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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 |

**Restrictive Housing and Oversight Committee**

**When:** February 17, 2022

**Time:** 11:00am – 1:00pm

**Where:** Via Microsoft Teams

*Members Present:*

Chairman Andrew Peck

Attorney Bonnie Tenneriello

Joanne Barros

Dr. Brandy Henry

Attorney Robert Fleischner

Kevin Flanagan

Hollie Matthews

Justice Gerri Hines

Christopher Fallon

Kyle Pelletier

Attorney Tatum Pritchard

*Members Absent:*

Sheriff Tom Bowler

**Call to Order**

Meeting was called to order at 11:02 am, Chair Peck welcomed everyone, attendance was taken, and a quorum was declared.

**January 2022 Meeting Minutes**

Motion was made to accept the meeting minutes by Atty. Fleischner, K. Pelletier seconded the motion, all in favor, the motioned carried.

**Falcon Group Presentation**



**Open Meeting Law Refresher- Suleyken Walker, Esq. (EOPSS)**

Atty. Walker sent a Open meeting law refresher to the committee. The purpose was to respond to the extent of subcommittee work that would need to adhere to the open meeting laws. Justice Hines stated that the groups were not designed as subcommittees as there were a voluntary basis. Therefore, would that insulate the working groups from being subject to the open meeting laws. Atty. Melander stated that from his recollection the working groups were a volunteer basis, and no formal vote was taken from the larger committee. With this being the case, the working groups are not subject to the open meeting laws.

**Subcommittee Updates**

Atty. Fleischner informed the committee that his subcommittee has completed its recommendations and the drafts have been turned over to Atty. Melander for review. H. Matthews reported that the subcommittee will be meeting on March 2nd and will be sending the draft to Atty. Melander. Atty. Tenneriello stated that the subcommittee is mapping out the data received by the counties and does not anticipate a draft being completed until March.

**County CJR & DOC Reporting Update**

Atty. Tenneriello expressed her gratitude to Michael, Chair Peck and the EOPSS staff. The subcommittee has all the data they are going to receive from the counties and have begun reviewing. She expressed disappointment that the MSA staff stood by the notion that 22 hours in cell time is not considered Restrictive Housing.

Dr. Henry stated that due to the lack of ability to receive all the information requested can be reported to the legislature and included in the report.

**Member Comment**

Chair Peck asked the committee if they would like to send a letter to the legislature to provide an update what the committee has done thus far. Justice Hines agrees that Chair Peck can write and send the letter without the vote of the committee.

Michaela provided site visit updates stating that there will be an in-person visit to Norfolk County. Hampden county is currently being worked out and has potential for a hybrid visit.

**Public Comment**

M. Valerio stated that she would like to see data points for the incidents that occur including if the individual was enrolled in positive activities at that facility. Further noting that the Department of Correction’s need to incentivize those who are in facilities to be included in positive activities.

C. Bensahih stated that there is a lack of transparency in the DOC and HOC as the data is difficult to find and often the data has been inaccurate and incomplete. There should be a comprehensive data collection and should be clear and consistent for all facilities.

Adjourn

There was a motion made from Atty. Fleischner, seconded by Atty. Pritchard, all adjourned by 12:45.