Restrictive Housing Oversight Committee

Conditions of Restrictive Housing Subcommittee

1. Discuss Approach of Drafting Report and Recommendations

The meeting was called to order at 12:54pm. Bonnie had said that information gathering would be a good place to start. She said that it may be too soon to address the report writing and should focus on information gathering at this meeting.

Bonnie asked if we should discuss Framingham’s site visit. DC Fallon should that in terms of conditions, Framingham may be the standard. It is a bright and clean facility. There was only one inmate in restrictive housing while the other inmates were serving a disciplinary detention. He spoke about the inmate interviews that he and Justice Hines did. He said when folks plead guilty, DOC can do a better job of explaining what the sanction is. Justice Hines added that the Committee should look at how correctional officers interact with inmates. She suggested looking at policies and trainings for correctional officers. She said while a lot of it is the physical setting, we should be paying attention to the interaction between correctional officers and inmates. DC Fallon said that they receive trauma-informed care at MCI-Framingham and he can get a copy of that training and circulate it. Tony said his first inmate was very compliant and acknowledged what she had done to be put in restrictive housing for fifteen days. She had no issues with any correctional officers or the process. She chose not to appeal. She thought the area was clean and that the food was fine. The second inmate they interviewed had many grievances. She did not agree that restrictive housing made sense. She identified both substance and mental health issues. She said that being in restrictive housing exacerbated her mental health issues and that it caused her to be more violent. She believed the food was of bad quality. She did believe the facility was clean. Tony’s impression overall was that the facility was clean. The lighting was reasonable and the areas themselves were clean. Sean discussed his interview. She had been in and out of segregation several times. She had positive things to say about the facility, particularly mental health. She thought the staff on the 3-11 shift needed more training and were not as nice as the other COs. She said she goes to restrictive housing for a break. She indicated most inmates in restrictive housing were there for fights. Bonnie, who also interviewed this inmate, said that this inmate indicated that loss of phone or canteen would be more of a deterrent. They discussed how necessary restrictive housing was. Sean touched on the inmate focus group from the second day. The members of the Committee picked the inmates (those that had previously been in the RHU). They stated similar things, saying that mental health had significantly improved. The focus group complained about the 3-11 staff as being not as responsive to their needs. Sean remarked that 3-11 shift tended to be the lightest staffed shift. The inmates mentioned that they liked being able to get books and a tablet and increased programming opportunities in RH. They said that because they receive all these things, they don’t believe restrictive housing is a deterrent anymore. They mentioned that many inmates go there as a “time-out” or a “vacation”. They said some people wouldn’t fight tickets and would plead out just go to restrictive housing. DC Fallon said when phone calls and visits are taken away, they are not just punishing the inmate but the families and children as well. DC Fallon said many sanctions do not actually punish the inmate since they can work with other inmates to get more canteen or whatever the case may be. DC Fallon centralized all the disciplinary within the last year. Disciplinary officers were previously being pulled but now they are having disciplinary hearings much sooner and more frequently. DC Fallon said this is to avoid people languishing in restrictive housing waiting for their hearing. Bonnie remarked this is something we will have to grapple with. Sean asked the focus group what taking the tablet away might do and they all were very opposed to that (meaning it would be a huge deterrent). DC Fallon said that the women is a much different population that the men. Justice Hines said that we are going to be re-thinking this concept of restrictive housing to see what is accomplished. She said depending on the circumstances, some sanctions may not be as effective or relevant. She said that we should be looking at the issue and then identify what would be a relevant deterrent to address this. DC Fallon said generationally, this population of inmates coming in are very reliant on their technology. DC Fallon said he is going to be working with the vendor to see if they can get personal tablets for every inmate. He said for DOC purposes, e-mail is ideal because you do not have to worry about contraband or fentanyl coming in. He said that he would prefer people use electronic mail for security reasons. He said he is struggling with people who are indigent and is working with the Asst. Deputy Commissioner and Deputy Commissioner to deal with this. He said he is hoping that would be effective as a tool for DOC to take away. Tony asked if restrictive housing is meant to be punishment. Bonnie answered that if you are in there for disciplinary where you are found guilty, yes it is. Or if you have not been found guilty yet, it is considered separation. Bonnie said she feels that this conversation is going to be a main topic of this subcommittee and wanted to bracket this conversation for another time since this is going to be very relevant but that we should focus on information gathering. Bonnie said that for the site visit to Framingham, she noticed there was a difference between how staff viewed contraindication and serious mental health in the female facility which the statute does not differentiate. She said with the men they are doing SAU and as a matter of policy, that did not seem appropriate and she was concerned about that. She wanted to know when DOC is going to issue standards that the statute requires. DC Fallon said he would love to have