

AN OPEN LETTER TO COMMISSIONER OF CORRECTION CAROL MICI

Gordon Haas

December 4, 2023

Ms. Carol Mici
Commissioner
Department of Correction
50 Maple St. - Suite 3
Milford, MA 01757

Dear Commissioner Mici,

I am writing to you seeking answers to questions concerning the operation of the Department of Correction (DOC). Please respond to the following:

1) Why on July 1, 2023 were minimum and pre-release facilities operating at 43% occupancy?

The total operational capacity for minimum and pre-release facilities on July 1, 2023 was 1,092. (1) Yet, only 472 of those beds were filled - an occupancy rate of 43%. In contrast, medium security facilities on the same date were operating at 68% of capacity. The maximum security institution was operating at 74% capacity. (2) A mere 43% occupancy rate for minimum and pre-release facilities combined wastes valuable space and resources.

For the four and one-half decades I have been incarcerated, the DOC has espoused a step-down process purportedly to prepare prisoners to rejoin society. Prisoners could expect to move from maximum to medium security to minimum and finally to pre-release based on good behavior. Each step down, theoretically, offered greater freedoms and services as a prisoner proved his or her ability to adhere to the inherently increased responsibilities of lower security. But, that step-down process has been stymied as prisoners are bottle-necked in medium and maximum security. Consider that on July 1, 2023, the total operational capacity for minimum security prisons was 870, yet, only 453 of those beds were filled - an occupancy rate of 52%. Worse still, the operational capacity of all pre-release facilities combined on July 1, 2023 was 222 beds, yet only 19 were occupied - an occupancy rate of only 9%!! (3). How do you account for the fact that of the 1,092 beds in minimum and pre-release, 620 were empty on July 1, 2023?

This under-utilization of minimum and pre-release facilities impacts lifers who have been granted paroles conditioned on spending time - from 6 to 18 months normally - in minimum security. While the bed space is obviously available a lifer is inexplicably told he or she must wait for an open bed. What could possibly be accomplished by forcing lifers to wait for weeks or months?

There is potentially one answer to this waste of space. Guards belonging to the Massachusetts Correctional Officers Federated Union are not assigned to minimum and pre-release facilities. Rather, Correctional Program Officers work those institutions. The more prisoners housed in minimum and pre-release, the fewer housed in medium. Thus, this would raise the possibility of having to close a prison at the medium security level with the resultant loss of good union jobs. The question then is: Who is running the DOC, you or the union? The answer can't be both.

2) Why are only 18% of prisoners participating in educational programs?

According to Bernard Audette, your Director of Inmate Training and Education, 53% of all prisoners were engaged in educational programs. (4) To investigate Bernard Audette's 53% statistic, Lois Ahrens, Founding Director of the Real Cost of Prisons Project in Northampton, sought data from the DOC for prisoners who were actually engaged in educational programs. The response from your department was 1,088 out of 6,303 prisoners as of January 1, 2023 or 18%. (5) Clearly, there is a significant disparity between Bernard Audette's estimate and the data provided by the DOC pursuant to Lois Ahrens's request. Do you know how Bernard Audette arrived at his figure of 53%?

For decades, the DOC has ignored a resource for teaching classes in the schools - prisoners, many of whom have earned Bachelors, Masters, or even Doctorate degrees. Qualified prisoners as teachers is inexpensive. The DOC would be hard pressed to garner a higher return on its investment if the DOC utilized prisoners who have proven records as effective teachers.

Before COVID, the Lifer's Group Inc. had introduced its Educational Discussion Groups (EDG) in the MCI-Norfolk school. Courses were conducted in Creative Writing, Advanced Math, Physics, Spanish, the Bill of Rights, Learning About Finances, and the Massachusetts Declaration of Rights, to name a few. Those classes had been taught mornings, afternoons and nights in a dedicated classroom in the school and up to 100 prisoners participated. (6)

When the lockdown was lifted, the EDG program was expelled from the school without explanation. The program has now been reduced to one class, meeting only two nights a week in another building.

The success of the EDG classes, taught by lifers, affirmed that many prisoners seek knowledge. The DOC continues to turn a blind eye to how easily the gap can be closed regarding the lack of educational participation. You need only take the obvious step of utilizing the resources under your control. The question is: Why do you refuse to act?

3) **Have correctional officers who received fraudulent overtime pay been required to reimburse the DOC?**

In April 2023, Raymond Turcotte, then head of operational services for the DOC, was terminated. He did, however, receive a severance package totaling \$112,994. The reasons for Mr. Turcotte's demise were: 1) providing his girl friend with 1,500 rounds of ammunition from the DOC's arsenal, and 2) approving over \$100,000 in falsified overtime pay for himself and the correctional officers under his supervision. (7)

I have known prisoners who had been paid, by administrative error, twice for the same time period. They were required to repay the extra money. The DOC's reasoning: The prisoners should have known that they not worked the extra hours for which they had been wrongly paid.

Thus arises the question: Are the correctional officers being treated the same or is there a double standard? Those who had received fraudulent overtime pay must have known that they had not worked the requisite hours, and, thus, were not due the money. Have any or all of these correctional officers, including Raymond Turcotte, reimbursed the DOC for their illicit payments of overtime?

In addition, what about those 1,500 rounds of ammunition given to Turcotte's girl friend? Was she required to return the ammo, or, at least, has she reimbursed the DOC for the cost of the ammunition?

