

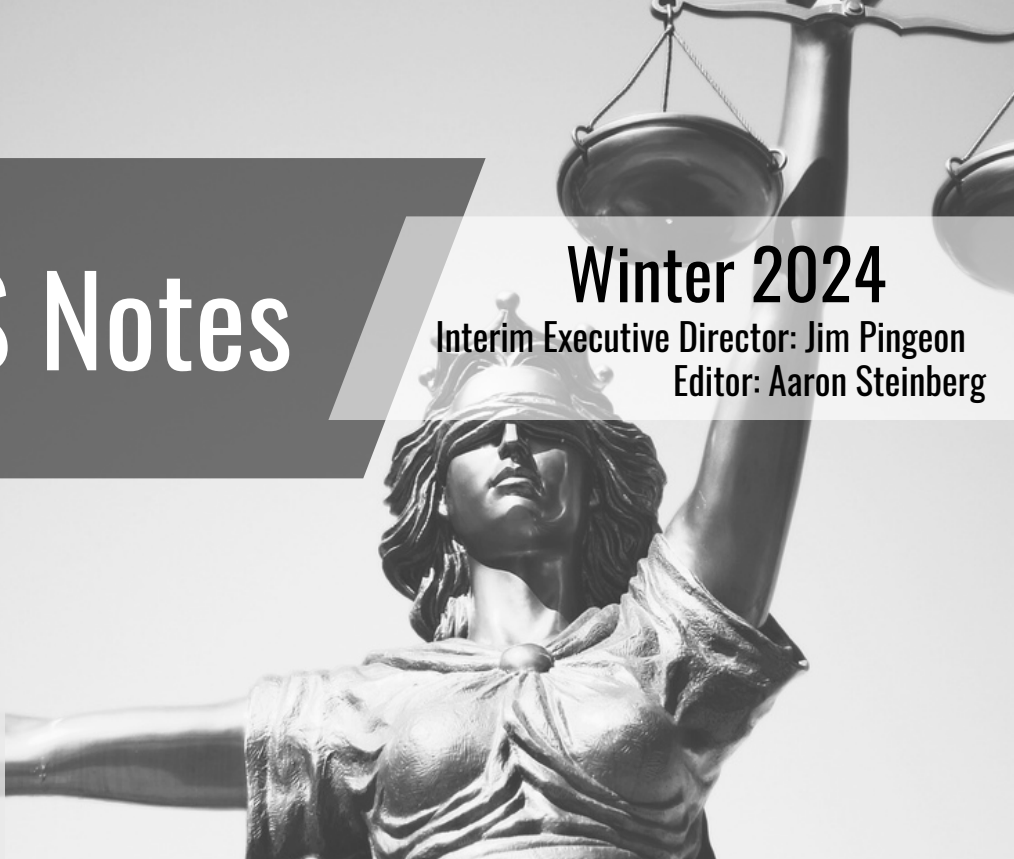


PLS Notes

Winter 2024

Interim Executive Director: Jim Pingeon
Editor: Aaron Steinberg

Prisoners' Legal Services
50 Federal Street, 4th Floor
Boston MA 02110
Phone: 617.482.2773
County Prisoner Collect: 617.482.4124
Massachusetts State Prisoner Calls: 9004
www.plsma.org



Executive Director Search Continues

Prisoners' Legal Services (PLS) of Massachusetts continues its search for a permanent executive director following the departure of Lizz Matos in September 2023. Matos left the organization to take on the role of Civil Rights Division Chief and Senior Advisor to Massachusetts Attorney General Andrea Campbell. Following Matos' departure, PLS appointed Cheryl Zoll as interim executive director to ensure continuity in the organization's vital work. Zoll served in this capacity for approximately one year, helping to maintain stability during the initial transition period.

Currently, Jim Pingeon has stepped into the role of interim executive director, bringing his extensive experience in prisoners' rights advocacy to the position. To support the organization's continued operations and initiatives, PLS has also appointed Jesse White and Kristyn Huey as interim deputy directors, creating a collaborative leadership structure during this transitional period. The organization continues its search for a permanent executive director who will guide PLS's mission to provide civil legal assistance to people who are incarcerated in Massachusetts state prisons, houses of correction, and county jails.

Treasured PLS paralegal retires

Alphonse Kamanzi started as a paralegal at PLS in 2006, and after 18 years of dedication to our clients and our work he has taken a well-earned retirement. A former justice on the Supreme Court of Rwanda, he fled the genocide there and found a home at PLS. All of us benefitted from his generosity as a colleague, his dedication to any task large or small, and his very clear sense of justice. His personal integrity was a beacon. We will miss him greatly.

-- Bonnie Tenneriello, PLS Senior Staff Attorney

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PLS Intake Overview

PLS serves people incarcerated in all state prisons, county jails, and houses of correction in Massachusetts. We provide assistance through individual advocacy, systemic advocacy, and litigation.

Our individual intake work aims to help clients get their immediate needs met while our systemic advocacy work aims to reform the systems and structures causing the problems. Both sides of this coin are important, but this means difficult choices regarding where to focus our time and resources. We are a small office, and we receive approximately 1500- 2000 new requests for services every year. Consequently, much of our advocacy is collaborative and may require you to advocate for yourself, sometimes with assistance from us, often in the form of self-help materials.

The list of self-help materials on page 4 is intended to give you a better idea of what materials we have available as you reach out for our help. We welcome your calls during our phone intake hours and letters requesting any materials that you might need. However, the combined total of the listed materials is hundreds of pages and cannot be sent in bulk. So, when you request materials, please limit your request to materials that you need for help with something that you are working on right now.

Our focus areas for individual advocacy are guided by PLS' priorities together with where individual advocacy can be most effective and where there are laws or established court decisions supporting our clients' position. Below we provide a short overview of where we usually advocate and where we don't advocate except in exceptional circumstances.

Areas in which we often do individual advocacy:

- Medical and mental health care,
- Access to Medication-Assisted Treatment (MAT) for substance use disorder,
- Access to accommodations for disabilities,
- Investigations of staff assaults on incarcerated individuals,
- Medical parole,
- Language access,
- Individuals held in custody after their release date.

- With respect to living conditions such as rodent infestations and broken heating or cooling systems, we do institution-wide advocacy in response to reports of such problems, and we encourage you to report them to us by using the intake process described below.

