



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

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

THOMAS A. TURCO, III
Secretary

**Restrictive Housing Oversight Committee
Meeting Minutes**

Date: November 13, 2019

Time: 11:00AM-1:00PM

Place: Massachusetts State House
Room 428A
24 Beacon St.
Boston, MA 02133

Review Minutes from Last Meeting

The meeting was called to order at 11:08am. Members introduced themselves. There was a motion to approve the minutes and was seconded by Chris Fallon. All the members voted in favor of approving the minutes. The motion carried unanimously.

Debriefing on Framingham and Concord Visits

Sean said the visit to MCI-Framingham took a while to get going since it was the first one and that MCI-Concord even took a bit longer. Bonnie said that there was some discussion about getting rosters in advance and she wants to know if that will occur. She said she is very pleased with the composition of the commission. She said there was some discussion about whether to pull inmates out of the SAU and there was some lack of clarity about whether or not they would be doing pull-outs for units not specifically called out as restrictive housing. Bonnie said it is worth clarifying before Cedar Junction and Souza Baranowski. Deputy Commissioner Fallon said that he feels we have so much work to do with restrictive housing that we cannot focus on other units not specifically called restrictive housing.

Bonnie said the BMU and STP are more restrictive and subject to CJRA reviews and their privileges are limited so she feels that the Committee should look at them and that it would not be too time-consuming to do so. She said she feels that it is an integral part and the Committee should interview inmates and organize their time over the two days. Bob said these units are at least an alternative to restrictive housing so the group has an obligation to look at these other units. He said MCI-Concord was a challenge and these are very time-consuming but it can be accomplished if we plan our time carefully at Souza and Cedar-Junction. Bob said that he believes the focus groups really work and is a good way to reach a lot of people (both inmates

and staff). He said they participated and were very informative. He felt that the COs were not holding back and were very forthcoming with their thoughts about reforms in restrictive housing. He felt they were an efficient use of time. Chris said on the second day, there were less inmates willing to participate and Chris went to the rec area and spoke with some of them casually about the Committee. Bob said if the committee agrees, they should plan out the agendas carefully at Cedar-Junction and Souza to do this. Bonnie said for the specialty units, we could divide up and not have 6 people in the STP but perhaps send two people. Kevin said that at Walpole, the campus is very spread out and certain inmates may need four or five officers to pull inmates out which is something to be aware of. Chris acknowledged there are some challenges with inmates that have mental health issues and that they are difficult to manage. Chair Peck asked if we need to interview twelve and Bonnie answered no, not necessarily. We could take from that twelve and not all Committee members need to go to specialty units. Chris said they all have program space there for interviews. Tony asked if we would be able to accommodate focus groups at Souza-Baranowski. Chris said it should not be challenging to get inmates that were in restrictive housing for the prior six months and hold a focus group. Chris said he put additional staff on for the pull-outs. Chris mentioned there was only one woman in restrictive housing at MCI-Framingham and that it was a state-sentenced inmate and four in RH were county inmates. Sean said in the specialty units, they could be in programming and we may be interrupting that. Chris said he will defer to mental health but Bob's suggestion of interrupting them for a few minutes while they are already in their restart chairs for interviews could work. Bonnie asked if we should have a goal of three or four inmates from the specialty units. Sean said he agrees with Tony that we should go into the units during programming and do as many as possible. Bonnie asked how many should go to that unit and it was agreed that two people would go. Bonnie asked for clarification about the DDU and said we should speak to at least a couple people from the limited privileges unit. Chris said inmates will be out in the units at Souza and that Committee members will have the opportunity to speak with many of them. Sean and Chris said MCI-Cedar Junction should not be an issue logistically and that Souza can be figured out another time. Chris said he thought the medical and mental health group at MCI-Concord was very insightful and they had some good information on sleep cycles and potentially offering melatonin to be purchased by inmates.

Brandy asked if there were supervisors present at the focus group and Sean answered yes. Brandy asked if they would have been more forthcoming had supervisors not been present and Bob agreed that the mental health group at Framingham seemed to be holding back and that they were looking for a lead from the head of mental health. Chair Peck said there were some new employees and that may have been a contributing factor. Bob said it is not a good idea from him to remove EOPSS, Sheriffs, etc. in the discussion and learn to live with those folks being there and encourage folks to speak freely. Bob said he did not believe that had a huge impact on the discussion. Brandy felt that the new employees were fresh out of training and were looking to their supervisor for whether or not they could speak. Sheriff Bowler said that staff at correctional facilities used to this and that they speak freely. Chris said that he believed they spoke freely and that they came up with some great ideas he had not thought about before previously.

