

Massachusetts Supreme Judicial Court urges Baker to weigh prisoner release options

Matt Murphy

State House News Service

The Supreme Judicial Court on Tuesday urged the Baker administration to consider how it could commute sentences, furlough prisoners or allow early parole to “mitigate the spread of COVID-19 in the Commonwealth’s prison system,” but denied a request from defense attorneys to stay the sentences of non-violent offenders and those nearing the end of prison terms.

The court heard oral arguments this week in a case brought by Committee for Public Counsel Services and the Massachusetts Association of Criminal Defense Attorneys seeking to reduce the risk of COVID-19 spreading in prison among vulnerable populations. The SJC on April 3 said it lacked the authority to stay final sentences without an official appeal before the court, but ruled that individuals being held on bail ahead of a trial for nonviolent criminal charges should receive a hearing for release within two days of filing a petition. The plaintiffs and civil rights groups were disappointed the ruling didn’t go further, and filed for reconsideration.

The SJC on Tuesday issued a ruling that affirmed its previous decision, but urged the Baker administration to consider using its authority to release more prisoners. The justices also granted the plaintiffs’ request for better reporting from the prisons to help attorneys identify inmates who could be good cases for early release.

"We are grateful that the Court has taken additional steps to protect the safety of incarcerated people and improve public health. And we agree with the Court that the question is now whether public officials will act to prevent more illness and death among people in custody, correctional staff, and the broader community," said Matthew Segal, legal director of the ACLU of Massachusetts.

Gov. Charlie Baker has said he thinks it would be a "very difficult time" in the midst of the public health crisis with social distancing rules in effect to release a prisoner into the community with limited supports.