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Restrictive Housing Oversight Committee (RHOC) Meeting
Thursday, April 17, 2025
Via Microsoft Teams
DRAFT

I. Call to Order

Undersecretary Peck called the meeting to order at 11:03 AM.

| Forensic Science Oversight Board - Attendance | | |
|---|---------|--------|
| Name | Present | Absent |
| Undersecretary Andrew Peck, Chair | X | |
| Kevin Flanagan | | X |
| Robert Fleischner, J.D. | X | |
| Hon. Geraldine Hines (resigned) | | X |
| Tatum A. Pritchard, Esq. | X | |
| Kyle Pelletier | | X |
| Dr. Joanne Tsakas Barros, PhD, LICSW, CCHP | X | |
| Bonita Tenneriello, Esq. | X | |
| Dr. Brandy Henry, PhD, LICSW | X | |
| Sheriff Bowler | | X |
| John Melander, Esq. | | X |

II. Review and Approval of Minutes from Prior Meeting

The Committee then moved to the agenda with a discussion of the previous minutes. Joanne asked for an edit to her credentials. Bonnie said that she believed that the meeting minutes from the previous meeting were not sufficiently detailed. She added that the agenda that was shared was confusing and somewhat vague, and that it would be more helpful if the Committee could suggest additions prior to the meeting notice being posted. The Chair asked if there was a motion to approve the minutes with the change to Joanne's credentials. Rober

Fleischner ('Bob') put forward the motion to approve the minutes, and the Committee unanimously approved those minutes with Joanne's suggested change.

After the minutes were approved unanimously, the Committee discussed the fact that Judge Geraldine Hines had resigned from the Committee prior to the last meeting. Due to the three additional absences of active members Bowler, Pelletier, and Flanagan, the Committee expressed some confusion and concern over the requirements for a *quorum* under the Open Meeting Law. Undersecretary Peck noted that since Board Counsel John Melander was not present it might be a good thing to ask him. Adrian added that he had spoken to John about this question and that John had told him that the absence of a single member did not change the total number from which the Committee had to reach a majority. However, Adrian acknowledged that he was not an expert and would ask John to share his thoughts on the matter with the Committee at the next meeting, if not sooner.

III. Discussion of Annual Report Logistics, Including Survey and Requests for Data

The discussion moved to a conversation over the draft survey to be sent to the sheriff's offices for the purpose of collecting data for the Committee's annual report. Undersecretary Peck began by introducing Adrian and mentioning that he had put together the draft survey for the purpose of providing a starting point to the Committee. The question was raised as to whether Adrian was able to share the document directly with all members of the committee, which he was not. The Microsoft Forms settings prohibited him from sharing the 'live' shared document with members of the committee who were not part of the Commonwealth network. However, the Committee was able to begin discussion of the survey itself after it was converted into PDF form and shared by Undersecretary Peck.

Adrian began by clarifying that he put this draft together at the request of the committee in the March meeting. It is meant to serve as a starting point to engage the Committee in discussions on what kinds of data they wanted to collect, who they wanted to send it to, and what kinds of questions they wanted to ask. The Committee began by discussing the title of the survey: *Survey of Specialized Housing Practices*. Adrian explained that he chose this title after the discussion in the March meeting, when the Committee expressed interest in collecting data from Sheriff's offices who claimed that they did not have Restrictive Housing, as well as those that have continued with the practice. Additionally, Attorney Tenneriello ('Bonnie') had expressed an interest in that March meeting in collecting data on all non-general population units, because she felt that some units which might have been labeled as mental-health or substance abuse focused units could have some restrictive practices which could be of value to the Committee. Hollie Matthews added that because Specialized Housing is not defined in the statute, the people who received the survey may not understand what the Committee was looking for, such as data on medical units. Hollie followed up by noting that the Sheriffs may push back on the Committee's authority to require them to produce such data. Bob and other members of the Committee countered that the Committee had a hard enough time getting data from the Sheriffs that they were required to produce to the Committee. The Committee seemed to acknowledge that using the term

‘Specialized Housing’ merited further discussion and that it would be helpful for the Committee to consider a ‘Definitions’ section if this term was going to be used.

The Committee then started at the beginning of the survey, which led to the Committee digging into the recurring question of the definition of Restrictive Housing as 22 hours or more in a cell each day, and how that was being interpreted by different Sheriffs. Question #2 (*Does your facility utilize Restrictive Housing, as defined by M.G.L. c. 127 § 1*), #3 (*Please explain why, or why not*), and #4 (*After the CJRA became law, did your organization cease utilizing Restrictive Housing*) were identified as potentially not useful because of the way they limited the available answers to the question of whether the Sheriffs currently had Restrictive Housing, or in the case of #3, were too broad and open ended. Question #4 asked whether the CJRA had led the agency to change their practice by moving away from Restrictive Housing. Joanne noted how this was an awkward question and noted that some facilities may not have had Restrictive Housing before the CJRA, so they would have to answer *No* to that question, which would not be a helpful data point in understanding how practices may have changed in the wake of the CJRA. The Committee all agreed that these questions were awkward and could lead to confusion from a respondent agency. Bonnie noted that it would have been more helpful to get a copy of the survey prior to the meeting so the Committee could have come prepared to address these issues. Undersecretary Peck added that the members who were not present would likely want to share their input on these questions as well.

