Leah Hastings (she/her) joined Prisoners’ Legal Services in September 2023 as a legal fellow with the Immigrant Detention Conditions Project. In this role, she has continued the Project’s advocacy against the harms of ICE detention while expanding PLS’s resources for noncitizens in DOC and county custody. Through the Project, she hopes to foster greater understanding of how deportation and incarceration work in tandem as tools of oppression, and to challenge the marginalization of immigrant prisoners in both prisoners’ rights and immigrants’ rights spaces. Leah graduated from Boston University School of Law in May 2023, where she spent two years as a student attorney in the Immigrants’ Rights Clinic and interned with several legal aid, public defense, and abolitionist organizations. She is proficient in Spanish.

Rachel Talamo (she/her) joined Prisoners’ Legal Services in October 2023 as a Liman Law Fellow to help establish independent and enforceable oversight over state prisons and jails through litigation, legislation, and organizing. This year, she has been an attorney on the Diggs v. Mici class action lawsuit, coordinated legislative efforts for the Racial Equity in Corrections Initiative’s Race Data & Oversight bill (S.1493 / H.2325), and helped to develop other lawsuits to hold Massachusetts accountable for inhumane conditions of confinement. While studying at Yale Law School, Rachel interned at Orleans Public Defenders, the Advancement Project, the National Council for Incarcerated & Formerly Incarcerated Women and Girls, the Promise of Justice Initiative, and Stop Solitary Connecticut. She joins PLS with experience in post-conviction representation, civil rights litigation, legislative advocacy, and trauma-informed counseling. Rachel believes that carceral violence is antithetical to collective safety and aspires to leverage the law in service of social movements paving other ways forward.
PLS Welcomes Interim Executive Director Amid Search

Cheryl Zoll (she/her) joined PLS as our Interim Executive Director in October 2023. Cheryl oversees the organization's programmatic performance, financial strength, and administrative functioning while a permanent replacement for Lizz Matos is found. From 2014 to 2023, Cheryl served as CEO of Tapestry Health, a community-based organization in Western MA that provides healthcare in areas where stigma remains a barrier to health equity. Cheryl previously served as Executive Director of the Amherst Survival Center, where she led a team that transformed a grassroots basic-needs organization undergoing a challenging transition into a thriving agency serving over 4,000 low-income residents of MA annually. She also taught for 10 years as a linguistics professor at MIT, Amherst College, Hampshire College and the University of Iowa. She holds a bachelor's degree from Harvard University, a master's degree from Brandeis University and a Ph.D. from University of California, Berkeley.

New Executive Clemency and Commutation Guidelines

The Constitution of Massachusetts grants the Governor the authority to issue pardons and commutations. A pardon is a forgiveness of the offender's underlying offense. A commutation does not forgive the underlying offense but reduces the sentence.

In October of 2023, Governor Maura Healey released new executive clemency guidelines for the Advisory Board of Pardons. Governor Healey has stated that she intends to use her executive clemency and commutation powers “to address unfairness and systemic bias in the criminal justice system” and whether clemency would address “a miscarriage of justice.” The new guidelines ask the Board of Pardons to consider factors including the petitioner’s age at the time of the offense; health; race; gender; sexual identity; and whether they are a survivor of sexual assault, domestic violence or human trafficking. They also ask the Board to factor in record during incarceration, and involvement in programming, education, and mentorship.

The new Executive Clemency Guidelines can be found online at www.mass.gov/info-details/pardons-and-commutations, along with template pardon and commutation petition forms. For both pardons and commutations, the Parole Board first determines whether a hearing should be held. It may then conduct a hearing and then make a recommendation to the Governor. It is possible for you to submit clemency and commutation petitions on your own and we encourage you to do so, but we also recommend getting help and guidance from attorneys and family members.

PLS does not file petitions, but we are in the process of putting together resources to help people inside petition on their own.

PLS is also supporting a growing effort to find attorneys or other advocates to represent individuals seeking clemency. The Massachusetts Association of Criminal Defense Lawyers (MACDL) has put together a small committee that will be screening commutation cases and working to refer them to firms for pro-bono legal representation. The main factors that MACDL considers are 1) disciplinary history and 2) program participation. To request an application for representation, please reach out to:

MACDL Clemency Committee
c/o DeJuneas Law LLC
11A Commercial Wharf West
Boston, MA 02110

Be prepared to explain any marks on your disciplinary record and highlight any program participation or achievements. If you had trouble accessing programs, you should be prepared to explain why and tell MACDL about other things you have done to better yourself or help others while in prison.

Women incarcerated in Massachusetts can also reach out to the Women’s Bar Association Clemency Project:

Families for Justice as Healing
100R Warren St, Roxbury, MA 02119
617-992-7185

ATTN: Laura Burnett
Women’s Bar Foundation
105 Chauncy St, 8th Floor
Boston, MA 02111

Finally, please feel free to reach out to PLS via mail, during regular intake hours, or to your assigned advocate so that we can collect basic information through a short questionnaire. If we come across an opportunity to refer you to a pro bono attorney, legal clinic, or advocacy group, we will let you know. If you are notified that the Parole Board is recommending your petition for a hearing and you need help, please reach out to us and we may be able to find a pro bono advocate who can help prepare you for and possibly represent you at the hearing.
PLS Intake Process

Prisoners’ Legal Services (PLS) assists incarcerated persons through litigation, direct client advocacy, and general legal advice. PLS assists clients with issues in several areas, but prioritizes issues related to medical and mental health care, staff brutality, conditions of confinement, and segregation. Below is a description of our intake process.

New Intakes

Phone: Our phone intake hours are Mondays from 1-4pm. You can reach PLS at any of the below phone numbers. Your loved ones and attorneys may also reach us on your behalf at our main line. If our office is closed in observance of a holiday, phone intake hours will be held from 1-4pm the next day.

Main: 617-482-2773
State Prisoner Speed Dial: 9004
County Prisoner Collect Calls: 617-482-4124

Please understand that due to high call volumes, we are often unable to answer every call that we receive. If you are unable to reach us during our phone intake hours, please consider writing to our office instead.

