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**Restrictive Housing Oversight Committee
Meeting Minutes**

Date: September 19, 2019
Time: 11:00AM-1:00PM
Place: Department of Correction
Classroom #2
50 Maple St.
Milford, MA

Chairman Peck called the meeting to order at 11:07am once a quorum was established.

1. Review/Approval of August 5th, 2019 Minutes

Brandy asked that we remove the section of the minutes that refers to a Google Drive as Committee members were never given access to this Drive. The third page's last three sentences should be completed to read that North Dakota "sends them out of state".

There was a motion to approve the minutes from Judge Hines. Marlene seconded this motion. It was a unanimous vote and the motion carried.

2. Visit/Tour Discussion

There was some discussion around site visits and members agreed to have Michaela send a poll out for two dates for each facility and allow members to sign up for which they plan to attend. Chair Peck stated that the Committee meeting dates were combined with site visit dates and the remaining open dates will be sent to the Sheriffs and be put in a doodle poll to let members choose which they can attend. Since the MCI-Cedar Junction site visit scheduled for December 17th conflicts with the Committee meeting, it will be re-scheduled. Bob F. made a statement on behalf of Judge Hines, Bonnie, Marlene and Bob. He read this statement aloud and gave to Chair Peck for the record. There was some discussion around how to handle quorum during site visits and Chair Peck explained that only six members will attend so the Committee will stay under a quorum. Brandy H. asked if we will be able to attend both days and Chair Peck answered that members can do so. Members agreed to add houses of correction in the same timeline of the already scheduled site visits and not to extend it if at all possible to get this work done as soon as possible. Undersecretary Peck asked if they cannot schedule in between site visit dates, what the latest timeline would be. Andy asked if February would be acceptable. It was agreed that this would work since the first recommendations come out in June and the Committee would be able to work with that timeframe.

3. Consent Waivers

Andy passed around a consent waiver form for inmates to be signed at site visits. Tony asked how consent would be obtained. Andy said he might want to keep the forms at the facilities and provide rosters of RH units so members can choose who they would like to speak to. Judge Hines asked how residents would be informed of visits. Judge Hines asked if there was any form of communication going out from the superintendents to residents and that perhaps we could put up flyers in advance. Deputy Commissioner Fallon stated that it would be difficult to let residents know in advance because the restrictive housing unit counts change daily. Kevin F. mentioned that if the Committee rolls their work out to general population, the days will get longer and the group may not have time. Tony R. mentioned that interviewing residents who are just there that day will not give enough access to enough information. Hollie M. mentioned that flyers have been put out in the past and could be used again to notify residents. In his experience at previous DMH audits, Sean said they would make inmates aware prior to the visit. Judge Hines asked if there was any way the DOC could identify current or previous residents who were in restrictive housing for a certain period of time, not someone who was there for a one-off and send out a targeted notice to those folks. Bonnie had a concern about why the consent form is needed to be signed in advance. Undersecretary Peck said if we had a focus group on the date of the visit, would that be helpful. Bob F. said that when he went to Souza-Baranowski in the past, he met with focus groups when they were in therapeutic modules and he found them to be informative. Chris said that focus groups with general population for those who previously served in RH would be fine but that it would be difficult to do it with RH units. Logistically, Chris said you could potentially do it in the yard as an option. RH was not built with program in mind but for those previously in RH that are now out in general population, the Committee could do forums (except for Souza where it would not be possible). Tony R. asked if both could be done on same day. Chris said yes. Bob asked about the roster of inmates and if they could also see if they are on mental health caseload. Chair Peck said that should be possible.

Sean asked the Committee how far back they would like to go when considering interviewing former RH residents now in general population. Bonnie said she would not want to go back any more than six months. Deputy Commissioner Fallon stated that if the Committee went further back, they could see what changes have occurred in RH since the Criminal Justice reform legislation has been enacted. Tony said he would be interested in someone in for more than seven days (extended stay). Deputy Commissioner Fallon said that the DOC will send out inmates serving longer RH stays to other restrictive housing units in other facilities because at Souza sometimes does not have room. Judge Hines asked what information the roster will contain other than the inmate's name? Deputy Commissioner Fallon responded that their offense will be included, how long they have been in, issues while serving their sentence, mental health or SMI status, if they are awaiting DDU or a disciplinary hearing and other information. Chair Peck asked in terms of the focus group, does the Commission want to cap the number of inmates? It was decided that ten or less would be a manageable group. When discussing the inmate selection process, Deputy Commissioner Fallon offered to provide a list of names and let Committee members pick out of the names so that the DOC does not choose. Chair Peck said that EOPSS and the DOC will gather names and let the Committee pick on the day of which they want to interview. It was decided that it may be a good idea to pick more than ten names in the event that a few inmates refuse to speak to the Committee, they have some backups to call on. Attorney Tenneriello asked that the six Committee members going on the visit get names the day before. Attorney Tenneriello stated that having the rosters ahead of time would be good and more efficient. Attorney Tenneriello's proposal was to get the roster the day before and on the day of, and select. Chair Peck asked how many inmates the Committee members would like to interview individually. Deputy Commissioner Fallon said that when you go to RH, two officers must be present to take an inmate out of his or her cell. He said the facilities have very little space. Attorney Tenneriello said she does not want to use the non-contact rooms for these interviews. Sean stated that the Committee requires two correctional officers whenever the inmates come out of their cell. Bonnie said a lot of

