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RESTRICTIVE HOUSING OVERSIGHT COMMITTEE

Date: December 15 2022

Time: 11:00PM-1:00PM

Place: Microsoft Teams (Virtual Meeting)

Members Present:

Chairman Andrew Peck
Bob Fleischner, Esq.
Kyle Pelletier
Dr. Brandy Henry
Hollie Matthews
Justice Geraldine Hines
Bonnie Tenneriello, Esq.
Sheriff Tom Bowler
Tatum Pritchard, Esq.
Joanne Barros

Members Absent:

Kevin Flanagan

CALL TO ORDER

The meeting was called to order at 11:03AM.

NOVEMBER 2022 MEETING MINUTES REVIEW/VOTE

Atty. Bonnie Tenneriello stated that she does not recall saying anything about correctional officer training during the November 2022 meeting and kindly requested that this portion of the draft minutes be removed [first sentence and paragraph under Subcommittee header, page 2]. There was a motion by Chairman Peck to accept the meeting minutes with this amendment, seconded by Joanne Barros.

SUBCOMMITTEES/COST OF RESTRICTIVE HOUSING WORKING GROUP/FINAL REPORT UPDATE

Atty. Tenneriello said she appreciated the reporting on the BAUs, and that it would be good to have numbers for the SAUs and the ITU in Framingham as well.

Chairman Peck stated that the Cost of Restrictive Housing Working Group is making great strides. He suggested that the Committee look at what is currently offered for staff and look for potential gaps to see where we can enhance training. Dr. Brandy Henry pointed out that this was part of what the Committee asked while conducting site visits. The Committee did those over a long period of time and most facilities are probably doing things differently now. Dr. Henry stated that Norfolk did things that went above and beyond which was very helpful to see. She suggested the Committee highlight where there are best practices that potentially other facilities may be interested in adopting. For anything like that, Chairman Peck asked that members send their thoughts and notes to Michaela for her to add to a central repository. There was some discussion around going through policies and looking at the discipline process. Dr. Henry said that's going to be a bigger challenge for the counties. Justice Geraldine Hines asked if we have a timeline for the report. Chairman Peck said he is not sure we are in a position to submit a report on December 31, 2022 but that we need to look at the cost of reporting and being taking votes, perhaps starting with the subcommittee reports individually first. Chairman Peck stated that if the Committee makes recommendations, those need to be voted on also. Recommendations would probably take an entire meeting or more. Chairman Peck suggested we push the self-imposed deadline to the end of April 2023 for the report submission.

Dr. Henry raised the importance of including the cost of restrictive housing as part of the Committee's mandate per the statute:

Ch. 69 Acts of 2018, Section 39G

(d) "The report shall also include the following information for each correctional institution:"

(5) "cost of housing an inmate in restrictive housing compared with the cost of housing an inmate in general population".

Kyle Pelletier was able to pull information on salaries for individuals for staffing and that is the bulk of the DOC budget in general. It was suggested that the Committee can highlight what it cannot measure. Atty. Tenneriello stated she is glad we have the ability to do this and she does not oppose it at all. Her only hesitation is how long to wait for the outstanding county data. She expressed her concern that if we wait too long past March, the data will lose its usefulness. She would like to try to get as much data now.

Kyle is hoping to send out data to Michaela today for a cost spreadsheet.

DATA REPORTING UPDATE

Dr. Henry looked back at the statute and saw something in there about 179.10 reporting responsibilities of the Committee on rates of violence, recidivism, and self-harm. Hollie Matthews stated that the DOC reports on recidivism in the biannual report and self-harm in the quarterly report. She will have to look back at rates of violence, but she believes it is contained in the quarterly report.

FALCON IMPLEMENTATION UPDATE

Kyle updated the Committee that the DOC was able to open a third SAU at Souza on November 28th. They plan to intervene with individuals who have significant violence. She stated that the DOC has also rolled out assessments such as the Texas Christian University drug screen

(TCUDS) and the University of Rhode Island Change Assessment (URICA) as some of the first assessment tools used during the appraisal process.

Dennis Everett thanked and congratulated Kyle and the DOC on this milestone. Dr. Henry asked what the plan would look like for someone who screens as having a high substance use need. Kyle said the Department assesses everyone upon admission for their needs in general. They can now understand new behavior as information to recommend substance abuse track in any one of our SAUs to get those needs met such as CRA and other programs. She also stated the DOC's plans for 2023 to design a substance use intervention for those who have positive drug screens during incarceration so that those individuals can be met more immediately than waiting for something else like therapeutic community intervention or CRA. She noted that the DOC has some tools but are looking at new tools for when someone comes up as moderate or high need. Dr. Henry said that will fill an important gap. Kyle said the Department may open it first at a medium security prison.

UPDATE ON BAU TOURS

Michaela and Kyle continue to work on scheduling these site visits. Kyle stated that the Committee can certainly interview several inmates at one time with those in a BAU right now. The SAUs are a little easier for the most part so that shouldn't be an issue either.

MEMBER COMMENT

Atty. Tenneriello asked why the Behavior Assessment Units and Secure Adjustment Unit policy was not promulgated as a regulation. Kyle responded that the Department needed to have operating procedures in place, but as far as a regulation, she does not believe that is off the table. Atty. Tenneriello encouraged the DOC to consider having them be promulgated as a regulation since you have the benefit of a public hearing.

PUBLIC COMMENT

Mary Valerio commented on the data reporting. On the BAU reports, she noted that it would be important to note the length of stay for those in the BAU. Mary continued in saying that with respect to the cost itself, the DOC website has a page with several reports and some of those you can extract a lot of data from, and some even give you the cost per incarcerated person by facility. It would not be too big a stretch to calculate the cost within a facility in an RHU.

ADJOURN

There was a motion from Kyle Pelletier to adjourn. It was seconded by Dr. Henry. All voted in favor. The meeting adjourned at 11:57AM.