



Testimony submitted to the Joint Committee on the Judiciary  
In Support of S.770/H.3072 – An Act Providing Community-based Sentencing Alternatives for  
Primary Caretakers of Dependent Children who have been Convicted of Non-violent Crimes  
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In some neighborhoods in Boston, nearly every street has residents who are in custody.<sup>1</sup> This high rate of incarceration negatively impacts not only the individuals in custody, but also their children, their families, the neighborhood, and the city as a whole.<sup>2</sup> One in 14 children in the United States has had a parent in state or federal custody, and the trauma of having a parent in custody is similar to that of being abused or experiencing domestic violence.<sup>3</sup>

In Massachusetts, there were 69,000 children who had a parent in custody in 2011. As we have a disproportionate number of racial and ethnic minorities incarcerated in Massachusetts, the problem weighs more heavily on minority communities.<sup>4</sup> Prisons and jails are not set up to be a good experience for children. Parental incarceration is associated with more emotional difficulties, lower school engagement, more problems in school, and less parental monitoring for the children of parents in custody.<sup>5</sup>

This bill, sponsored by Sen. Will Brownsberger and Rep. Russell Holmes, focuses only on enabling the court to consider a defendant's primary caretaker status for children under age 18, even if that child is temporarily being taken care of by a relative or other responsible adult. It is limited to sentencing for non-violent crimes, and allows the parent to request such consideration after judgment. If available, non-custodial sentences must be considered, emphasizing community rehabilitation, parent-child unity and support, drug and alcohol treatment, domestic violence education and prevention, physical and sexual abuse counseling, and job training and placement. The court may later evaluate the individual's progress or violation of the conditions of the sentence in order to modify the sentence.

Mothers make up 65% of women in prison, most living with their children at the time of their conviction. Over half, 53%, of women in Massachusetts correctional facilities were convicted of non-violent offenses, most serving sentences of less than three years. Figuring out ways for them to continue in their parental role during this time benefits their families and our communities, and most importantly their children.

The League of Women Voters of Massachusetts is in favor of "the use of adequately funded and supervised alternative punishments for...offenders where mitigating circumstances exist" and promotes "the offender's rehabilitation through individualized treatment."

Keeping primary caretakers who are not a threat to the public in prisons or jails is expensive and harms children. We wholeheartedly support this bill.

Thank you for your consideration.

<sup>1</sup> <http://massinc.org/research/the-geography-of-incarceration/>

<sup>2</sup> <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/05/24/having-a-parent-behind-bars-costs-children-states>

<sup>3</sup> <http://www.aecf.org/resources/a-shared-sentence/>

<sup>4</sup> [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs\\_assets/2010/collateralcosts1pdf.pdf?la=en](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf?la=en)

<sup>5</sup> <http://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf>