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By [Steve Brown](#)

Democratic Mass. Senators Lay Out Bevy of Criminal Justice Proposals



Just days before a long-awaited review of the Massachusetts criminal justice system is set to be released, several Democratic state senators on Thursday detailed their policy proposals for criminal justice reform, which they say will be a major priority this legislative session.

Legislative leaders commissioned the Council of State Governments Justice Center to analyze the state's criminal justice system as it pertains to incarceration, recidivism and supervision. The final report is due out on Tuesday.

Thursday's briefing included Democrats who have all worked on a broad array of reform measures, and are looking beyond the center's proposals.

"The criminal justice system from the front end to the back end is broken," said Sen. Sonia Chang-Diaz (D-Boston). "It's broken in cost in the big picture numbers in terms of the fact that we are locking up five times as many people as we did in Massachusetts in the 1970s."

Senators describe the “front end” of the criminal justice system as issues that determine if someone is to go to jail. Mandatory sentences, bail reform and diversionary programs such as alternatives to sentencing are all front-end issues. The “back end” pertains to issues once an individual is in prison, and after they are released, and include programs while incarcerated, parole and probation.

Sen. Cynthia Creem (D-Newton) has filed [legislation](#) aimed at eliminating minimum mandatory sentencing for certain drug offenses. Creem said judges should have the ability to look at all the facts when they hand down a sentence.

“Minimum mandatory does not work,” she said. “We’re spending \$70 million keeping people behind bars in drug areas, for substance abuse. They have no opportunity. Many people serving these sentences are serving sentences far longer than people who might have been incarcerated for rape or burglary. They have no shot. They come in, the judge looks around and says, ‘I’d like to do something, but I can’t. The law says there’s a minimum mandatory sentence.’ ”

Creem is also filing [legislation](#) creating diversion programs for people over the age of 17, as well as a [bill](#) expanding diversion programs for juveniles.

“If the court or a probation officer had an ability to catch these young people at an early age, they didn’t have a record, they didn’t end up in court, in certain minor offenses they could be diverted without even having a record, their whole lives might change,” Creem said.

Another [reform](#) being offered up in the Senate would raise the age of juvenile jurisdiction from 18 to 21.

Sen. Karen Spilka (D-Ashland) said research shows the brain does not get developmentally set until the early- to mid-20s.

“So we are imposing sentences on young adults, emerging adults, and instead of giving them the rehabilitation and the possibility of continuing their schooling, the supportive services to really help them get back on track, we are treating them as adults before their brain actually gets settled,” she said.

Spilka has also filed a [bill](#) sealing and expunging juvenile court records.

Some senators wish to address financial costs associated with criminal justice, specifically [bail reform](#), court costs and fines.

Sen. Kenneth Donnelly (D-Arlington) says the state is putting people in prison who don’t have the money to pay for bail. Sen. Michael Barrett (D-Lexington) says in some places, the current system is triggering a quiet constitutional crisis because some people are being incarcerated without ever being represented by a lawyer, simply because of their inability to pay fines and fees.

“Inability to pay should not result in your going to jail, and today in Massachusetts, that fundamental principle of fairness is violated,” said Barrett, who has filed a [bill](#) that would restrict [so-called “fine-time” sentences](#).

Sen. Patricia Jehlen (D-Somerville) raised the issue of some 2,000 geriatric inmates who are nearing the end of their lives. She said it costs up to \$100,000 per inmate to house some of these patients at a secure nursing facility on state prison grounds.

“If we could move them, as many other states do, into nursing homes or hospice, we would save a lot of money,” Jehlen said. “If they were in a nursing home or hospice, Medicaid would pick up half the cost, so we could get some federal financial assistance, which we could always use.”

Another concern raised by the senators is the number of people in the criminal justice system suffering from mental health and addiction issues. Sen. Linda Darcena Forry (D-Boston) urged that more needs to be done to keep those folks out of the system.

"We think there is an opportunity working with the judges to see, how do we prevent people from going in in the first place?" she said. "If it is not a serious crime, if it is addiction, if it is mental health, prison is not the place to house these folks. So we have to do our part in really connecting the dots."

Concern about what solitary confinement does to an inmate is also on the Senate's radar.

Sen. Jamie Eldridge (D-Acton) wants to restrict the practice in Massachusetts prisons, and, as he says, treat prisoners as human beings and with dignity.

"The reality is that Massachusetts has among the most draconian policies toward the people in solitary confinement," he said. "In Massachusetts, you can be sent to a solitary confinement cell for up to 10 years."

Eldridge has filed a [bill](#) that would require a hearing after someone is placed in solitary confinement for 15 days.

"Many studies have shown that just being in solitary confinement for more than a week causes serious mental health problems, which not only impacts the prisoner's experience in the prison and his or her interaction with correctional officers and the general public, but also that person's mental health once they get released from prison," Eldridge said.

Senate Judiciary Committee Chairman William Brownsberger (D-Belmont) said it is hoped action will be taken on the bills during the current two-year legislative session. It's not clear if the bills would be taken up individually, or if several of them would be bundled into an omnibus criminal justice bill.

Prisoner rights advocates said they are encouraged by the proposals.

Lewis Finfer, spokesman for the Jobs not Jails Coalition, said the senators' proposals are a positive step toward reducing mass incarceration, adding that his group is looking forward to working with the Senate and House to develop a positive update to the state's criminal justice laws.

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