Mail: PLS accepts new intakes by mail at all times. Mail should be sent to:

Prisoners’ Legal Services
50 Federal Street, 4th Floor
Boston MA 02110.

In order to ensure that you receive a prompt response with minimal clarification required, please try to write clearly, thoroughly, and to the point. Mail intake letters should include the following, but please feel free to mail PLS a letter even if you do not have all the information:
1. Your identifying information: full name, ID number, location, etc.
2. A brief statement of the issue
3. A description of any attempts you have made to resolve the issue (e.g., sick slips, grievances, speaking with staff members, etc.)
4. A description of any responses or decisions you have received, either approving or denying your requests
5. Any additional details, copies of documents, or records that may help PLS better understand the issue
6. What you hope PLS can do in order to assist you with the issue

Established Intakes

Once you have initiated a new intake, you should expect a response from PLS. There are several possible responses you may receive. Your assigned advocate may request additional information, advise you to take additional steps to resolve the issue on your own, send informational resources, inform you that we are unable to assist you, etc. Please understand that these responses and our ability to assist with a given issue depend heavily on how time and resource intensive the issue is, the likelihood that efforts will be successful, your individual circumstances, etc.

Please note that each advocate has different time commitments and thus, varying availability to accept phone calls at any given time. We also understand that you as the client may be similarly limited in your ability to call during the above phone hours. For this reason, it is best to communicate early in the intake process how and when to best reach each other.

If your family member or attorney contacts PLS on your behalf, a new intake will be opened in your name. However, because you are our client, you must also contact PLS by phone or mail to indicate that you wish to receive assistance.

Phone Hours for Established Intakes

Monday: 9-11 AM
Tuesday-Friday: 9-11am; 1-4 PM
Saturday & Sunday: N/A

What would you like to learn more about?

PLS wants to hear from you about what you may want included in future Notes. Please write to Aaron Steinberg at the address on the front page to let us know so that we can respond to your needs.
Legislative Updates

What Does the PLS Policy Team Do

Since the last issue of PLS’ Notes, PLS’ Policy Team has enjoyed a temporary doubling in size thanks to the addition of Nikki Louis and Katherine Nace. Jesse White continues to lead the department alongside the policy committee chairperson, Ada Lin, who specializes primarily in medical parole matters and is also working on litigation, to move our policy agenda forward in collaboration with other staff members who fit policy work into their regular case and intake load.

This session, PLS is prioritizing 12 bills (summarized more in depth below), with a particular focus on bills to reform medical parole, establish universal baseline conditions standards and end solitary confinement, increase race equity in the prison system, and end incarceration under Section 35 for substance use disorder treatment. Our priority bills were selected after receiving feedback from incarcerated people about what your priorities are and after engaging in a staff-wide retreat to establish overarching PLS priorities. In determining priorities, we considered: alignment of policies with PLS strategic plan and priority areas, impact on incarcerated people throughout the Commonwealth, client suggestions and input, PLS staff time and resources, and feasibility given the current political landscape.

Joint Rule 10 Report Update and Next Steps

In Massachusetts once a legislator’s bill is filed in the House or Senate Clerk’s office, it is given an initial number (a docket number) and is recorded in a docket book, which lists all bills as they are filed. The House Clerk and Senate Clerk then assign each bill a bill number and recommend the appropriate Joint Committee to hear the bill. The Joint Committees must hold a hearing and issue a report on each bill before them. PLS has worked with legislators so that incarcerated people can testify at these hearings.

This committee is responsible for deciding whether to report the bill out of the committee favorably (meaning that it will recommend passage), adversely (reject it), or send it to “study” (formally, this means that a bill may be studied during the recess, but in practice, the bill is dead for the session). Some of the House and Senate versions of our priority bills, though containing the same content, are split between Committees, so each version may have its own decision.

Under Joint Rule 10, Joint Committees are required to report on bills not later than the first Wednesday in February of the second year of the legislative session; however, committees may request and are often granted additional time, which is where we are at now. Below is an update on the status of PLS’ priority bills and bills we support:

Priority Bills

An Act related to rehabilitation, re-entry, and human rights for incarcerated persons (S.1493 / H.2325) would establish universal baseline standards for conditions of confinement for everyone incarcerated in Massachusetts state prisons, county jails, and houses of correction. The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

An Act creating an independent correctional oversight office to facilitate the recommendations of the Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth (S.1545 / H.3956) would create an oversight office focused on addressing structural racism in the prison system. The Joint Committee on Public Safety and Homeland Security extended the reporting date for the Senate version until April 8th, 2024. The House version was sent to Study.

Committee for Public Counsel Services
Innocence Program

Have you been convicted of a crime in Massachusetts that you did not commit? If so, please contact the CPCS Innocence Program. They may investigate your case, represent you or assign you a lawyer, or seek forensic testing. They will review your case even if DNA testing is not an option, and even if you pled guilty despite being innocent. To apply, please write or call:

CPCS Innocence Program 21 McGrath Highway, 2nd Floor Somerville, MA 02143 617-209-5666

Calls will be accepted Tuesdays and Thursdays. DOC prisoners may call collect.
An Act to ensure appropriate access to medical parole (S.1535 / H.2319) would ensure that the medical parole process works as the Legislature originally intended by providing a measure of public decency toward incarcerated people who are terminally ill or permanently incapacitated while ensuring public safety. The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

An Act ensuring access to addiction services (S.1247 / H.1966) would end the practice of incarcerating men who have not been convicted of any crime but who have been civilly committed for involuntary treatment for alcohol and substance use disorders under M.G.L. chapter 123, section 35 (also known as “Section 35”). The Joint Committee on Mental Health, Substance Use, and Recovery reported both the Senate and House versions out favorably.

