

## Jobs NOT Jails General Meeting 5/7/16

GOALS: Updates & plans on action now to July 31 and for the fall

Chair: Calvin Feliciano/SEIU 509

I. **Welcome, introductions, Icebreaker, 15 minutes**

Calvin Feliciano/SEIU 509 and Cassandra Bensahih/EPOCA

II. **Accomplishments: celebrate & learn, 10 minutes**

Cassandra Bensahih/EPOCA and Valenti/CSJ

Passage of RMV bill to repeal fines and waiting times on driver's licenses, how it got done, why it got done, lessons learned (was part of the Justice Reinvestment Act)

III. **Pending Legislation and Budget issues in the Legislature, 15 min**

Marlene Pollock & Maria Fortes/CSJ, Margaret Monsell/MLRI, Pauline Quirion/Greater Boston Legal Services

a) Raising the Threshold for Felony Theft from \$250 to \$1500

b) Bills that passed the Senate & pending in the House:

a. "fine time": you "pay" your fine by doing time. Current law says you pay at a rate of \$30 per day in jail. Sen. DiDomenico's S.795 raises that to \$60/day

b. Ending loss of license penalties for those convicted of vandalism or tagging,  
c. Community Corrections

d. And Compassionate Release bill is pending in the Senate

c) Our budget proposal for \$2 M for training for ex-prisoners and youth

d) Taking action—calls, letters, meeting, and 5/25 at 10:30 Lobby Day

IV. **THE BIG CHANCE to really greatly lessen mass incarceration and increase jobs, 25 min**

Darrin Howell/SEIU 1199, Lew Finfer/MCAN, John Bowman/MCAN

a. Massachusetts Criminal Justice Review led by the Governor, Senate President, House Speaker and they are getting research assistance from the Council on State Governments (CSG)

b. Our meetings with the Council of State Governments

c. Our DRAFT policy ideas for needed legislation

d. Their process and timeline...decisions on the new legislation during the fall

e. How we might influence the new legislation to lead to less incarceration, less recidivism, more jobs, more safety....action we can take in the fall with can we organize a hugely attended statewide action meeting w this Big 3 in November?

V. **Small groups, 10 minutes**

Laura Wagner UU Mass Action and Rachel Corey, Criminal Justice Policy Coalition

A. To make commitments on action on the Interest Cards and

B. Report backs on commitments and questions

VI. **Next Steps and Closing Ceremony and Closing Song, 10 min**

"Ain't Gonna Let Nobody Turn Me Around"

**Jobs NOT Jails Coalition    INTEREST CARD**

**NAME**

**Address**

**Email**

**Phone**

**Organization and/or congregation:**

- I will call/write my state representatives on the pending bills
  - I will organize others to call their state representatives on the bills
  - I can attend the May 25 Action/Lobby Day on these bills
- 
- I will call/write my state legislators in September about supporting the Jobs NOT Jails agenda and communicating their support for this to the House Speaker, and Senate President should put in the criminal justice legislation the Speaker, Senate President, and Governor are deciding on by December
- 
- I will attend the November action meeting to engage the Governor, Speaker, Senate President on the Jobs NOT Jails agenda to end mass incarceration, increase safety, increase jobs
  - I will organize how many other people \_\_\_\_\_ to attend the November action
- 
- I can contact the following organization or congregation to see if they will participate and let you know \_\_\_\_\_
- 
- Other things I can do

**DRAFT Possible Policy Issues** for major criminal justice reform; needs further discussion and need prioritization of a smaller number of these policy options:[**context is Governor, Speaker, Senate President deciding on what legislation they will propose by December connected to the Council on State Governments study of the Massachusetts criminal justice system]**

**I. Incarceration and Sentencing:** Lessening numbers in prison and jails, lessening amount of time imprisoned, diverting people from serving time in prison/jail ....according to the Council on State Government's Interim Report to MA, "Between 1980-2015, violent crime fell 26% while state prison DOC incarceration increased by 236%."