Areas where we do not advocate/that are outside of our scope:

- Criminal legal problems and criminal appeals,
- Probate matters,
- Disciplinary issues,
- Failure to protect (assault by other incarcerated people),
- Parole hearing representation
- Classification problems
- Investigations into deaths of incarcerated people

We still encourage you, however, to write or call PLS to report these problems because we may have informational materials or pro se legal resources that could help.

When you write to request materials even in areas where we can't help you individually, please tell us anything you would like us to know to inform systemic advocacy work.

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 to request an application:

**CPCS Innocence Program,
75 Federal Street, 6th Floor
Boston, MA 02110 617-209-5666**

The Innocence Program also accepts collect calls from DOC prisoners. The number to call is: 617-209-5666.

PLS 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 during this time. 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. What you hope PLS can do to assist you with the issue

Our intake line is also open on Thursday evenings from 5pm-8pm for calls related to our Racial Equity in Corrections Initiative (REICI), which focuses on ending the racist treatment of Black, Indigenous, and people of color incarcerated in Massachusetts.

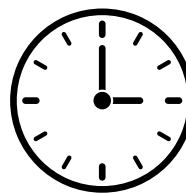
Please note, we do not accept intakes through Corrlinks because emails are not protected by the attorney-client privilege and can be read by DOC.

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 during intake hours on Mondays, 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

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

Materials Available for Request

This page contains a list of documents that we can send to you to assist in advocacy for issues you are facing. In certain instances, sharing one or multiple documents may be the extent of the advocacy we're able to provide. In other instances, a document may be one part of more extensive advocacy if your issue falls into one of our issue areas listed on page 2 and you've opened an intake with us.

Translations Available:

[S] = Spanish, [P] = Portuguese

Legal Rights & Procedures:

- Bar Referral Services [S]
- Cert Action Challenge to D Report
- Clemency package 2024
- CORI Damages Complaint
- Dissatisfied With Criminal Attorney [S]
- Interstate Agreement on Detainers
- Law Libraries and Photocopying
- Legal Procedure Self Help Manuals for prisoners
- Lifetime civil commitment [S]
- Obtaining/Correcting Records [S]
- Personal Injury Information and 258/60L sample letter
- Privileged Mail – DOC Standard Operating Procedure
- Pro Se Package [S]
- Program Engagement Strategy (PES) and Loss of Privileges Due to Refusal to Participate in Programming
- Request to Transfer to County, other state or federal prison
- Sample Fair Information Practices Act request to DOC

Criminal Justice:

- Classification [S]
- Clearing MA warrants
- Disciplinary Hearing instructions for State Prisoners
- DNA Database Law
- Earned Goodtime information change in law from 2019 [S]
- Innocence Claims
- Jail Credit [S]
- Three Strikes info sheet

Medical & Healthcare:

- Claims for Inadequate Medical Care
- Complaint for Constitutionally Inadequate Medical Care
- CPCS Letter [S]
- Dental care problems [S]
- Health Care Proxy [S]
- Medical Grievance and Advocacy
- Medical Parole Questionnaire [S]
- Pregnancy Rights
- Right to Refuse Medical care/Hunger Strikes

Civil Rights:

- Censorship/Reading Materials Access
- Immigration Project Flyer [S]
- Immigration Services [S]
- Indigent Mail
- Legislative facts sheets
- Legislative Process/Facts
- PLS Legislative Priorities Information
- PREA information, State and County
- Reasonable Accommodations information sheet and 103 DOC 408
- Religious Diets [S]
- Translation/Interpretation Services in DOC [S, P]
- Treatment of Transgender people
- Voting Rights

Reentry & Support:

- Assistance for Incarcerated Veterans
- Community Justice Support Centers
- Parole Manual [S]
- Personal Spending letter and 103 DOC 405 SOP
- Reentry Coming Home Directory
- Representation at Parole Hearings

Prison Conditions:

- Canteen information [S, P forthcoming]
- DOC Institutional Grievances [S]
- End Solitary Packet 2024
- Enemy Notification [S]
- Explanation of Where Prisoner May Be Held [S]
- Failure to Protect Materials [S, P]
- Unsanitary conditions
- Verbal Harassment [S, P]

Women's Issues:

- Pregnancy Rights
- Women's Decarceration Report
- Women's Project Report

Clemency and Commutation

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. 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 some 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.

Harvard PLAP

The Prison Legal Assistance Project (PLAP) is a student practice organization at Harvard Law School in which PLAP student attorneys represent clients charged with violating MA prison regulations at disciplinary hearings and those facing parole revocation or rescission and second degree life sentence hearings before the Parole Board. Student attorneys also provide inmates with assistance in matters ranging from civil rights violations to confiscated property. PLAP handles neither criminal nor civil court cases, and cannot assist people outside MA.

Harvard PLAP
6 Everett Street, Suite 5107
Harvard Law School
Cambridge, MA 02138

General Phone: 617-495-3969
Prisoners' Hotline: 617-495-3127

PLS Litigation Overview

The following section is a comprehensive overview of PLS' litigation docket.

Battle, et al. v Sheriff, Bristol County (Solitary Confinement and Mental Health Care)

This is a class action challenge to solitary confinement practices at the Bristol County House of Correction and Jail. We are co-counsel with the Mental Health Legal Advisor's Committee. The complaint was filed in 2018, on behalf of all Bristol prisoners who have a mental illness Challenging solitary confinement practices and inadequate mental health care. On June 29, 2023, the Superior Court approved a Settlement Agreement between the parties. Among other things, the Agreement required the appointment of an independent settlement monitor. The parties have agreed on a Monitor and on December 14, 2023, the Court allowed our motion to extend the duration of the Agreement. The Court also approved an award of attorneys' fees of \$315,000. After considerable delay, the monitor, Dr. Julie Wright, conducted the first of agreed semi-annual monitoring visits in October 2024, spending three days at the facility. Her report is due in November. If she identifies deficiencies in compliance, Plaintiffs have the right to seek relief from the Court if the Sheriff fails to remedy the non-compliance and the violation of the Agreement is substantial.

Briggs, et al. v. Department of Correction, et al. (Disability Discrimination and Medical Care)

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

The complaint alleged that DOC: (1) fails to provide access to auxiliary aids and services, such as hearing aids and ASL interpreters, that are necessary to permit access to educational, vocational, and rehabilitative programming, medical and mental health care, and religious services; (2) denies deaf and hard of hearing individuals adequate, equally effective, and reliable means of communication with individuals outside of prison by failing to provide videophones or other assistive such as captioned telephones; (3) places deaf and hard of hearing individuals at serious risk of harm by not having an adequate emergency notification system; (4) fails to provide adequate interpretative services and auxiliary aids at disciplinary and classification hearings and (5) discriminates against deaf and hard of hearing prisoners in work assignments.