An Act to improve transparency and accountability in correctional facilities (S.1477 / H.2394) would shed light on and bring greater accountability to the correctional system through improved media and records access. The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

An Act to strengthen visitation rights of incarcerated people/An Act to strengthen family and community connection with incarcerated people (S.1541 / H.2314) would enhance public safety, reduce recidivism, and promote rehabilitation by ensuring that visitation is not unreasonably restricted. The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

ICE Detention: An Act relative to Massachusetts state sovereignty (S.997 / H.1401) would prohibit all Massachusetts entities, including the sheriffs, from entering into or renewing contracts with ICE to rent bed space for immigration detention, and would prohibit all Massachusetts entities from donating state employee time to ICE via 287(g) agreements. The Joint Committee on the Judiciary sent both House and Senate versions Study.

An Act to promote equitable access to parole (S.1544 / H.2398) would improve the efficiency and balance of the parole board, account for the rights and needs of persons with certain disabilities, improve transparency, and reduce the amount of time between parole reviews.

The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

An Act to reduce mass incarceration, (S.1045 / H.1821) would allow all people serving life sentences the opportunity for a parole hearing after serving 25 years and would ensure access to restorative justice programming. The Joint Committee on the Judiciary extended the reporting date for both the House and Senate versions until April 30th, 2024, pending agreement by the Senate side of the committee.

An Act establishing a jail and prison construction moratorium (S.1979 / H.1795) would establish a five-year moratorium on new prison and jail construction and expansion in the Commonwealth. The Joint Committee on the Judiciary sent the House version to Study, but the Joint Committee on State Administration and Regulatory Oversight extended the deadline for the Senate version until July 1, 2024.

### Bills We Support

An Act establishing parole review for aging incarcerated people (S.1547 / H.2397) would make people ages 55 and older eligible to see the Parole Board after they have served half of their sentence or at least 15 years, regardless of their underlying conviction. The bill would require the parole board to consider the impact of long-term incarceration on elders but would not guarantee an individual’s release. Families for Justice as Healing is leading advocacy on this bill. The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

An Act for second look (H.3955) would enable people who have served more than 10-15 years to petition a judge for a sentence reduction, up to and including a reduction to time served. We are working with the Campaign to End Life Without Parole to support this bill. The Joint Committee on the Judiciary sent the bill to Study.
An Act to promote rehabilitation including guaranteed health, treatment, and safety for incarcerated LGBTQI+ People (S.1499) would provide greater oversight, accountability, and support for the rights and privileges of incarcerated LGBTQI+ people. Black and Pink Massachusetts is leading advocacy on this bill. The Joint Committee on Public Safety and Homeland Security extended the reporting date for the bill until April 8th, 2024.

An Act to reform parole supervision in the interest of justice (S.1534 / S.1540) would help ensure that parole conditions are reasonably related to the crime of conviction, that parole is not unduly revoked, that warrants are not issued for suspected violations of parole, and that people have a pathway for terminating parole. We are working with the Coalition for Effective Public Safety (CEPS) to advocate for this bill. The Joint Committee on Public Safety and Homeland Security extended the reporting date for both the House and Senate versions until April 8th, 2024.

An Act Relative to Voting Rights Restoration and Proposal for a Legislative Amendment to the Constitution (S.428, S.8, H.724, H.26, H.721) would end the disenfranchisement of voters convicted of felony. This bill is being led by the Democracy Behind Bars Coalition and 3/5ths No More, and it has been reported out favorably by the Elections Committee. Current advocacy is focused on ensuring that the bill is scheduled for a vote in the next Joint Session of the full Legislature. The Joint Committee on Education extended S.428 to May 28th, 2024; the Joint Committee on Election Laws extended H.724 and H.721 until May 28, 2024, and reported S.8 and H.26 out favorably.

In MA, criminal defendants can be punished if they intentionally assist someone else in committing a crime, even if they are not personally involved in the actual commission of a crime. This legal principle is called “joint venture” and it leads to people serving first degree life sentences who did not kill anyone. To address the injustice of this practice, three bills were filed: H.45, H.3945, and H.3962. All three bills were unsuccessful, but a new bill is being drafted for next session. We Are Joint Venture is the group leading this advocacy and working to build momentum around this issue.

**Next Steps**

Bills that have been voted out favorably will move forward in the legislative process. This includes bills where one version (House or Senate) is sent to study, while the other version (Senate or House) remains alive.

Each version of a bill (House or Senate) proceeds independently through the process. This initial review and report by the Joint Committees is also known as the “First Reading,” and bills undergo a total of three readings before they go to the House and Senate for a floor vote.

1. Most bills that have been reported out favorably will be sent to the House or Senate Committee on Steering or Policy, the House or Senate Committee on Health Care Finance, or Senate or House Ways and Means to consider budget implications if it involves state finances. This review and subsequent vote is the “Second Reading.”
2. After the vote of approval following the “Second Reading,” the bill is sent to a third committee, the House or Senate Committee on Bills for a “Third Reading,” where they look at constitutionality, duplication, and resolving any conflicts.
3. Once released from the Committee on Bills, the Senate president or Speaker of the House (depending on where the bill was first filed) can choose to move the bill forward for a vote on the floor.
4. If Senate or House votes “yes” in favor of the bill, the bill then goes back to the other chamber for a vote.
5. On both the Senate and House sides, there are opportunities to offer amendments to the bill, which are voted on in a roll call vote.
6. Both chambers must agree on one version of the bill before it goes to the Governor. If there are differences between the bills (usually due to amendments), the drafts will go to a conference committee to resolve those differences, then to the Governor.
7. Once the House and Senate pass the same versions of a bill, or have both approved of a conference committee report, they will proceed with a final enactment vote (procedural up or down votes with no debate) before it goes to the Governor.
8. The Governor will then have 10 days to sign, veto, or hold the bill. If the bill is held for ten days while the Legislature is in session, the bill will automatically become law.
Policy Mailing List Demographic Info Update

The Policy Team is additionally working to expand our policy mailing list, especially in demographic areas where there is currently less representation. If you know of any other individuals who do not receive our policy mailings, but have an interest in policy work, please provide their name and commitment number in a letter to Nikki Louis at the address listed on the front page.

