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Restrictive Housing Oversight Committee (RHOC) Meeting

Thursday, May 21, 2026

Via Microsoft Teams

DRAFT

I. Call to Order

Undersecretary Peck called the meeting to order at 11:06 AM.

Restrictive Housing Oversight Committee - 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, LMHC, CCHP	X	
Bonita Tenneriello, Esq.	X	
Dr. Brandy Henry, PhD, LICSW	X	
Hollie Matthews	X	
Sheriff Cocchi		X

Also Present: Mary Valerio (member of the public)

II. Review and Approval of Minutes from Prior Meetings

Undersecretary Peck noted that draft minutes from the March 19, 2026 and April 16, 2026 meetings had been circulated by email and began with the March 19 minutes. No edits were offered. A motion to approve the March 19, 2026 minutes was made and seconded by Bonnie

Tenneriello, and the minutes were approved with one abstention. Kyle Pelletier abstained, having not had an opportunity to review them.

Turning to the April 16, 2026 minutes, members noted several corrections to the attendance record: Hollie Matthews had attended the meeting but had been omitted from the attendance table, and her name had been misspelled; Kevin Flanagan had been marked absent but was present; and Dr. Brandy Henry had been marked present but had not attended.

A motion to approve the April 16, 2026 minutes was made and seconded, and the minutes were approved with two abstentions. Kyle Pelletier abstained, having left the April meeting early, and Dr. Brandy Henry abstained, having not attended the April meeting.

III. Discussion of Potential Issues and Process for DOC Presentation

Undersecretary Peck informed the Committee that, on the advice of counsel and due to ongoing litigation closely tied to the Barboza report, the Department of Correction would not send a representative to speak with the Committee. He noted that the Committee could nonetheless continue its discussion of the report as its work moved forward, and invited members to share their thoughts.

Bob Fleischner asked what the litigation was and how it connected to the report. The litigation was identified as the *Evelyn* class action, involving Prisoners' Legal Services and Boston College. Bonnie Tenneriello explained that its central claim is that the BAUs and SAU IVs constitute Restrictive Housing, on the theory that limited out-of-cell time, the use of restraints, and the use of a restraint chair and restraint table are more restrictive than confinement in a cell, and that Dr. Barboza's report touches on that question. She added that she had not anticipated the Department would decline to speak publicly about a public report and the public commitments it had made in response, and that while it might reasonably decline to address any matter touching too closely on the litigation, she was surprised it viewed the litigation as grounds for a blanket refusal.

Attorney Ryan Mingo explained that, from DOC Legal's perspective, the Department had recently received document requests and interrogatories directly concerning the Barboza report, anticipated related depositions, and was not comfortable participating. He added that he believed the Attorney General's Office shared that view, though the relevant meeting had occurred after his conversation with the Department. Bonnie Tenneriello confirmed that there had been discovery requests for the materials Dr. Barboza had accessed.

Bob Fleischner expressed frustration, noting that the Department is frequently in litigation and that nearly any request could be connected to some pending matter. He emphasized that the report is in the public sphere and that the Department had made public commitments in response to it. He stated that he had come to the meeting expecting a Department representative to explain what the Department was doing, that the Committee had deferred discussion while the independent study was underway, had discussed the report at two prior meetings, and had invited the Department to attend, and that the refusal was frustrating.

Undersecretary Peck asked for the Committee's thoughts on next steps regarding the substance of the report. Bonnie Tenneriello suggested requesting written responses from the Department. She observed that the Department's public commitments were vague, citing as an example its stated intention to clarify what constitutes unacceptable risk for BAU placement, and questioned whether that had been done. She noted that the report had issued in January and been made public around March, that she had prepared specific questions about implementation of the recommendations, and that the Department should be pressed for transparency and was capable of both litigating and responding publicly.

A discussion followed regarding whether the full report and the related press release were available on the Department's website. Undersecretary Peck said he would look into whether the Committee had committed to posting the report and acknowledged that his recollection might be imperfect. Ryan located the Department's press release, dated March 10, and noted that it did not appear to link to the full report and had moved down the list of recent releases.

Bonnie Tenneriello proposed asking the Department whether it would respond to written questions about its implementation of the Barboza recommendations. Undersecretary Peck indicated that he expected the Department would decline. Bob Fleischner observed that, if a majority of the Committee agreed, it could send a letter, but that such a letter would likely be ignored while litigation was pending. He questioned the value of commenting on a report issued four to five months earlier without knowing what had been done since.

Tatum Pritchard stated that, until the Department provided information about the alleged Restrictive-Housing-like conditions in the units, the Committee should treat those units as within its mandate and examine them more closely, including through site visits, so that members could ask questions in a less public setting. Undersecretary Peck asked whether anyone had the Committee's statutory charge, and Ryan shared the statute, G.L. c. 127, § 39G. Tatum Pritchard pointed to the subsection authorizing the Committee to gather information regarding the use of Restrictive Housing, noting that the Committee was now hearing from both incarcerated individuals and an independent expert that conditions in the units mirror Restrictive Housing.

It was raised that the report's comparison concerned the process for placement rather than conditions, and that some felt the Committee had not focused closely on the placement process in its prior work. Dr. Brandy Henry noted that the Committee had spent time at the DDU and the associated step-down unit and had focused on the process for exiting those units rather than the process for entering them, and that she did not believe the Committee had neglected its duty. Members agreed, but also clarified that that work was mostly centered on the exit process, as opposed to the initial placement in the unit.