Bonnie said she was struck by staff requesting restrictive housing be harsh enough to make it a deterrent and that it is the only way to see behavioral changes and be able to manage the inmates. She said from her point of view, she was very struck by how staff normalized

restrictive housing. She felt a lot of work is left to be done and asked about the culture of normalizing restrictive housing. She said she believes you cannot work in corrections and not normalize it. She said there is a cultural challenge and work that needs to be done in this area. Chris said he felt the women they spoke to felt restrictive housing was a break from the drama in general population. He said that for the inmates that want to go to work, meet their families, and follow the rules, they need to be able to feel safe to do that.

Sean said unfortunately that is the phenomenon they are dealing with—inmates electing to go to restrictive housing and that in some cases it has been difficult to move inmates out of restrictive housing because some of them view it as a vacation. Bonnie said she is aware of refusals and understands that happens but aside from disciplinary detention up to two weeks, it is not supposed to be a deterrent. Chris said that is a challenge they struggle with. He said doing other things to deter behavior such as restricting visits punishes families and that there are impacts with everything they do. Chris said every day inmates refuse to leave restrictive housing and they feel safe. They can listen to music, communicate with their friends and family, and use a tablet. Bonnie said she believes the issue of incentives and deterrents does need to be dealt with. Bonnie said if you refuse a move and are back on disciplinary detention and you do not get a tablet/canteen/etc. why does that not work. Chris said they feel hopeless and if they can see the end of the tunnel, they can normalize it and make it through. Kevin said in his experience having worked 10 years in DDU, inmates would tell him they would see him soon because they are going to do the same thing again. Chris said something like that would be very rare at Concord or other prisons. He said the majority of inmates in the system just want to serve out their sentence. Chris said inmates will oftentimes get around the classification system by claiming they have enemies at other prisons. Chris said as a layperson it is difficult to understand why inmates refuse to come out of restrictive housing. Tony said he feels that is a different issue and that refusing to transfer facilities is not a restrictive housing issue. He said he did not want to discount that issue but that it is not an issue of restrictive housing. Tony said he would like to get some numbers of how many inmates that happens with. Bob said for those that refuse to leave, inmates may believe they have been alone so long, they find it impossible to interact with other people and it can be very frightening or difficult and they become isolated individuals who are more comfortable being in isolation. Chris said it truly is a catch-22 and a vicious cycle. Bonnie said that we all recognize this is a massive problem and she wondered from the DOC's perspective if more treatment and specialized capacity outside of the STUs would help. Brandy said she is hearing restrictive housing is not a deterrent and asked what this Committee is charged with in terms of finding an answer to that question or are we simply limiting the use of restrictive housing. She said there are two different mandates and both are big tasks. She said she is not sure we should focus on how to reduce assaults that lead to restrictive housing as opposed to looking at restrictive housing itself.

Andy asked the group if they are familiar with risk-needs. He said that in restrictive housing, we take resources away. Chris said he is looking into bringing programming into restrictive housing. Chair Peck said that may be a way of making inmates uncomfortable in restrictive housing. Sean said if you look at the monthly statistics, the numbers have dropped significantly for restrictive housing. Bonnie said it will be interesting to hear from the formerly incarcerated persons that are at these facilities. Andy said he was struck when some females said they lost programming.

Update from Subcommittees

Bob Fleischner noted that his subcommittee (Evaluations of RH in the Commonwealth and other States) has met twice so far and will be looking at standards and having divided different states and one international model to see how the Commonwealth measures up against other states. Bob said they should be done closer to the spring.

Bonnie said her subcommittee (Conditions of Restrictive Housing) has met once and came up with a checklist of things to consider as they go through the site visits, mostly drawn from the CJRA. They did not schedule their next meeting in November but are scheduled to meet after the December meeting. For member comments, Chair Peck said he is in contact with Jemalia Morgan, a professor at the University of Connecticut and is going to come to one of our meetings probably in Milford. Bob said at a future meeting, he hopes a mental health expert to will come and speak.