In 2018, plaintiffs reached a settlement agreement with the Medical Defendants, resulting in deaf class members receiving access to ASL interpreters for medical appointments and others receiving hearing aids that had been previously denied. After extensive discovery and mediation, we reached a settlement on all issues except emergency notifications, which was approved by the court on November 6, 2019. As a result, DOC installed videophones to allow people who are deaf to communicate with friends, family, and attorneys. It has also hired two ASL interpreters, guaranteed hearing aids to all who need them, installed captioned telephones, provided class members vibrating watches and pagers, and significant other accommodations.

The Agreement also called for an independent settlement monitor who has conducted multiple site visits to DOC facilities to assess DOC's compliance with the Agreement. Although DOC has made significant improvements, problems remain, particularly 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 not complying with the provisions of the Agreement governing access to those accommodations. In response, DOC agreed to issue new policies governing CapTel and Pagers that require it to honor the requests of all class members who believe these accommodations will help them. Hundreds of incarcerated individuals are now able to talk to loved ones on captioned telephones.

The one issue left unresolved by the 2019 Settlement Agreement was DOC's failure to provide emergency notification systems, including visual fire alarms, for individuals with hearing impairments. On January 17, 2024, Judge Stearns issued findings of fact and law following an August 2023 bench 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 and Rehabilitation Acts. DOC submitted a remedial plan on May 16, 2024 that includes immediate issuance of individual pagers to all class members that will alert them to emergencies, and installation of visual alarms in all DOC prisons over the next three years. After extensive discussions with DOC, we have been able to finalize the details of this plan, which we presented to the Court on September 23rd. We are now attempting to negotiate attorneys' fees.

Cheek v. Massachusetts Parole Board

This suit was filed on November 30, 2021 on behalf of 10 individuals who have been successfully on parole for many years. Eric Tennen of Swomley and Tennen was initially the lead counsel in the case with PLS is co-counsel. The Legislature, in its wisdom, understood that not everyone on parole needs to remain under parole supervision for the full length of their sentence. Thus, it enacted a statute authorizing the Parole Board to terminate parole if it is in the “public interest.” See G.L. c. 127 § 130A. Although this statute existed on paper, it was ignored in reality. The suit contends that the Parole Board has effectively repealed § 130A by adopting a blanket practice of denying termination in virtually all cases. Plaintiffs asked the court to order the Board to conduct timely and meaningful reviews of petitions to terminate parole.

In response to the suit, the Board agreed to draft regulations governing termination proceedings and conducted a public hearing in September of 2022 at which dozens of people on parole and their families gave compelling testimony. The board issued final regulations in December of 2022 that set up a process for people to apply for termination and criteria for the Board to consider in making termination decisions. Since the regulations have gone into effect, the Board has terminated parole for more than 20 individuals. In order to give people on parole more time to prepare parole-termination applications, and the Board more time to schedule and hold hearings on these applications, the court has stayed the case until December 20, 2024. The parties are currently attempting to negotiate a settlement agreement.

John Doe 1-3 v Massachusetts Parole Board (Disability Discrimination in parole)

In *Crowell v. Massachusetts Parole Board*, the Supreme Judicial Court, adopting the reasoning of an amicus brief filed by PLS, ruled that the Americans with Disabilities Act requires the parole 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. Since the board failed to apply the *Crowell* decision to other people seeking parole, PLS, along with the Mental Health Legal Advisors and the Disability Law Center, filed a class action complaint in June of 2023 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 ongoing failure to provide accommodations at all stages of the parole process.

The Board filed a motion to dismiss but has indicated to us that they are committed to putting into place procedures that will provide people with disabilities the accommodations they need. On April 17, 2024, the Court denied the Board’s Motion to Dismiss but transferred the case from Suffolk to Middlesex County. The parties subsequently agreed to a framework for negotiations and filed a joint motion to stay the litigation, which the Court allowed. The parties have had several settlement conferences.

Diggs v. Mici (Brutality)

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, numerous correctional officers and supervisors, 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 that followed an assault on three correctional officers. The lawsuit highlights that brutality is not perpetuated by a few “bad apples” but a broken system that not only fails to rehabilitate prisoners, but actively harms them physically and psychologically. The complaint alleges that high-level DOC officials authorized and encouraged the violence against prisoners. The lack of oversight and accountability in DOC prisons fosters a culture of violence, particularly towards Black and Brown people.

On October 3, 2024, the Court certified both a damages class and an injunctive class consisting of all prisoners at SBCC who were subject to a use of force during the events of January and February 2020. Plaintiffs estimate that about 150 people fit this definition. The Court also certified a subclass of all Black and Latinx prisoners who were subject to a use of force during the class period; in addition to the excessive force claim brought by all class members, the subclass has an equal protection claim alleging that Black and Latinx prisoners were targeted for particularly harsh treatment.

There has been extensive discovery, and much remains. DOC is still producing materials in compliance with a court order in April 2024 granting our motion to compel. We have conducted 14 depositions and anticipate doing many more.

John Does 1-10 v Commissioner of Correction, et al.
(medical care, conditions of confinement)

This is a class action brought by are men who are civilly committed under Massachusetts General Laws Chapter 123, Section 35 ("Section 35"). Although they have not been convicted of any crime, they have been placed in correctional facilities solely because they need in patient treatment for an alcohol or substance use disorder, and there are no beds in community treatment centers. The Court has certified two sub-classes: (1) men housed at the Massachusetts Alcohol and Treatment Center or MASAC operated by the Department of Correction, and (2) men in the Stony Brook Stabilization and Treatment Center operated by the Sheriff of Hampden County. Every year, Massachusetts incarcerates about 2,000 men under Section 35 either at MASAC or Stony Brook.

Like to Read?

