



Legislation Summary:

An Act related to rehabilitation, re-entry and human rights for incarcerated persons

Bill Numbers: [S.1493](#) and [H.2325](#)

Sponsors: Senator Cynthia Stone Creem and Representative Brandy Fluker Oakley

What the bill does, why LWVMA supports or opposes it, and the League position relative to this bill

This bill seeks to shift correctional management and administration in correctional facilities away from ineffective and punitive approaches to a system that will support rehabilitation and re-entry through education and supportive programs. If enacted, the bill would establish basic living conditions for everyone incarcerated in Massachusetts, including:

- Eight hours out-of-cell time per day, except for operational emergencies;
- Opportunities to prepare for successful re-entry, including substantially increased opportunities for participation in programs, education, vocational training, work opportunities, and library access;
- Medical and mental health care in line with state regulations and agency contracts;
- At least one hour of congregate fresh air per day;
- Maintenance of a habitable temperature range in the facility, access to water that meets Massachusetts DEP's standards, daily showers and flushable toilets;
- Access to commissary items appropriate for the individual's race, culture and gender identity; and
- Access to in-person visitations, at least in accordance with Mass. Gen. Laws chapter 127 section 36C.

Our correctional facilities currently rely too heavily on segregation for behavior management. In 2022, the Department of Corrections (DOC) began to replace Restrictive Housing (solitary confinement) with Behaviour Adjustment Units (BAUs). While the minimum out of cell time for BAUs is slightly higher (3 hours per day) than it was for solitary confinement, severe physical, social and educational restrictions have been imposed on people placed in BAUs. Despite the name change, a BAU is essentially another form of segregated confinement, and the mental and physical damage from imposed isolation has been well documented. On April 1, 2023, 160 people across 8 DOC facilities were being held in Behavior Adjustment Units. Passing this bill would effectively eliminate segregated confinement by requiring at least 8 hours of out-of-cell time per day.

For years DOC has been underinvesting in education and programming for people who are incarcerated, resulting in insufficient support for rehabilitation and re-entry. One consequence is more dangerous prison environments. A review of 97 previous studies found that prisons where people are “engaged in purposeful activities they consider valuable . . . are less prone to be sites of aggression.” The same study

also noted that “physically poor conditions, highly controlling regimes,” and a perception that staff decisions are unfair or illegitimate can lead to conflict and assault (McGuire, 2018).

Another consequence of neglecting education and programming is the lost opportunity to support community safety by reducing the recidivism rate of returning citizens. In an update of an earlier study, a 2018 meta-analysis showed that “individuals who participated in a correctional education program while incarcerated had 28-percent lower odds of recidivating than individuals who did not (Davis, 2018 & Bozick et al., 2018).”

Beyond practical benefits, implementing this bill would help incarcerated people overcome the harm they have endured in their lives rather than exacerbate their trauma by continuing to impose harsh treatment and allow poor prison conditions.

League Positions

LWVMA and LWVUS policy positions stand in opposition to the dearth of educational and programming opportunities, the extensive use of segregated confinement and the generally miserable conditions in our correctional facilities:

As documented in *Where We Stand*, p.36, LWVMA supports:

- A sound corrections system which provides opportunities for the rehabilitation of the adults and juveniles;
- Measures to protect the civil and individual rights of the individual and to promote the person's rehabilitation through individualized treatment;
- Measures that provide sufficient prison space to ensure humane living conditions for people who are incarcerated; and
- Vocational training and educational opportunities, meaningful and useful prison industries, and drug and alcohol abuse prevention programs, in conjunction with humane living conditions.

As documented in *Impact on Issues*, pp. 120-22, LWVUS supports laws that would:

- Ensure that all correctional systems provide humane, dignified, non-discriminatory treatment of incarcerated people and personnel, including appropriate health care. . . .;
- Eliminate the practice of solitary confinement;
- Encourage family and community visitations and ways to maintain contact;
- Adapt case management services to match education, behavior, job training, work, and mental health programs with the needs of incarcerated individuals; and
- Rely on evidence-based research in decision-making about criminal justice programs and policies.

References

Bozick, R., Steele, J., Davis, L., Turner, S (2018) Does Providing Inmates With Education Improve Postrelease Outcomes? *Journal of Experimental Criminology* 14(3) 389-428.

Davis, L. (2018) Higher education programs in prison. RAND.
<https://www.rand.org/pubs/perspectives/PE342.html>

McGuire, J. (2018). Understanding prison violence: a rapid evidence approach. Liverpool University. HM Prison and Probation Service.
<https://livrepository.liverpool.ac.uk/3035755/1/Understanding-prison-violence%202018.pdf>

