

June 4, 2020

Senate Committee on Bonding, Capital Expenditures, and State Assets
Sen. Michael Moore, Chair & Sen. Nick Collins, Vice Chair

**Oppose Debt Authorization for New Police and Prison Infrastructure
H.4733 || General Government Bond Bill**

Budgets are values statements, and bond bills are the values we pass down to our children. The ACLU of Massachusetts strongly opposes several line items in H.4733 that would saddle future generations with debt to underwrite new, unnecessary, unwise, and unjust investment in the criminal legal system -- a system that over-polices, over-prosecutes, and over-incarcerates Black and Brown communities in the Commonwealth.

These line items are particularly troubling in a moment when, at one and the same time, that criminal legal system is being indicted for racialized violence and Massachusetts is staring down the barrel of a \$2.25B budget shortfall.

The Commonwealth's budget is already gravely imbalanced, with excessive spending on policing and prisons and insufficient investment in social welfare, education, and the common good. We need look no further than the events of the last month to see this starkly illustrated -- the news of the last few days is filled with images of police in head to toe military gear, including face shields; meanwhile, front line workers keeping us safe from COVID-19 struggle to find paper masks and other basic protective equipment. We urge you to keep this image in mind as the committee gives its stamp of approval to authorize debt that taxpayers will be repaying for the next 30 years.

Authorizing new debt for prisons is unnecessary, unjustified, and unjust

The ACLU strongly opposes line item 8000-2025, which would authorize an enormous amount of borrowing to build prisons. Building prisons is an expensive endeavor, and one that the state should not undertake without careful assessment and planning. Increasing the number of prison beds consistently leads to an increase in the prison population -- a counterproductive move at a time when the legislature is focused on *reducing* the number of people locked up. Indeed, Massachusetts has one of lowest incarceration rates nationwide, and that rate continues to fall in the wake of the Criminal Justice Reform Act of 2018. We strongly caution against building new prisons at a time when we are collectively working towards alternatives to incarceration.

There is no publicly available information about the need for this line item. It did not appear in the administration's original bill, was not considered by either the Joint Committee on State Administration and Regulatory Oversight or the House Bonding Committee and was added in House Ways & Means without explanation or comment. We are not aware of the administration asking for further bond authorizations for DCAMM and EOPSS to build or renovate public safety buildings. As far as we are aware, the administration has not filed any bills this session requesting more borrowing authority for public safety purposes. No rationale for this enormous debt authorization has been proffered, and no public body has conducted a hearing on or otherwise evaluated these line items.

It seems possible that this line item is in response to EOPSS intention to build a new prison to replace the crumbling MCI Framingham women's prison. We urge the committee to resist the false, binary choice that women must either suffer in unhealthy conditions at MCI Framingham or be moved to a newly built prison. The state should explore every avenue to decarcerate and support women before undertaking enormous debt to build new prisons.

Even if the administration insists on new construction, this authorization is unneeded, because hundreds of millions of dollars of debt have already been authorized to build prisons in Massachusetts. Chapter 113 of the Acts of 2018 authorized borrowing up to \$500 million under the same terms. As of March of this year, only \$131 million of that had been set aside, leaving \$369 million of authorized borrowing. Furthermore, the Governor's FY 20 capital spending plan only projects \$43.8 million for corrections spending -- well below the amount still available under Chapter 113. Since no public need has been identified for this large bond, we urge you to remove line item 8000-2025 from the bill.

We also oppose line item 8000-0703, authorizing the borrowing of \$30 million for the purchase of DOC and EOPSS equipment and vehicles, and line item 8000-2024, authorizing the borrowing of \$92 million for the purchase of police cruisers. We would always urge state leaders to approach increased funding to police departments with circumspection. But the timing of this proposed bond is incomprehensible at this watershed moment for racial justice across the country and in the midst of an economic freefall due to the COVID-19 pandemic. Police departments across the Commonwealth and the country are incredibly well funded. Over the last week, we have seen police cruisers swarming the streets of towns and cities across the nation in response to protests. The police have significantly ramped up their presence on the streets overnight,¹ while months into a pandemic our state is still struggling to scale up testing and contact tracing.² We

¹ Jaclyn Reiss, *Photos from Protests, Ramped-Up Police Presence in Boston on Monday*, Boston Globe, June 1, 2020, <https://www.bostonglobe.com/2020/06/01/metro/photos-boston-protests-planned-monday-night/>

² Dialynn Dwyer, *"I Don't Know if We're There Yet": Testing Capacity Remains Concern as Mass. Starts Reopening*, Boston.com, May 21, 2020, <https://www.boston.com/news/coronavirus/2020/05/21/concerns-testing-massachusetts-reopening>

strongly urge the legislature not to authorize new spending or borrowing for police budgets.