Prison Book Program sends free books to people in prison. You can request books 3 times per year and should expect book to arrive within 90 days. 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
c/o Lucy Parsons Bookstore
1306 Hancock St, Suite 100 Quincy, MA
02169



PRISON BOOK
PROGRAM

The legal claims are:

1. Incarcerating civilly-committed men but not women constitutes gender discrimination in violation of the 14th Amendment to the U.S. Constitution, the Massachusetts Declaration of Rights, and the Massachusetts Equal Rights Act. Under Section 35, only men who need inpatient treatment for alcohol or substance use disorders go to prison, while women receive treatment in secure treatment facilities in the community.
2. Civil commitment to a correctional institution for treatment of a medical condition constitutes unlawful disability discrimination in violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Article 114 of the Massachusetts Declaration of Rights. By subjecting men to stigma and punishment instead of treatment, Section 35 perpetuates unwarranted negative stereotypes, and reinforces the perception that they are second-class citizens unworthy of bona-fide treatment.
3. Civil commitment to a prison violates the substantive due process provisions of the Fourteenth Amendment to the United States Constitution, 42 U.S.C. § 1983, and Articles 1, 10, and 12 of the Massachusetts Declaration of Rights. Plaintiffs' unnecessary incarceration in correctional facilities, rather than in an appropriate treatment facility, represents a substantial departure from accepted professional judgment, practice, and standards. Their confinement in a traumatic and counter-therapeutic environment sabotages the possibility of recovery and bears no reasonable relation to the purpose of Section 35.

The suit seeks a declaratory judgment that Plaintiffs' incarceration violates the constitutional and statutory provisions referred to above, and a permanent injunction prohibiting the civil commitments under Section 35 to a correctional facility. The Complaint names as Defendants the Sheriff of Hampden County, the Commissioner of Corrections, the Department of Correction, the Commissioner of Public Health, the Department of Public Health, the Secretary of the Executive Office of Public Safety and Security, and the Secretary of the Executive Office of Health and Human Services.

Since we filed the case, Defendants have made numerous changes designed to make these facilities less like prisons, including turning all day-to-day operations at MASAC over to the clinical providers, removing all correctional officers from inside the facility, and meeting all DPH standards for substance use treatment. Although these changes are welcome, these facilities are still run by correctional authorities with ultimate authority over operations.

In March of 2021, the Defendants filed a motion for Partial Judgment on the Pleadings seeking a ruling that Section 35 is not unlawful on its face because a correctional facility such as MASAC could at least theoretically be run as a treatment facility. Plaintiffs opposed this motion on grounds that confinement in a correctional facility for treatment of a disease is inherently stigmatizing and discriminatory. On December 29, 2021, the court issued a rather odd decision holding that Section 35 is not facially unconstitutional, but only because there would be no need for confinement in a correctional facility if DPH created enough treatment facility beds. Since our position is that only the portion of the statute that allows for incarceration is unconstitutional, we agreed with that reasoning. Defendants, however, filed a motion asking the Court to report the case to the Supreme Judicial Court, but that motion was denied.

Goodwin Proctor is co-counsel with us. We have hired three experts, two psychiatrists with expertise in addiction and the other an addiction medicine doctor who will evaluate the harmful consequences of confinement in a correctional facility based on patient interviews and record reviews. Expert tours and numerous depositions have been taking place this summer. Although discovery was set to close in December, the Court has extended the deadline until January of 2025. Additionally, the Defendants filed a Motion to Dismiss on grounds that the case is moot because both MASAC and Stony Brook have now been approved by DPH, which they falsely claim is all that Plaintiffs sought in the complaint. Defendant Cocchi has also filed a motion to decertify the class because the Hampden representative plaintiffs have either died or disappeared. In response, Plaintiffs have filed a motion to substitute additional representative plaintiffs. The Court heard arguments on these motions on November 20, 2024.

Evelyn et al. v. Jenkins et al. (solitary confinement)

PLS, along with the Boston College Law School Civil Rights Clinic and the law firm Holland & Knight, filed a class action complaint on July 1, 2024 on behalf of all people incarcerated in a Behavior Assessment Unit ("BAU") at any state prison or in the Secure Adjustment Unit (the "SAU-IV") at Souza Baranowski Correctional Center.

The SAU-IV and BAUs are the in the same prison units that DOC used to call "restrictive housing," "special management," and "segregation." The Complaint alleges that DOC chose to rename its Restrictive Housing Units in order to circumvent the text and intent of the Commonwealth's Criminal Justice Reform Act of 2018 ("CJRA"), which, among other things, cabined the well-documented harms of restrictive housing by guaranteeing certain visitation, canteen, property, disciplinary, and procedural rights to those forced to live there. This lawsuit challenges the DOC's refusal to grant people in the SAU-IV/BAUs the substantive and procedural protections afforded to prisoners in Restrictive Housing under the CJRA, the due process and equal protection clauses of our state and federal constitutions, GL c. 127 section 32 (the "kindness statute"), the DOC's own DSU Regulations under 103 CMR 421, and the Massachusetts Administrative Procedure Act under G.L. c. 30A, et seq.

We served a Motion for Class Certification, which included over a dozen affidavits from men describing life in these units, on September 3, 2024. Our affidavits in this case will also be used to support our amicus in the Gaskins case making similar claims. See a description of Gaskins, below. We have been in discussions with the Attorney General's Office in an effort to reach agreement about the definition of the class.

Gaskins, et al. v. Commissioner of Correction (segregation)

This is a case filed pro-se by PLS Board member Tony Gaskins and two other men challenging their confinement in the highly restrictive Behavior Assessment Unit (BAU) at MCI Concord. On February 8 and 12, 2024, Superior Court judge Shannon Frison issued Orders stating the BAU was a "work-around" the protections provided by the Criminal Justice Reform Act to individuals held in restrictive housing, and ordered DOC to release all individuals who had been held in that unit (and any other "segregated" unit for more than 90 days. DOC appealed and sought a stay pending appeal from a Single Justice of the Appeals Court. PLS filed an Amicus brief opposing the stay and participated in the oral argument on March 26, 2024. Although the Single Justice stayed the injunction, he ruled that "the plaintiffs have presented serious issues concerning the conditions in the Concord BAU and the review process for BAU placement. The Superior Court judge . . . issued a flawed preliminary injunction . . . but with future factual submissions or an evidentiary hearing, a properly crafted preliminary injunction may well be proper." The Superior Court subsequently denied plaintiffs' renewed motion because they are no longer confined in a BAU. Plaintiffs have appealed, but the argument has not yet been scheduled.

PLS is also co-counsel in a class action that challenges the BAU and the Secure Adjustment Unit at SBCC raising issues similar to those presented in Gaskins. That case is entitled *Evelyn, et al, v. Commissioner of Correction*, and is described above.