No Cost Calls Update

On November 16, 2023, Governor Maura Healey signed historic legislation requiring that all prisons and jails in MA must provide free communication to incarcerated people. The law took effect on December 1, 2023. The Keeping Families Connected/No Cost Calls Coalition wants to hear about any problems that you experience related to free phone calls. You can call PLS to report issues from 9-11 a.m. and 1-4 p.m. weekdays, using the contact info on the first page. We ask that you leave a voicemail on our dedicated line. Please understand that we will not be able to respond to individual calls, but PLS will monitor this voicemail and the Coalition will make use of the information you share as we continue to advocate for as much access as possible for all incarcerated people and their families.

Non-legislative issues

PLS is also interested in gathering your input regarding issues that are not being addressed through legislation. We are seeking potential media coverage on these issues and information from incarcerated people would be very helpful. PLS cannot provide individual advocacy on these issues because of a lack of resources, but we would like to find ways to educate the public and policymakers regarding the conditions you are experiencing.

PLS is aware that excessive heat is a persistent and intensifying issue. Most prisons and jails are ill equipped to mitigate excessive heat, and there are currently no enforceable regulations to address this issue. New England is one of the fastest warming regions in the world, and increased exposure to extreme heat puts incarcerated populations at a high risk for heat-related illnesses and mortality.

We receive many reports each summer about heat conditions and have advocated on the systemic level for temperature regulation and heat mitigation in carceral settings, including our current policy campaign that would create standard temperature conditions by establishing universal conditions of confinement. Although we are working proactively to address heat and other conditions, we anticipate this is going to be a long and difficult fight that will require substantial time and effort to accomplish.

You can support this effort, anonymously or by name, by sharing your story with us and (with your explicit permission) the media, public, legislators, and decision makers in Massachusetts. If you have been affected by excessive heat conditions and would like a copy of our systemic advocacy or to contribute information, please write to Aaron Steinberg.

Additionally, please send us information regarding:
- Programming and education: What kind of access to education and programming do you have?
- Events: Do you know of events that you would like us to elevate? Please send us the details and we can promote them if they are relevant to PLS’ mission.

To contact us about non-legislative issues, please send a letter to Aaron Steinberg at the address on the front page.

Contact PLS about the New Transgender Law and DOC Regulations

The Criminal Justice Reform Act requires that prisoners who have a gender identity that differs from the prisoner’s sex assigned at birth be addressed in a manner consistent with their gender identity, provided with access to commissary items, clothing, programming, educational materials and personal property that are consistent with their gender identity, searched by an officer of the same gender identity if the search requires a prisoner to remove all clothing or includes visual inspection of genitals, and housed in a correctional facility with prisoners with same gender identity unless it is certified in writing by the correctional administrator that placement would not ensure the prisoner’s health or safety or that placement would present management or security problems.
Litigation Highlights


This class action was filed on December 2015 on behalf of prisoners with hearing impairments who allege that the DOC discriminates against them in virtually all aspects of prison life. We are co-counseling with Wilmer Hale and the Washington DC Lawyers’ Committee for Civil Rights.

An agreement called for an independent settlement monitor, who has identified significant problems with access to captioned telephones and pagers. On November 22, 2023, after efforts to resolve those issues failed, we filed a Motion asking the Court to rule that DOC is violating the provisions of the Agreement governing access to captioned telephones and pagers. In response, DOC has agreed to reinstate CapTel access and pagers to all people who had previously been approved by February 9th. If your CapTel access or pager has not been restored, please contact PLS. DOC will also retrain ADA coordinators to ensure that they honor the expressed preferences of class members when determining access to pagers and CapTel. We continue to have discussions with DOC to to explore full resolution of these issues.

An issue left unresolved by the Agreement was DOC’s failure to provide emergency notification systems to individuals with hearing impairments, including the need for visual fire alarms. On January 17, 2024, Judge Stearns issued findings of fact and law following an August 2023 trial. He ruled that DOC’s failure to provide deaf and hard of hearing class members with effective access to emergency alarms is a violation the Americans with Disabilities Act. DOC has until May 16, 2024, to propose a plan to address the failure, after which Plaintiffs will have 60 days to review and comment.

Cheek v. Massachusetts Parole Board

This suit was filed in November of 2021 on behalf of 10 individuals who had been successfully on parole for many years. Although G.L. c. 127 § 130A authorizes early termination of parole supervision, the Parole Board had effectively repealed Section 130A by denying termination in virtually all cases. The Complaint asked the court to order the Board to conduct timely and meaningful reviews of petitions to terminate parole. After we filed suit, the Board agreed to issue regulations to set up a process for people to apply for termination and established criteria for the Board to consider in making termination decisions. Since the regulations went into effect, the board received about 60 termination applications. Of these, 14 have been granted and 35 denied. The remainder are still pending. The case has been stayed to allow the Board to fully implement the regulations. At that point, we will assess whether further litigation is necessary.

Diggs v. Mici

In January 2022, on the second anniversary of the events challenged in the lawsuit, PLS and the law firm Hogan Lovells filed a class-action complaint, against the Massachusetts Department of Correction and the officials responsible for overseeing Souza Baranowski Correctional Center during a campaign of systematic, extreme, and unconstitutional violence against more than a hundred prisoners.

Currently, Judge Margaret Guzman in Worcester has the case. PLS is amid discovery, but we have filed a Motion to Compel because DOC has failed to produce all the documents to which Plaintiffs are entitled. Another significant development is that on November 17, 2023, the parties filed a joint motion asking the court to certify both a damages class and a class for injunctive relief, although they disagree on exactly how the classes should be defined. We have a dedicated voicemail for questions about the case and respond to voicemails left on it.

