



PRISONERS' LEGAL SERVICES OF MASSACHUSETTS

✉ 50 Federal Street, 4th Floor • Boston, MA 02110

🌐 www.plsma.org

fb.me/prisonerslegalservices

📺 @PLSMA

☎ Main: 617-482-2773

📠 Fax: 617-451-6383

State prisoner speed dial: 9004 or 9005 • County prisoner collect calls: 617-482-4124

March 12, 2020

Charles D. Baker
Office of the Governor
Massachusetts State House
24 Beacon Street, Room 280
Boston, MA 02133

Secretary Thomas A. Turco
Executive Office of Public Safety and Security
1 Ashburton Place
Suite 2133
Boston, MA 02108

Commissioner Carol Mici
Central Headquarters
Department of Corrections
50 Maple Avenue
Milford, MA 01364

Sheriff Koutoujian, Massachusetts Sheriffs' Association
Middlesex Sheriff's Office
400 Mystic Avenue
4th Floor
Medford, MA 02155

Dear Governor Baker and Public Safety Officials:

I know that in recent weeks each of you has been actively involved in planning for the prevention and management of COVID-19 in the Massachusetts Department of Correction and in our county jails. However, I write to request your assurance that evidence-based and proactive plans are being implemented, as the statement released yesterday by the Department of Correction is lacking in detail and does not seem to comprehensively address the complexities of this problem. I respectfully ask that Prisoners' Legal Services be provided with more detailed information regarding measures being taken in DOC and county facilities, and that the concerns

detailed below be taken into account, as PLS is a significant stakeholder in this matter. I would like to set up a call with you within the next two weeks to discuss your plans for protecting the health of the people in your custody and the people who work in the prisons.

While I am sure you agree that a plan should be developed collaboratively with the Department of Public Health and other stakeholders together, below is a description of some critical issues we have identified that should be addressed immediately.

Education of the people in your custody: People housed in the prisons and jails need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.

Delivery of information to incarcerated people: The information should be provided in writing *and* by other means since many prisoners are not fully literate or do not primarily communicate in English, and it is imperative that each and every incarcerated individual fully understand and apply the necessary preventative measures. In many cases, it will be necessary to translate and interpret information, particularly for those being held in immigrant detention at Bristol County House of Correction, Plymouth County Correctional Facility and in the Franklin County House of Correction.

Education of the staff and volunteers: Correctional, administrative, and medical staff, in addition to volunteer staff must be educated about the virus to protect themselves and their families, as well as the people in their custody.

Staffing plans: Regardless of how many staff stay home because they are sick, the prisons will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.

Staffing plans for services provided by prisoners: Many tasks in prisons, such as food preparation and basic sanitation, are performed by prisoners. The plans for an outbreak must also address how necessary tasks performed by prisoners will continue if large numbers of prisoners are ill or under lockdown/quarantine conditions.

Provision of hygiene supplies: The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies (soap, masks, etc.) for all prisoners, including indigent prisoners, both for frequent handwashing and for cleaning. Prisons and jails should temporarily allow alcohol-based hand sanitizer to be used by prisoners, and hand sanitizer should be readily available in the lobby and in common areas of each prison and jail.

Screening and testing of the people in your custody: There should be clear guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.

Housing of persons exposed to the virus: The plan must describe how and where people in the prison and jail system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.

Potential lockdown conditions: If, in fact, some form of a lockdown is instituted in any of the jails or prisons that prevent visitors from coming in (which I understand is currently the case), other methods of communication with loved ones and attorneys such as phone and email should be facilitated by eliminating the cost of those communications so that they can be made equally available to all prisoners. As the Commonwealth is currently discouraging unnecessary contact between individuals, particularly in close quarters, we urge the instituting of such a policy as immediately as possible. In addition, any extended lockdown will present austere and taxing conditions for those incarcerated as well as for those who work in the prisons and jails. As such, we strongly encourage mitigating measures be instituted to ease tensions and create a safe environment for all. Some ideas include making tablets and mp3 players temporarily accessible to all prisoners, improving meals, and the communication suggestions already mentioned above.