1. TREATMENT FIRST; Diversion to drug/alcohol treatment and mental health services first for non-violent cases
2. Reclassification of some criminal misdemeanors to be civil so they don't carry a CORI
3. Diversion to specialty courts---Drug, Veterans, Homeless, Mental Health and expanding sites for them (but these still bring guilty pleas and CORI's)
4. Repeal of long mandatory minimum sentences on non-violent drug offenders. Understanding that the threat of long mandatory minimum sentences also leads to many plea bargains with sentences of years in prison too.
5. Bail Reform and assessing intention to show up to court
6. Alternatives to incarceration for non-violent offenders—motor vehicle violations, larceny violations below \$1500....According to the Council on State Governments Interim Report, "Motor Vehicle and property offenses generate a large volume of short sentences in the House of Corrections; 6394 in 2013" and "Nearly 1/2 of HOC sentences for misdemeanor motor vehicle offenses were for operating with a suspended license"
7. Restorative justice---what cases can it be applied to, what costs for doing this, what if victim uninterested...
8. Increasing "good time" to lessen length of sentences for prisoners participating in programs, BUT needs enough programs so people can use them
9. Other

**II. Recidivism** and how to lessen it as recidivism means new victims, new costs to the state, and more harm to the family of the prisoner...according to the Council of State Government's Interim Report, "RECIDIVISM drives most new conviction activity and account for 3 out 4 of every new sentence: 74% of people sentenced had a prior conviction"....so clearly the present system is not working

1. In prison treatment and job training
2. Increased funding for Reentry social service re housing, treatment, mental health services, health care access
3. Increased funding for Reentry jobs re job training, job placement, wage supplement to insure hiring
4. Restoring good time access to those serving mandatory minimum drug sentences
5. Shortening CORI access of employers below the present 10 years/5 years

6. DOC classification and relationship to eligibility for programs
7. CORI reform...should we ask for further lowering from 10 years/5 years?  
Certificate of Rehabilitation model
8. Expungement of juvenile records; stopping the school to prison pipeline
9. Pre-release plans for all prisoners...Mandatory Minimum people excluded now

### **III. Supervision of former prisoners by the state; parole and probation**

1. Repeal of parole fees of \$80-\$90 a month which are a burden to ex-prisoners who are working in low wage jobs
2. Targeted supervision under parole and probation
3. Other

### **Racial Disparities in Sentencing and Incarceration**

Supreme Court Chief Justice Gants: "in 2013, 44% of all persons convicted of drug offenses were persons of color, but 75% of all persons convicted of drug offenses with mandatory minimum sentences were persons of color. This remarkable 31% differential is not a one year phenomenon; it is the same differential as in 2002".

	# Inmates	% of Prisoners		% of Total Population
Whites	5058	43.7%	Whites	75%
Blacks	3309	28.6%	Blacks	7.9%
Hispanics	3043	26.3%	Hispanics	10.1%
Asian	152	1.3%	Asian	5.8%

### **\*\* See these slides from the Interim Report of the Council on State Governments in their study toward recommending legislative changes in Massachusetts' criminal justice system....**

slides on increase in our incarceration rate, large numbers serving time for non-violent offenses at great costs that if reformed could fund treatment, job training and job placement, and high rate of Recidivism means we need more treatment and diversion, in-prison training, and post release job training and placement and treatment.....

Slide 9 Between 1980-2015, violent crime fell 26% while state prison DOC incarceration increased by 236%.

Slide 8 Although our incarceration rate is below the national average, it's increased at a faster rate.