Linsenmeir v Springfield Police Department, et al. (medical care)

Along with the ACLU of Massachusetts and Goulston & Storrs, PLS represents the family of Madelyn Linsenmeir, who died while in custody of the Hampden County Sheriff's Department on October 7, 2018. Her death received national attention after her family published a heart-rending obituary online describing Ms. Linsenmeir's struggles with opioid addiction. PLS became involved when the Sheriff's Department initially refused to allow Ms. Linsenmeir's family to visit her as she lay dying in the hospital.

Ms. Linsenmeir was arrested in Springfield on September 29, 2018, then transferred to the Hampden County women's facility in Chicopee, where she was denied medical care for nearly four days despite her complaints of chest pain and difficulty breathing and her clearly deteriorating medical condition; staff told her it was her own fault for using drugs. Only after staff discovered her unresponsive on the floor of her cell did they send her to the hospital, but it was too late. She died of a heart infection common to IV drug users a few days later.

We filed the Complaint alleging wrongful death and constitutional violations on March 5, 2020. The Defendants filed a motion to dismiss, which the court denied on May 5, 2021. After several years of exhaustive fact and expert discovery, the family settled its claims against the City of Springfield and its police officers in April of 2024, for \$900,000. Also in April, the federal court in Springfield denied the Sheriff's Department's motion for summary judgment, ruling that the plaintiff had presented sufficient evidence for a jury to find that the Department violated the Americans with Disabilities Act by discriminatorily denying Ms. Linsenmeir medical treatment based on her opioid use disorder, a disability under the ADA. The court also denied summary judgment to a Sheriff's Department nurse, ruling that a jury could reasonably find she violated Ms. Linsenmeir's 8th Amendment right to adequate medical care. The trial is scheduled for March 2025.

Lyons, et al. v. Commissioner of Correction and Stote, et al., v. Commissioner of Correction (Conditions of Confinement)

These two cases were filed originally by pro-se prisoners to challenge new DOC visiting regulations that went into effect on March 23, 2018 and which require that all visitors be on a pre-approved visitation list. PLS filed amended complaints in July challenging several specific provisions of the regulations: (1) DOC has capped the number of visitors that each prisoner may receive, and has tiered the caps by security level, with prisoners in maximum security facilities only permitted 5 visitors, medium only 8 and minimum only 10; (2) DOC is only permitting prisoners' to update their visitation lists twice per year; (3) visitors are only permitted to see one prisoner facility wide, and (4) the pre-authorization process is unduly burdensome, intimidating, and has made prisoners' family members fearful for the security of their personal information. DOC has now become one of the most restrictive states in the country with regard to visitation. The visitation caps punish prisoners who have maintained robust community connections vital to rehabilitation and re-entry and bar numerous visitors without any reasonable justification. Plaintiffs contend that the restrictions violate constitutional and Massachusetts law because they unreasonably limit visitation without any rational basis, and are arbitrary and capricious. All cases challenging these regulations have been consolidated in Suffolk county. On June 17, 2019, the court denied the Defendants motion to dismiss. On May 22, 2024, after discovery was complete, the Court ordered the parties submit a status report. However, none of the parties were notified of this Order. On August 7, 2024, the Court dismissed the cases for failure to file the status report. On August 16, 2024, we filed a motion to vacate the dismissal. Although that motion is unopposed, the court has scheduled a hearing for November 22, 2024. Meanwhile, we have been meeting with DOC to discuss potential resolution of the case.

Medical Parole Cases – PLS has two cases challenging implementation of the medical parole statute.

Brenda Brousseau v. Commissioner of Correction (Medical Parole)

Ms. Brousseau is a 72-year-old medical parole client who lives in the MCI-Framingham Health Services Unit and whose declining medical condition renders her unable to perform many basic activities of daily living independently.

After her petition for medical parole and request for reconsideration were denied by the Commissioner of Correction, PLS filed a complaint for judicial review in Suffolk Superior Court on June 17, 2024, alleging that the most recent denial was arbitrary and capricious because the Commissioner concluded that (1) Ms. Brousseau's condition may improve despite a declaration from licensed physician that Ms. Brousseau was permanently incapacitated and without any hope of meaningful improvement, and (2) Ms. Brousseau's release would pose a public safety risk despite DOC's own standardized risk assessment, classification report, and age-related research, as well as Ms. Brousseau's physical condition and minimal disciplinary history, suggesting otherwise. After expedited briefing, the court heard the parties cross-motions for judgment on the pleading on August 21, 2024. Unfortunately, on September 20th, the court ruled in favor of DOC.

Jose Hernandez v. Commissioner of Correction (Medical Parole)

This is a certiorari action in the Superior Court on behalf of Jose Hernandez, a 66-year-old Spanish-speaking man with advanced Alzheimer's dementia challenging the Commissioner's denial of Mr. Hernandez's petition for medical parole, which PLS had filed on his behalf in August of 2024. In the denial, the Commissioner disregarded DOC's own medical director's finding that Mr. Hernandez has very severe cognitive decline (7 out of 7 on the Global Deterioration Scale), and essentially ignored other evidence of Mr. Hernandez's profound cognitive incapacitation. Instead, the Commissioner focused on weak evidence that Mr. Hernandez might be physically capable of shooting a gun. The Commissioner additionally faulted Mr. Hernandez for symptoms of his disability—such as non-compliance with medication (even though Mr. Hernandez can't give informed consent), and an incident where he hit his hand against the glass of his cell—as well as for his non-participation in prison programming, which was never actually available to Mr. Hernandez due to the language barrier.

In addition to requesting a ruling that the Commissioner's decision was arbitrary and capricious because it disregarded his cognitive incapacitation, we are seeking a declaratory judgment that the Commissioner violated the ADA by holding symptoms of Mr. Hernandez's disabilities against him without evaluating whether he could be accommodated with appropriate supports and services on parole, and the Equal Protection Clause by using his inability to speak English as a proxy for race to exclude him from medical parole.

Minich v. Spencer, II (Medical and Mental Health; Solitary).

This is an action for damages brought by the three named plaintiffs in a class action case that challenged the excessive and abusive use of seclusion and restraint at Bridgewater State Hospital, which used these techniques 100 times more frequently than any other psychiatric hospital in the country. On May 12, 2016, the court denied Defendants' Motion to Dismiss in a groundbreaking decision stating that Bridgewater patients had stated a claim that their abysmal treatment and confinement under conditions more onerous than those in DMH hospitals violated the Americans with Disabilities Act, the Massachusetts Restraint Law, as well as their due process rights under the Federal Constitution. We are co-counseling with Eric MacLeish of Clark, Hunt, Ahern & Embry. After mediation, we agreed to a settlement of \$1.5 million dollars for the class members, contingent on the approval of the court and the Legislature. The court approved the Settlement in January of 2021, and the Legislature appropriated the necessary funding in October. On January 9, 2022, we distributed the Settlement awards, ranging from \$3,000 to \$80,000 to class members who had filed claims. There are still several class members, however, who have not collected their payment, and we are trying to locate them.