Treatment: Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols. In addition, jails and prisons should cease charging medical co-pays, including fees for sick slips, which could discourage early detection of COVID-19.

Vulnerable Populations: The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant people and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them. We specifically urge the DOC Commissioner to approve as many eligible people as possible for release on medical parole or temporary furlough for those who are particularly vulnerable such as pregnant people.

Utilization of Release Mechanisms: In addition to using medical parole and/or furloughs as a means of releasing vulnerable populations, the Commonwealth should refrain from adding individuals to our prison and jail system, including immigrant detention, during this pandemic and release pre-trial individuals who are only in prisons and jails because they cannot afford bail. This is not a good use of state resources, particularly now. Any incarcerated individuals who can safely live in the community - even if only temporarily - should be given that option as

a measure to further minimize the number of people who will likely be infected in our prisons and jails. In this vein, the Parole Board should also be encouraged to release those eligible for parole, and both the Probation Department and Parole Board should refrain from reincarcerating individuals in the community on technical (non-criminal) violations. Finally, both clemency and commutation provide additional mechanisms for release of individuals who present a low safety risk. Similarly, if a positive case of COVID-19 is identified in a prison or jail, release to a quarantine environment outside of the correctional system should be considered to minimize or eliminate additional exposure to staff and individuals in custody.

Data collection: The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The prison system must be part of this process. The same information that is tracked in the community must be tracked in the prisons.

Please feel free to contact us with any questions regarding these suggestions, and please let me know when you will be available to discuss your plans in more detail.

Sincerely,



Elizabeth Matos, Esq.
Executive Director

c.c.

County Sheriffs:

James M Cummings
Barnstable County Sherriff's Office
6000 Sherrif's Place
Bourne, MA 02532

Thomas Bowler
Berkshire County Jail and House of Correction
467 Cheshire Road
Pitssfield, MA 01201

Thomas M Hodgson
Bristol County Jail and House of Correction
400 Faunce Corner Road
North Dartmouth, MA 02747

Robert W Ogden
Dukes County Jail and House of Correction
149 Main Street
PO Box 252
Edgartown, MA 02539

Kevin F Coppinger
Essex County Correction Facility & Sherriff's Headquarters
20 Manning Avenue
Middleton, MA 01949

Christopher Donelan
Franklin County Sherriff's Office
160 Elm Street
Greenfeld, MA 01301

Nicholas Cocchi
Hampden County Jail and House of Correction
627 Randall Road
Ludlow, MA 01056

Patrick J. Cahillane
Hampshire County Sherriff's Office
205 Rocky Hill Road
Northampton, MA 01060

James A. Perelman
Nantucket County Sheriff's Department
20 South Water Street, PO Box 419
Nantucket, MA 02554

Jerome P. McDermott
Norfolk County Sheriff's Department
200 West Street, PO Box 149
Dedham, MA 02027

Joseph D. McDonald
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA 02360

Steven W. Tompkins
Suffolk County Sheriff's Department
20 Bradston Street
Boston, MA 02118

Lewis G. Evangelidis
Worcester County Jail and House of Correction
5 Paul X Tivnan Drive
West Boylston, MA 01583

Joint Committee on Public Health Chairs and Vice Chairs:
Senator Joanne M. Comferford
24 Beacon Street
Room 413-C
Boston, MA 02133

Senator Nick Collins
24 Beacon Street
Room 312-D
Boston, MA 02133
Representative John J. Mahoney
24 Beacon Street
Room 130
Boston, MA 02133

Representative Chynah Tyler
24 Beacon Street
Room 155
Boston, MA 02133

Senate President Karen Spilka
24 Beacon Street
Room 332
Boston, MA 02133

Speaker of the House Robert DeLeo
24 Beacon Street
Room 356
Boston, MA 02133

Monica Bharel, Commissioner of Massachusetts Department of Public Health
250 Washington Street,
Boston, MA 02108

Todd M. Lyons, Acting Field Office Director
Enforcement and Removal Operations, Boston Field Office
U.S. Department of Homeland Security
1000 District Ave.
Burlington, MA 01803

