

Email from Mary Kay Lanthier, Esq., Rutland County Public Defender's Office to Representative Butch Shaw, December 2, 2020

Representative Shaw,

I hope you and your family are well and enjoyed a nice, albeit potentially smaller, Thanksgiving holiday. I am not sure if you remember me, but I am a public defender in the Rutland office. I am sure that you have been swamped with issues arising from the COVID pandemic and while I hate to add another item to the list, I thought you might have some ability to help with this issue. Perhaps you have already heard, but attorneys are having a difficult, if not nearly impossible time trying to reach clients by phone at the various facilities. If you are already aware of this issue, I apologize for the repetition.

The attorney lines at the jail are a vital means of communicating with our clients. As a result of the combination of a number of different things, the attorney lines that are available at the facilities are simply insufficient to allow us to reach our clients. Attorneys are calling multiple times during the day (up to dozens of times during a day) trying to reach a client, only to be met with a busy signal. More attorneys are speaking to clients over the phone rather than risk bringing COVID into the facility. Additionally, the courts are doing regional arraignments from one facility (in the south, it is Southern State) and it is nearly impossible to speak to the client on the attorney line prior to arraignment, as attorneys from at least four different counties are calling to try and talk to their clients. I have been involved in a meeting with Judge Grearson and Matt Valerio to try and discuss, and while I believe DOC wants to help, there are problems with BGS and infrastructure. Please know that my experience with the individuals on the ground at the facilities is that they are working as hard as they can with what they have to assist us. They have been great. The systems appear to be the problem.

On a separate, but equally important note, while most of the public defender offices are equipped to have video calls with clients through the Cisco phone system (video phones were purchased with the COVID relief money), these do not appear to be available at the jails. For the clients that we are arraigning and have not met, it is very difficult to "get a read" on the person (i.e., competence, mental health, substance abuse issues) over the phone. It is necessary to be able to see them. The video calls would make that be possible.

I understand that DOC may be working on tablets or some other solution, but the solutions are taking a really long time. We have clients who are presumed innocent sitting in jail, with absolutely no way to get them to a trial right now because of COVID. They need for us to be able to speak to them.

I value the relationship that I have with DOC and its staff. This problem, however, is a significant one for which they does not appear to be a solution in sight. I thought

that bringing this to the attention of the legislative committee overseeing DOC might prove helpful.

If you would like, I am happy to discuss in more detail if you would find that helpful. Otherwise, I simply thank you for taking the time to read and consider this email.

Thank you.

Mary Kay

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