Paszko, et al. v. Commissioner of Correction, et al - (Medical)

This class action case was filed on June 10, 2015 in federal court and seeks to compel DOC to treat prisoners with Hepatitis C with the new medications that were approved by the FDA in 2014. PLS is co-counseling the case with National Lawyers Guild member firms Shapiro, Weissberg & Garin and David Kelston. The new medications are a dramatic improvement over their predecessors, curing nearly one hundred percent of patients, with few side effects. Yet DOC was treating only a handful of prisoners primarily because the medications are extremely expensive. The complaint alleged that the failure to provide this essential treatment violates the Eighth Amendment rights of the more than 1,500 prisoners in DOC custody who have Hepatitis C. The court certified the case as a class action. The parties entered into a settlement agreement on February 15, 2018 and the Court approved it on June 29, 2018. The Agreement calls for medications to be provided to hundreds of prisoners who were previously denied treatment. We are now monitoring compliance.

Legislative Updates

Since the last issue of PLS Notes in the spring, the 2023-2024 legislative session came to an end, bringing significant achievements and important lessons for future improvement. We made substantial progress in deepening our collaboration with clients through various means, including Zoom meetings, group sessions, and the development of our Policy Mailing list and Corrlinks. We strengthened our relationships with key legislative figures, notably the House Chair of Public Safety and the Criminal Justice Reform Caucus. We also assisted legislators in helping to arrange prison visits. A major victory came with the passing of the No Cost Calls bill, and we successfully moved numerous bills out of the House side of Public Safety. We organized several well-attended community partner trainings and successful legislative briefings. We also garnered positive media coverage and successfully advocated for incarcerated people's direct participation in hearings.

For the upcoming session, we need to start strong with a narrowed set of priorities, pushing for early hearings and movement much earlier in the session. Time management will be crucial as we balance demands from legislators, community partners, and clients. We aim to set and maintain clear boundaries to ensure effectiveness. In the past, PLS has spread our resources too thin with too many bills each session, so we plan to focus on a narrower set of priorities within our capacity and political capital. Increasing collaboration and coordination with community partners will be essential to avoid competing for limited legislator attention. Continuing to build and work efficiently with client leaders throughout the process remains a priority, though we want to make sure we are taking the needs of everyone in the system into consideration. Finally, while we've developed a friends and families email list, it remains underutilized, and we aim to expand and increase communications with this group. **Please ask your family to get involved at plsma.org/get-involved/.**

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.

Recently, as you may know, we conducted a policy survey and received around 160 responses out of approximately 300 sent out. Your responses have provided us with valuable insights. You told us that Elder Parole, Ending Life Without Parole (LWOP) for Everyone, Visitation, Commissary, Second Look, Medical Parole, and Programming and Education are the most important issues to you. We also learned that many of you are actively collaborating with organizations both inside and outside the prison system, which helps us understand how to build effective partnerships. We know that many of you have a strong interest in being involved with legislative work, which will guide our plans for including you in our advocacy efforts.

Your feedback on our educational materials was mixed - while you found our committee hearing materials helpful, our office hours were less effective. We'll use this information to improve how we share information with you. In your general feedback, you emphasized the need for better communication and collaboration, and shared valuable ideas about reforming re-entry support, parole, and prison conditions. Most responses came from straight, English-speaking men, with significant participation from BIPOC individuals and those serving life sentences.

We're using what we learned from you to plan our work for the coming months. In September and October, we created a policy platform based on the priorities you identified in the survey, an analysis of the political landscape and where community partners are focusing their efforts, and consideration of our own expertise and where we as PLS can be most effective. Next session we will prioritize (1) Elder Parole, intending to include key provisions of medical parole as well, (2) Visitation reform, and (3) the incarcerated human rights bill, which will establish baseline conditions of confinement standards including universal access to programming and education.

From now until bills are filed in January 2025, we will be working on drafting bills, developing community partnerships, meeting with incarcerated people to discuss strategy, meeting with bill sponsors and other key legislators, creating advocacy materials, and beginning to prepare for hearings and lobby days. Throughout these efforts, we remain committed to advocating for your interests and working towards meaningful reforms in the justice system. We continue to strive for positive changes that will benefit the incarcerated population and improve the overall fairness and effectiveness of the justice system.

No Cost Calls Update

On December 1, 2023, legislation went into effect requiring that all prisons and jails in Massachusetts must provide free communication to incarcerated people. 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 PLS speed dial in DOC, 9004, and using our collect number in the county jails, 617-482-4124. 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.

Furthermore, there have been challenges related to the source of funding for No Cost Calls, but rest assured that No Cost Calls is the law and there is no threat of any aspect of the law, including video calls, being discontinued.

Non-Legislative Issues and Non-Litigation Issues

PLS is also interested in gathering your input and testimony regarding issues that are not being addressed through legislation or litigation. 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 using the contact info on the first page.

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.

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.

REICI 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 Massachusetts 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).

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's speed dial number (9004) to reach a member of the REICI team. Lines are open every Thursday between the hours of 5 and 8 PM.

As a reminder, 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. This line is open every Monday between the hours of 1 and 4 PM.

REICI Bill

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, with the support of Senator Liz Miranda and Representative Russell Holmes, filed 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).

The bill, which is first of its kind legislation, endeavored to establish much needed independent, enforceable oversight for Massachusetts prisons and jails through the creation of an independent office charged with the collection of racial data.

Throughout the 2023-2024 Legislative Session, the REICI team worked tirelessly for the advancement of this crucial legislation, canvassing the State House, building invaluable connections and support for the bill amongst individual legislators, legislative bodies, community members, businesses, and organizations across the state. Unfortunately, despite the incredible support behind our bill, it did not make it out of committee and therefore was not passed into law.

For the REICI team, this is just the beginning of our fight to hold the DOC accountable for its treatment of incarcerated people. We are gearing up to re-file our legislation for the 2024-2025 Legislative Session and hope that we can rely on your continued support! The REICI team is planning several public meetings and events to continue building support for this critical legislation. If you or a loved one would like to learn more about how you can participate in these events and/or support our legislative efforts, please contact the REICI team.

