



## The Commonwealth of Massachusetts Executive Office of Public Safety and Security

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Secretary

**KIMBERLEY DRISCOLL**  
Lieutenant Governor

### **RESTRICTIVE HOUSING OVERSIGHT COMMITTEE**

Date: March 16, 2023

Time: 11:00-1:00PM

Place: Microsoft Teams (Virtual Meeting)

#### **Call to Order**

The meeting was called to order at 11:01AM. Roll call was taken.

#### *Members Present:*

Bob Fleischner, Esq.

Joanne Barros

Brandy Henry, PhD.

Bonnie Tenneriello, Esq.

Kevin Flanagan

Kyle Pelletier

Hollie Matthews

Tatum Pritchard, Esq. (joined via phone)

#### *Members Absent:*

Undersecretary Andrew Peck

Justice Gerri Hines

Sheriff Bowler

#### **Falcon Group**

Dr. Robin Timme opened the floor for discussion after giving a few updates on the work of the Falcon Group and the DOC. The week of March 27<sup>th</sup>, the Falcon Group is going to be visiting the DOC facilities once again which they began visiting back in March 2020. They issued their report in March 2021 and the recommendations were adopted by the DOC. In July 2021, the implementation began, and ramped up in the fall of 2021. Dr. Timme said that working with the Massachusetts DOC has been incredibly impressive. Falcon has worked in 15-20 jurisdictions and other states, and everyone is now squarely focusing on this issue (transitioning away from restrictive housing) and looking for solutions. He noted that on a national level, many agencies are very interested in the Massachusetts model. They are watching the DDU model sunset at the DOC. They have improved communication at the DOC both externally and internally. They are working on how to facilitate groups with persons that may be particularly challenging. They are

giving some clinical training as well while acknowledging that most programming staff are of a criminal justice background.

Dr. Brandy Henry highlighted some concerns with respect to the DOC's mental health services vendor, Spectrum; particularly the lack of training, the pay, the extremely high turnover rate, and the lack of experience of some of the staff. She acknowledged that the experience level is also low and turnover high at Wellpath (the DOC's medical services vendor) as well. She wondered if any technical assistance or efforts to combat this are occurring at this time. Dr. Timme responded that we need to be more aware of pay and other benefits (both tangible and intangible) and incentives to retain employees. They are working on those things. Scott Semple from the Falcon Group mentioned being aware of redundant programming and their desire to bring new programming in as well.

Atty. Bonnie Tenneriello stated that her office has been surveying clients and gathering their perspectives on how people are perceiving the new units at the DOC. Throughout the visits, Bonnie said that she has been impressed by the sincerity of Kyle Pelletier (Director of Special Programs at the DOC) and the Superintendents of the DOC facilities. However, she stated that the perception of punishment is still there. She said that those not convicted are in extremely punitive conditions in the BAU according to reports from her clients. She sees infrastructure and perhaps staffing as limitations to this. She noted that visits and phone calls are so essential for folks. Bonnie asked when the DDU is set to close and was hoping that given the low census, the individuals in that unit are getting more than 5 hours a week out of cell and that there are not any commissary restrictions. Dr. Timme noted that the DOC's incarcerated persons now have tablets and proposed exploring expanded access for phone calls and visitation via tablets to make that more accessible. Kyle Pelletier did not have a specific date for the closing of the DDU at this point. For time out of cell, Kyle clarified that there is the A-wing (RHU) in the DDU which is the low census Bonnie was referring to but there are other people on the unit as well that also need out of cell time. Atty. Bob Fleischer said that he has been really impressed by Kyle and the Superintendents' commitment to making these changes and to their openness. The RHOC has ended every tour with a list of concerns and the staff have given very logical explanations for why things are the way that they are. He highlighted the complaints raised about limited access to certain hygiene products and commissary items. There was a concern about the use of restraints in out of cell time apart from MCI-Framingham. At MCI-Framingham, reviews are done three times a week to determine restraint status. Two individuals told him they did not know how long they were going to be in the BAU which was frustrating. However, he noted that on some of the other units, some individuals told Bob and other members that they felt they were well-informed and knew what was going on. Bob stated that a sergeant at Souza was somewhat critical of the training that staff had gone through prior to coming onto the specialized units. The sergeant also expressed that the least experienced officers typically serve on that unit. Bob talked about limitations to keeping up with vocational training while in the BAU. He felt there were not regular rounds being done by mental health and medical staff. At MCI-Framingham, there is not a mental health group. There is only a Spectrum group. Dr. Timme would like an individualized treatment plan in the BAU and agreed that the rounds can be very beneficial. He would like to see specialized officers on these units, but he noted that the bid system in Massachusetts is very complicated relative to other states. They are trying to improve training. Rick Raemisch of Falcon said he is troubled in hearing that the staff at the BAU at Souza are not experienced. He

said they will be looking into that. Scott Semple said they are discussing restraints as recently as Friday on how to be consistent on how restraints are used. There are some models out there for weekly reviews and you have to specify as to why that person is required to be on any type of restraint in concert with a clinical team. Bonnie spoke about the lack of access to good time in the BAU. She stated that some individuals can earn good time and others cannot whereas in the RHU it was done through packets. In closing, Rick said they are very familiar in what is going on in other prison systems and Massachusetts could be the model for other states.

### **CJRA Reporting Updates**

Bonnie stated that there are only 4 counties reporting having restrictive housing based on the February 2023 county's report. The Committee needs to grapple with that in the report and it is a real problem.

### **BAU & SAU Tours**

Kyle followed up on a question about the status of earned good time for a particular individual at MCI-Framingham that the Committee met with on a previous site visit. Kyle clarified that this individual's good time has been approved for the Committee's awareness.

### **Final Report Update**

Bonnie sent in her subcommittee's conditions report and it is currently under review by EOPSS. The other subcommittees have submitted their reports and those are in good shape with minimal edits. Bonnie, Kyle, Chairman Peck and EOPSS met to discuss the framework of that section of the report.

### **Public Comment**

Mary Valerio stated that she is concerned about the BAU programming not being sufficient. She flagged that Emerson College is running a program next week on prison education in general for folks who may be interested. She stated that in a recent report, Massachusetts was voted 37th worst for equality in jailing. The federal BOP requires those without a high school diploma to enroll immediately and get one. She would like to see that happen in the DOC in Massachusetts as soon as possible.

### **Adjourn**

Kevin Flanagan made a motion to adjourn. Dr. Henry seconded the motion. The meeting adjourned at 12:33PM.