Slide 10 Each year the state spends over \$1 Billion on state prisons and county jails

Slide 24 Motor Vehicle and property offenses generate a large volume of short sentences in the House of Corrections; 6394 in 2013

Slide 25 More than 1200 sentenced to HOC for larceny offenses, at a cost of \$13 Million; 271 were sentenced for larceny of less than \$250

Slide 26 Nearly 1/2 of HOC sentences for misdemeanor motor vehicle offenses were for operating with a suspended license

Slide 27 Misdemeanor sentences cost the state an estimated \$48 Million a year

Slide 32 RECIDIVISM drives most new conviction activity and account for 3 out 4 of every new sentence: 74% of people sentenced had a prior conviction and 66% had a Continuance Without a Finding (CWOF), more than 40% sentenced to HOC had a prior HOC sentence within 3 previous years, 31% of DOC sentence in 2013 had a prior HOC sentence in the last 3 years

Slide 33 Nearly 1/2 of HOC sentences (6394 convictions) were for motor vehicle (47% of these were for operating with a suspended license...as much as \$8 M a year spent on incarcerating people for misdemeanor motor vehicle sentences) and property offenses, 271 served sentences for larceny under \$250; the state spent up to \$15 million on incarceration of misdemeanor motor vehicle and property offenses

Slide 52 More than 1200 people sentence to HOC for larceny offenses at cost of \$13 Million

**\*\*Website of Council on State Governments study for MA is <https://csgjusticecenter.org/ma>.**

### Contacting Legislators on Pending Criminal Justice Reform Bills

1. Call your state representatives on supporting these bills and the bill on increasing the threshold for a felony on theft from \$250 to \$1500
2. Call the State House switchboard at (617) 722-2000, lists of state representatives are at <https://malegislature.gov/People/House> and write them at  
Representative \_\_\_\_\_ State House, Boston, MA 02133
3. To find your state representative go to [www.wheredoivotema.com](http://www.wheredoivotema.com) or [www.mass.gov/legis](http://www.mass.gov/legis)

### Urge the House of Representatives to Make Further Progress on Criminal Justice Reform

On April 13, the State Senate passed four criminal justice reform bills. These bills are now in the House Committee on Ways and Means awaiting further action in the House. Please urge your Representative to ask that these bills be passed by the House before the end of formal Legislative sessions on July 31.

#### **Senate 727 and Senate 728: An Act Further Regulating the Penalties for Tagging, and An Act Relative to the Penalty for Vandalism.**

The crime of defacing property by vandalism, including graffiti painting (known as “tagging”), can be punished by imprisonment, fine or both. Current law also requires that the driver’s license of any person convicted of these crimes be suspended for one year, with a \$500 fee for reinstatement after the suspension has been served. We have learned that suspending a driver’s license for a prior crime is an ineffective and counterproductive measure, and Senate 727 and Senate 728 would eliminate these license suspensions for tagging and for other vandalism, as the state has already done for convictions of drug crimes.

#### **Senate 795: An Act relative to Adjusting the Credit for Nonpayment of Fines.**

Persons who have been convicted of crimes and punished by the imposition of fines can, under some circumstances, be incarcerated for failing to pay those fines. A person incarcerated under these circumstances receives a credit of \$30 for each day of incarceration, which goes to offset the fine. This \$30 amount has not been increased since 1987 and is therefore disproportionately low. Senate 795 would increase the credit from \$30 to \$60 per day.

#### **Senate 2216: An Act relative to the Use of Community Corrections for Pre-trial Detainees and Criminal Defendants.**

This bill allows for the increased use of community corrections programs, which are supervised by county sheriffs, for alleged offenders who are awaiting trial. The bill provides that a judge may order a defendant to participate in a pre-trial services program as a condition of being released (rather than remaining incarcerated). Community corrections programs are able to provide secure alternatives to incarceration for these defendants, which will allow for their supervised release while ensuring that they appear for trial. By reducing the number of defendants who are incarcerated until their trial dates, these programs also reduce jail costs for the state.

