



Ending Incarceration of Women and Girls

Families for Justice as Healing (FJAH) is a statewide organization based in Roxbury. Our mission is to end the incarceration of women and girls. FJAH was founded by women inside Danbury Federal Prison in 2010 and continues to be led by formerly incarcerated women. FJAH is a proud member of the National Council of Incarcerated and Formerly Incarcerated Women and Girls.

Our organization represents women who are currently incarcerated and women from the most incarcerated communities in the Commonwealth. Our members have lived inside Framingham in the 80s, the 90s, the 2000s, the 2010s, and now the 2020s. We are in consistent communication with women currently living inside Framingham. We bring decades upon decades of lived experience and expertise to the table. **We oppose spending a single dollar on constructing a new women's prison in the Commonwealth. We oppose all new jail and prison construction anywhere in our state.**

Spending on incarceration in Massachusetts is already a crisis. We have one of the lowest rates of incarceration in the entire country, yet we spend more per capita on incarceration than almost any other state.

**We urge the Senate Committee on Bonding, Capital Expenditures, and State Assets to prohibit the use of capital investments for jail and prison construction. We also the Senate Committee on Bonding to exclude capital investments in state police cruises, and additional investments for the Department of Correction (DOC).**

A Public Notice of Designer Selection was released on December 4, 2019 by the Division of Capital Asset Management and Maintenance (DCAMM) on behalf of DOC for a design team to conduct a study, design, and construction administration for *“proposed improvements to existing buildings as well a new building, or buildings, at Bay State Correctional Center in Norfolk.”* According to the notice, the purpose of the study is to *“develop an implementable project to bring this correctional campus, which is currently occupied by DOC employees only, back into operational mode in order to accommodate approximately 200 female inmates [sic] (from medium and maximum security levels) who will be relocated from MCI Framingham.”* The posted fee for the study is \$650,000. DCAMM estimates the cost of construction to be at least \$50,000,000. The proposal does not justify the need for construction nor explain the 200 bed count.

FJAH filed a formal bid protest against the Designer Selection Board with the Attorney General's office on January 30, 2020 due to the Board's failure to follow mandatory protocols for public transparency pursuant to Massachusetts law, G.L. c. 7C § 47(a). The request for designers has not been reissued. The legislature has a precious opportunity to prevent the Governor and the DOC from carrying out this expensive and unwarranted plan.

According to the May 25 DOC count sheet, there are a total of 461 women incarcerated in our state, including 185 women at Framingham. This is a historically low number of women. Now is not the time



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to build a new women's prison. With sound policy and strategic investment, the Commonwealth can be a model for the rest of the country by further decreasing the number of women who are incarcerated and addressing the root causes of incarceration.

**Massachusetts law enforcement officials and residents agree: women are incarcerated because of poverty, addiction, and unmet mental health needs. Incarceration has not, cannot, and will not address these issues.** Women need and deserve healing, healthcare, and housing – not another women's prison.

**DOC is a barrier to criminal justice reform in Massachusetts, and has failed to implement changes required by the 2018 Criminal Justice Reform Act. DOC lacks transparency and is unaccountable to incarcerated people, their families, constituents, and legislators.** DOC is required by the 2018 CJRA to report data to the legislature and the Department has not done so. DOC has not published its 2019 annual report. People incarcerated at Souza Baranowski Correctional Center (SBCC) are suing DOC for denying their constitutional right to an attorney and their legal paperwork. Legislators and the public are rightfully scrutinizing the DOC for brutality against incarcerated people including dog attacks, assaults with tasers, and shooting people at close range with less-lethal weapons. The DOC has totally mismanaged the COVID19 humanitarian crisis by imposing unconscionable lockdowns, failing to test people, failing to properly feed people, failing to keep COVID19 positive people and COVID19 negative people separate, and failing to release vulnerable people on medical parole. DOC will manage a new women's prison exactly how they are managing the rest of their prisons. **Given this pattern of abuses and mismanagement, we ask the Senate Committee on Bonding not to authorize capital investment in the DOC nor DCAMM on behalf of DOC.**

**Conditions at MCI Framingham are undeniably bad.** Our members report rodents, polluted water, mold, and asbestos. FJAH has been asking DOC and the legislature to address these issues for years with no substantive response. Conditions at MCI-Framingham have drawn the ire of environmental health inspectors for years. In its most recent public health inspection in January 2020, the Community Sanitation Program (CSP) of the Massachusetts Department of Public Health discovered 116 repeat environmental health violations at MCI-Framingham that DOC had failed to resolve since its prior inspection in June 2019.

