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| Seal2  **CHARLES D. BAKER**  Governor  **KARYN E. POLITO**  Lt. Governor | The Commonwealth of Massachusetts  Executive Office of Public Safety and Security  One Ashburton Place, Room 2133  Boston, Massachusetts 02108  Tel: (617) 727-7775  TTY Tel: (617) 727-6618  Fax: (617) 727-4764  www.mass.gov/eopss | **THOMAS A. TURCO, III**  Secretary |

**Restrictive Housing Oversight Committee’s Subcommittee on Evaluations of Other States Reforms of Restrictive Housing**

Date: December 18, 2019

Time: 10:00AM-11:00AM

Place: Department of Correction HQ – Second Floor Training Room

**Call to Order**

The meeting was called to order at 10:07am.

**Meeting Minutes Approval**

Motion to accept the minutes by Sean and seconded by Tony.

**Continue Discussion of How Best to Fulfill Charge of Subcommittee, Establish Measures for Outcomes of RH Reforms, Finalize Assignments for Research and Writing**

The subcommittee’s first action item was to decide on a third state to research. Bob planned to do an overseas area, Sean was assigned Colorado, and Tony was assigned Ohio. Bob reached out to someone at the Vera Institute and would report back when he had more information. Other suggestions he received were New Jersey and Connecticut. Sean reached out to ASCA for suggestions. New Jersey was decided as the third state to study which Brandy will take on. Bob drew up an attempt to have an outline of what the members should be looking for. At the end are some measures we should be looking for as well. Bob had a number of things that he thought members should ask. Tony spoke to Ohio already with someone that authored all the restrictive housing reduction documents in the Ohio Department of Correction. They went through most of the outline and Ohio was looking to change their RH process. They made a determination that they would review the definition from ACA and give everyone four hours out-of-cell. They are now no longer in the definition and have eliminated RH in all but two prisons. They are looking to eventually do that in their entire prison system. He spoke about programming for inmates both in and out of cell. He said there is more confusion in the system now and there have been more assaults. Tony said their hope is to avoid any legislature intervention. Tony said the Ohio DOC was very forthcoming and helpful. They would like to give inmates as much out of cell time as possible but it is not possible after a certain point given the structure of the day and the lack of staff. Brandy said our recommendations will be challenging because the DOC is good about being responsible and is organized, but the counties may not be. Sean said the Committee looked at the LPU (Limited Privileges Unit) which he does not consider restrictive housing. Sean noted that the DOC doesn’t consider the DDU (Disciplinary Detention Unit) restrictive housing. Sean said DDU and LPU are offered time out of cell that goes beyond what would be considered restrictive housing. He acknowledged that most choose not to get out of their cells but it is an option. Tony mentioned that Ohio also spoke about the level of coercion with inmates not leaving their cells for programming or recreation time, etc. because they will have security checks done in their cells while they are gone so they choose not to go out. Tony said he expects to receive documents from Ohio this week. Bob said in New Jersey, there are two different definitions for county jails and state correctional prisons. He read their restrictions for restrictive housing in New Jersey from the Liman Center. Bob noted that in Colorado, an inmate that was previously in solitary confinement went to the home of a former Commission of DOC and killed him. Bob said in addition to correctional staff, members of the subcommittee should reach out to others (advocates, disability rights officers, etc.). Bob recommended reaching out to Kathy Burns, the former chief psychiatrist in Ohio. Bob said speaking to someone in prison mental health would be very good. Brandy said we should look at the individual standards for each state as well. Sean said the changing of the ACA standards is what drove Colorado to take a look at restrictive housing. He really changed the culture there. Sean said they do restraint chairs and tables and do not consider that restrictive housing. Brandy said you can get around our own definition quite easily. Tony said there has to be a balance between offering an inmate more freedom out of cell and safety. Brandy said if you created places where inmates are not trying to stay in their cell due to safety issues. Bob said they saw that with the Concord correctional officer focus group. Bob said the group should be asking about suicides and self-harm. There was some discussion about the definition of serious mental illness and that it came out of settlements in other states. Bob said the old definition was a decent definition and the current one expands it considerably. Bob said we should ask about SMI definition also in other states. He said if we looked at every state that defines it, most likely we will find it defined the old way it was in Massachusetts. With regard to the new definition, Sean and Tony said the DOC and DMH were not consulted. The subcommittee adopted Bob’s prepared outline as the one they will use. Sean got the ASCA policy guideline and said he could send it out to the group. Bob said that the common thread in the standards he looked at and sent out was a spectrum of the ACA on one end to Mandela on the other end. He said they all come down to the factors listed on the first page of his document he sent out. Sean said the ASCA guidelines mentioned it is better to have inmates earn and have positive reinforcements. Brandy said in this context it really depends on the individual as to which works better. She said a pro-social way of rewarding inmates is one way but some people who might be self-injurious or have mental health issues, you should give them the reward right away. Bob said most reforms he has seen involve clinicians early on along with a safety assessment. Bob said for some inmates, even one minute in solitary can be traumatic. Brandy said it is more of an ethical issue where they do not want to condone sending an inmate to RH. Sean said the ACA standards require that they have a mental health clinicians involved in the decision to send an inmate to restrictive housing. Brandy said that some people may begin self-harming to fit the definition of SMI once there. Bob said they will start with ACA standards and move onto the others. Brandy asked in terms of the report, if the subcommittee should do an introduction section to review the standards and asked who is going to do that. Sean said we can generalize in the report. Bob asked if EOPSS has come up with a deadline for the report and John said we can have a bigger discussion with the group about this. Sean said once each of them are done with their research, they re-group and continue the discussion. Bob asked what kind of a timeline the group wants to set for themselves for researching these states. They all agreed April for a draft to be done by the group. This group will be meeting in February ahead of the next Committee meeting. They said if they run into roadblocks, they will meet in March.

There was a motion by Brandy to adjourn at 10:54am. The motion was seconded by Sean. The meeting adjourned at 10:54am.