Public Comment

Bonnie said she believes there may be members of the public that would like to speak. Cassandra of Massachusetts Against Solitary Confinement said she believes restrictive housing is a total loss of all privileges and that it does not make sense that anyone would like to go there because they will lose everything they have earned. She asked when the last time there was a murder in a correctional facility and Chris said a few years ago and it that it happens every few years. Cassandra said she believes correctional officers need proper training to contain the violence. She asked what works for other models and how does they decreases the violence. Chris answered he does divert them so they get treatment and direction from mental health, at the behavior modification unit-BMU. He said they are doing those things and hope to continue doing that. He said there is no benefit to staff working in restrictive housing but they need to keep the rest of the population safe. She said a friend of hers is at MCI-Norfolk and is seeing the changes being implemented in restrictive housing. Cassandra also said she feels some people may be nervous when the Committee and staff come into the facilities.

A formerly incarcerated man, Jurrell, said he does not want the Committee to lose focus of their mandate. He said even the men from DDU going back there must have gang and street issues going on that unfortunately DOC cannot control. Chris asked how he can break that or does that just play out. Chris asked Jurrell if he is aware that the DOC sometimes brings leaders of gangs in to discuss and see if they can squash the issue. He said they sometimes do put them side by side in cells to hash out their issues. Jurrell mentioned lack of staff training being an issue.

Kevin F. reflected on his experience at MCI-Cedar Junction and how staff cannot focus all their resources on one inmate when at one point he was in charge of 71 other inmates. Chris said they are looking at a step-down unit and reducing sanctions in the DDU if someone is agreeable to going through the Step-down.

Mallory Hanora of Families for Justice As Healing said that deprivation is not a strategy that works long term. She said stripping inmates of positive things will never work. She mentioned taking a multi-pronged approach and see what staffing issues there are, not putting more people in restrictive housing, and using an intentional approach. Chair Peck said it has been a decades old structure in the prisons and that Chris and Sean have been very methodical in their approach and are taking those steps but that it takes time. Chair Peck also said the dial is moving and it may not be as quick as they wish it were. Sheriff Bowler said the nature of incarceration has been changing especially since CJRA.

Another public member said that he agrees that inmates need to be held accountable but some of the long term restrictive housing especially in Essex County is unreasonable and torture. He said the staff can be racist. Chair Peck said they are very close to signing a vendor contract on Core Correctional Practices for staff for relationship-building, communication, and other behaviors. They are going to pilot a unit and try to operationalize it. He said a lot of the conflict can be prevented and they are going to spend quite a lot of money on getting staff trained in those practices.

Another public member said there is an ambivalence of how to look at restrictive housing because she is hearing the DOC wants alternatives but was also speaking about how prisoners like it and it is not a bad thing. She said when the UN calls solitary confinement torture, they should embrace that and acknowledge that. She said she volunteered at MCI-Concord and one of the inmates could not stop putting his hands on her. This particular inmate had a mental illness. She asked why they are placing inmates with brain damage in the DOC. She said there are plenty of other facilities for them to go to. The Sheriff said those institutions are closed. She said she believes solitary confinement is overused.

Another public member asked about expanding the Committee's scope and ways of reducing restrictive housing in other states. The recommendation was specific to the evaluations subcommittee. Another public member said a word that was used earlier in the meeting—incapacitated—is dehumanizing.

Mary Valerio said we should look at the reasons why people are in restrictive housing and pull away from sending inmates there for non-violent offenses. She said she looked up the law in Massachusetts and it is up to EOPSS to come up with programming to rehabilitate people and it is within their option to give rewards i.e. programming. She said that she looked at statistics and assaults on inmates and assaults on officers from two specific facilities, Souza and Walpole. She mentioned the reward program from North Dakota and giving good time and that your only criteria is that you do not get a guilty ticket for that month. She asked about the DOC bi-annual report and how close it was to being finalized. The expanded one is what they are waiting for. Attorney Melander said the first one was done in July and he was not sure it was sent out. Section 39DB which lists everything from numbers of SMI and she wants to get an update. She said it is pretty rigorous requirements. Attorney Melander said it is in the final stages of review.

Another public member said she used her career in data analysis to look at staffing levels and found they do not have enough staff for the inmates. She said there is too many correctional

officers and not enough other staff. Sean explained the POST analyses that DOC uses and how they come up with their numbers and staffing levels.

There was a motion to adjourn the meeting by Chris Fallon at 1:05pm, seconded by Sean Medeiros.

The meeting was adjourned at 1:05pm.