John Doe 1-3 v Massachusetts Parole Board

This is a class action suit we filed in June of 2023, along with the Mental Health Legal Advisors and the Disability Law Center, on behalf of all prisoners with mental disabilities who have been discriminated against by the Parole Board. The suit alleges that their opportunity to be released on parole is significantly diminished by the Board’s failure to provide reasonable accommodations at all stages of the parole process.
It follows up on the decision of the SJC in Crowell v. Massachusetts Parole Board, where the court ruled that the Americans with Disabilities Act requires the board to provide accommodations to prisoners with disabilities, including, where appropriate, a professional evaluation of how the disability may influence the person’s behavior, and assistance in locating community supports and services that might allow them to live successfully in the community. The Board has indicated that it is committed to providing accommodation for people with disabilities, and we are engaged in settlement discussions as we continue to litigate.

**MJA Update**

The Medical Justice Alliance (MJA) is a national nonprofit that mobilizes volunteer clinicians to advocate for improved healthcare for incarcerated people. MJA has begun to work with PLS, which is the only statewide legal services office dedicated solely to prisoners’ rights in MA. This collaboration has led to the creation of the Medical Justice Alliance-MA Chapter (MJA-MA). MJA-MA has three main goals:

1. **Like to Read?**

   Prison Book Program sends free books to people in prison. You can request books 3 times per year. Write a letter with your committed name, ID#, mailing address and your favorite book genres (for example: mysteries, psychology, nature, sci-fi) to:

   **Prison Book Program 1306 Hancock St, Suite 100 Quincy, MA 02169**

   You can expect books within 60-90 days.

2. **The first is to create a network of healthcare professionals who review and write affidavits (a supporting testimony) for patients who are in custody and have unmet health-related needs, including need for medical parole. Affidavit writing is a process in which physicians review cases and use their findings to support an argument for access to certain treatments or release on grounds of medical parole. In the first step of this process, an attorney identifies a medical concern that their client is facing and requests a medical review by a physician. Next, the MJA pairs one of our physicians to review the case. The physician will then review the case and potentially meet with the client in person or via zoom to clarify any questions. Afterwards, the physician writes and submits a written testimony about the client’s medical condition.**

3. **The second goal is to help MA hospitals, clinics and providers treat incarcerated patients with the dignity and humanity that they deserve. This includes:**

   - Educating medical professionals and admins on the experience of being a patient in custody, best practices in caring for them and advocating for their patient rights
   - Advocating for improved institutional policies around care of patients in custody, such as protection of confidentiality, ensuring informed consent and allowing for shackles to be removed in cases of critical illness, physical incapacitation or end of life.
   - Creating a pathway for medical providers to refer patients they are caring for in custody to PLS for help advocating for medical parole or other medical needs

4. **The third goal is to advocate for state laws and policies that better help carceral patients receive adequate and proper medical care. The current focus is on supporting medical professionals to use their medical expertise and authority to offer testimony in support of bills promoting better treatment of people in the justice system, including the Medical Parole bill and the Section 35 bill.**

MJA-MA is still small and growing. In addition to our parent organizations, MJA and PLSMA, we have partnered with organizations like the Anti-Shackling Coalition, and Deeper Than Water and are looking for more collaborations. We also would love to hear from those with lived experience of incarceration about what you feel would be most helpful to improve access to health and healthcare for those inside.
No Life Without Parole for 18, 19, and 20-Year-Olds

On January 11, 2024, in Commonwealth v. Mattis, 493 Mass. (2024), the Supreme Judicial Court held that a sentence of life without the possibility of parole constitutes “cruel or unusual” punishment under Article 26 of the Massachusetts Declaration of Rights when imposed on an individual convicted of first-degree murder who was eighteen, nineteen, or twenty years old at the time of the offense. As a result, and in consideration of “precedent and contemporary standards of decency,” the approximately 200 “emerging adults” currently in DOC custody serving such a sentence must be afforded a meaningful opportunity to obtain release on parole based on demonstrated maturity and rehabilitation.

This monumental decision—which comes just over ten years to the day after the SJC’s historic decision in Diatchenko v. District Attorney of the Suffolk Dist., 466 Mass. 655 (2013) held that those under eighteen could not be sentenced to life without the possibility of parole —recognizes that the adolescent brain continues developing after a person’s eighteenth birthday.

CPCS will provide members of the Mattis cohort access to trained and certified parole counsel. This response will be coordinated by the Parole Advocacy Unit. At this time, CPCS will assign counsel to those convicted of first-degree murder. Counsel will be assigned for those who are immediately parole eligible and those who will be parole eligible in the next 18 months. CPCS is working with the Parole Board to confirm the names and new parole eligibility dates of impacted people. It may take some time to complete assignments, especially for people with complex sentences. CPCS has now sent an introductory letter to each person whose name had been provided by the DOC. Next, when the case has been assigned, each person will receive a second letter from CPCS with information about assignment. Those with questions can call the CPCS main number (617-482-6212) and ask for the Mattis Information Line. If a staff person is not available to answer, you may leave a message with any questions.

You or Someone You Know Might be Eligible for Release on Medical Parole!

You may be eligible if you are serving any sentence (including natural life). To be eligible, you must be either terminally ill (expected to live less than 18 months) or permanently incapacitated (physically or cognitively). In the past year, PLS helped file multiple successful petitions. If you think you might be eligible, please reach out to us and we’ll evaluate your situation and whether we can file a petition for you.

Some eligible people are too sick or incapacitated to reach out for help themselves. This is especially true of people who are eligible due to dementia or other cognitive incapacity. To help people in that situation, we count on other folks inside to let us know about them. If you know of someone who may be eligible but may be unable to reach out on their own, please write or call us with their name or ID number and location, so that we may contact them about the possibility for medical parole. You can do so anonymously.

Contribute to PLS Notes

If you have a case that you are litigating or another matter that you are working on that you would like highlighted in PLS Notes, please send submissions to Aaron Steinberg using the contact info on the first page.

Please know that space in PLS Notes is limited, and we cannot promise the inclusion of any submission.

Write to PLS using the address on the front page or call and ask to speak with a staff member about medical parole using the appropriate phone number from the front page.
REICl Update

PLS’ Racial Equity in Corrections Initiative (REICI) is an organization-wide initiative to eliminate institutional racism and its impact on Black and Brown prisoners in the day-to-day operations of Massachusetts prisons and jails. REICI’s mission is to build awareness, solutions, and leadership to combat carceral racism through client and legislative advocacy; community building and education; litigation; and internal efforts designed to increase PLS staffs’ understanding of racial equity and anti-racist policy work.

