



The General Court of the Commonwealth of Massachusetts  
State House, Boston, MA 02133-1053

June 4, 2020

The Honorable Michael O. Moore  
Chair, Senate Committee on Bonding,  
Capital Expenditures and State Assets  
24 Beacon St.  
Room 109-B  
Boston, MA 02133

Dear Chair Moore,

We the undersigned Senators are writing to the Committee on Bonding, Capital Expenditures and State Assets (“Committee”) to oppose spending on purchasing police cruisers or Department of Correction (“DOC”) vehicles and to oppose authorization that can be used to construct new prison and jail facilities under H.4733, An Act financing the general governmental infrastructure of the Commonwealth. Instead, we request that this Committee reinvest in efforts and services that strengthen our communities and in technological improvements that include automating the process of criminal record sealing.

At a moment when George Floyd’s murder should have awakened us all to the Black Lives Matter movement, it is important to ensure that this bond bill helps communities adversely impacted by the criminal justice system instead of harming them.

**I. Opposition to spending on police cruisers and DOC vehicles.**

We urge this Committee to strike line item 8000-2024, which would allow the State Police to spend \$92.5 million on new state cruisers. We also urge the Committee to revise line item 8000-0703 to ensure that the DOC is not authorized to purchase new vehicles and to reduce the spending in that line item by a commensurate amount. At a time of extreme budget uncertainty, these funds should be reinvested in community-based programs and services.

**II. Opposition to construction of any new prison or jail facilities.**

We urge this Committee to strike line item 8000-2025. This item is unrelated to information technology related improvements like the remainder of the bill but instead an authorization that can be used to build more prison and jail facilities. The Legislature authorized \$500 million for this same purpose in a 2018 bond bill, chapter 113 of the acts of 2018 (item 8000-3502), and, as of March of this year, only \$131 million of that item has been set aside.

We also urge this Committee to strike line item 1102-2020, which authorizes \$150 million in borrowing for the Division of Capital Asset Management and Maintenance (“DCAMM”), which could include prison and jail construction. This authorization is also unrelated to information technology purposes and also duplicates authorizations made to DCAMM in the 2018 bond bill. If this Committee chooses to include this item, we urge this Committee to insert language to ensure that this borrowing is not to be used for such incarceration purposes. We recommend the addition of this proviso: "provided, however, that no funds from this item shall be expended for the planning, land acquisition or construction of any new jails or prisons or for studies or plans for such construction."

We strongly recommend decarceration and reinvestment in efforts and services that strengthen our communities and help vulnerable populations. Efforts should be made to create and implement a decarceration plan and be a model for the rest of the country. Sound policy and strategic investments in housing, mental health care, addiction treatment, education, employment and economic opportunity will address the reasons for incarceration and further decrease incarceration rates.

### **III. Investing in technological improvements that includes automating the process of criminal record sealing.**

We urge this Committee to insert the following proviso to line item 1790-3007: "provided, however, that the funds under this item shall be used for the commissioner of probation to implement an automated electronic sealing process that uses technology to seal certain criminal records."

At present, the Office of the Commissioner of Probation requires petitions to seal criminal records to be sent by mail or hand delivered to the Commissioner. This requires sealing of records to be done one-by-one (by hand) which requires a substantial amount of staff and attorney time. In March, the Commissioner’s office shut down the record sealing unit and redeployed staff to other areas in light of COVID- 19 and only recently re-opened in April. Investing in technological improvements that allow filing petitions electronically would not only be cost effective but also safer than mailing petitions during public health emergencies such as COVID-19.

Automated electronic sealing processes such as Pennsylvania’s “Clean Slate” process, that uses technology to seal certain criminal records is not only cost and time effective, but allows Pennsylvanians to move past their old, minor criminal records. During the COVID-19 pandemic, Pennsylvania was the only state in the country that continued automatically sealing cases under Clean Slate. In Massachusetts, the record sealing process is going to be critical as businesses reopen and citizens compete for scarce jobs. Implementation of an automated process in Massachusetts would also ease periodic backlogs in the present system.

Thank you very much for your attention to this important matter, and we look forward to working with you and the Committee as we move forward.

Sincerely,

Senator James B. Eldridge, Middlesex and Worcester District

Senator Harriette L. Chandler, First Worcester District

Senator Becca Rausch, Norfolk, Bristol and Middlesex District

Senator Mike Barrett, Third Middlesex District

Senator Jason M. Lewis, Fifth Middlesex District

Senator Patricia D. Jehlen, Second Middlesex District

Senator Sonia Chang-Díaz, Second Suffolk District

Senator Edward J. Kennedy, First Middlesex District

Senator Joanne M. Comerford, Hampshire, Franklin and Worcester District