



PRISONERS' LEGAL SERVICES OF MASSACHUSETTS

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March 9, 2023

Governor Maura Healey
State House
24 Beacon Street
Boston, MA 02113

Dear Governor Healey,

Prisoners' Legal Services received the letter below from incarcerated people at MCI-Norfolk. The letter contains very serious allegations related to correctional officer misconduct including sexual misconduct and misconduct related to substance use and distribution and firearms. The letter further highlights a history of problematic policies and practices in the MA Department of Correction and makes substantial recommendations for reform. We were unable to substantiate all the allegations contained in the letter due to our limited access to records and resources, but we did include an addendum of publicly available news articles that relate to the issues raised in this letter. Recognizing that these issues are structural and not exclusive to DOC, we included articles from the counties and the state systems. We also want to take this opportunity to highlight an important briefing that incarcerated people sent to your office earlier this year: [Creating Meaningful Public Safety](#).

We find the matters raised in this letter to be very concerning and we hope that your office will investigate, ensure all appropriate accountability, and consider the reform suggestions that are being made.

Thank you for your time and attention, and please do not hesitate to reach out for further discussion.

Sincerely,

Elizabeth Matos
Executive Director

Letter from the Norfolk Inmate Council

February 20, 2023

Her Excellency
Governor Maura Healey
State House
24 Beacon Street
Boston, MA 02113

RE: Request for Emergency Intervention

Governor Healey:

The Department of Correction (DOC) is in crisis and requires an emergency intervention by your office. Over the past month, the Norfolk Inmate Council (NIC), the elected body that represents the incarcerated population at MCI-Norfolk, has been made aware of several serious criminal allegations involving DOC staff members. Some of the charges are so explosive that we have spent the past weeks attempting to suss out fact from fiction. Collectively, we have spoken to almost a dozen independent sources -- mostly security staff -- some with direct knowledge of the issues discussed below. While some details vary, the accounts reveal a highly dysfunctional organization whose lack of qualified leadership and failure to focus on the DOC's core mission has not just allowed staff criminality to blossom across the prison system, but has actually inspired its growth.

Last month, staff members informed NIC members that a correction officer at Old Colony Correctional Center (OCCC) had died of a fentanyl overdose. These same staff members allege that a subsequent investigation has revealed an organized scheme involving multiple staff members to introduce and sell drugs, including cocaine and synthetic cannabinoids, to people incarcerated at OCCC. It also has been alleged that evidence exists that documents illegal sexual activity occurring within OCCC. The NIC has been told that security cameras inside OCCC have captured footage of some criminal acts, including staff members "doing lines" on a desk. The evidence also apparently includes cell phone digital photos of illegal acts, as well as, unit logs that show abnormal officer movements into one unit at OCCC that seems to have served as a nexus for the supposed sexual encounters. At least one staff member, who is close to employees at OCCC, has described some of these encounters as sexual assault.

In addition to the allegations against OCCC staff, the NIC has also been made aware of an investigation involving weapons missing from the DOC's shooting range. Staff have stated that members of the department's Special Response Team (SRT) have been reassigned after a crate of weapons could not be found. The NIC has learned that some employees believe that certain SRT

members have been selling guns, including some that can be used only by law enforcement, to people outside the department.

These new details join the litany of arrests and allegations that have stacked up across the DOC over the past several years, including an ongoing DOJ investigation into officers at Souza-Baranowski Correctional Center for multiple civil rights violations, including using canines to assault incarcerated people.

At MCI-Norfolk alone, several correction officers have been arrested by state and federal authorities in recent years. One officer was prosecuted for selling heroine in a housing unit for those diagnosed to have substance use disorder. Another, the union steward for the officers' union, was arrested last summer in the prison parking lot for allegedly preparing to smuggle \$400,000 of drugs and other contraband into the prison. In both of the above cases, the officers were not discovered by DOC investigators, but were reported by incarcerated people.

In addition to the long list of drug arrests, one Norfolk officer took his life while facing charges for holding his estranged wife hostage. Another officer was removed from the facility after it was discovered that she had been smuggling cell phones and other contraband to her incarcerated lover. Even though federal law demands that any staff member found to be engaging in sexual relations with an incarcerated person is to be charged with rape, the NIC can find no evidence that the DOC has ever pursued such charges against any MCI-Norfolk staff member or contractor employee, even though several have had their employment terminated after the discovery of such relationships. The most disturbing arrest in recent years at MCI-Norfolk, however, involved an officer who was found to be stealing personal photos being sent through the mail to incarcerated people. The officer was reassigned to work in one of the prison's observation towers while a disciplinary investigation was conducted. He was then discovered to be drunk one night in a tower (with the tower's loaded AR-15 hanging on the wall behind him). The officer was arrested. During a search of his car, young girls underpants were reportedly found. When confronted with the discovery, the officer claimed to have been a member of a "rape squad" that targeted children while serving in the military overseas.