Intake Hours and Advocacy Plan

The REICI Intake Line is active and accepts callers who wish to report race discrimination within MA DOC and HOC. This line is for reporting purposes only. Due to the lack of available race data and authority to effectively challenge racism within the DOC, our team is focusing its efforts primarily on systemic and legislative advocacy and litigation. We will not provide individual advocacy now, except for BIPOC prisoners needing assistance accessing substance use disorder (SUD) treatment and/or Medication Assisted Treatment (MAT) (see Project RIZE update below).

Issues regarding racially discriminatory treatment should be communicated to REICI with the understanding that we will record reports of discriminatory treatment for the following purposes: 1) data collection for future litigation; 2) data collection in support of REICI’s legislative priorities (Bill S1545 Race Data Bill & independent correctional oversight office); 3) to support clients with self-help efforts.

If you are experiencing racially discriminatory treatment and want your issue to be considered for future litigation (class actions only) and/or would like your experience to be included in our database for reporting to the future independent correctional oversight office, please call PLS at 9004 to reach a member of the REICI team. Lines are open every Thursday between 5 and 8 PM.

Team members monitor the line on a rotating schedule. You may speak with any of the following team members: LaToya Whiteside, Esq – Senior Attorney/REICI Director; Mac “M1” Hudson – REICI Paralegal/Community Liaison; Kelsea Goodrow- Paralegal/RIZE Project Coordinator; or Aryanna Mumford – REICI Paralegal. Please note our team works collaboratively on all issues and will work in unison to address your concerns.

Additional Note: the REICI Intake Line operates separately from PLS’s General Intake line. Any individual advocacy requests relating to PLS’ priority areas, other than racism, should be directed to General Intake described on pg. 3.

REICI Bill

A broad coalition of race-based advocacy groups are joining in conversations, including legislative initiatives and rallies to raise awareness of the injustices that communities of color encounter in MA prisons and jails across the country. In 2023, Massachusetts’ Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth released a 71-page report detailing the pervasiveness of structural racism embedded within the policies, programs and culture of MA corrections. It thereafter issued ten recommendations aimed at creating a unified governmental response to begin the process of dismantling racism in corrections. To help facilitate some of these recommendations, REICI drafted and is supporting bill S. 1545/H.3956 An Act creating an independent correctional oversight office to facilitate the recommendations of the Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth (The REICI Race Data & Oversight Bill). H.3956/S.1545 is sponsored by Representative Russell Holmes and Senator Liz Miranda, respectively.

This bill is one of a handful of bills that benefitted from testimony by incarcerated people at recent legislative hearings. Unfortunately, the House version of the bill (H.3956), which was in the Joint Committee on the Judiciary, chaired by Senator Jamie Eldridge and Representative Michael S. Day, was recently sent to study (they killed it!). However, the good news is the Senate version of the bill (S.1545) is still pending in the Joint Committee on Public Safety and Homeland Security and has a chance to receive a favorable vote. The deadline to vote on the bill is April 8, 2024. REICI is continuing to host multiple coalition meetings and community conversations across the state to garner support. Please contact REICI if you’d like to be kept informed about upcoming events so that you can invite your loved ones to attend.

We urge all prisoners to support this bill. No matter how you identify, the creation of an office with independent correctional oversight and real enforcement powers will benefit everyone.
If you wish to support this bill, please write to your legislator and ask your family and friends to contact their legislators as well as the Public Safety Committee Chairs, Senator Walter Timilty and Representative Carlos Gonzalez. Time is of the essence. Please reach out today!

If you would like more information about the specifics of this bill, please write to PLS, attention REICI Team, and we will send you an information packet.

**Prisoner Empowerment Project (PEP)**

The Prisoner Empowerment Project is a recent program developed by REICI, aimed at acknowledging prisoners' contributions to legal services and recognizing the value of their expertise through formal collaboration and compensation.

PEP participants act as liaisons, collaborating with REICI team members to address the disproportionate treatment of Black and Brown prisoners in the day-to-day operations of MA DOC. The project serves as a bridge between REICI and BIPOC prisoners across five facilities, including MCI Norfolk, MCI Shirley- Medium, MCI Framingham, Old Colony Correctional Center (OCCC), and Souza Baranowski Correctional Center (SBCC).

This year’s PEP cohort is comprised of eleven volunteers with a variety of backgrounds, most of which are actively involved in civic engagement and cultural affinity groups such as the African American Coalition Committee (AACC); Asian Pacific Islander Cultural Association (APICA); Black Latino and Asian Cultural Committee (BLACC); the Latino Cultural Awareness Committee; and District Ten.

The first initiative slated for the project, which will be to help ensure the inclusion of gender affirming and culturally appropriate items on commissary as mandated by the Governor’s 2024 budget, will begin in early April. While most initiatives will be developed on a facility-by-facility/case-by-case basis, largely dictated by PEP liaisons, other scheduled initiatives include work centered around commutations, re-entry, and language access.

If you are interested in assisting our current liaisons with any of this year’s projects and/or would like to join next year’s cohort, please submit a brief summary detailing why you would be a good fit for the project and any past or current advocacy work you are involved in. Submissions will be accepted on a rolling basis via mail and/or CorrLinks. Please address all correspondence to the attention of the REICI Team.

**REICI Survey Report**

REICI received 547 completed surveys. We are continuing to work with outside institutions to aggregate the wealth of data collected from these surveys. Currently, we are working with professors at Clark University (we previously partnered with professors at Boston University and Columbia University). We hope to have all the necessary data collected by the end of the summer and will begin working on the report shortly thereafter. Once this process has concluded, REICI will utilize the findings to generate a report about the various ways that prisoners experience racism in the day-to-day (operations) of Massachusetts corrections. We currently have snapshots of the data that we are utilizing as a guideline for REICI’s work and in support of our legislative initiatives. We will be sure to keep everyone informed as we move through this process.

