Restrictive Housing Oversight Committee Meeting Minutes

When: October 27, 2022

**Members Present: Members Absent:**

Chairman Andrew Peck Justice Gerri Hines

Attorney Bonnie Tenneriello

Joanne Barros

Dr. Brandy Henry

Attorney Bob Fleischner

Kevin Flanagan

Hollie Matthews

Kyle Pelletier

Sheriff Tom Bowler

Attorney Tatum Pritchard

EOPSS Staff: John Melander, Amy Putvinskas, Dennis Everett

\*There is currently a Vacant seat

1. Call to Order
   1. At 11:02am the meeting was called to order after a quorum of members had been established. A roll call attendance was taken.
2. Review of Minutes
   1. B.Tenneriello made edits to the minutes that were adjusted at the time of the meeting. B. Fleischner motioned to approve the minutes as edited, T.Pritchard seconded, a roll call vote was taken, and the minutes passed.
3. Subcommittee/Report Updates
   1. B.Tenneriello noted that the subcommittee has finished reviewing data and the data will be shared with the group next week.
   2. Chair Peck stated that all subcommittees have completed their work.
4. County CJR and DOC Reporting Data
   1. B. Tenneriello – PLS has concerns regarding the conditions in the BAU, SAU and ITU’s. There are three attorneys that have joined the meeting to share their clients’ experiences.
   2. Patty: the BAU is not much different from the RHU and the law defines the hours in cell when we should be looking at the quality of time spent outside of the cell. When the inmate does have out of cell time, they are often chained to tables putting into question the practices of the BAU. They are strip searched each time they enter and exit the cell, and for some individuals there is a limit on visitations and phone calls. How is this any different from Restrictive Housing Units?
   3. Nicole Ouellete: Has heard several people state they are not receiving appropriate implementation in the BAU, and they are not receiving time to review the disciplinary report and summaries. They are waiting months in the BAU without seeing what the allegations are or the reason they are in the BAU. Atty. Ouellete then read a letter to the Committee from one of her clients. Outlining that the conditions of the BAU on paper compared to what is being done in practice is vastly different.
      1. There was a comment regarding the monthly reporting data and the lack thereof. Chair Peck clarified that the data is still there and being reported.
   4. Chair Peck stated that the goal is to improve conditions and take feedback from all stakeholders. There is a lot of work that needs to be done and does not want to minimize any concerns.
   5. B.Tenneriello added that PLS is hearing the same concerns and they have reviewed the handbooks – and what they see on paper is not being implemented in the BAU’s.
   6. B.Fleischner added that they have yet to see the new units so to have this feedback is helpful. Some of the counties have increased the time out of cell and have no longer classified as Restrictive Housing so the protections of CJRA is no longer applied.
5. Falcon Implementation
   1. Dr. Timme provided the Committee with an update on the build out.



* 1. Dr. Timme addressed B.Fleischner’s – Falcon does not support box checking efforts that most states are moving towards. Falcon is trying to combat deprivation of senses with programming and interactions.
  2. B. Tenneriello using the CJRA framework if an individual poses a risk, they are to be housed in BAU or disciplinary action. The BAU’s require that you pose an unacceptable risk to be housed. The SAU and the ITU are not designed for people who would be housed in RH. Why can’t we treat them with the dignity of general population?
     1. Dr. Timme responded that we need to get better at the quality of appraisals and move faster. People are getting stuck there and the units are not designed for long term stays.
     2. Scott Semple – Falcon is working on this and there are a lot of layers that unintentionally need to be worked through and go back to the individualized plan so that they are motivated and have a sense of purpose.
  3. B.Henry – to what extent do bottlenecks already exist?
     1. Most systems are not aware of the gaps. When someone comes to the BAU, and the primary need is substance abuse – they can be placed in the SAU to have a specific track that is different from the CRA bottleneck. In September a roll out of virtual programming to keep people engaged began.
  4. Dennis Everett – spoke about the canteen and food availability in RH. When you are in Restrictive Housing dietary needs are restricted and your food security is in jeopardy. This is something that we need to focus on – we need to provide food security. We also need to look at how we are staffing these units especially if we are asking our COs to look after a population with clinical and behavioral needs. We need to keep in mind the health of our Corrections officers as well.

1. BAU Attorney Panel
   1. The attorney panel held their discussion during Subcommittee/Report Updates
2. Public Comment
   1. M. Valerio thanked the Falcon group and the Attorney Panel for their enlightenment. Stating that we heard a lot about of the educational piece, however we have not heard about what the educational programming entails. The number of FOIAs have decreased significantly since last year and it is unacceptable to not address what is happening in practice.
   2. Z. Delarosa – Food is important while you are in the DDU, and you are only allowed to order snacks and cookies up to 25 in addition to the small portion size of meals. This is something that is going to affect individuals mentally – they are being deprived of a basic human need. The member of the public states that they have sent letters out to the agencies and have not received any communication.
   3. C. Bensahih stated that when the committee thinks about the work that is being done, they also need to think about accountability. We hear about the Corrections Officers being injured and bringing in drugs, but we don’t hear any outcomes. They need to be proud of the work they are doing but it seems like the violence is getting worse.
3. Adjournment
   1. The meeting adjourned at 1:14pm.