

Turnover in Massachusetts jail population creates constant challenge

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As with nearly every household and business in the state, the COVID-19 pandemic has created challenges for Massachusetts sheriffs and jails. At the Middlesex Jail & House of Correction in Billerica, Sheriff Peter Koutoujian is managing turnover among the incarcerated population and finding opportunities to do things differently.

Since the beginning of March, Koutoujian has overseen a 27 percent reduction in the jail's population – from 788 people incarcerated the week that ended March 7 to 578 the week that ended May 16 – but has also accepted more than 500 new commitments during the same time period, according to data provided by the sheriff's office. That's created two fronts in the battle against the highly-contagious virus: first, trying to prevent the virus from getting inside the jail's walls by screening everyone at intake and then working to keep the incarcerated population safe, all while maintaining the tight security of a jail.

"We've dealt with those that were inside, but we still have people that are coming from the outside that are actually positive," Koutoujian, who also serves as president of the Massachusetts Sheriffs Association and Major County Sheriffs of America, said. His office said that of the nine incarcerated people tested the week of May 11 to May 18, only one tested positive – a new commitment who was identified as COVID-positive at intake and was immediately placed into medical isolation.

While the state's prisons run by the Department of Correction have seen a slowdown in intakes while jury trials are on hold and many court proceedings are put off, the state's jails continue to accept the newly-arrested. In some cases, that's put the facilities at risk of exposure to COVID-19.

On Tuesday, Hampden County Sheriff Nick Cocchi put his jail in Ludlow on lockdown after eight inmates tested positive for COVID-19, the first cases among the incarcerated population there. Cocchi said his staff "had reason for concern based on the volume of arrestees over the Memorial Day weekend, a majority of whom scored high on the COVID-19 screening process."

As the COVID-19 pandemic came into view and it became obvious that social distancing would be difficult in jails, many sheriffs began evaluating inmates for release, with an emphasis on the elderly and those with chronic health conditions. Koutoujian said Middlesex County had already reduced its population by more than 100 by the time the Supreme Judicial Court ruled in April that pre-trial detainees charged with non-violent crimes could seek release during the coronavirus outbreak.

"The idea of decarceration is one that is based in social justice and jurisprudence in almost one's feelings about government and the role of corrections and the criminal justice system. Here, this decarceration has actually brought tangible opportunities to protect our population," Koutoujian, the former chairman of the Joint Committee on Health Care and Joint Committee on Public Health said. "This is not a philosophical or jurisprudential exercise for me. This is something that I've been able to use and, by the way, a general reduction in incarceration is good for corrections because that means that instead of housing people we actually become houses of corrections, we actually get to do more programming and have opportunities to reduce recidivism."

As the novel coronavirus was spreading across Asia and Europe in February, Koutoujian began consulting with Dr. Alysse Wurcel, an infectious diseases specialist at Tufts Medical Center who had previously worked with Middlesex County on HIV/AIDS and hepatitis issues. She's provided substantial input as the jail braced for and then dealt with its own positive cases.

"Every move that we've made is a medically-driven decision that we then operationalize," Koutoujian said. "It's been a really good, healthy relationship because she's really understanding the security issues up here."

"The Way It Was"

The sheriff's office began its COVID-19 screening protocols for new commitments on March 4 and suspended in-person family and friend visits to the Billerica jail as of March 13. To keep inmates connected to their friends and loved ones, the sheriff began on March 17 offering each incarcerated person a weekly quota of four free phone calls of up to 20 minutes each.

Koutoujian said eliminating visitation programs "is not something you do very lightly here" because maintaining family contact is important for a successful reentry to society and keeps people grounded while incarcerated. Providing an alternative to in-person visits was important, he said, because suspending visits was not meant as a punishment.

"These are sort of small things ... sometimes they're just gestures. We did a special meal for the population the other day. These are small gestures that make them understand we're in this together, let's make this work and to show that respect to them, so that we don't have to have any outbursts or any violence or anything like that that can foster in these difficult circumstances."

The sheriff said he expects the population of his facility

will eventually go back up, but not to pre-pandemic levels, and that has him thinking about what other services his office may be freed up to provide.

“I’m not sure we’ll go back to the way it was. And so what does that mean? Does that mean more programs that we can offer? More assistance to our communities? More assistance to our other state government agencies? What are the new things that we think we might be able to offer in what will be the new normal?” he said. “It’s an exciting time to think of what the future will be, as we deal with a crisis now.”

For example, Koutoujian said his office has facilitated 1,000 court appearances via video and phone conferences while the courts have been physically closed. Why not continue that practice for some hearings even once courts reopen?

“The idea to use more video and audio conferencing for non-substantive court hearings, it would save a lot of money but more important than saving money, it would actually reduce the the issue of contraband, both weapons and drugs,” he said, adding that court lock-ups can be a source of prohibited items.

Video conferencing technology could also be used for meetings between attorneys and incarcerated clients, or as an alternative to in-person visits after the pandemic recedes, he said.

“For a family to come up to the jail and do a visit, it can be time-consuming and it can be expensive to take transportation,” Koutoujian said. “If we can find a cost-effective way to bring video visitation as a way to supplement visitations by family, by attorneys, that’s another exciting opportunity.”

But before getting to the new normal that might await on the other side of the COVID-19 pandemic, Koutoujian and the state’s other sheriffs have to deal with many of the same

pandemic-related issues that are common outside of the corrections world – including a dip in vigilance about social distancing and mask wearing – while preparing for the possibility that an uptick in cases in Massachusetts could affect jails.

“We have to remain vigilant even today. I’m getting concerned that people are starting to relax a little bit, like they are in the public,” he said. “We’re not a fortresses on the hill. It’s not like a bubble, right? What goes on in the community affects us and what goes on in our facility affects the community. So as you can worry about people getting a little bit more lax in the public, we worry about that inside and make sure that we’re remaining vigilant.”