The sheer volume of arrests and allegations across the DOC is astounding. The overtime scandal at the State Police that led to multiple high profile arrests and the closure of an entire troop and the misappropriation of funds scandal at the MBTA that led to the outsourcing of financial operations and the development of a fiscal oversight body both pale in comparison to what is occurring within the DOC. There appears, however, to be a much more muted response. In fact, the public safety leadership team that has overseen the devolution of the DOC seems to be as entrenched as ever. EOPSS Secretary Terrence Reidy and DOC Commissioner Carol Mici, both appointed by Governor Baker, were among the few leaders who were held over to serve in your administration.

The DOC's rogue culture is a top down problem. The Legislature has attempted to make reforms to the DOC since 2018, but the department has repeatedly thwarted the enhancements. When a

law was passed to require more humane treatment of people held in the department's Special Management Unit's, the department simply changed the name of the units to dodge the reforms. When medical parole was adopted, the Commissioner ignored her own regulations to avoid conducting valid risk assessments and to establish a medical qualification threshold that was almost impossible to meet. The Courts, including the SJC, have admonished the Commissioner and overturned her medical parole denials dozens of times, but she has continued to ignore Court findings and orders. In these and many other instances, department leaders pick and choose the laws they wish to follow without any accountability. It is a lesson that has not gone unnoticed by other staff members -- especially the security staff.

More than 70% of the DOC budget is spent on security staff (compared to the only 2.1% earmarked for rehabilitation programs). The paramilitary nature of the security staff and the lack of any independent oversight has inspired a dominant philosophy throughout the DOC in which incarcerated people are over policed using outdated tactics with little regard to laws and regulations. The omission of true independent oversight -- amplified by the refusal to include the DOC in the 2020 George Floyd Police Reform law -- also contributes significantly to the systemic racism that permeates throughout the department. A quantifiable example of this racism can be seen in the department's 2022 Use of Force Annual Report in which they note 370 uses of force in but fail to note how many Black people were subjected to a use of force. Based on the numbers provided for other races and ethnicities, the NIC estimates there were 156 uses of force against Black people in 2022, while there were 126 against Hispanic/Latino people. These two minority groups account for more than 76% of departmental uses of force.

Add to this biased and abusive environment the reality that for more than two decades the DOC has seen incarcerated people less as individuals to be rehabilitated and more as individuals to be monetized. Almost every element of an incarcerated person's life today is outsourced to private vendors. Health care, phone calls, commissary, property, substance recovery, and sex offender treatment all have been contracted out to private corporations controlled by multi-billion dollar private equity firms. Many critical items, such as phone calls, food, toiletries, clothes, and emails come at unreasonably high prices to incarcerated people because private vendors tax from 12% to over 80% for services, so they can provide kick backs (called commissions) to the DOC.

In a department with no oversight where the practice is to ignore laws and to see the populace they are charged to help as mere profit centers to be fleeced and policed, is it any wonder the DOC faces a seemingly never ending buffet of scandal?

Even in the face of the naked hypocrisy presented by the DOC, the vast majority of incarcerated people want to improve themselves. More than half the population is currently on wait lists trying to gain access to educational programs. Many others have formed both formal and informal self-help groups to attempt to fill the gaping chasm in DOC rehabilitation services. Others, still, are working tirelessly to advocate for changes that would force the DOC to follow the law and ensure that incarceration spaces are free of criminal activity. How ironic is it that

those labeled "criminals" are the one fighting for laws, oversight, and accountability? How sad is it that those charged where their care and custody are actively fighting against such things?

In January, the NIC joined other incarcerated people in crafting a briefing for you entitled "Creating Meaningful Public Safety." The report declared that nobody wants safe spaces dedicated to rehabilitation more than incarcerated people. We have to exist in these places 24 hours a day, 7 days a week. Most of us want desperately to access programs and services that will allow us to address the underlying issues that led to our incarceration. Instead, we are placed on endless wait lists for programs and denied access to opportunities to earn good time. When we seek help for substance use disorder, we often are told that we are not close enough to a parole or release date to receive such services. And, even though hundreds of incarcerated people are deemed by the DOC to be low risk, administrative overrides are used to block access to minimum security facilities (which are currently half empty).

