Report to the Social Justice Committee

Making Our Criminal Justice System More Just

Following the service last fall on our broken criminal justice system, Donna and Jim Savicki teamed up with Louellyn Lambros of Scituate to encourage the Mass Bail Fund to expand to Plymouth County. Until last month, the Mass Bail Fund operated in Suffolk, Worcester and Essex Counties only.

The Mass Bail Fund (MBF) was established in 2013 by a group of public defenders and social workers to remedy the burden bail places on poor people. The fact that a person must await trial in jail (for days, weeks, or even months) only because he or she is poor is inherently unjust. The MBF founders knew that poor defendants who are forced to await trial in jail have worse legal outcomes. In addition, they run the risk of losing their jobs and their housing, of missing critical medical treatments and even losing custody of their children. To date, the Mass Bail Fund has posted bail for 245 people, only 4 of whom failed to appear for their court date. About half of the 245 cases have been resolved and in half of those, the charges were dismissed; that’s more than 60 people who would otherwise have been incarcerated for something they ultimately were not even tried for.

An all-volunteer organization, the Mass Bail Fund provides up to $500 bail for poor defendants (as well as the nonrefundable $40 bail commissioner’s fee). The defendant’s attorneys (all public defenders or attorneys working pro bono) apply to the bail fund and arrange transportation for the defendant after bail has been posted. In addition, each defendant must have a second reference. The bail fund assesses the likelihood that the defendant will show up for his (and, on rare occasions, her) trial date. If it seems likely that the defendant will show up for court, the bail fund contacts a volunteer and she/he posts bail. When the defendant’s case has been resolved, the volunteer goes to the courthouse to retrieve the bail money, which can now be used for someone else.

Donna and Jim Savicki have received training from the Mass Bail Fund (it takes an hour or two) and with Mary Flanagan, accompanied Louellyn Lambros to the Plymouth Correctional Facility on April 5, when she posted bail for a young man. Donna and Mary are poised to post bail on Tuesday, April 19, for another defendant being held in the Plymouth HOC.

Since March 1, the Mass Bail Fund has posted bail for six men who would otherwise have been detained pre-trial in the Plymouth jail. Three had bail of $500, two had bail of $250 and one had bail of $200. Donna is working with Louellyn Lambros and two others (a former UU minister from the Bridgewater church and the current minister of the Scituate UU church) to contact UU churches across the South Shore to help raise money and recruit volunteers for the Mass Bail Fund. Plymouth County is in, but the MBF would also like to expand to Bristol County. However, they have determined that they would need to raise about $20,000 before they can expand further.

Louellyn Lambros is also working on a plan to bail Plymouth County women out of MCI –Framingham (where 40% of the inmates – all women - are awaiting trial because there is no prison for women in Plymouth County). The logistics of bailing a woman out of MCI-Framingham are daunting. Therefore, Mass Bail Fund has come up with a different strategy; namely, they will bail women out when they are brought back to court. Apparently, people awaiting trial must appear in court a number of times before their actual trial, and it is possible to bail someone out from the courthouse (where there is no $40 bail commissioner’s fee). Of course, this means the woman will have had to spend some time in jail, but it’s a start. Early in April, Louellyn drove to the court in Salem to bail out a woman who had been transported there from Framingham by the prison system, and who had been incarcerated since December because she couldn’t raise $1,000 for bail. In this case, her partner was able to raise $500 and the Mass Bail Fund contributed the remaining $500.

There will be (mandatory) training for MBF volunteers in Brockton on May 6th at 11 a.m. (at Elvira’s Café on main Street, close to the courthouse for those interested in volunteering for the Mass Bail Fund. We are seeking volunteers who are willing to commit to being available to post bail at the Plymouth jail one night a week. Currently we have Tuesday night covered. In addition, we are looking for people who would be willing to bail women out of one or more of three district courts in Plymouth County: Plymouth, Hingham or Wareham (Louellyn has already recruited volunteers for Brockton).

If you volunteer to bail women out at a courthouse, you will be on a call list, and if you are unavailable when called, the next person will be contacted.  The volume is not expected to be high.

Volunteers use their own cash to post bail and pay the $40 bail commissioner’s fee and are then reimbursed by the Mass Bail Fund via the app, Venmo. Volunteers are also asked to download the app, Genius Scan, so that they can send the MBF a copy of the receipt the bail commissioner gives them when they post bail.

Finally, Atara Rich-Shea is the person who manages the Mass Bail Fund day-to-day. She is a former public defender who is now a stay-at-home Mom. She is willing to come and speak to groups. She particularly enjoys speaking with high school students, even though they are too young to volunteer for the MBF.

For more information, please contact Donna Savicki (dsavicki@comcast.net or 781-585-8041)

Donna Savicki

April 17, 2016