

**Joint Committee on the Judiciary
Testimony for Moratorium Bill H. 1723
May 8, 2007**

Remedy, not duplicate, costly, ineffective and harmful policy and practice first.

Testimony of Andrea Hornbein
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Dear Members of the Judiciary Committee,

I am speaking as a private citizen and volunteer with the Massachusetts Statewide Harm Reduction Coalition in favor of House No. 1723 (Relative to the construction of new correctional facilities and providing for an investigation of incarceration and its impact on public safety).

Real public safety requires that we fix a broken system first. Any further taxpayer funds will be wasted if we do not do this. Expanding the system will compound the problems, only a small fraction of which have made the news lately. It will result in expanded corruption and further human rights violations. As well, do we really want to create ever more damaged community members caught in the revolving door of recidivism, needlessly requiring funds better used for in-community needs?

Yes, we must lower the arrest and conviction rate for low level, non-violent, victimless acts and criminalized "annoyance" behavior. Yes, we must decrease the number of court cases and convictions for these categories. Yes, we must reduce irrational sentence lengths and stop the senseless use of mandatory minimums.¹ Yes, we must exercise oversight of District Attorneys and Judges to cut out corruption and send a clear message that the judicial system must work for rehabilitation, not vindictive punishment, as I just last week witness in a Bristol County court room. Yes, we must have more programs for helping prisoners stay out once they are out.

However, we need to fix a broken system rife with prisoner abuse. This abuse is the subtext of the media reports and DOC mortality reviews of the needless deaths and suicides of young women such as Kelly Jo Griffen and Nicole Davis, and young men such as Nelson Rodriguez and Steven Koumaris.

One major area that needs to be scrutinized is the waste and corruption of guards and staff. Massachusetts has the second highest staff to prisoner ratio in the nation, 1:2. This is double the ratio in the federal prison system which is 1:4.3.²

Guard salaries have increased at almost twice the rate of all Massachusetts wage earners. Average salary is \$60-70,000 before benefits and overtime. They take an average of 52 paid days of per year. They take 17.5 days paid sick leave, 5 of which are not substantiated. Average sick leave for the Federal system is 5.25.³ Their impact on the lives and health of prisoners creates more problems and more expense for you as legislators and for the Massachusetts tax payer. If this and other broken aspects of the prison system are not addressed first we will just be replicating, compounding and expanding the problems.

I am sure we are all aware of the kinds of myths that have been created throughout time to demonize

and more easily criminalize and control certain populations, such as the myth of indians as savages, blacks as animals, Muslims and environmentalists as terrorists. But given the trend in public thinking on criminal justice--as seen in a 2006 Zogby poll⁴ and the November 2005, Boston Foundation funded, Crime and Justice Institute and Doble Research Associates study titled *Rethinking Justice in Massachusetts: Public Attitudes Towards Crime and Punishment*⁵--that the majority do not believe these characterizations would be a safe conclusion. Further, there is evidence that locking fewer people up, at an average expense in Massachusetts of \$43,000 per year per person, will not result in a higher crime rate. Even the Sheriff of Middlesex County agrees that building more prisons will not solve any crime problems.⁶

I mention this to say that we and the public want to see an end to the harms of the “tough on crime” era and to encourage you to consider that you do not need to run on a “tough on crime” platform to win an election. Indeed, Albany County District Attorney David Soares ran and won on a drug war reform platform.

I'll close by reading a list of endorsers for the Statewide Harm Reduction Coalition's call for a moratorium on jail and prison expansion and construction.

American Civil Liberties Union-MA
American Friends Service Committee
Felix Arroyo, Boston City Council
ARISE for Social Justice
BAGLY
Boston Workers Alliance
Bread of Life, Malden
Will Brownsberger, 24th Middlesex
Center for Popular Economics
Chuck Turner, Boston City Council
Citizens for Participation in Political Action
Community Change, Inc. - Boston
Community Church of Boston
Connecticut River Valley Green-Rainbow Party
Criminal Justice Institute, Harvard School of Law
Critical Resistance
Denise Provost, 27th Middlesex
Drug Policy Forum of Massachusetts
Efficacy - Hartford, CT
Freedom Center
Grammas for Ganja
Green-Rainbow Party of Massachusetts
Girls, Inc. - Holyoke
INCITE! Women of Color Against Violence
Jericho – Boston
MA Coalition for Healthy Communities
MA Welfare Rights Union
Peter Kocot, 1st Hampshire
Out Now
Paloma House

Prison Book Program – Quincy
Prison Book Project-Western MA
Reverend Filipe C. Teixeira, OFSJC, Northeastern Diocese of Saint Francis of Assisi, Catholic Church
of America
Carl Sciortino, 34th Middlesex
Springfield Catholic Workers
Survivors, Inc.
Through Barbed Wire
Tom Mooney Local Socialist Party USA
Traprock Peace Center
UAW Local 2322
Unitarian Universalist Association of Congregations
Western MA International Action Center/Troops Out Now
Women's Fightback Network
Women's International League for Peace and Freedom-Boston

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What Causes Overcrowding in Jails and Prisons
<http://www.massdecarcerate.org/download/overcrowding.pdf>

Is It Time to Close the Prisons?: American Gulag, Jerome Miller
<http://yesmagazine.org/article.asp?id=371>

50 Ways to Reduce the Number of People in Prison in California
<http://curbprisonspending.org/50WaysCURB.pdf>

Massachusetts Prison Guard and Other Data
<http://www.massdecarcerate.org/download/supportingdoc.pdf>, pg. 83, 84

Americans Abandon “Punishment Only” Attitudes in Effort to Reduce Crime
<http://www.zogby.com/news/ReadNews.dbm?ID=1101>

Rethinking Justice in Massachusetts: Public Attitudes Towards Crime and Punishment
http://www.crjustice.org/cji/rethinking_justice.pdf

Despite Fewer Lockups, NYC Has Seen Big Drop in Crime
<http://www.massdecarcerate.org/NYC.html>

D.A. Advocates Reform at Vancouver Conference
<http://www.drugpolicy.org/news/050806soares.cfm>

Sciortino concerned about sheriff's proposal for new jail
http://somerwillenews.typepad.com/the_somerville_news/2006/06/sciortino_conce.html

1 What Causes Overcrowding in Jails and Prisons

<http://www.massdecarcerate.org/download/overcrowding.pdf>

Is It Time to Close the Prisons?: American Gulag, Jerome Miller

<http://yesmagazine.org/article.asp?id=371>

50 Ways to Reduce the Number of People in Prison in California

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2 Massachusetts Prison Guard and Other Data

<http://www.massdecarcerate.org/download/supportingdoc.pdf>, pg. 83, 84

3 Massachusetts Prison Guard and Other Data

<http://www.massdecarcerate.org/download/supportingdoc.pdf>, pg. 83, 84

4 Americans Abandon “Punishment Only” Attitudes in Effort to Reduce Crime

<http://www.zogby.com/news/ReadNews.dbm?ID=1101>

5 Rethinking Justice in Massachusetts: Public Attitudes Towards Crime and Punishment

http://www.crjustice.org/cji/rethinking_justice.pdf

6 Sciortino concerned about sheriff's proposal for new jail

http://somervillenews.typepad.com/the_somerville_news/2006/06/sciortino_conce.html