In addition to the changes recommended in the briefing, several pieces of important legislation have been filed to meet the present crisis. These include a bill focused on rehabilitation, re-entry, and human rights for incarcerated people (SD 1406/HD 2972) and a bill to create an independent correctional oversight office to facilitate the recommendations of the Special Legislative Commission on Structural Racism in Correctional Facilities in the Commonwealth (SD 1054/HD 3646). There are also bills to eliminate private vendor kick backs (SD 1441/HD 822) and make it tougher for the DOC to ignore the medical parole statute (SD 2262/HD 3779). All of these bills deserve your support and can help reduce the criminal activities occurring in DOC facilities.

The most meaningful adjustment you can make to address the current chaos in the DOC, however, may simply be to take a step back. Prior to the early 1990s, the DOC was managed by the Department of Health and Human Services, not Public Safety. By returning the DOC to HHS, or at least significant elements of the DOC, your administration would send a clear message that the primary role of the DOC is to address the individual issues that lead to incarceration. This shift would dramatically recenter the philosophy of the DOC which would lead to better overall outcomes, including safer communities. Community safety is bolstered by positive rehabilitation, not over policing. The DOC under EOPSS has proven incapable of meeting this challenge.

We again request an immediate intervention by your office to properly address this crisis. We want the out of control staff criminality to end. This does not mean simply stopping the drug smuggling and sexual assaults, it also means ensuring that all staff from the Secretariat down follow all laws, regulations, and policies -- even those they may disagree with personally. It also means providing all incarcerated people to education, programming, earned good time, and positive social activities.

We also request the opportunity to meet with you to collaborate on solutions to the many serious challenges facing incarcerated people in Massachusetts.

Thank you for your attention to these serious matters.

Sincerely,

William J. Duclos
Majority Chairman

Cornelius Brown
Minority Chairman

Miguel Valentin
Latino Chairman

Adam Sanders
NIC Secretary

John P. Gomes
Committee Coordinator

James Keown
Policy Advocate

Addendum:
Information related to these allegations

Guard contraband Smuggling

2003: Ex-prison guard accused of running drug ring

Correction officer for the Norfolk County Sheriff's Office, Peter Medeiros, arrested for OxyContin distribution scheme and for distributing cocaine. 6 years and 9 months' imprisonment, to be followed by 3 years of supervised release, and a \$125,000 fine.

2011: Former prison guard jailed

Guard, Ronald P. McGinn Jr, arrested for possession of 29 grams of heroin, which he was going to bring into the prison for a fee at MCI-Norfolk. Sentenced to 30 months in federal prison to be followed by two years of probation.

2014: Corrections Officer Accused of Trafficking Drugs in Mass. Prison

SBCC guard Brandon Beach arrested for bringing cocaine, marijuana, and heroin into the prison with intent to distribute. Note: could not find sentencing information or any corroborating sources.

2018: Second MCI-Norfolk prison guard nabbed for drug plans for inmates

Two correction officers at MCI-Norfolk were arrested in two separate instances of drug smuggling. Stephen Frazer was arrested with Suboxone and K2 with intent to distribute in the prison. He was sentenced to 30 days in prison, 2 years supervised release, and \$2500 fine (sentencing info found [here](#)). William Holts was arrested months earlier for promising to bring in drugs, sentenced to time served, 2 years supervised release and \$2000 fine.

2021: Police Say Haverhill Corrections Officer Tried to Smuggle Drugs into Prison, Joins 20 Others Arrested

Correctional Officer at Essex County Sheriff's Department, Gregorit Sanchez, allegedly smuggled a cell telephone to a prison inmate and unsuccessfully tried to deliver fentanyl, cocaine and Suboxone into the Middleton House of Correction. In connection with a large-scale drug trafficking conspiracy with activity that spanned across Massachusetts, New Hampshire, Connecticut, Maine and Puerto Rico. Charged with conspiracy to distribute and to possess with intent to distribute fentanyl, cocaine and other controlled substances. Cannot find info on sentencing.

2022: MCI-Norfolk correctional officer accused of smuggling drugs and cellphones into prison

Guard at MCI-Norfolk, Vito Forlano charged with possession of a class B drug, said to be suboxone, as well as distribution of a class B drug and delivering an article to a prisoner. Free on \$1,000 cash bail and placed on leave pending an investigation.

2023: Correction officer charged with smuggling drugs into Middlesex Jail

Correction Officer at the Middlesex Jail and House of Correction, Francisco Morales-Urizandi, allegedly conspired with two detainees and associates outside of the facility to acquire and

prepare certain controlled substances, including Suboxone, Marijuana, K2, and cigarettes for distribution inside the facility. bail was set at \$1,000 and he is suspended pending investigation.