In light of these conditions, the DOC seeks to build a "better" prison. According to the request for designers, *"The project must utilize the principles of trauma-informed design to create welcoming and therapeutic spaces."* **We want to make it explicitly clear: there is no such thing as a trauma informed prison. Formerly incarcerated women unanimously agree: you cannot heal and advance your life from prison. Incarceration only causes harm and trauma.** Women in prison are separated from their children and families. Parental incarceration is defined by the Center for Disease control as an adverse childhood experience. Women in prison are subjected to isolation; a culture of punishment and deprivation; and sexual harassment, abuse, and assault.



One of our leaders, Ms. Leslie Creedle submits this account for the Committee to consider:

*"I have been through so much in prison, endured great suffering, survived the worst time in my life. As soon as you walk through those doors you are humiliated, literally Stripped of your existence, clothes, jewelry shoes, everything that makes you, you, they take from you. they give you this uniform, that has a number on the right side of the shirt that you wear every day for your entire stay and that is what you become a number. They call you names like inmate and convict. Names that meant to humiliate and disgrace you. I fought to keep my sanity survived the best way I knew how. To survive in there, you have to do things that you never thought you would do. They pit women against each other. The strong prey on the weak. I saw things in there that I never imagined could happen to another human being. Let alone a woman. Over time you stop recognizing yourself. Every day is drama in there, you live in fear, things happen so fast that you don't have time to process what happened yesterday and before you can take it in something else happens another crisis. Every day is a struggle to keep your sanity. Your mind can't keep up and a lot of women break inside there. If you are not strong minded or strong willed, you lose it. I have seen women, snap, go insane, suicidal, I've seen women sexually assaulted, beaten, tormented by CO's. I've seen women die, not only from suicide but from lack of medical attention. Massachusetts has a unique opportunity right now to do something different. With capital investments in community led projects, we can prevent incarceration. We can provide the community with the services they need."*

**The choice is not between a worse prison and a better prison. The choice is between a prison and something better for women, their families, and our communities.** FJAH members interviewed 150 women in the most incarcerated neighborhoods in Massachusetts. Not a single woman reported that prison construction would contribute to health, safety, and wellbeing. Most-impacted women are running sober homes, housing programs, advocacy organizations, therapeutic programs, cooperative businesses and more. Formerly incarcerated women know the way forward; we just need the resources.

According to the DOC, there are only two options: keep women at Framingham in deplorable conditions or build an astronomically expensive updated facility at Bay State. **In fact, we are seeing now that significant decarceration is possible and further decarceration is doable and practical under current law, and at a cost-savings to the commonwealth:**

- Decarceration for women in pre-trial detention – Women from Middlesex County are currently held at Framingham before their trial. If system stakeholders properly implemented the 2018 CJRA and the Supreme Judicial Court's Brangan decision, women could be released on recognizance rather than held on unaffordable bails. We can also shift policy so that women cannot be incarcerated for violations of probation, especially technical violations like missing an appointment or failing to pay a fee. There is also significant energy to stop prosecuting people



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for certain charges and instead implement pre-arrest and pre-trial diversion which would further decrease incarceration.

- Decarceration for women with convictions – Women with convictions should receive alternative sentences that allow them to stay connected with their children while they heal and advance their lives. Alternative sentences are a well-established practice in the courts. The legislature also passed the Primary Caretakers bill as part of the CJRA which allows parents to file a motion requiring the court to consider a community-based sentenced. Existing community-based programs like New Beginnings Re-Entry Services in Dorchester, Brookview House in Dorchester and We Can in Harwichport are best equipped to support women as they address the root cause of their incarceration. Community-led programs operate at a lower cost per-person than incarceration and result in exponentially better life outcomes including long-term housing placement and stable employment. Capital investments for purchase, construction, and rehabilitation of properties through community-led programs will increase their capacity to serve even more people.
- Decarceration for women with long sentences and life sentences – The DOC argues a new women’s prison is necessary to house women serving substantial sentences. There are existing legal mechanisms to release sentenced women right now: clemency, compassionate release, and parole. Neither Governor Patrick nor Governor Baker have released anyone on clemency. This Committee can press the Governor to release women who are aging, sick, survivors, and women who have served decades of time already. None of these women are threats to public safety. In fact, there is broad public support for releasing women – including mothers and grandmothers - while they still have a chance to be positive and productive in the community.
- Decarceration through prevention – Investing in housing, mental health care, community-based programs and services, addiction treatment, education, employment, and economic opportunity will address the reasons why women are arrested and further decrease incarceration rates.

We implore Senate Committee on Bonding to prevent new jail and prison construction by expressly prohibiting capital investments for that purpose. Especially now that the Commonwealth has limited resources, we are also asking our elected leaders to make sure no bond money is invested in state police cruisers or the DOC. Instead, Committee members can work with community experts to authorize community-led capital projects through trusted organizations including diversion, housing, drug treatment, mental health, re-entry services, and community spaces.