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 program developed by REICI, aimed at acknowledging prisoners' contributions to legal services and recognizing the value of their expertise through formal collaboration and compensation.

The 2024–2025-year cohort began in June and PEPs will work as liaisons for a full 1-year term. This year's PEP cohort is comprised of volunteer liaisons 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); and the Latino Cultural Awareness Committee (LCAC).

PEP liaisons are currently working on two initiatives, the Canteen Project and the PEP Newsletter. The Canteen Project is slated to advocate and ensure that the inclusivity of gender affirming, and culturally appropriate canteen items are added to commissary. The PEP Newsletter, which was adopted as a recommendation from a PEP from last year's cohort, was developed to ensure transparency across the MA DOC and keep our clients informed of the things that are taking place on a facility-by-facility basis. All newsletter submissions have been carefully crafted in collaboration between our PEPs, members of their affinity groups, and those on their units. The first newsletter is set to be published later this fall.

REICI's Project RIZE Coordinator and Paralegal, Kelsea Goodrow, met with PEPs to provide invaluable information regarding the services provided through the project and has encouraged our liaisons to encourage those with substance use disorders to contact the project for assistance. Similarly, REICI's Community Liaison and Paralegal, Mac Hudson, has spearheaded the first phase of the mentorship initiative of the project by providing PEPs with vital information that ranges from legal education and advocacy knowledge to re-entry services and resume building. Lastly, Attorney and Director of the Immigration Detention Project at PLS, Leah Hastings, has provided self-help materials to our PEPs to assist individuals with immigration cases through language access services.

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.

Project RIZE Update

Project RIZE, a subsidiary of REICI, was established in 2020 following the passage of 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.

Currently, all Massachusetts DOC facilities have an active MAT program, except for Boston Pre-Release Center which, as of May 2024, remains in the process of rolling out treatment.

If you are BIPOC, have SUD/ODU and would like assistance accessing MAT or are encountering issues related to your participation in MAT services, please use PLS's speed dial phone number (9004) to contact RIZE Project Coordinator Kelsea Goodrow.

If you are currently sanctioned in accordance with 103 DOC 525, Inmate Substance Use Monitoring and Testing, and are still being charged for and required to submit to twice monthly urine drug screening, please contact us.

In addition to RIZE's general services, we ask that anyone, regardless of race, please contact us if you are currently receiving MAT, you have been assessed fees for positive urine drug screens, and/or if you have experienced an overdose or other adverse reaction related to K2 use."

Immigration Detention Conditions Project

The Immigrant Detention Conditions Project (IDCP) was started at PLS to focus specifically on advocating for the rights of immigrants detained by Immigration and Customs Enforcement (ICE) in Massachusetts. Through individual and systemic advocacy, policy work, media exposure, and collaboration with community organizers, detained people and their loved ones, law school clinics, and legal services organizations, the project aims to improve the conditions and treatment of immigrant detainees while advocating for an end to immigration detention altogether.

Earlier this fall, PLS Immigrant Detention Conditions Project and Boston University School of Law's Immigrants' Rights and Human Trafficking Program co-authored and released a report titled "ICE Detention at Plymouth County Correctional Facility: Chronicling 25 Years of Violations.". The report provides a comprehensive look at the long history of mistreatment and poor conditions faced by immigrant detainees at Plymouth County Correctional Facility in Plymouth, MA.

Based on interviews with over 60 detained immigrants, as well as historical documentation and testimony, the report reveals a pattern of entrenched issues related to medical, mental health, and dental care, food quality, extreme temperatures, work conditions, and access to legal resources. It also highlights reports of discriminatory treatment, verbal abuse, and retaliation by staff, overuse of solitary confinement, lack of proper language access services, and barriers to communication with loved ones and attorneys alike.

The authors argue that, despite extensive documentation of these abuses and promises of improvement across various oversight agencies, conditions remain inhumane, and Plymouth is incapable of safely detaining immigrants. In the short term, they make tangible and feasible recommendations for immediate reforms to alleviate suffering and address the material needs of detained people. In the longer term, the report proposes measures targeting the intersection of policing, prisons, and the immigration system, pushing for decarceration and, ultimately, the termination of Plymouth's contract with ICE.

Know Non-English Speakers?

PLS hears from a significant number of prisoners for whom English is not their first language. Since PLS can have letters translated and to continue communication with prisoners through interpreters, would readers please encourage non-English speakers contact PLS via mail or phone so we can update their language preference? Thank you.

Recently, the IDCP has begun exploring avenues for addressing more of the issues that impact incarcerated immigrants in the DOC. At the moment, given our limited capacity, we can provide individual advocacy for the following:

- Accommodations for serious mental illness and/or disability in immigration proceedings
- Language access
- Requests for self-help materials, Know Your Rights materials, and information related to immigration court proceedings

Unfortunately, we cannot represent individuals in their immigration court proceedings.

We are additionally working on connecting with individuals and affinity groups inside who are interested in contributing to broader systemic advocacy at the intersection of the immigration and carceral systems-- including policy and media work, community education, coalition-building, and the development of self-help materials.

The IDCP accepts inquiries on a rolling basis, and strives to set aside Tuesday and Wednesday afternoons from 1pm-4pm to take client calls. To contact the IDCP, please call the PLS office (speed dial 9004) and ask to speak with attorney Leah Hastings. Leah speaks English and Spanish, and can arrange interpretation for individuals who do not speak either of these languages.

PLS Notes está disponible en español. Pídalo si gusta. Además PLS está buscando ayuda de prisioneros quien habla español que pueden servir como contactos con la gente que no hablan inglés. Aceptamos llamadas y cartas en español igual como en inglés.

Alternatively, you can send a letter– in any language– to the IDCP detailing the issue you are seeking assistance with. Letters should be addressed as follows:

ATTN: Leah Hastings
Immigrant Detention Conditions Project
Prisoners' Legal Services
50 Federal Street, 4th Floor
Boston, MA 02110

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

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.

MJA Update

The Medical Justice Alliance (MJA) is a national nonprofit mobilizing volunteer clinicians to advocate for improved healthcare for incarcerated individuals. The Massachusetts chapter (MJA-MA) collaborates with Prisoners' Legal Services (PLS) to build a network of healthcare professionals to serve as expert witnesses in litigation, provide advice on standard of care for medical advocacy, improve treatment of incarcerated patients in MA hospitals and clinics, and advocate for better health care in correctional facilities.