Investing in education and remote learning is needed and forward-thinking

Instead of authorizing new debt to build prisons and increase police budgets, we ask the Committee to invest in information technology to support educational equity throughout the Commonwealth. In that way, this bond bill could truly reflect values we want to pass down to our children. We urge the committee to amend the bill to increase line item 1599-7064 to meet an urgent need: closing the digital divide for students in the Commonwealth. The COVID-19 pandemic has dramatically altered the manner in which education is being conducted in Massachusetts, and while teachers and students will eventually return to classrooms, remote and digitally-supported learning will not go back in the box when the state of emergency is over. In many ways, they will become part of the “new normal” for education in Massachusetts. During the crisis, it is critical for school districts to take emergency measures to enable remote learning, such as providing broadband vouchers, tablets or laptops for every student, and free access to remote learning applications and assistive technology. Yet there is also a need for statewide investment in digital infrastructure to permanently close the digital divide. A bill that is intended to finance the general governmental infrastructure of the Commonwealth, and in particular to provide assistance to public school districts for remote learning environments, should authorize sufficient borrowing to reflect this priority.

In eight cities in Massachusetts with 65,000+ residents, *30% of households do not have cable, DSL or fiber Internet subscriptions*.³ The inequities within these cities are stark. For example, in Cambridge almost every high-income household has access to broadband, compared to only 50%-60% of low-income households.⁴ Internet *speed* is a crucial second layer to access. Only 43% of Massachusetts residents have access to fiber-optic service, and there are 147,000 people in Massachusetts without access to a wired connection capable of 25mbps download speeds.⁵ This compares poorly to the median national usage of 72mbps.⁶

Education Commissioner Jeff Riley testified last month to the Joint Committee on Education that about 9% of state students do not have reliable internet access and 15% don't have exclusive

³ Fall River, Springfield, Lowell, Lawrence, Worcester, Lynn, New Bedford, Brockton, Boston, Quincy, Farmingham, Somerville, Cambridge, Newton, National Digital Inclusion Alliance, *Worst Connected Cities 2018*, last visited June 4, 2020, <https://www.digitalinclusion.org/worst-connected-2018/>

⁴ Nicole Aschoff, *Coronavirus Has Exposed America's Digital Divide*, Jacobin, Mar. 21, 2020, <https://www.jacobinmag.com/2020/03/coronavirus-digital-classrooms-cambridge-schools-internet-broadband-access>

⁵ BroadbandNow, *Internet Access in Massachusetts*, last visited June 4, 2020, <https://broadbandnow.com/Massachusetts>

⁶ Federal Communications Commission, *Eight Measuring Broadband America: Fixed Broadband Report*, Dec. 14, 2018, <https://www.fcc.gov/reports-research/reports/measuring-broadband-america/measuring-fixed-broadband-eighth-report>

access to a device.⁷ Commissioner Riley estimated that districts may need financial support from the state to cover the estimated \$50 million cost that schools are currently taking on to reach those students.⁸ State and community colleges are in dire need of funding as well; the community colleges' chief financial officers recently tallied the costs of additional information technology at nearly \$17 million.⁹

Over the last several decades, police and carceral budgets have grown while funding for education, health care, and social services have stagnated or been cut. Ensuring every child in Massachusetts has high speed and reliable connectivity at home should be a top priority for a bond bill to create essential government infrastructure, not outfitting the state police with new cars or building new prisons to lock up members of our community. Especially now, during nationwide conversations on systemic racism, we urge you to prioritize communities over policing and prisons.

⁷ Carrie Jung, *Educators Tell Mass. Lawmakers of Remote Learning Frustrations and Budget Worries*, WBUR, May 13, 2020, <https://www.wbur.org/edify/2020/05/13/massachusetts-remote-learning-hearing-coronavirus>

⁸ *Id.*

⁹ Katie Lannan, *After Going Remot, Public Higher Ed Faces Uncertain Future*, State House News Service, Apr. 8, 2020, <https://www.statehousenews.com/news/2020722>