**Project RIZE Update**

Project RIZE, a subsidiary of REICI, was established in 2020 following the passage of House Bill 4742, better known as the CARES Act, which mandated the DOC to provide MAT. The project’s mission is to ensure equitable access to MAT and other culturally appropriate care for substance use disorder (SUD) for Black and Brown prisoners throughout the Commonwealth.

RIZE engages in individual and systemic advocacy to carry out its mission. The project’s main objectives are to shift the DOC’s treatment of SUD as a criminogenic issue to understanding it as a chronic medical condition; challenge correctional policies that create and/or worsen existing barriers to accessing MAT for BIPOC prisoners; provide individual advocacy for BIPOC prisoners seeking MAT treatment, including advocating against disciplinary measures and exclusion from programming due to active drug use; enhancing access to community-based treatment for BIPOC persons who are justice-involved both prior to and immediately following incarceration.
At this time, all facilities have MAT except North Central Correctional Institution, Boston Pre-Release Center, and Massachusetts Treatment Center.

If you are BIPOC, have SUD/OUD and would like assistance accessing MAT or are encountering issues related to your participation in MAT services, please contact Kelsea Goodrow using the info on the first page.

In addition to RIZE’s general services, we ask that anyone, regardless of race, please contact us if you are currently receiving MAT and/or you have been assessed fees for positive urine drug screens in accordance with 103 DOC 525, *Inmate Substance Abuse Monitoring and Testing*.

**Parole Board Changes Eligibility Dates for Some Lifers**

A positive legal outcome in Sandiford v. Massachusetts Parole Board, SJC-13418, will provide some lifers with an earlier parole eligibility date. This case applies only to people who are impacted by Dinkins v. Massachusetts Parole Board, 486 Mass. 605 (2021), which held that it was unlawful for the Parole Board to depart from the practice of aggregating consecutive sentences to calculate parole eligibility for people serving life sentences. As many know, the success of Dinkins means that lifers serving consecutive sentences no longer face the injustice of securing multiple positive parole decisions prior to parole release.

The Dinkins decision exposed an issue with earned good time, with impacted people finding that their aggregated dates were at times years later than they expected. The Parole Board, following the lead of the Department of Correction, had decided that individuals serving life sentences could not accrue good time on their consecutive sentences. Mr. Sandiford challenged first the Board’s delay in providing him with his newly aggregated parole eligibility date, and then the actual calculated date.

Mr. Sandiford just settled the case, based on the Board's agreement to recalculate parole eligibility for everyone in the Dinkins cohort.

They will apply the earned good time deductions from the start of the prisoner’s incarceration, with the following limitations:

(1) he deductions cannot reduce parole eligibility to less than the parole eligibility on the life sentence; (2) they cannot reduce the parole eligibility of the mandatory portion of any consecutive sentence; and (3) they cannot reduce the aggregate parole eligibility by more than 35%.

If you are impacted by this decision, you should be notified by the Parole Board of your newly calculated parole eligibility date. If you are waiting for your recalculated date and you believe this change will make you eligible for parole now or very soon, you can reach out to the CPCS Parole Advocacy Unit by calling 617-482-6212 and asking for the parole unit.

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**Hepatitis C in the Counties and Department of Correction**

We want to hear from you if you are (or were recently) a prisoner in an MA prison or jail and have concerns about Hepatitis C, including if:

- You have asked to be tested for Hepatitis C but have been denied testing; (You can ask for testing by putting in a sick call slip);
- You have Hepatitis C but have not been evaluated recently, or told whether and when you will be treated for it;
- You have Hepatitis C and would like to pursue treatment or you have other questions or concerns about Hepatitis C treatment.

Hepatitis C is an infection spread through contact with infected blood that can lead to liver disease if not appropriately treated. Hepatitis C is a silent disease and many who are infected are unaware of their infection. Individuals who’ve been incarcerated are at increased risk for this infection. According to the Centers for Disease Control and Prevention, risk factors for Hepatitis C include but are not limited to:

- Contact with surfaces, equipment, or objects that have infected blood on them;
- The sharing of needles for injectable drug use, tattoos or piercing,
- Less commonly through sexual intercourse.

**If you have questions or concerns about Hepatitis C, please contact Al Troisi using the contact info on the cover page.**
Solitary Confinement Update

SAU Hunger Strikes

On October 6, 2023, approximately 19 individuals began a hunger strike in protest of the inhumane and illegal conditions within the SAU IV in the DOC’s maximum-security prison, Souza-Baranowski Correctional Center (SBCC) after months of voicing their concerns to administrators. On October 19th, 9 individuals within the SAU authored a letter detailing the DOC practices that led to the hunger strike and asked the MA attorney general (AGO) to investigate. In support of the strikers' request, PLS and 19 other organizations appealed to the AGO to open an investigation into the SAU and SBCC and that the CJRA protections and oversight should be expanded to all forms of segregated confinement. Several legislators followed up with a letter of their own shortly after. Since then, PLS has continued to receive reports of excessive force and other mistreatment in the SAU IV, has continued to seek engagement with DOC and legislators, and continues to investigate.

Gaskins v. Mici

Jailhouse Lawyer and PLS Board Member Tony Gaskins has been successfully litigating segregation for many years, and recently, Gaskins and a group of incarcerated people got a preliminary injunction in a case challenging lack of due process and deprivations in the BAUs. The DOC appealed the Court's order, and the injunction is not currently in effect, pending the appeals process. PLS is submitting an amicus brief in support of Gaskins et al. Here is the ruling issued by Hon. Shannon Frison:

"Defendants are hereby Ordered: All Plaintiff's held more than 90 days total in segregation without a hearing shall be released from segregation on this date 2/6/24. This includes the Behavioral Adjustment Unit and any other unit that segregates inmates. All general population privilege's and rights shall be restored to those inmates on this date and until further order of this Court. This Order applies to the behavioral Assessment Unit."

The DOC challenged the ruling shortly after it was issued, which was then denied by Hon. Shannon Frison:

"Defendants' motion to stay is DENIED. The Court conducted a full hearing with live testimony and argument by both sides.

