

**Written Testimony of Leah Sakala,
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**To the Massachusetts Legislature's
Joint Committee on The Judiciary**

April 22, 2014

OPPOSE H.1434

Co-chair Brownsberger, Co-chair Markey, and members of the Joint Committee on The Judiciary, I write to submit testimony on behalf of the Prison Policy Initiative, a national nonprofit based in Easthampton Massachusetts that produces research to address the broader harm of mass incarceration. The Prison Policy Initiative strongly opposes passage of H.1434, "An Act relative to the establishment of a women's pretrial facility in Middlesex County."

H.1434 proposes to build and open a new correctional facility in Middlesex County for women who are awaiting trial. Currently, women in Middlesex County who are awaiting trial are detained at MCI Framingham, which has an ongoing overcrowding problem. But while preventing correctional facilities from being filled over capacity is an unquestionably important goal, simply constructing more cells is an unsustainable and counterproductive response.

The proposed new facility is intended to primarily contain women who are awaiting trial, and who therefore have not been convicted or sentenced. Many people who are in pretrial detention are incarcerated only because they lack sufficient funds to pay their own bail fees, which are sometimes as little as \$500. It would irresponsible and misguided for the Legislature to invest millions of Massachusetts taxpayers' dollars in constructing a facility that is

designed to confine women who simply cannot afford to buy their freedom while they await trial.

Some states and jurisdictions, such as Washington D.C., have rejected the use of bail release altogether to avoid the negative effects.¹ Spending millions of dollars to construct a new facility in Massachusetts that is dedicated to confining women who have not been convicted would be a step in the wrong direction. It would be more efficient and productive to devote state resources to community-based treatment and programming, and reduce unnecessary and counterproductive pretrial detention.

There are many alternative solutions to address Massachusetts' overcrowding problem that do not carry pernicious side effects, each of which deserves serious consideration by the Legislature before approving new jail construction. These include:

- An investigation of how money bail policies may be contributing to the overuse of pretrial detention.²
- Increased use of diversion programs and community-based alternatives to incarceration
- Increased use of parole
- Sentencing reform to reduce reliance on incarceration, particularly for low-level offenses
- Reform of mandatory minimum sentencing policies and “zero tolerance” policies in schools
- In the long run, removal of barriers to post-release success related to employment and housing. Expansion of programs and services designed to facilitate reentry, and increased availability of substance abuse and mental health treatment.

¹ See, for example, a discussion of this trend on page 40 of the Justice Policy Institute's recent report “Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail” (September 2012), available at:

<http://www.justicepolicy.org/uploads/justicepolicy/documents/bailfail.pdf>

² The Massachusetts Bail Fund, a project of the Criminal Justice Policy Coalition, is an organization dedicated to advocating for bail reform in Massachusetts. More information is available on the Criminal Justice Policy Coalition's website at: <http://cjpc.org/BailFund.htm>

Simply building more cells should never be a first response to overcrowding. I urge you to reject H.1434 and prevent precious state resources from being dedicated to jail expansion instead of wiser and more efficient investments in the future of our Commonwealth. I thank the Committee for its time and attention to this important issue.

A handwritten signature in black ink, appearing to read "Leah Sakala". The signature is fluid and cursive, with the first name "Leah" and last name "Sakala" clearly distinguishable.

Leah Sakala
Policy Analyst