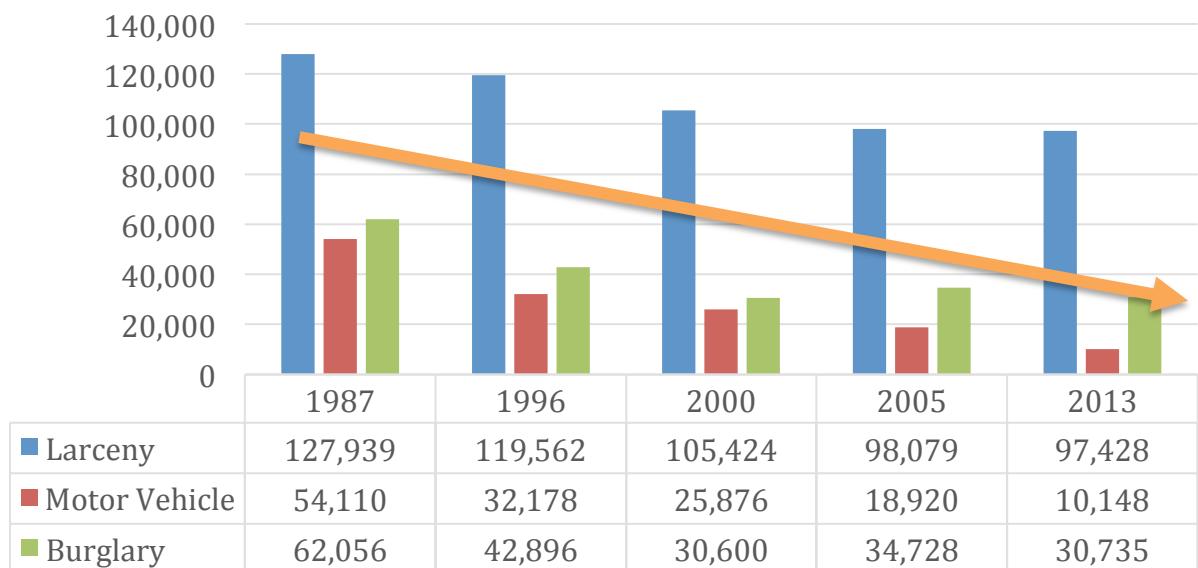
NOTE: Senate 843 Senator Jehlen’s bill on compassionate release is pending in the Senate

## SENATE BILL 2176 -- \$1,500 LARCENY FELONY THRESHOLD

An increase in the amount needed to trigger a felony in larceny prosecutions is long overdue. The present \$250 threshold is unjust because it captures many low level offenses and makes felons of countless people. Any felony carries a heavy stigma, creates barriers to jobs, and contributes to reliance on public assistance. There also is a 10 year waiting period to seal criminal records for low level offenses because they are classified as felonies. Increasing the threshold to \$1500 would help many young people and numerous others who are trapped in poverty&unemployment for what low level offenses.

- Massachusetts is an outlier with an outdated \$250 threshold enacted in 1987.
- Every state in the U.S. has a higher amount except New Jersey (\$200) and Virginia (\$200).
- All New England states have higher thresholds for felony larceny than Massachusetts.  
Conn. \$2000 • Rhode Island \$1500• Maine \$1000 • New Hampshire \$1000 •Vermont  
\$900
- Other examples: \$2500 in Texas & Wisconsin. \$2000: Colorado, PA, South Carolina. \$1500: Delaware, Georgia, Montana, Nebraska, Utah. \$1,000 in Arizona, Arkansas, District of Columbia, Idaho, Minnesota, Mississippi, Michigan, Maryland, Kansas, Iowa, North Dakota, Ohio, Oregon, New York, West Virginia.

### Larceny, Burglary and Motor Vehicle Theft Rates



Sources: MA State Police Uniform Crime Reports and MA Department of Corrections.

The argument that crime will increase if thresholds are increased is a myth and not backed by crime statistics.

