|  |  |  |
| --- | --- | --- |
| 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/eops](http://www.mass.gov/eops) | **TERRENCE M. REIDY**  Secretary |

**RESTRICTIVE HOUSING OVERSIGHT COMMITTEE**

**Date**: November 18, 2021

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

**Place**: Virtual (Microsoft Teams meeting)

**Call to Order**

Chairman Peck called the meeting to order at 11:03AM once a quorum had been established. Roll call was taken.

*Members Present:*

Undersecretary Andrew Peck, Chair

Joanne Barros

Hollie Matthews

Justice Gerri Hines

Bonnie Tenneriello, Esq.

Tatum Pritchard, Esq.

Kyle Pelletier

Kevin Flanagan

*Members Absent:*

Chris Fallon

Sheriff Bowler

Bob Fleischner, Esq.

Dr. Brandy Henry

**October 21, 2021 Meeting Minutes Review/Vote**

Attorney Pritchard noted that her last name was spelled incorrectly on the prior meeting minutes. With the corrected spelling, she moved to adopt the minutes. Hollie Matthews seconded the motion. All voted in favor and the minutes passed unanimously.

**Subcommittee Updates**

Attorney Tenneriello stated that her group is drafting their section of the report and Attorney Bob Fleischner is also taking on a small piece of that as well. With respect to drafting, the subcommittee is lacking some data from the counties which she will touch on later. Hollie Matthews stated that her group has been meeting to pull together a presentation to present to the full Committee in the next month or two.

**County Visits**

Attorney Tenneriello noted that we need data from the site visits at counties to pull together the report and should continue to make the effort to go to all the counties at least once. Michaela noted that Berkshire, Hampden, and Norfolk visits still need to be scheduled. On whether virtual or in-person visits would be best, Bonnie noted that there is no value to going in person when visits are held virtually based on her experience.

On the Conditions subcommittee, Bonnie noted that Suffolk had never responded to the initial inquiry and asked that Chairman Peck reach out to Suffolk in attempt to get some data from them.

**County and DOC Data Reporting**

Bonnie said that we have been attempting to have the counties comply with the reporting that the CJRA requires for their annual data. She explained that we have reminded them of their responsibility in September 2020 via letter and met with the MSA in March 2021 with more meetings in September and there continues to be no data. She said the report will be meaningless unless we can get this data. About half of the counties are saying 22-hour cell confinement is not RH because the wording of the CJRA says that over 22 hours is RH. Bonnie explained that the legislature meant that if you are in a cell for 22 hours, that is RH. But some of the counties have taken a semantic approach to this. She said semantically they are right although it is not the intent of the statute. When they are doing their quarterly data, they need to count people in 22 hours even if they do not capture or count them in their own system at being on restrictive housing status. She went on to say that at this point, the Committee needs to write to the Chairs of the Judiciary Committee to alert them of the counties’ non-compliance. With respect to DOC, her understanding is that the 2020 data is about to be produced. She said that the counties should produce their reporting within 6 months of the end of the calendar year and that the DOC should produce their reporting before the end of the following quarter. Justice Hines made a motion to send a letter to this effect to the Chairs of the Judiciary Committee. Chairman Peck said the 2020 DOC data is complete and is under final review. Attorney Pritchard said the Judiciary has an interest in knowing when government agencies are flouting legal requirements and it is our place to send a letter.

A roll call vote was taken on Justice Hines’ earlier motion.

*Yes*:

Bonnie Tenneriello, Esq.

Kevin Flanagan

Joanne Barros

Hollie Matthews

Kyle Pelletier

Tatum Pritchard

*No*:

Chairman Andrew Peck

The motion carried and was approved. Chairman Peck asked Bonnie to draft a letter to be voted on at the next meeting.

**Falcon Implementation Update**

Kyle Pelletier stated that Falcon is coming up with a clear implementation strategy in the next couple months and they are working currently on gathering information from DOC on what would work for alternatives to restrictive housing with meaningful out-of-cell time.

**Public Comment**

Mary Valerio stated that she has been attending the Correctional Funding meetings and they are also running into issues with facilities not releasing data. She said that the county and DOC do not want to release data they have gathered to members of the committee let alone the public. She stated that public has a right to this information.

Cassandra Bensahih stated that she continues to be positive about the progress made on the Commission and thanked the members.

**Adjourn**

There was a motion to adjourn by Hollie Matthews. This was seconded by Tatum Prichard. The meeting adjourned at 11:49AM.