The defendants may NOT get around the requirements of the Criminal Justice Reform Act by renaming the Solitary Confinement Unit. The BAU is a workarround of the new requirements for holding individuals in solitary confinement. The Court finds that the defendants are in violation of the ACT by holding individuals longer than 90 days without a hearing and denying them normal general population privileges and rights indefinitely. Though the defendants claim the BAU is not punitive, it is certainly punitive.

The court did not recuse itself because the defendants' rationale and argument for such is nonsensical. Posting Criminal Justice news on social media has no bearing on the Judge's impartiality. The motion to reconsider that issue is DENIED.

The motion to stay alleges that the Court's order makes "no finding of fact concerning the BAU, and is vague, seemingly self-contradictory and inconsistent by its own terms, and thus impossible to understand or comply with as written." Not only is this language hostile and disrespectful, it in no way characterizes the very clear order to immediately RELEASE all inmates (including named plaintiffs) who have been held for more than a total of 90 days without a hearing from the BAU, or other solitary confinement (no matter the name of it) forthwith, and until further order of this Court. If the confusion was whether it was to happen on 2/6/24 or 2/8/24 that is now moot as both dates have passed without the defendants complying. The submitting council will do well in the future to use respectful language and tone in any future motions because a lack of such may be addressed specifically between the Court and council. The defendants disagreement with the ruling notwithstanding, the Court has ruled and the defendants are ordered to comply forthwith."

PLS Blog

PLS' blog discusses issues related to policing and incarceration. We believe that fostering understanding of the carceral system will enable communities, activists, and politicians to better address carceral issues. All entries will be considered, but only a small number will be published on PLS' website. Pieces can be up to 3000 words. Submissions should be mailed to Aaron Steinberg at the address listed on the front page. Submissions will be copy edited unless the author requests otherwise. Please note that the blog's purpose is to discuss systemic issues and not individual cases. If you are engaged in litigation or intend to litigate, we recommend that you refrain from discussing the case.
PLS Vision, Missions, Services, and Client Communications

We want to acknowledge that clients have reached out about difficulties getting through to PLS and receiving the assistance they need. In response to these concerns, we have been meeting regularly to find ways to improve our communication system with clients. We are researching how we could use Corrlinks effectively given the confidentiality barriers, as well as how to collaborate more with clients, family members and liaisons, and ways to be more accessible with limited staffing, increased volume of calls, letters and intakes and increased litigation, particularly with complex class-action lawsuits ongoing.

PLS’ current mission reads: “Prisoners’ Legal Services of Massachusetts is an anti-racist organization whose mission is to challenge the carceral system through litigation, advocacy, client counseling, partnership with impacted individuals and communities, and outreach to policymakers and the public in order to promote the human rights of incarcerated persons and end harmful confinement.” We execute this mission with a focus on five main priority areas: staff assaults, medical and mental health care, conditions of confinement, solitary confinement, and racial equity in corrections.

PLS opens approximately 2000 intakes every year. This volume of intake means that we must prioritize our time in order to be as effective and consistent as possible in the services we provide, and we are often in the difficult situation of being unable to assist with issues, as harmful as they are and as much as we want to help. We offer advocacy and support on a variety of issues such as medical and mental health care, ADA compliance, treatment of LGBTQ+ individuals, staff brutality, solitary confinement, and medical parole, and we offer advice and self-help materials in many other areas.

In addition to PLS’ individual advocacy, we advocate on systemic concerns such as poor prison conditions. We have a liaison project wherein each staff person is assigned to two prisons or jails to keep in regular communication with clients and raise conditions concerns with administrators. We are also currently engaged in systemic advocacy related to the long-term nursing care unit at MCI-Norfolk and we are anticipating doing the same at MCI-Shirley. We are also in the process of receiving, analyzing, and organizing data from hundreds of surveys received from clients regarding experiences with race equity and discrimination. The results will help determine priority areas of advocacy in our Race Equity in Corrections Initiative.

Currently, PLS is undergoing a restructuring process, which will have a major impact on the way we approach our advocacy. We wanted to take this opportunity to ask our clients what direction you think PLS should consider taking. Are there certain areas we should focus more on? Conversely, are there areas we should scale back so we can prioritize others? Please write to Aaron Steinberg at the address listed on the cover page to share your input.

The nature of advocacy is that it does not always work, and in general individual advocacy is less effective than systemic advocacy in effecting long-term change. Where advocacy has failed and systemic issues have been identified, much of our effort goes into two other areas of our work: impact litigation and legislative and policy work. Systemic impact litigation aims to make a broad change in the system and is very labor intensive. These cases are usually class action or multi-plaintiff cases, though we also do individual litigation, usually related to brutality or for medical parole.

Another way we try to address systemic issues is by working on legal reform through the legislature. In this session, we prioritized 12 bills, which are summarized on page 8. PLS played a major role in pushing for the Criminal Justice Reform Act provisions related to incarceration and we are also advocating to ensure the DOC and counties are properly implementing the law. We have adopted a campaign-oriented strategy, utilizing multiple tools including media work, collaboration with clients and community partners, litigation, and policy work to maximize impact. During PLS’ strategic planning process, we identified several important goals for the coming years. We will be working to build and sustain a healthy, inclusive, and effective organization. We will be prioritizing racial justice to reduce or eliminate racial inequities in corrections, we will be working to reduce harm in the system by ensuring respect for civil and human rights, and we will be working to reduce reliance on incarceration overall.

In short, our clients’ input and concerns matter to us deeply. We are proud of much of the work we have done and continue to do alongside many of you, but there is always room for improvement, and we want to be as effective as we possibly can be with the resources and limitations we have. Of course, we are always seeking funding to continue the work and expand resources to better address the many issues brought to our attention, but hearing your feedback is crucial to ensuring we are doing that. Please write to Marisol Carillo, Prisoners’ Legal Services, 50 Federal St., 4th Floor, Boston MA, with any input you may have about what PLS should be prioritizing.