- All crime rates related to larceny have declined in Massachusetts since the last time the felony threshold for larceny was increased from \$100 to \$250 in 1987. If the logic of such an argument held true, larceny rates would not have decreased in Massachusetts.
- Research on other states that have increased felony thresholds has shown that increasing thresholds does not increase crime. Pew Charitable Trust, The Effects of Changing State Theft Penalties (Feb. 2016). [www.pewtrusts.org/research&analysis/the-effects-of-changing-state-theft-penalties](http://www.pewtrusts.org/research&analysis/the-effects-of-changing-state-theft-penalties)
- There is no incentive to commit crime under SB 2176. Jail sentences remain, fines are increased to parallel the \$1,500 felony threshold, and there is a higher threshold of \$250 for warrantless arrests by police for shoplifting. Call Greater Boston Legal Services at 617-603-1554 or email pqurion@gbls.org for more information.

## ➤ Let's Get Smart on Crime: Reduce Recidivism through Job Training and Jobs for Ex-Prisoners

- **The problem:** each year at least 15,000 ex-prisoners are released from state prisons and county jails. Only some of them receive job training or job placement assistance that leads to actual jobs, either during their incarceration or after their release. Lacking prospects for employment, far too many, 40% or more, ex-prisoners recidivate during the first 3 years after their release, with negative -- and preventable -- consequences for our communities, taxpayers, and new victims.
- **The solution:** there are effective programs for preventing recidivism, but there are too few of them and they are too small and there's little funding.
- For example, the Transition to Work program operated by Hampden Sheriff's Department and Career Point Career Center and Future Workers Career Center in Holyoke and Chicopee can serve only five hundred ex-prisoners annually. We need many more resources like this.
- Similarly, court-involved youth who are otherwise in a pipeline to prison can be diverted by programs providing them with transitional employment and services. Successful programs are run by ROCA (in Chelsea, Boston, and Springfield) and UTEC (United Teen Equality Center in Lowell). We need to replicate the success of these initiatives statewide.
- **Governor Baker's FY 17 budget proposes \$1 million in funding** for a supportive services program targeted to persons being released from incarceration. **But far more resources are needed...we'd like to see that increased up to \$2 Million in funding.**
- **\*\*The House did not approve any funding for this in its budget so we are trying for this in the Senate Budget process May 17-26 (see next page)**
- We think that this should be administered by the Commonwealth Corporation of the Executive Office of Labor and Workforce Development because they have a very good track record in administering and evaluating effective jobs training funds.
- **DRAFT BUDGET LANGUAGE**
- 7003-0150 Demonstration Workforce Development Program
- For the operation of demonstration workforce development and supportive services programs targeted to individuals transitioning from a house of correction; provided, that the programs shall be administered by the Commonwealth Corporation; provided, further, that program funds shall be used for (1) job training for former prisoners in order to facilitate job placement, (2) wage supplement incentives to facilitate private sector employment, (3) support services programs for court-involved youth, and (4) demonstration job development for ex-prisoners by houses of corrections or the

department of correction working with the career centers; provided, further, that the commonwealth corporation shall ensure that the programs funded under this item reflect geographical diversity within the state; provided further, that the commonwealth corporation appoint an advisory board to consist of members of organizations experienced in adult job training, re-entry service programs for ex-prisoners or transitional employment programs for court-involved youth; provided further that the commonwealth corporation shall arrange for an independent evaluation of the programs funded under this item at a cost not more than \$200,000 and shall submit that evaluation to the house and senate committees on ways and means not later than September 1, 2017.

➤ \$2,000,000

### Budget Process and History on this proposal

- What Governor Baker filed
- 7003-0150 Demonstration Workforce Development Program  
For the operation of demonstration workforce development and supportive services programs targeted to individuals transitioning from a house of corrections
- \$1 Million
  
- House Ways and Means did not include this in their budget and then the House did not add budget amendments to add this money filed by Rep. Mary Keefe for \$2 Million and Rep. Aaron Vega for \$1 Million and other legislators

The Senate Ways and Means budget is released on May 17, Amendments are due on May 20 and the budget is debated and voted on May 23-26