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**Restrictive Housing Oversight Committee
Meeting Minutes**

Date: August 5, 2019
Time: 11:00AM-1:00PM
Place: McCormack Building
Charles River Conference Room
1 Ashburton Place
Boston, MA 02133

The chair called the meeting to order at 11:06AM. A quorum was present.

1. Review/Approval of July Meeting Minutes

Chairman Peck called the meeting to order at 11:06am. Only amendment for the minutes is correcting Attorney Fleischer's title from doctor to attorney throughout the document.

2. Presentation by Dr. Lisa Ann Peterson (PowerPoint attached)

a. Discussion:

- i. Deputy Commissioner Chris Fallon asked that in terms of disorder like insolence which does not penalize inmates, has the North Dakota Department of Corrections looked at the engagement of correctional officers and their disciplinary reports. Dr. Peterson responded that they have looked at that and that the inmates are being reprimanded even though they are not being sent to restrictive housing. She stated that some sanctions are loss of phone privileges, loss of visitation, restricting quarters etc.
- ii. Public member asked Dr. Peterson what training CO's have. Dr. Peterson responded that all of the COs have to undergo a 3-month training instead of the 20 days of traditional correctional training. She added that this training is a 3-phase process with the first phase focusing on basic skills in core correctional practices and spend time on the floor learning with their field training officer, the second phase consists of learning more advanced skills and spending more time in the field and the third phase focuses on application and demonstrating that they can teach a skill and apply motivational strategies. She added

that the COs that are assigned to the restrictive unit get additional behavioral intervention and motivation strategies training. Dr. Peterson also noted that they experience a high turnover rate and they try to limit the rotation to 1 year or 18 months.

- iii. Deputy Commissioner Chris Fallon asked if all of the inmates, including those that are continuously disruptive, in the restrictive unit can partake in the leisure activity. Dr. Peterson responded that for the most part yes unless the inmate's behavior rises to a level where they pose a safety issue to the staff and others.
- iv. Deputy Commissioner Fallon asked Dr. Peterson what ND DOC's typical response to fighting between inmates in general population. She responded that the fight would result in the inmates going under review with the chief of security and the unit manager. She added that usually if the parties are willing to move past the conflict and if the conflict was minor they may not need to stay for the investigative process.
- v. Sheriff Bowler asked Dr. Peterson how they justify increasing their staff numbers in restrictive housing without coming under scrutiny by the governor, legislative body, administration of finance or any administration entity. Dr. Peterson responded that their governor is extremely supportive and that they have had discussions with their legislature. She added that data is helpful and important. She added that they have looked into measuring or quantifying their return on investment; cost savings include staff overtime, reallocating beds to general population and the reduction of SWAT team usage.
- vi. Public member inquired about staff turnover at the North Dakota Department of Corrections. Dr. Peterson responded that they have a high staff turnover generally but they have not looked into the turnover in RH versus other units.
- vii. Chairman Peck asked Dr. Peterson to provide examples of reinforcement measures used in their restrictive housing unit. Dr. Peterson responded that verbal reinforcements are used as well as POS behavior report which can enter them in a weekly drawing for \$5 towards commissary. She added that they also get an extra hour of recreation, food items, hygiene items, extra showers phone calls etc.
- viii. Kevin Flanagan asked if there are inmates that do not want to leave the RH unit and how do they handle this? Dr. Peterson responded that they have dealt with situations and they are difficult because the individual doesn't want to leave and is making good on their promise to assault.
- ix. Chairman Peck asked about the risk assessment and its domains, inquiring if those domains were identified by ND

DOC or were they a result of research conducted nationally. Dr. Peterson responded that the tool she demonstrated, the RASP, is being identified through a national data set and is being created and validated now. She added that their analytics team did a predicted model for North Dakota where they identified 15 variables that place someone at risk for RH placement in North Dakota. This is administered upon reception. Chairman Peck follow-up by asking if they can identify and possibly prevent it, what would be the prevention steps? As of now ND DOC does a ten session group. Also, the east unit is where most new arrivals go but this unit can be problematic because there is a lot of idle time and it is a large unit with low staffing ratios. ND DOC has not been able to translate some of these things into general population in a large scale way. There are different unit events in general population i.e. barbecues and sports tournaments with the goals for staff to interact and build rapport with the inmates.