Bonnie Tenneriello clarified that Dr. Barboza's report does state that conditions in the units reflect a similarity to segregated confinement, and that the question of whether the units constitute Restrictive Housing remained unresolved. She noted that, while the question is also raised in the litigation, the Committee is independently entitled to ask it, and that the Committee had committed in its prior report to continue examining the units. She identified two distinct issues: what the Department is doing to implement its own commitments, and

whether the units constitute Restrictive Housing. She added that the Committee's focus on the counties should not displace that commitment.

Bob Fleischner agreed that site visits might be the Committee's best available means this cycle. He noted that any visit would likely be accompanied by DOC Legal and the Attorney General's Office, but that the Committee has statutory authority to conduct visits and to speak with staff and incarcerated individuals. Drawing on his experience with prison tours in the litigation context, he observed that such tours, often accompanied by an expert, are sometimes productive. He emphasized that the Committee is not a litigant but a body created by the Legislature, and that the Committee's options were either to wait or conduct site visits.

Undersecretary Peck asked whether, setting aside the questions of conditions and placement process, any part of the Barboza report overlapped with the Committee's recommendations from its prior report. He identified continuity of care, recalling that the Committee had raised the lack of integration across mental health and substance use services. Some members agreed that the report's recommendations on continuity of care reflected the same concepts the Committee had raised. Undersecretary Peck suggested that the overlap was a topic the Committee could address as an immediate next step.

Dr. Barros sought to confirm that the discussion concerned the integration of mental health and substance use treatment services within the facilities. She noted that the services are typically provided by different vendors, that there is some ability to connect with the treatment team and the mental health director, and asked whether the Committee was looking to scale up that integration and make it more intentional.

Kyle Pelletier reported that the Department had issued a press release earlier that day addressing clinical access and healthcare records in connection with the Barboza report, and that public updates were therefore available. She reiterated that the Barboza report focuses on assessment and placement rather than conditions, which she described as a critical distinction from the Committee's focus on the BAUs, and noted that the Department had sought the report on its own initiative rather than being compelled to do so, which she characterized as a distinction from prior independent reviews.

Bob Fleischner proposed that it would be a useful exercise to cross-walk the Barboza recommendations against the Committee's own recommendations to see whether the independent expert had reached similar conclusions, and expressed hope that the day's press release would provide additional information about implementation. He noted that the Committee could then approach the Department having heard from two sources, while agreeing with Bonnie Tenneriello that site visits might yield limited information from staff if counsel viewed them as related to litigation.

Some members reported that the Committee's report contained three recommendations in its mental health and substance use services section, in addition to a broader recommendation regarding a culture of prevention: that the Department consolidate its separate mental health and substance use policies into a single policy aligned with best-practice standards; that it offer the full continuum of substance use treatment to all, accessible even where disciplinary

sanctions have been imposed for active substance use; and that substance use treatment be delivered only by qualified staff. It was noted that some of these overlap directly with the Barboza report and shared the recommendations in the meeting chat.

Bonnie Tenneriello expressed concern about scheduling the county visits and stated that she was opposed to setting the counties aside, noting that oversight of the houses of correction had been lacking, that Hampden County had been welcoming, and that the Committee should visit additional counties as planned.

The Committee agreed that Bob Fleischner, with Dr. Brandy Henry's review, would prepare a crosswalk of the Barboza recommendations and the Committee's recommendations and circulate it before the June meeting. Bob Fleischner anticipated that the document would be brief, as many of the recommendations do not overlap, and noted that it could be retained as a Committee document or shared with the Department as the Committee determined.

IV. County Site Visit Scheduling

Undersecretary Peck turned to the scheduling of county site visits. He noted that several proposed dates for a Hampden County visit had been circulated earlier in the week but that the Committee had not yet received enough responses to confirm a date. He asked members to respond by midday the following day so that a date could be confirmed early the following week, with a calendar invitation to follow.

For July and August, Undersecretary Peck proposed circulating a scheduling poll to identify the dates with the greatest availability and then offering the relevant county a firm date. Adrian noted that calendar invitations would be sent once dates were confirmed so that they would populate members' calendars, and that this could be coordinated with the collection of July and August dates. It was noted that dates for the remaining counties still needed to be arranged.

V. Member Comment

Undersecretary Peck invited member comment. Members raised no comments beyond the concerns and frustrations expressed during the discussion of the Barboza report, and the Committee proceeded to public comment.

VI. Public Comment

Mary Valerio addressed the Committee, stating that she agreed with the members who felt the Department should have attended the meeting. She noted that the Committee was created by legislation and recalled the prominence of Restrictive Housing during the 2017 and 2018 criminal justice reform efforts. She stated that the Department's absence did not reflect appropriate respect for the Committee's work, particularly given that the subject matter involves deaths in custody, and urged that the Committee be kept informed.

Ms. Valerio also asked about the date of the next meeting, noting that she had seen a notification indicating a June 11 meeting rather than the Committee's usual third Thursday. The Committee confirmed that its schedule remains the third Thursday of the month, as it has for approximately seven and a half years, and that the next meeting would be held on June 18, 2026. It was noted that calendar invitations had been generated for incorrect dates, including June 11 and the first Thursdays of August and September, and that the invitations would be corrected.

VII. Adjournment

A motion to adjourn was made and seconded, and the Committee voted unanimously to adjourn.