DOC’s standards mirror DMHs. Bonnie said that when you plead guilty right away, you don’t that one call to say “I’m in restrictive housing”. Sean brought up that the focus group had mentioned that as well. DC Fallon said he is more than happy to explore those issues and he vowed to work with his disciplinary staff on this issue. Bonnie mentioned that her focus group with correctional staff and CPOs was very interesting because people were speaking about how afraid they were to transport female inmates to and from programming. Sean remarked that when anyone is in handcuffs and in segregation, moving them can be dangerous. Justice Hines asked if DOC has a lot of violence at Framingham. DC Fallon said that it is their number two most violent facility. Bonnie said she took away from that focus group that implementation and reform is going to be difficult. Sean said DOC does a lot of dialogue things and the staff feels comfortable doing these types of focus groups. Sean said that while change is difficult, it is up to DOC to get these reforms accomplished. There was some discussion around male and female correctional officers and the credibility that DC Fallon and ADC Sean Medeiros have with the officers. He spoke about a transfer of a transgender female inmate and that there was concern from staff about that. Bonnie said she would like to discuss what should be covered in information gathering. Tony asked if we can put the conditions to be reviewed into a spreadsheet. He said it would be easier for him to look at a spreadsheet and it would be helpful to do it in that format. Bonnie said she wanted to be in agreement about what to look at. Tony said most of the information is reasonable but some of it may be difficult to quantify but we can figure that out as we go along. Tony felt he could respond to most of this for Framingham quite easily. Justice Hines said she liked the idea of looking at the same issues at every facility. Justice Hines asked if the DOC has written policies on these things. Sean and Chris answered yes they do and they have audits and can look at the policies as they go along. Chris and Sean said they would get the group copies of their policies on these. Bonnie mentioned some of these may be standard for DOC but the county facilities are different. Sean said there are standards at the counties as well they should be following. DC Fallon brought up food as an example and said how we would test something like that. Bonnie said more she was focusing on restrictive housing versus general population. Sean said DOC does not change the meals depending on if an inmate is in restrictive housing or general population. Bonnie discussed what documentation the subcommittee should plan to collect from county and DOC facilities. Policies governing all these areas would be appropriate to gather Bonnie said, but on the last page are additional documents the subcommittee can look at potentially gathering. Justice Hines said she believes the information on the last page can be used to evaluate the visits but not to prepare the visits. Bonnie said Chris and Sean would be in the best position to look at the requested information and see what would be feasible to look at. Sean said the grievances she mentions refer to any trends for reasons why folks wind up in restrictive housing. Sean said they will have the rosters ahead of time. DC Fallon said he has a concern that we are going to make general recommendations that aren’t necessarily commensurate with the prison and the security level. DC Fallon gave examples of how fights at different facilities of different security levels vary. DC Fallon said he wanted to ensure all inmates at Souza belong there and are not simply sent there due to their sentence being life, etc. DC Fallon said that when looking at criminal justice reform, there were unintended consequences for inmates in restrictive housing because they were not involved in the drafting of the legislation. DC Fallon said that they certainly do not send inmates to restrictive housing due to their LGBTQI status. Bonnie asked how we are going to work this out with the counties. Spencer said reports of inspections and investigations may be confidential and DOC may not be able to. Spencer said that she cannot get inspections and accreditations as they are not public documents. Bonnie mentioned as another issue that if an inmate reports an assault in RH, there is an issue that might come up with CORI. DCJIS can issue an access to a requestor by statute if they find this dissemination serves a public interest. [Chapter 6 Section 172] She asked about getting a waiver for accessing DCJIS. Bonnie said in most cases redaction would work. DC Fallon said he is fine to give specific information but broad use would be of a concern. DC Fallon said there is information that they may not be able to give out. There was further discussion on CORI. Bonnie suggested continuing with the visits and then looking into these issues again. DC Fallon agreed saying they can revisit if they feel they are being hampered and not given access to information. Bonnie said the reasons behind requesting these is not necessarily because they are being hampered. Bonnie said that further down the road, they can re-assess the topic of documents. DC Fallon reiterated that we should stay on task and focus on conditions of RH. For a future agenda, Bonnie suggested discussing more in depth about these. DC Fallon said he agrees and that we just stick to the scope of restrictive housing. There was discussion about visits in the counties and how at DOC they have contact visits whereas the counties have non-contact visits. Sean mentioned the 900 CMR that the counties are responsible for abiding by. Sean asked that everyone get their notes from the visits typed up so they can go over it before the report. DC Fallon mentioned that there are inconsistencies with what the inmates’ state in the interviews. Bonnie said she is adding getting policies for restrictive housing. Justice Hines said meeting after the December tours should. December 18th after RHOC. DC Fallon said for disciplinary, they don’t always know what pleading guilty means. Meeting adjourned at 2