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

**RESTRICTIVE HOUSING OVERSIGHT COMMITTEE MEETING**

Date: October 21, 2021

Time: 11:00AM-1:00PM

Place: Microsoft Teams (Virtual Meeting)

**Call to Order**

Chairman Peck called the meeting called to order at 11:04AM once a quorum of members had been established.

*Members Present:*

Undersecretary Andrew Peck (Chair)

Dr. Brandy Henry

Chris Fallon

Bob Fleischner, Esq.

Hollie Mathews

Justice Gerri Hines

Joanne Barros

Tatum Prichard, Esq.

*Members Absent:*

Kevin Flanagan

Sheriff Tom Bowler

Bonnie Tenneriello, Esq.

**September 2021 Meeting Minutes**

Attorney Fleischner proposed an amendment to page 4 in the second full paragraph: Add the words "England and" before Wales as it appears twice in that paragraph. He also proposed that on page 5, in the fourth paragraph, the second sentence beginning with the words "He noted...", should be replaced with “He noted that those definitions usually include major thought disorders and serious depressive disorders and personality disorders when the personality disorder is accompanied by a functional impairment.”

Dr. Henry also proposed an amendment to a sentence on page 2, paragraph 2, line 4 replacing the word “litigation” with “legislation”.

Chris Fallon made a motion to accept the minutes as amended and was seconded by Attorney Fleischner. The motion passed unanimously, and the September 2021 minutes were approved.

**Lived Experience Input: Dennis Everett, Jurrell Laronal, and Romilda Pereira**

Chairman Peck welcomed the three non-voting members that will be joining all future monthly Committee meetings that have lived experience of incarceration. The members introduced themselves.

**Falcon Implementation Update**

Chris Fallon explained that during his time at the DOC and until recently, a “bail list” had existed. He explained that before weekends, DOC staff would prepare a list of individuals they could safely remove from RH if there was an incident which necessitated committing other inmates to RH. He explained that since the RH numbers are so consistently low, the DOC does not have a list any longer. He stated that Commissioner Mici is working with Superintendents to eliminate RH as a status to the extent possible.

He noted some current RH counts at individual facilities including:

Concord: 64 bed capacity/23 individuals currently in restrictive housing on October 21, 2021

Gardner: 23/7

Norfolk: 99/30

Old Colony: 39/17 (He clarified that eleven of these individuals had been in RH for less than three days and were involved with a series of incidents that happened that week.)

Souza-Baranowski: 116/37

Shirley: 76/11

He further stated that Commissioner Mici is working to make out of cell time more meaningful. He noted that at the Treatment Center, no one is in restrictive housing. The out of cell time there is 2.5 hrs/day seven days a week. He noted that while the Treatment Center has effectively eliminated the status, they are still doing all the reviews required even though they are not meeting the statutory definition of RH.

Chris further noted that the DOC has provided tablets and radios where possible. He said that with respect to Falcon in the future, that there will be a lot of focus groups with advocates, legislators, staff etc. to work on individual issues when implementing these changes that came out of the Report.

Dennis Everett stated that we need to hold ourselves accountable when addressing these issues and implementing the proposed recommendations. He touched on his experience in prison and gave context around some of the trauma these inmates are experiencing and reasons behind why there might be perceived behavioral issues such as refusing to leave their cell voluntarily and choosing to go the route that would require extraction. He stated that with respect to infrastructure, there is no way of looking around it and that the constructs that exist now were tied to a different goal. Chris responded they are attempting to not use force as much as possible. He spoke about an incident in the law library that had to be deescalated for 4 hours but those who wanted to go into the law library couldn’t go in there to illustrate that there are consequences to both sides. Romilda agreed and said that with the law library, she personally would be upset as another inmate wanting to use the library. She acknowledged it is always multi-consequential.

There was further discussion about sub-culture within prisons and the peer pressure behind some incidents and how we need to recognize that when addressing these complex issues.

**Public Comment**

Mary Valerio commented that Massachusetts is one of the states that does not have legislation around offering standard good time credits for good behavior. She noted that a majority of states have legislation that offers a set amount of good time (often 7 or 10 days/month) for not incurring any disciplinary reports and she would like to see this implemented in Massachusetts.

**Adjourn**

There was a motion to adjourn by Chris Fallon. It was seconded by Hollie Matthews. The meeting adjourned at 12:07PM.