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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/eops](http://www.mass.gov/eops) | **THOMAS A. TURCO, III**  Secretary |

**Restrictive Housing Oversight Committee**

**Subcommittee on Evaluations of State Reforms to Limit the Use of Restrictive Housing**

**Date:** October 16, 2019

**Place:** McCormack Building (21st Floor Conference Room)

1 Ashburton Place

Boston, MA 02133

1. **Call to Order**

Bob Fleischner, Chair, called this meeting to order at 10:05am. Bob mentioned the statutory context of this subcommittee and how he interpreted it to have a research function. Sean Medeiros agreed. Sean also mentioned that he has implemented some new things in restrictive housing at the Department of Correction and could speak to those. Brandy mentioned that we might research now but could incorporate pieces from the visits as well. Bob mentioned the Liman Center and the Vera Institute as both having a lot of great information. Bob mentioned he believes this body will develop a part of the final report. He noticed a trend of two categories: changes that people have made (fairly recent) – much smaller group of evaluations: what works, descriptions by people who implemented them, research. He mentioned not finding too many statistics in his preliminary research. Sean Medeiros said it may be too early in the process for statistics. He mentioned a professor in Ohio who is working on a study of certain subpopulations in restrictive housing/segregation with respect to serious mental illness. Sean mentioned the ACA restrictive housing changes and new standards. He said the DOC has incorporated those changes but also began reducing its numbers in restrictive housing. He said while it may not be at the rate of Colorado or North Dakota, Massachusetts has reduced it. Sean mentioned that SMIs (serious mental illness) are a different population and can often be the most violent population so it is a challenge in reducing the numbers there. He spoke about secure adjustment units and step-down programs at the DOC. He discussed the reforms at Norfolk and Concord’s step-down unit. He mentioned that North Dakota’s step-down program is 300 days for segregation. He mentioned the DOC has a committee currently looking at this. He mentioned that Chris Fallon has reduced a lot of the sentences in the DDU and that they have a committee looking at the North Dakota program as a model. Bob also mentioned Mississippi having a step-down program. Sean mentioned other names being used to describe restrictive housing but that it is oftentimes the same type of unit. He mentioned youthful offender programs to better serve that population and to keep that age group out of restrictive housing. He said a lot of what is out there is the same but that the mental health piece is extremely important. He mentioned in Texas where he visited, if they have highly assaultive inmates completing longer sentences, they will offer them 20 months of segregation and if they complete the program, they will give them an early parole. Their programming is done in their cell through the television. Bob asked if it works. Sean said an inmate was doing 100 years and if he finished the program, he would get parole in 3 years (After serving 20). Sean said the recidivism rate would be a huge indicator and he has not seen that yet. Bob said for the STP program, they got very positive feedback. They had two inmates saying they would be dead if they didn’t go through the program. Sean said that he knows of inmates that go to restrictive housing and do not want to come out and that there are many reasons for that. Brandy mentioned that most of the RHOC discussion is in the conditions of RH are often discussed but that the general population is also important to look at to figure out why inmates want to go to restrictive housing. Brandy asked if anyone has done a study to look at general population’s impact on restrictive housing. Sean said when he was superintendent at MCI-Norfolk, eight of his inmates in restrictive housing were refusing to leave, so there numbers would be even lower if not for the inmates unwilling to leave. Brandy mentioned some research looking at rule violations in prisons being lowered and the effect that would have on restrictive housing. Sean mentioned breaking the culture of gangs at maximum security prisons. Sean asked if every member of the subcommittee should look at individual states. Bob said that Colorado is the big one. Brandy said North Dakota has such a different population and it may not be useful to look at them. Sean discussed Ohio and their inclusion in the Liman report. Bob mentioned a new law that New Jersey has passed that could be interesting to look at and that he agreed taking another state would be interesting. Bob said in the report they could provide a survey of other states. He mentioned the 2019 survey of federal and state regulatory changes that the Liman Center put together. Brandy said everyone should read that and go from there. Sean said we should pinpoint the four or five best states and really take a close look at what they do. Brandy mentioned that the statute mentions staff training and wondered if they should touch on that since it may not end up in the report if they do not report out on it. John mentioned that he believes that the training aspect transcends all subcommittees. Brandy mentioned the training component does most closely relate to this subcommittee. There was some discussion on a grant program that Massachusetts applied for with the Vera Institute. Bob mentioned some litigation he had with another prison with very young youthful offenders and that Michigan came up with some good ideas about programs and that perhaps there are some successful programs they could look at and discuss. Tony asked if we are planning to limit the research to the United States. Sean said the Norwegian model is being adopted in Oregon as well as Colorado at some of their facilities. Brandy said that is a great idea to consider international models as well. Tony mentioned discussions he had with DMH audits and how inmates sometimes prefer to be in restrictive housing over general population. He mentioned Germany’s model with pods that involve self-selection. Sean said out of all the facilities, MCI-Norfolk would be close to a Norwegian prison. Brandy asked if they have very little use of restrictive housing. He said through changes that he and his team made, they dropped the average length of stay and count significantly. Bob said that four states plus an international model may be good. Bob said they could perhaps have a class or a law student do some of this work, perhaps someone from Northeastern University. They have faculty-supervised groups that do research projects and one that he has worked with is first-year students or second- or third-year students. Brandy raised some concerns about sending their work out. Sean said he believes that is a good idea but he isn’t sure they would understand the dynamics of a prison. As far as dividing up the states, Michaela would send out the report from the Liman center where they called out state regulatory changes and read through that. They could also pick three states and one international model to discuss and look closer at. Tony mentioned that we should look at step-downs and other programs that may help limit restrictive housing. He asked if there are any best practices to help figure out which states have better practices in place. He spoke about segregation being authorized on a regular basis (daily, regular) approval based on some formal standards. Sean was going to send around the ACA standards about restrictive housing. Tony mentioned sending around the DMH standards which could be informative. Bob said there is not agreement that the ACA standards are the best. Bob said that we should also look at United Nations and Mandela standards as well as American Psychological and Psychiatric Association’s standards. He suggested they gather them and go from there. Sean to send ACA standards out, Liman link to report, North Dakota, Colorado, International or one other after reading report. Michaela to add this document to a google doc. For adding all of this.

The meeting was adjourned at 10:57am.

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