

**Testimony from July 20, 2021 hearing before the
State Administration and Regulatory Oversight Committee**

Hello, my name is Erin Braatz. I am an assistant professor of law at Suffolk University Law School and I am here to speak in support of Senate bill 2030.

In 1874 this body, the Massachusetts state legislature, authorized the construction of a new prison for women, which became what we now know as MCI-Framingham. Only the second of its kind in the country, in passing this legislation MA proved to be a leader in responding to the unique needs of women found guilty of violating the laws of this state.

Now, in 2021, the Department of Corrections has announced plans to close MCI-Framingham and replace it with a new \$50 million facility. This legislature has not authorized this new facility. Indeed, it has not been consulted at all in the process of designing or constructing a new facility. While this body has the power to pass bonds to pay for its construction, you do not currently have the power to weigh in on what that facility will look like or what it will entail for the women held there.

This is because, in 1972, this legislature delegated near total authority to the Commissioner of Corrections to “designate, establish and maintain such facilities as he deems necessary.” While the Department of Corrections has to consult with this body before it decommissions a state prison, it does not have to consult with this body in creating a new one. Moreover, nowhere has this legislature defined what is required to constitute such a “facility.”

I would argue that almost 50 years later, we are in a very different position with regard to punishment in this state and in this country than we were in 1972. At this time there are conversations happening throughout this country and state about how transgressions should be treated in the 21st century.

But 50 years ago this body gave away its ability (and through it, the public’s ability) to participate in these conversations, when it gave near total authority to the Department of Corrections.

In 1874 MA was a leader in developing an institution uniquely able to address the needs of female offenders. The only way for MA to reclaim its position as a leader in this area is for this legislature to reassert its role in investigating and debating what punishment will look like in the 21st century.