- x. Deputy Commissioner Fallon stated that North Dakota DOC has 1700 state sentenced inmates and asked if they have county lockup facilities? Dr. Peterson responded that they exist but they are not part of the count; there are about 1300 -1700 inmates in county lock facilities which are operated by their own county.
- xi. Sheriff Bowler asked how the ND DOC team deals with med compliance in their RH unit. Dr. Peterson responded that they use rapport in that regard to gauge what the inmate's reservations are, how they can help and to inform the inmate why the medication is beneficial. Behavior reinforcements are used as well. In rare instances, involuntary process is used for those that need it.
- xii. Bonita Tenneriello stated that Massachusetts is different from other states because it has long disciplinary restrictive housing sanctions up to 10 years and asked what the maximum is for ND DOC in regards to disciplinary restrictive housing. Dr. Peterson responded that ND DOC still has the ability to sanction up to 180 days or 120 days but ND DOC generally won't even sanction 90 days and they try not to use disciplinary detention. Additionally, ND is unique in that often times they send inmates with extreme behaviors or for notoriety reasons. As they improve, ND takes them back. Serious incidents in their system are generally rare but there have been instances where an inmate has caused grievous harm to a staff member and they are remain in the ND DOC system.
- xiii. Bonita Tenneriello asked if Dr. Peterson could discuss the 4-5 hours the inmates are out of their cell per day. Dr. Peterson responded that if someone is not in administrative transition,

they go to group within the unit, attend cognitive behavioral interventions, mindfulness activities, watch movies, partake in two hours of outdoor/indoor recreation, an education class and an art class led by an unrestrained resident

- xiv. Judge Hines asked how this all come about and what the relationship is between the strict corrections part of it and the mental health people; how do you come to terms with each other? Dr. Peterson responded that the roles aren't what you would assume all the time; there are mental health people that have a punitive approach and correction officers who are warm and kind and used individualized intervention. There have more commonalities than they initially thought and even though there are conflicts, communication is important and having all the perspectives and diversity of opinions creates a balance. This all started when the director Lee Ann Birch went to Norway and saw their system which accelerated the process for change that the facility was already working on.
- xv. A public member clarified that staff were reallocated to the unit and that is important to note because Massachusetts has one of the lowest staff to inmate ratio and there is a possibility of reallocating staff. The public member also stated that implementing all of these changes took a massive effort and a lot of buy-in from staff and asked what, if any, are the consequences or way of correcting staff behavior when there isn't buy-in or when staff do not follow protocol that jeopardizes the unit or the treatment of prisoners. Dr. Peterson addressed the public member's first statement by clarifying that the numbers stayed the same and what they reallocated was behavioral health staff *time*. She added that ND DOC still has staff that do not necessarily think this is the best way and whenever there is an incident in the prison, it challenges everyone's thinking but this is where the data is essential; there's been a perception from staff that if they don't buy-in they will get fired but that is not the case.
- xvi. A public member asked if the unit supervisor and head of security, in reviewing whether or not a person should stay, notices certain behaviors that are constantly being incorrectly referred, if the officer doing incorrect referrals gets corrected. Dr. Peterson responded that yes and that it is usually a situation where an individual is being disorderly. She added that in a situation such as a fight, they have to go under review. She also stated that ND DOC has been very cautious to not remove the ability for staff to have people take a time-out.

3. Discussion of the August 2nd ASCA Restrictive Housing Session

- a. Chairman Peck stated that four board members went to the session which was essentially a recap of what Dr. Peterson presented today.

He added that the Liman Center at Yale University also had a lot of published material and several different documents they had regarding data and research that may be of interest to the board. Bonita Tenneriello added that the Liman Center did a report in conjunction with ASCA and that the most recent report was published in 2018. This report along with the report with supplemental reform efforts would be what the board should get.