Key updates:

- Leadership expansion: MJA has recently grown its national leadership team,
- Case reviews: MJA-MA completed over 70 case reviews for PLS and other advocates this year alone,
- Education initiatives: MJA continues to lead statewide sessions for clinicians who care for incarcerated people in hospital settings on how to advocate for their for these patients.

Women's Project

The Way Home: The Urgency of Decarcerating Women in MA

On October 30, 2024, Prisoners' Legal Services' (PLS) Women's Incarceration Conditions and Reentry Project (the Women's Project) released its second report on women's decarceration titled "The Way Home: The Urgency of Decarcerating Women in Massachusetts." The report's release comes as the state has achieved significant reductions in women's incarceration rates, with pretrial detention rates down 30%, county incarceration rates down 42%, and state prison incarceration rates down 63% since 2017.

Despite these reductions and declining crime rates, the state is pursuing plans to build a new \$50 million women's prison. Testimony and interviews from incarcerated women illustrate what well-known statistics tell us: that the overwhelming majority of incarcerated women have experienced trauma prior to incarceration, which is then compounded by their experiences behind bars. One in six women incarcerated in Massachusetts is serving a life sentence without the possibility of parole, and the state parole board approves women for parole at less than half the rate at which it approves men for parole. Additionally, Massachusetts has the second oldest prison population in the country, with 33% of incarcerated people 50+.

The report features testimonials from currently and formerly incarcerated women, including success stories of those who have been released and are now contributing to their communities. Their experiences demonstrate that community-supported reentry can be highly successful when proper resources and support are provided.



Empowering Descendant Communities to Unlock Democracy

As we look back at the recent elections here in the Commonwealth, we are acutely aware that many citizens in Massachusetts are excluded from the ballot box. Over 7,700 of our incarcerated neighbors and family members are unable to vote. Numerous more retain voting rights while held pretrial but are too often unable to exercise that constitutionally-guaranteed right. The Empowering Descendant Communities to Unlock Democracy is a grant-funded project committed to ensuring that democracy does not stop at prisons and jails in Massachusetts. It is a collaborative project between the Democracy Behind Bars Coalition (DBBC), the African American Coalition Committee (AACC) based at MCI-Norfolk, Healing Our Land, Inc., and the Mindich Program for Engaged Scholarship at Harvard College.

The project encompasses two components. The first focuses on the implementation of jail-based voting and civic education programming for eligible voters — people held pretrial, civilly committed, or convicted of a misdemeanor. The DBBC played a central role in the introduction and passage of the jail-based voting provisions of the VOTES Act, signed into law in June 2022. Now, the Empowering Descendant Communities project is working to address a culture of disenfranchisement that remains amongst eligible voters and beyond. The jail voting team piloted a mobile ballot box program at the Suffolk County House of Corrections and Nashua Street Jail in Boston during the 2024 elections.

The second portion of the project, universal voting restoration, has the ultimate goal of changing the state constitution through a legislatively-referred amendment. To do so, we are focused on legislative advocacy, a signature collection campaign, and building political organizing power among the most-impacted communities in the state.

If you would like to learn more about our work, or get involved to organize for universal voting rights, please email unlockdemocracyma@gmail.com or visit dbbcma.org.

Breaking the Cycle: Addressing Violence in Massachusetts Prisons

PLS continues to monitor and address persistent issues within the state's correctional facilities, particularly at Souza-Baranowski Correctional Center (SBCC). Recent months have seen a surge in reports of deteriorating conditions and alleged mistreatment across Massachusetts prisons.

In August and September 2024 alone, PLS received 32 excessive force complaints from individuals held at SBCC. During a visit to the facility in August, our staff heard numerous concerns from incarcerated individuals, including increased restrictions on out-of-cell time, lack of programming and education opportunities, unenforced body camera policies, and arbitrary disciplinary infractions.

The urgency of addressing these systemic issues was underscored by a recent incident at SBCC. On September 18, 2024, five correction officers were injured during an altercation, with one officer requiring hospitalization. PLS is working to leverage this renewed attention to emphasize the critical need for improved conditions. We maintain that addressing underlying issues such as staff accountability, mental health support, and meaningful rehabilitation out-of-cell time and programming is essential to breaking the cycle of violence and creating a safer environment for all.

Our work continues through litigation, policy advocacy, and direct support to incarcerated individuals. If you have experienced similar issues or have concerns about conditions at your facility, we encourage you to contact PLS. Your experiences are crucial in our ongoing efforts to improve conditions within the correctional system.

Please be on the lookout for a forthcoming report from PLS' Brutality Project this December that will provide an overview of correctional violence and recommendations.

Recent Changes to Canteen Pricing

Important changes have been made to the laws governing canteen prices in correctional facilities across the state. As of October 31, 2024, a new law requires that canteen prices cannot exceed 95% of market prices found at major retail stores in the commonwealth.

The law also requires facilities and vendors to pass along savings from bulk purchasing and prohibits them from receiving commissions or financial incentives from canteen contracts. Additionally, facilities must now provide gender-affirming and culturally appropriate items.

However, implementation of these changes remains unclear. Keefe Corporation, the current vendor, maintains that their prices already comply with the new law. Many individuals have reported that prices have not changed since the law took effect. At least one lawsuit has been filed against the Commissioner of Corrections regarding compliance with the new pricing requirements.

If you believe that canteen prices are too high and violate the new law, it's important to take action through proper channels. You should first submit a formal grievance and complete all levels of appeal in the grievance process. This step is crucial as it preserves your right to file a lawsuit later if necessary.

Several groups continue to work on this issue. The Race Equity in Corrections Initiative (REICI) is focusing specifically on access to culturally appropriate items. Senator Creem's office is actively monitoring the implementation of the new law, and legal advocates are currently seeking outside firms to pursue litigation on this issue. We will continue to monitor these developments and provide updates as new information becomes available.

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. We welcome fiction, non-fiction and creative writing. All entries will be considered, but only a small number will be published on PLS' website. Pieces can be up to 3000 words. There is no minimum length. 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. If you are engaged in litigation or intend to litigate, we recommend that you refrain from discussing the case.

Prisoners' Legal Services of MA
50 Federal Street, 4th Floor
Boston, MA 02110



**PRISONERS' LEGAL SERVICES
OF MASSACHUSETTS**

PLS Notes - Winter 2024