facilities don't even have attorney visiting rooms. Sean said it is facility specific based on the plan of that facility but prior to the visit the DOC can identify spaces. Deputy Commissioner Fallon said he has congregate tables at some facilities and that Committee members could sit with two or three inmates at those areas but they are not at all facilities and some are quite space limited. Bonnie said we need to identify three spaces at least and determine what is feasible before the visits. Deputy Commissioner Fallon suggested the yard if the weather is fair. Chair Peck asked if there are three or four congregate areas, does that pose confidentiality issues for others who might overhear. Bonnie asked about using unoccupied cells since the population is so low in these units. Deputy Commissioner Fallon said they would find three places within the facilities to speak. Chair Peck asked how many individuals commissioners would like to speak to. Chris said there are time constraints with showers, dentist and medical appointments, eating, etc. He said they hope to get more staff for escorts on those. Sean said as a former auditor, they start with a number and aim for that but it could get bigger depending on what some inmates tell them. Chair Peck asked if five is ok. Brandy responded in saying six with space would work. Attorney Tenneriello responded in saying at least six minimum. Bob asked if it would be six total or twelve over the course of the two days the Committee is visiting one site. Andy said yes, it would be twelve total. It was suggested that the facility hold two focus groups for staff — correctional officers and mental health staff. Deputy Commissioner Fallon said focus groups will not be a problem. Brandy asked if it would make sense to do the interviews during shift change. Deputy Commissioner Fallon said the reality is the DOC needs to hire more overtime for this. Deputy Commissioner Fallon said the other way to do it is to curtail programs which he does not want to do. Bob F. said the members just need to be more flexible with their time and not make it so structured. Attorney Tenneriello asked if when correctional officers have down time the Committee members could speak to them. Kevin F. said the down time varies and Cedar Junction is, for example, very busy. Brandy asked about a staff consent form and Attorney John Melander said a staff consent form does not need to be filled it out.

After reviewing the draft agenda, the agenda amendments included individuals meetings with inmates followed by focus groups. Attorney Tenneriello suggested requesting and reviewing documents after these meetings. Brandy said that we could review documents during lunch, as another option. Attorney Tenneriello said the Commission wants a short meeting with superintendents in the morning, not a complete tour. Sean M. said the roster and general report would be given the day before anyway to Commission members. Attorney Tenneriello asked if it will include SAU and STUs. Deputy Commissioner Fallon asked are we expanding the scope of this oversight committee. Attorney Tenneriello stated that the CJRA—STUs and SAUs were on restrictive housing status. Deputy Commissioner Fallon said SAUs have no restraints and what has been reported about them in the media is incorrect. He said to correct those misconceptions, he could bring them there to see the units in person. Chair Peck said we should send rosters for both and allow commissioners to see the units. Deputy Commissioner Fallon said he would like them to see the SAU at MCI-Concord since they put a lot of good work into it. Attorney Tenneriello said it would be most feasible to regroup post-tour to see what documents they would like to look at apart from the tour. Deputy Commissioner Fallon said when we interview inmates and once they give consent, it is probably right to review these things. For the agenda, EOPSS will add bio/psych etc. reports at the end of the day and after #5, EOPS will add "record review as needed". Attorney Tenneriello asked how we can consistent with the open meeting law and go to Souza-Baranowski or Cedar Junction with a big DDU and we can't divide it by day, how can we figure out a way that makes sense to divide it up. Attorney Tenneriello said they could divide up the units. Attorney Tenneriello said how can we divide prison territory consistent with the open meeting law and Bob F. said if we are under quorum, there is no open meeting law problem just a logistical problem. Bob said we should just do as much as we can with this agenda and have EOPSS staff update the group about how the day before went to let them know so they see something different than the previous group. Sean said for example at Old Colony, the restrictive housing count never goes above 3 or 4. Attorney Tenneriello said if we can't do something on the first day, we can make that a higher priority on the second day. Chair Peck said we can also circle back, regroup, and decide whether or not we want to go back during one of