4. Standardized Site Visit Questions and Agenda Discussion

- a. EOPSS will develop a draft agenda that will be sent out prior to the next meeting.
- b. Chairman Peck suggested that EOPSS catalogue the questions by topic and send an updated documents to the board ahead of time due to the substantial amount of proposed questions for a questionnaire. He added that the board determine what questions will be on the questionnaire at the next meeting.
 - i. Deputy Commissioner Fallon stated that HIPPA and CORI waivers are needed for some of the questions in the questionnaire. Chairman Peck responded that a waiver is currently being developed for everyone to use.
- c. Chairman Peck stated that the agenda for now is to meet with the superintendent upon arrival to get an overview of the facility and then proceed to a tour of the restrictive housing units and then conduct interviews in a secure location.
 - i. Bonita Tenneriello expressed that if the tour and meeting with the superintendent is in the beginning of the day, the board has the disadvantage of losing half of the day. She added that another reason to push the meeting with the superintendent to the end, is that the board will have questions for the superintendent. Deputy Commissioner Fallon agreed and added that the board needs to concentrate on restrictive housing because that's the board's mission. Chairman Peck replied that that is okay but that they should still be briefly briefed upon arrival.
 - ii. Bonita Tenneriello stated that it is important to meet with mental health and correctional staff and perhaps other staff. She added that the board can meet with different groups of staff and that these focus groups could be an opportunity to have a conversation and to cross-reference things that the board has/will have heard.
 1. Sheriff Bowler stated that if the board is planning on meeting with staff members, the board should prepare to be at the facility for a long time. Deputy Commissioner Fallon added that the reason for this is that the facility would have to curtail inmate activities via a lockdown or hiring extra overtime. He added that

that he agrees the board should interview staff but it may be better to conduct individual interviews instead of focus groups to avoid putting any inmates at risk. Bonita Tenneriello followed up asking if the board could put aside a discreet period of time (i.e. an hour) to meet with as many of the mental health staff and correctional staff as possible. Deputy Commissioner Fallon, can be done they just have to figure out a way to relieve them without putting the inmates at risk. Sheriff Bowler responded that it can be done because the facility does this when it is getting audited but it would mean that the board will be there for an extended period of time. Bonita Tenneriello stated that the LGBTQI committee may share insight on the logistics of how they have been doing it.

2. Sherriff Bowler stated that the board may also want union reps available as well.
- iii. Bonita Tenneriello stated that she submitted proposed agenda which also listed suggested documents that the board could request from each facility. She proposed that in conjunction with the site visits, the board may want to request documents from the facilities. Bonita Tenneriello added that the Emergency Regulations do not allow the board to request that data be generated or confidentially review records without releases. Attorney Melander responded that the committee will have more clarity on the regulations by the next RHOC meeting because those regulations pursuant to the public comment period are still being revised. He added that there are substantive changes being made based on all of the feedback and that although he cannot get into specifics, that is one of the areas that is being reviewed. He stated that it will be filed with the Secretary of State's August 9 which means they will be effective August 23. A copy of the final regulations will be sent to the members of the board when they are filed with the state.
- d. Tony Riccitelli asked if there will be data presented on restrictive housing at the facility. Chairman Peck responded yes and that the report will have data.

5. Subcommittee Assignment Discussion

- a. Board members are okay with the subcommittee assignments. The chairperson for the *Results of Evaluations of the Process of Restrictive Housing in the Commonwealth and Other States* subcommittee is Attorney Robert Fleischner. The chairperson for the *Condition of Restrictive Housing in the Commonwealth* subcommittee is Bonita Tenneriello. A chairperson for the *Impact of Restrictive Housing on*

Prison Order and Control in Correctional Facilities has not been chosen.

- b. EOPSS will assign an administrative staff members to each subcommittee. Subcommittee also have to follow the Open Meeting Laws.

6. RHOC Contact Webpage and Information Sharing Drive Update

- a. The Governor's Office has added the Restrictive Housing Oversight Committee to their boards and commissions website which will contain legal authority, appointee names, appointing authorities for each and term dates.
- b. A motion (Chairman Peck) to adjourn was made, seconded by (Deputy Commissioner Chris Fallon) and approved unanimously.

7. Further Discussion on Site Visits

Time did not permit.

8. Restrictive Housing Reports

Time did not permit.