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| Seal2  **CHARLES D. BAKER**  Governor  **KARYN E. POLITO**  Lt. Governor | 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/eopss | **TERRENCE M. REIDY**  Secretary |
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**RESTRICTIVE HOUSING OVERSIGHT COMMITTEE MEETING**

**Date: April 21, 2022**

**Time: 11:00AM-1:00PM**

**Call to Order**

Chairman Andrew Peck called the meeting to order at 11:03AM once a quorum of members had been established and took a roll call.

*Members Present:*

Undersecretary Andrew Peck, Chairman

Kevin Flanagan

Hollie Matthews

Dr. Brandy Henry

Bob Fleischner, Esq.

Bonnie Tenneriello, Esq.

Justice Geraldine Hines

*Members Absent:*

Joanne Barros

Chris Fallon

Kyle Pelletier

Sheriff Thomas Bowler

Tatum Pritchard, Esq.

**March 2022 Meeting Minutes**

Atty. Tenneriello made a motion to approve the minutes which was seconded by Dr. Henry. All voted in favor by roll call vote. The minutes were accepted.

**Subcommittee Updates**

Chairman Peck acknowledged that all subcommittee drafts have been submitted and are under review aside from the Conditions of Confinement subcommittee. Atty. Tenneriello noted that her subcommittee (Conditions) is progressing and plans to circulate their draft soon.

Atty. Tenneriello mentioned the Committee not having received the county monthly reports from November 2021-present. Attorney Walker (EOPSS) stated she will check with DOC and circle back.

**Falcon Implementation Update**

Chairman Peck updated the group on the progress of the Falcon Group’s implementation plan. Since the beginning of April, the DOC transitioned to a special management approach. The bare minimum is three hours out of cell. They will still report out on the conditions of confinement as they did previously regardless of this change. The reporting per the statute will not change. Atty. Tenneriello clarified the quarterly and monthly reporting per CJRA will continue and Chairman Peck confirmed yes. They will keep all the protections under the CJRA as well. Dr. Henry asked if the definition of RH is a status versus a physical location since in practicality it is a place. She asked if the three hours are happening in the RHU unit or in another place. Is it a logistical change or status change? Chairman Peck responded that those pathways have not been constructed yet and it is still occurring in what folks would consider to be RH unit. Dr. Henry asked about the staffing challenging with getting folks out longer. Chairman Peck said that due to the numbers being significantly down, it has been easier operationally.

**Hampden/Norfolk Site Visit Discussions**

*Hampden*

Atty. Tenneriello stated that the average length of stay in the RHU is 10 days. The 72-hour reporting is not formalized with the certifications. Their MH diversion is being done but several folks with SMI would have to do just as much disciplinary time in addition to time to the stabilization unit time. The inmates did not receive a radio due to security concerns over the use of batteries which no other facility has ever voiced. They do informal reviews three times a week. Ms. Matthews agreed. Atty. Tenneriello said in general population, people were sent to RH for being convicted of using a tattoo gun. She stated that inmates are shackled when out of cell when they get their recreational time. Atty. Fleischner stated that this is troubling because Hampden is considered a model jail in programming and mental health services, and it has held a national reputation of this for years. He said it was disturbing to hear that. He noted they have excellent pre-release and release services, but this is distressing.

*Norfolk*

Atty. Tenneriello was the only one attendee in person. Atty. Fleischner, Dr. Henry, Atty Pritchard, and Justice Hines joined remotely. Atty. Fleischner stated that the following stood out: they are one of the county facilities that says it doesn’t use RH because people are out of cell for 2.25 hours a day and the facility plans to have it up to 2.5-3 hours in the future. However, prisoners told Committee members that they were never out more than 2 hours. There was a disconnect between the administrators and prisoners. They have an unusual direct supervision process where facility staff can make decisions about disciplinary sanctions for inmates. Unit officers can informally deal with incidents and can require a level of sanction to up to 24 hours of lock in. There seemed to be some sort of oversight but he wasn’t quite sure. They have no or very few SMI people in the SMU but they do not use the definition of SMI in the CJRA and use the old definition, so they have more than 90 inmates on psychiatric meds, only 7-10 do they consider to be SMI diagnosis due to them using the old definition which skews things and is a serious shortcoming. The staff was very forthcoming and it was interesting to meet with the inmates. Generally, the inmates have pretty good things to say about getting their disciplinary hearings within 24 hours. Atty. Tenneriello said the certification process is not formalized and it’s hard to say what works because of that. She said there was a very low census in the RHU. Atty. Fleischner said it would have been useful to have the perspective of a Committee member who has run a facility present to comment on things like an officer making decisions about disciplinary sanctions. Chairman Peck stated that Worcester may have implemented something similar. He offered to have folks go back to the prisons and see how things have progressed since the start of the Falcon implementation. Attorney Fleischner agreed that the Committee should do that before filing their report.

**Public Comment**

Mary Valerio asked about the three hours out of cell at the DOC medium-security prisons. She wanted to know how the three hours are spent and what exactly is happening regarding education. She did a FOIA on the DOC to see how many individuals were enrolled in vocational and educational programs and learned that fewer than 800 were enrolled and over 4000 were on waitlists but in that 800 number, that included those in RH so she would like to know what education is looking like for them – video education, etc. In those 3 hours, is it divided up into education/mental health/recreation, etc.?

Justice Hines asked if we can follow up on Mary’s question at a future meeting. Attorney Tenneriello said she does not believe anywhere in the state is offering out of cell programming in RH. Chairman Peck stated he will have more information at the next meeting.

**Adjourn**

There was a motion from Atty. Fleischner to adjourn. Dr. Henry seconded the motion. All in favor. The meeting was adjourned at 11:55AM.