our regular Committee meetings. Deputy Commissioner Fallon mentioned we are going to learn different things from different facilities. Sean said he has questions from his audit days he can circulate to the group. Bonnie had questions and concerns about the inmate consent form. Bonnie asked about the necessity of consents being signed in advance and what the department is worried about and said having done so many cold interviews, a lot of them would not sign a consent until they meet the person face to face. Bonnie asked if the DOC is nervous that inmates are going to sue. She said that she just wants something to be able to access records but she has never requested consent in advance. Judge Hines said these people have privacy rights and she wants them to express their right to be interviewed. Attorney Tenneriello said she completely agrees and that she misunderstood the process. Deputy Commissioner Fallon said he is going to tell the superintendents to give the residents a heads up and then Commission members can explain. Attorney Tenneriello said that while she understands Commissioners need consent to look at records, there is a process by which DCJIS can authorize release of CORI for limited use and asked if the Commission can do a blanket request to see housing and disciplinary records. For housing and disciplinary records, CORI forms takes more time. Brandy had a question about the consent form's first sentence, and asked that the Commission ensure they make it clear this would be used in a summary format in the report and not refer directly to any particular inmate. Brandy suggested adding a box to be checked off if allowing the Commission to look at records and another box for allowing the Commission to interview. Deputy Commissioner Fallon said his issue with doing that is if an inmate misrepresents his or her status and the Commission cannot see the records to back it up, they cannot verify. Attorney Tenneriello said that would go to how we use what they told us. She said she would hate for those who don't want us going through their medical records not to speak to us at all. Tony R. added that the records are not always accurate as to whether or not treatment was provided. Tony R. said it is optional to give the Commission the records access or not. Judge Hines said the Commission can verify the accuracy of an inmate's statement by looking at the record during meeting. Tony R. said he wants an ethical process and Chris agreed. Brandy said in her experience as a mental health clinician, progress reports and things they oftentimes contain information that persons do not want read by anyone aside from their clinician but would still be willing to talk about their experience in restrictive housing. Attorney Tenneriello asked if the Commission could agree that it would have the flexibility to look at a treatment plan even if they do not agree to look at progress notes or records. Marlene said it is not a one size fits all approach and we need to make a determination on a case-by-case basis. Chair Peck asked about adding the box and Marlene said yes but we can change it during the interview if needed. Judge Hines said we could add a line saying we can extend or restrict the access. Chair Peck said in the interest of time, the group can develop different forms and review them at the next meeting.

4. Site Visit Questions

Brandy said she planned to have the introductory statement come before the consent to establish some kind of rapport. It should be edited to include the discussion about the waiver that was agreed upon. Judge Hines asked if someone could be assigned to put something together to review instead of one by one going through the questions. Attorney Tenneriello asked if since we are only speaking to six people in individual interviews in restrictive housing on each day, is there concern about the length of the questions. Marlene S. asked if we Commissioners need to pick and choose questions or if they must ask them all. It was agreed that we would take out repetitive ones and then review. Deputy Commissioner Fallon said it is important to speak about why they are there and Brandy agreed that could inform their process as well. Chair Peck said Attorney Melander is going to send out the questions and then discuss at the next meeting.

5. Data Collection

Bonnie said that she is concerned the data that is required by CJRA including the public data and a lot of information such as number committing suicide or self harm that has not yet come in. Hollie M. said that

the DOC has a lot of staff working on this and it would be done soon. Deputy Commissioner Fallon said the DOC is trying to get this together but the inmate database was not designed to pull this information but that they are working with coders on trying to figure out ways to get it out for the report. Attorney Tenneriello said she recognizes it is a big task but hopefully once the system is straightened out it will be easier. Chris said some of the first ones might have to be done by hand.

For the impact subcommittee, Marlene S. volunteered to be Chair. When discussing subcommittees, Attorney Tenneriello said they could meet about strategically handling visits and should meet prior to the first visit, sometime soon. The third subcommittee needs to meet prior to the first site visit.

For the online interchange database, Bob F. said he had difficulty gaining access and received an error message about his password.

6. Public Comment

A public member said that the data regarding inmates admitted and discharged within each biannual report is missing data. She stated that the missing inmate data includes inmates discharged within that reporting period, so they are not included and would have longer period of stay. She looked at scenarios to see what a difference it made. She stated the data could have been understated by as much as 20 days. A public member, Cassandra, asked if placement reviews have been conducted and Deputy Commissioner Fallon answered yes. Cassandra asked if it was in the reports. Another public member asked if there was any understanding around why the number of inmates in RH have been dropping so dramatically. Is it a question of definition? He said it struck him and would like to know more. Deputy Commissioner Fallon said the DOC has done a significant job of controlling the population in their facilities and evaluating who needs to truly be in restrictive housing. Reviews are now conducted every morning instead of once a week. A public member, Mary, stated that restrictive housing has financial implications that she would ask that the Committee look further into this. She stated that the ratio of inmates to officers is the lowest in the county. She cited 8.200 inmates and over 3.000 correctional officers. She said MA has a higher density of security than any other state-2.5 inmates to every officer comparing it to the 10 to 1 ratio at the federal level. She always mentioned very high overtime spending. Deputy Commissioner Fallon stated that many things play into that, mentioning that certain new units are more staff intensive. There are lower incidents of murder among inmates in MA. Recidivism at DOC is currently 32% and has gone down significantly. Bob F. said the subcommittee that deals with other states should look at costs. Another public member spoke about her criticisms of the DDU.

A motion to adjourn was made by Deputy Commissioner Fallon. The motion was seconded by Sean Medeiros. The meeting adjourned at 1:20pm.