How could 1,500 rounds of ammunition have gone missing or over \$100,000 in fraudulent overtime been approved? Who was overseeing ex-officer Turcotte? Those very questions were asked of Turcotte's supervisor, Charles Primack, assistant deputy commissioner of field services. He failed to provide satisfactory answers. As a result, Charles Primack was demoted to the rank of lieutenant where he continues to collect \$109,000 annually, including over \$11,000 in overtime. (8)

Are you aware that in the race to pay the highest total amount of overtime in 2023, the DOC, as of September 2023, places third with \$45 million in overtime payments already? The MBTA leads the pack with \$77 million, trailed by the State Police at \$52 million. (9) To put the difference between the DOC and the MBTA overtime payments into perspective, the MBTA employs over 15,000 workers; the DOC employs slightly over 4,000. The overtime pay to MBTA workers averaged nearly \$5,133; the average overtime for DOC employees was nearly \$11,000 (10)

Once again, have the correctional officers who received fraudulent overtime pay and Raymond Turcotte's girl friend been required to reimburse the DOC? Or, have they all simply been allowed to retain their ill-gotten gains?

4) Why does the DOC seek to homogenize all the prisons?:

Your Central Office has embarked on a drive to make all MA prisons the same in terms of program availability. Once accomplished, administering the prisons will, of course, be much less complex. But, this effort ignores the fact that prisoners are not fungible like apples or oranges. Rather, prisoners' needs vary based on numerous factors including, but not limited to: age, educational levels, governing offenses, and medical and addiction issues. Thus, program opportunities should address those differing needs accordingly.

Nor is it just the needs of prisoners which vary. The make-up of each facility does as well. For instance, MCIN, as of July 1, 2023, housed 590 prisoners serving life sentences or 51% of MCIN's total population of 1,166. When those serving 15+ years are included, the percentage increases to 65%. By contrast, on July 1, 2023, MCI-Shirley (MCIS) housed the second highest number of lifers (255) which comprised 33% of MCIS's total population of 781. Adding those serving 15+ years in MCIS, the percentage rises to 45%. In fact, only 39% of the total number of prisoners housed in MA prisons on July 1, 2023 were serving sentences of 10 years or less (2,148 of 5,477). (11)

The significance of this data is that DOC programs are geared not to those serving long sentences, even though they are the clear majority of the prisoners held in MA prisons. In fact, it is just the opposite. The program emphasis in all institutions is on those serving short or drug governing sentences. This is not to argue that "short-timers" are not in need of programs designed to assist them in returning to society. Nor is it to argue that drug and alcohol addiction are not real issues in need of attention. But, providing mere window dressing in programs for long-termers is a major disservice to the majority of the prison population in larger facilities, especially at the medium security level.

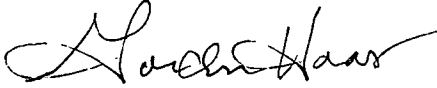
In past decades, a prisoner had to earn his or her way from higher security to lower security by demonstrating good behavior and evidencing a desire to grow and to change. Prisons like MCIN offered a plethora of programs as incentives not only to transfer to MCIN, but also to remain, until achieving a transfer to even lower security. In 2023, those incentives no longer exist at MCIN, primarily due to the drive to homogenize all prisons.

Gone from MCIN are: the Norfolk Debating Society, Reading For The Blind, creative secondary educational opportunities, certain ethnic groups or committees, an active sports program, an art program, a drama club, and religious events such as the Cursillo, to name just a few. Those programs served to meet the unique needs of specific segments of the prisoner population at MCIN.

Little remains as well for meeting the needs of the ever expanding elderly population. Their needs and those of lifers and long-termers often intersect. Yet, the DOC sees little or no value in addressing those voids. The reality is that: "One size does not fit all."

Thank you for your time and consideration of these questions. I look forward to hearing from you.

Sincerely,



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cc: Lois Ahrens, Real Cost of Prisons Project

END NOTES

- 1) "Prison Population Trends 2021," published by the DOC. May 2022. p. 2, 3, 5, and 6.
- 2) "A Report on The Institutional Fact Cards," as of July 1, 2023. The Lifer's Group Inc. September 2023, p. 11 (Table 7).
- 3) Id. Note: Minimum Security facilities are Boston Pre-Release (BPRC) - Oper. Cap. - 95, Pop. - 26; Northeastern Correctional Center (NECC) - Oper. Cap. - 208, Pop. - 189; Pondville (Pond) - Oper. Cap. - 156, Pop. - 97; Old Colony Correctional Center - Oper. Cap. - 166, Pop. - 76; and MASAC - Oper. Cap. - 251, Pop. - 65. Pre-Release facilities are: BPRC - Oper. Cap. - 105, Pop. - 9; NECC - Oper. Cap. - 69, Pop. - 4; and Pond. - Oper. Cap. - 48, Pop. - 6.
- 4) "Behind bars, but seeking a brighter future," The Boston Globe editorial dated July 1, 2023.
- 5) Correspondence from Lois Ahrens to Gordon Haas dated August 16, 2023. The data broke down as follows: Non-college participants - 709, college participants - 202, those in vocational classes - 104, and those enrolled in technology classes - 73.
- 6) Education Division - SAchool Improvement Plan for MCI-Norfolk - 2019 - 2020 School Year. p. 4, 5.
- 7) "Another overtime scandal - this time in state corrections". The Boston Globe. September 24, 2023 at A10.
- 8) Id.
- 9) Id.

10. Response from Ms. Kate Silvia, DOC Director of Communication, dated August 18, 2023, pursuant to a public records request submitted by the Lifer's Group Inc.
11. "A Report on the Institutional Fact Cards as of July 1, 2023," The Lifer's Group Inc. September 2023, p. 7 (Table 3) and p. 9 (Table 5).