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March 23, 2018

Secretary Daniel Bennett  
Executive Office of Public Safety and Security  
1 Ashburton Place, Suite 2133  
Boston, MA 02108

**Re: Revisions to 103 CMR 483**

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Dear Secretary Bennett,

I write as President of the Boston Bar Association (BBA), a volunteer organization of nearly 13,000 members drawn from private practice, corporations, government agencies, legal-aid organizations, the courts, and law schools. I am writing to express our concern about proposed revisions to the visiting procedures for inmates in Department of Correction (DOC) facilities statewide (103 CMR 483), and to respectfully request your response to a number of questions regarding these new policies.

I certainly understand your concern about the scourge of substance abuse and addiction in our prisons and jails. As I am sure you are well aware, estimates put the proportion of Massachusetts inmates who are substance users as high as 80%, and we should be doing all we can to treat their addictions and help them progress toward recovery. Our concern, however, is that any benefit that might be achieved through this new policy will be outweighed by serious negative consequences that are bound to result.

I commend you and the Baker/Polito administration for your commitment to reducing recidivism by former prisoners in the critical days, months and years following their release from custody. That focus is well-placed, given the findings, for example, of the Council of State Governments (CSG) Justice Center's Massachusetts working group, on which you served, that most people leaving DOC facilities in 2011 were rearraigned within three years of their release.

The BBA is troubled as well by this fact. Indeed, our own working group on criminal justice reform, in their October 2017 report, *No Time to Wait: Recommendations for a Fair and Effective Criminal Justice System*, stated, "We share these leaders' views that recidivism in Massachusetts is far too high, and likewise share the hope that these reforms will result in fewer Massachusetts prisoners returning to state prison or county Houses of Correction." One of the report's six key sets of recommendations echoed the CSG's emphasis on "the importance of expanding evidence-based recidivism-reduction programs for individuals who are incarcerated" and called for their further expansion.

It is heartening that preliminary data from the years since 2011 suggest that recidivism rates in the Commonwealth have begun to decline. However, we fear that

implementation of the proposed new policy on prisoner visits will jeopardize, and perhaps even reverse, any such gains. Research clearly indicates that prisoners benefit substantially from the ability to maintain familial, social, and community ties while incarcerated, and thus the opportunity to visit with relatives, friends, community leaders, and others is critical to improving their chances to successfully and productively re-integrate into society upon release.

I know that you will have considered these issues in your agency's review of the proposed policy, and I hope that you are able to answer these questions that are raised by these revisions:

- What was the rationale behind the DOC's decision to limit changes to an inmate's visitor list to twice per year?
- What data and research provided the basis for the proposed policy? Were alternative methods to the proposed policy considered?
- What additional benefit will the proposed policy achieve that the current mandatory search policies for inmates and their visitors do not already provide?

I look forward to your response to these important questions. In the interim, I urge you to reconsider the proposed revisions to 103 CMR 483. I strongly believe that we can address the problem of substance abuse behind bars without risking a spike in recidivism—and that a reasonable, evidence-based policy on prisoner visits can achieve both these goals.

Very truly yours,



Mark Smith  
President

cc: Commissioner Thomas Turco, Department of Correction  
Lon Povich, Chief Legal Counsel to Governor Charles D. Baker