



PHILLIP KASSEL
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MENTAL HEALTH LEGAL ADVISORS COMMITTEE

The Commonwealth of Massachusetts

Supreme Judicial Court

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March 12, 2020

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

Dear Governor Baker,

I am writing on behalf of the Mental Health Legal Advisors Committee and its imprisoned clients with mental illness who are disproportionately represented in prison and jail populations. We respectfully request that you order special measures to protect this vulnerable group, which includes many elderly persons and others with conditions rendering them particularly susceptible to the virus.

Places of imprisonment, as I'm sure you are aware, are incubators and amplifiers of infectious diseases. Once a highly contagious virus like Covid-19 takes root, it is likely to infect nearly the entire institutional population despite best efforts to contain it. In China, where the virus appears to have originated, many people within its prisons have reportedly been infected. If a high percentage of the population of any of our prisons and jails were to take ill, the number of persons needing acute care would likely overwhelm on-site medical resources, with outside hospitals already pressed to their limits and unable to compensate.

Please apply the proactive approach you are taking generally to this population. This begins with an immediate review to identify incarcerated elderly and others in COVID-19 high-risk categories, with an eye toward providing medical furloughs or compassionate release to as many of them as possible. This would not only protect them, but also other incarcerated people and staff by decreasing the strain on resources within these facilities once the virus hits its peak.

Other countries have already taken measures to address the special problems presented by Covid-19 in prisons and jails. For example, Iran announced on Tuesday it was releasing 54,000 prisoners, "in an effort to combat the spread of the new coronavirus disease in

crowded jails.” Ordering the identification of persons at high risk and their evaluation for potential release without threat to public safety is obviously a big job and must begin right away.

Thank you for your consideration and leadership on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Kassel", written over the printed name and title.

Phillip Kassel
Executive Director