



## Massachusetts Department of Correction

### *FAQs on Falcon Report*

**Q: Why did the Department commission this study on restrictive housing?**

A: The Department wanted to engage independent experts to assess its use of restrictive housing and associated programs and recommend improvements. Department leadership also wanted to understand what aspects of the existing disciplinary system were working well, and consider specific suggestions to evolve its policies and practices. Ultimately, the Department wants its facilities to reflect the best correctional and clinical practices.

**Q: What were the outcomes of the study?**

A: In its final report, *Elevating the System: Exploring Alternatives to Restrictive Housing*, Falcon makes 11 recommendations to enhance the current system. Specifically, the report includes recommendations for the Department to develop a comprehensive implementation schedule; eliminate restrictive housing as currently defined; dissolve the Department Disciplinary Unit; assess clinical and criminogenic needs of disruptive inmates; and expand services, treatments, and programming that demonstrate success. Today, 7 of the 11 recommendations are currently in progress.

**Q: What stakeholders were included in this study?**

A: Falcon engaged 200 stakeholders who provided invaluable lived experience. The group included 100 inmates across the agency, formerly incarcerated individuals arranged by Prisoners' Legal Services, Department employees, as well as members of the Restrictive Housing Oversight Committee and the state legislature. During workgroups, focus groups, individual meetings, public hearings and site visits, Falcon gathered information which informed its recommendations.

**Q: What are the next steps moving forward?**

A: The Department is committed to making further changes based on Falcon's independent recommendations to elevate our correctional system. The next steps are to continue to collaboratively work with Falcon, to develop policies and procedures that align with the Falcon recommendations as well as American Correctional Association (ACA) standards, and evaluate the costs associated with implementation of the recommendations.

**Q: When does the Department think restrictive housing will be eliminated?**

A: This multi-year process provides the Department the chance to develop plans that can evolve according to the needs of each facility. We anticipate that by the Spring of 2022 new placements in restrictive housing will end across the Department. Before this can occur, the Department needs to update its policies and procedures, and solidify the framework for the new disciplinary system in the revised specialized housing units.

**Q: Where are the inmates currently housed in the DDU going to go?**

A: DDU inmates will need to be reviewed and screened for appropriate placements in alternative housing assignments. To find an inmate's current housing assignment, please visit: <https://www.mass.gov/how-to/find-an-inmate-in-a-massachusetts-prison>

**Q: What is the difference between the DDU and RHUs?**

A: The Department Disciplinary Unit (DDU) is a restricted area or areas designated by the Commissioner to which an inmate has received a sanction recommended by a Special Hearing Officer. Currently, this area is within MCI-Cedar Junction.

In contrast, restrictive housing is a status or condition of confinement which is typically carried out in a unit referred to as an "RHU." Restrictive Housing is defined in the Code of Massachusetts Regulations (CMR) as any placement in a correctional facility that requires confinement to a cell for more than 22 hours per day on average, with the exceptions of conditions imposed on the order of a healthcare provider (e.g. mental health evaluation). This CMR definition is based on the statutory definition that was enacted as a result of the Criminal Justice Reform Act (CJRA) of 2018.

Under the current plan to implement the Falcon recommendations, restrictive housing will end and the DDU will be dissolved.

**Q: If the Department is no longer using restrictive housing as a disciplinary measure, what disciplinary measures will they use in its place?**

A: The Department will still have the ability to separate disruptive inmates for the safety of staff, other inmates and themselves. The Department will also continue to utilize sanctions that are outlined in the Inmate Discipline Policy, which can be found here: <https://www.mass.gov/doc/cmr-430-inmate-discipline/download>

**Q: Are there costs associated with making these changes?**

A: Yes. The Department is evaluating costs for full implementation of the recommendations, including the hiring of additional program and treatment staff.

**Q: Why are only 7 of the 11 recommendations in process? When will the Department address the remaining 4 recommendations?**

A: While the Department has already begun to make substantial changes to its operations in an effort to limit the use of restrictive housing, and has positioned itself to implement systemic changes to restrictive housing, the Department is also committed to analyzing the feasibility of all the recommendations from the Falcon report.

**Q. Where can I access the full Falcon report?**

A: A link to the full Falcon report can be accessed here: <https://www.mass.gov/doc/falcon-report/download>