The next point of business was the matter of site visits. Undersecretary Peck apologized that he had not connected with Carrie Hill, Executive Director of the Massachusetts Sheriff’s Association (MSA) regarding site visits. He offered to do so prior to the next meeting. Bonnie then added that she believed that the Committee were also going to visit Department of Correction (DOC) facilities. Bob added that while he thought the counties were more of a focus right now, he did see value in visiting the new units at the DOC: the Behavioral Adjustment Units (BAUs) and Secure Adjustment Units (SAUs). Bonnie expressed interest in visiting both MCI-Shirley and Souza-Baranowski Correctional Center (SBCC). She also wished for the Committee to get on the same page on document requests and visiting protocol. Undersecretary Peck said that we would collect some dates on which the Committee wished to visit the DOC facilities, as well as the 3 counties identified in the previous meeting (Hampden, Worcester, Essex).

Undersecretary Peck said that should get us all in a good place with the report and asked if the Committee felt that they would be able to deliver an annual report this year. Bonnie wondered if simply publishing a report on time was as important as the Committee’s commitment to continuing to look at the DOC’s practices and the new units. She noted that not everyone agreed with the Committee’s recommendation in their inaugural report that they do that but that it was still one of the recommendations. Undersecretary Peck responded by saying that it was up to the Committee to decide what to do, but that it seemed like in the March meeting that the Committee wanted to be able to produce a report annually, as required by statute. He added that it took almost a year to write the last report. Bonnie said that there were a lot of reasons why the last report took so long, and that there were some setbacks such as not having a uniform set of notes from the site visits and not being on the

same page as to what units were going to be discussed in the past report. Bob added that if we set out to do five site visits then we only had 8 months to do so and that would come out to one a month, even with the summer months. If the Committee could do MCI Shirley and SBCC in the same day, that would be efficient. He noted that while the Committee is technically required to discuss costs of Restrictive Housing and other states, it was not as important a task as discussing what is going on in the Counties and in the DOC. He wanted to invite a Sheriff to speak to the Committee about how they have approached Restrictive Housing. Undersecretary Peck said that if the Committee reached January 31st and the report was not ready he could write a letter, but Brandy added that it was key to have a deadline because otherwise the report would never get done. Hollie added that in the last meeting the Committee was in agreement that it was a goal to get something done.

Bonnie said that the Committee had some homework to do and needed to work on the survey and document requests. She said that the last set of document requests was quite large, but that it would be helpful to get the policies before the site visits. Brandy went back to the discussion of the types of questions that the survey could include and how the questions could be framed, such as forcing a choice and following up with a text box allowing for optional explanations. Bob offered to work on some questions and to make edits. Undersecretary Peck then asked about merits of collecting empirical data via multiple choice or true/false questions, or more qualitative data in the form of fill-in-the-blank questions. Attorney Tenneriello noted that the data in a fill-in-the-blank question could be far more detailed and informative to the Committee than a relatively simple collection data points. However, it was mentioned by Bob and Brandy that the survey used in the data collection stage for the Committee's inaugural report often had some fill-in-the-blank questions which were either left blank or was extremely limited. Brandy expressed some interest in being able to compare the data more easily than the Committee was able to in the previous report, which she thought would be much easier if there were more multiple choice, true/false, or similar questions as opposed to text boxes. She said that this made sense given that the Sheriffs were generally acknowledged as being quite different in their approaches and that it could be interesting to map out or graph the differences between them. Bob added that it may be easier to get responses back from Sheriffs offices, which was something that the Committee had some difficulty with in the inaugural report, if the questions had more multiple choice options. Bonnie countered that the detail that the fill-in-the-blank questions could provide would be meaningful to the Committee. The Committee also felt that it made sense to give the Sheriffs and the HOC administrative staff the opportunity to explain why they had certain policies or practices. Brandy asked Adrian whether the questions were required, whether the survey could be completed without answering a particular question. Adrian shared that he could set the requirements on the questions however the Committee saw fit, but on this draft he had set the survey to require that each question be answered in order to submit the survey.

IV. Matters Not Known at the Time of Posting that Legally Come Before the Committee

Undersecretary Peck then suggested moving on to the other items of business before the Committee. He asked Adrian whether he would be able to share a copy of the survey with

everyone. Adrian said that he would be able to share a copy of the survey, but that he had spoken with John who had shared that in his opinion the Open Meeting Law would prevent the Committee from deliberating on the document outside of the context of an Open Meeting. Adrian then offered to collect edits and suggestions from each member and reflect them in a single document so that the Committee would be able to look at the suggestions made by each member. Bonnie said that it would be more efficient if the Committee could do it themselves in a shared document and comment on each other's work. However, she did acknowledge that if John had said that there were Open Meeting Law considerations that would take precedence. The Committee agreed to that, on the condition that it would be shared with them with more advance notice than was done in this meeting. Adrian agreed to assemble those edits and share them with the Committee two days before the meeting.

V. Member Comment

Joanne said that it could also be helpful for the Committee to hear from HOC and DOC administrators themselves, and asked whether the Committee wanted to invite Falcon back to give an update on the SAUs and BAUs. Undersecretary Peck also spoke about Brian Lovins, someone he had met who was an expert in the coaching and motivational change space who had been taking that work to Restrictive Housing units elsewhere in the county. He mentioned that the DOC and Parole had engaged with his organization, Justice System Partners to bring his Coach Model for Change to those organizations. He also offered to invite Mr. Lovins to speak to the Committee. Bonnie said that it was interesting but was worried about having enough time at the next couple meetings.

VI. Public Comment

The discussion then moved to Mary Valerio in the public comment period who said that she had seen the Sheriffs in public meetings such as the Corrections Consolidation Committee make public commitments to transparency and providing documents and data and hoped that would apply to this Committee's requests.