS, I requested records relating to the advertisement of the Office. Neither the DOC nor the Executive Office of Public Safety and Security came up with any responsive documents to show the Office was advertised, despite its \$1.5 million budget. This behind-the-scenes contracting is another failure of transparency.

As of October, the Commonwealth finally has an “Interim Director/Ombudsman” in place. The mitigation standards her office published cover things like masking but not making recommendations to release people, which is the public health consensus “best practice” for lowering the risks of infection.

I chose this example because it is a matter of life and death. Omicron is hitting Massachusetts hard. Infections are up throughout the state. Although prisons and jails are no longer reporting on infections with the same regularity as they did earlier in the pandemic, we know that all such institutions are vulnerable to outbreaks, especially given that staff are still working without being vaccinated. For example, the Hampshire County Sheriff told the press last month that the “vaccination rate among staff has plateaued at roughly 75 percent.”

For too long, the DOC and Sheriffs’ departments have been exempt from proper oversight. The people of Massachusetts have a right to expect that agencies with responsibility for people’s lives will be held to account for how they spend their budgets.

Please make sure that the recommendations in your report meet our expectations for meaningful transparency, accountability, and oversight.