Guard Drug Overdoses

2018: Inmate pleads guilty in correctional officer overdose case

An accidental overdose from finding opiates in a cell at Essex.

Guards Stealing Property

2020: Massachusetts correctional officer accused of stealing from inmates pleads not guilty

Ronald Moloney, correctional officer at Middlesex House of Correction and Jail, stole \$6000 from prisoners' personal accounts. Suspended without pay, can't find information on sentencing.

Abuse of Overtime

2019: Amid reforms and staffing dips, overtime for prison officers soars

Overtime has tripled since 2015 even as the number of prisoners has dropped. DOC says staffing shortages and increased responsibilities are to blame, but both the number of employees and overtime increased between 2018-2019. Gregory Sullivan, research director at Pioneer Institute: "In some cases [the use of overtime is] abusive"

2023: Massachusetts prison guard \$100K-plus OT earners jumps 66%

There was a 66.6% increase in correctional officers earning more than \$100k in overtime in 2022, with 3 officers earning more than \$300k.

Sexual Misconduct by Guards

2011: Prison Guard Must Pay for Sex With an Inmate

Moises Ballista, a correctional officer at Framingham, coerced a female prisoner into sex 50-100 times over a period of a year (May 2003-July 2004). The prisoner was awarded \$73,000 in damages, but Ballista did not seem to face any other consequences (he's now a salesman at Charter Communications).

2016: Corrections Officer Charged With Having Sex With Inmate Held On \$20K Bail

Marlon Jubo, corrections officer at South Bay, charged with having sex with a female prisoner on multiple occasions. He also faced charges for drug and contraband smuggling later. Could not find sentencing information.

2019: Willie Williamson, Western Mass. women's jail guard, found guilty of having sex with inmates

William Williamson, a correctional officer at Western Mass. Regional WCC (Hampden, Chicopee, etc), found guilty on four counts of a prison guard having sex with a prisoner. Former prisoner testified that she had sex with Williamson in exchange for whiskey and cigarettes.

2019: Mass. Corrections Officer Had Sexual Relationship With Inmate: DA

Vicki Oliver, a correctional officer at MTC in Bridgewater, was charged with one count of having sexual relations with a prisoner. The prisoner alleges that they had a sexual relationship for almost a year. Later indicted on charges, but could not find sentencing information.

2022: Former corrections officer at Massachusetts prison faces charge in inmate sex case

Correctional officer at SBCC, Charlotte Ferro, groomed a prisoner for money. They exchanged love notes and had sex, and she had his foster mother send her money and suggested he sign his power of attorney over to her. Could not find sentencing details.

2022: Report details women's accounts of sexual misconduct by staff in Massachusetts prisons and jails

Article about The Women's Project report, detailing systemic sexual misconduct in Massachusetts prisons and jails, especially at MCI-Framingham. The vast majority of incidents were perpetrated by correctional officers, with some incidents, especially against transgender women, committed by male prisoners.

- Find the full PLS report [here](#). Some of the findings include,
 - 19 women interviewed and six women surveyed reported that they had either experienced or witnessed sexual misconduct or harassment by correctional or other staff
 - Transgender women also reported undergoing unclothed searches conducted by male officers, despite having specified their preference to have female officers conduct the search
 - Women describe staff sexual misconduct as ubiquitous in spite of and without any recourse through the Prison Rape Elimination Act (PREA), which was meant to address exactly these issues, and experience retaliation for reporting staff misconduct in contravention of DOC policy.

2022: Former prisoners allege sexual assault at the state's prison for women in Framingham

Two former prisoners at MCI-Framingham accused one correctional officer, Melvis Romero, of sexual abuse. Over a period of six months, he would isolate them and engage in sexual activities in exchange for preferential treatment.

Using Canines to Assault Prisoners

2004-2005: Cruel and Degrading: The Use of Dogs for Cell Extractions in U.S. Prisons

Video depicts a dog attacking a mentally ill prisoner. Information gathered from phone interview with Lauren Petit.

2021: Calls Grow For Increased Oversight After Violent Incidents At Max Security Prison

Article covering *Diggs v. Mici* lawsuit and mistreatment, numerous mentions of the use of attack dogs during the incident.

2021: One correction officer, two excessive force allegations in less than two weeks

More coverage of *Diggs* case, with special focus on Sergeant Mark O'Reilly, the K9 commander, and specific details of the assaults with dogs. O'Reilly's dog attacked Dionisio Paulino and got close to Isaias Torres-Vega during an assault. According to a DOC spokesman, O'Reilly is still the K9 commander, although details are murky about whether he's been suspended for his role in the assaults