

HOUSE No. 1746

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a commission to review substance use in correctional facilities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|-----------------------|------------------|
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>1/17/2019</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>1/31/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/31/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/31/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/31/2019</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/1/2019</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>2/1/2019</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>2/1/2019</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>2/1/2019</i> |

HOUSE No. 1746

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1746) of James J. O'Day and others relative to establishing a rehabilitation oversight committee to review substance use in correctional facilities. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing a commission to review substance use in correctional facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 127 of the General Laws is hereby amended by inserting after
2 section 17D, inserted by section 78 of chapter 208 of the Acts of 2018, the following section:-

3 Section 17E (a) The Massachusetts Rehabilitation Oversight Committee (M-ROC) shall
4 be convened to gather information regarding substance use and treatment in Massachusetts
5 correctional institutions, jails and houses of correction, to track substance use trends and monitor
6 treatment and recovery services including continuation of care efforts and re-entry programs and
7 to determine the impact of substance use as it relates to health, rehabilitation, discipline,
8 overdoses, and drug contraband involving prisoners, visitors, or staff.

9 (b) The oversight committee shall consist of eight members: 1 member from corrections
10 appointed by the Department of Correction, 1 sheriff appointed by the sheriff's association, 1
11 prisoner appointed by the Legal Advisory Committee (LAC) at MCI-Norfolk, 1 staff member
12 from the Bureau of Substance Addiction Services (BSAS) appointed by its director, 1 staff

13 member from the Massachusetts Organization for Addiction Recovery (MOAR) appointed by its
14 director, 1 staff member from Prisoners' Legal Services (PLS) appointed by its director, 1 staff
15 member from the Massachusetts Association for Mental Health appointed by its director and 1
16 licensed clinician appointed by the Massachusetts Association of Alcoholism and Drug Abuse
17 Counselors (MAADAC).

18 (c) The members of the oversight committee shall be provided full and unfettered access
19 to all Massachusetts state prisons and houses of corrections, and shall be allowed to interview
20 prison staff and prisoners, both individually and collectively through the various prisoner-led
21 organizations.

22 (d) The oversight committee shall gather information regarding:(i) Substance use trends
23 and treatment, programmatic and rehabilitation needs of offenders; (ii) Effectiveness of
24 treatment efforts including but not limited to continuation of care and re-entry programming; (iii)
25 Gaps in treatment services; (iv) Level of offender participation and success;(v) Disciplinary
26 procedures related to substance use; (vi) Overdoses; (vii) Contraband; and (viii) Other relevant
27 information as identified by the oversight committee.

28 (e) The Department of Correction and all County Sheriffs Departments will provide the
29 oversight committee quarterly data and statistical reports including but not limited to the
30 following for each state prison, correctional institution, jail, and house of correction, covering the
31 entire quarterly period: (i) The number and racial composition of prisoners with a history of
32 Substance Use Disorder (SUD); (ii) The average waiting time before a prisoner undergoes a
33 clinical assessment to diagnose and determine a treatment plan for a SUD following self-
34 identification and/or entry into a prison or house of correction; (iii) The number and racial

35 composition of prisoners receiving SUD treatment; (iv) The number and racial composition of
36 prisoners being treated with medication only for SUD; (v) The number and racial composition of
37 prisoners who requested SUD treatment and were placed on a waiting list prior to receiving
38 treatment; (vi) The average wait time prisoners experience before receiving treatment services;
39 (vii) The number and racial composition of prisoners denied SUD treatment after notifying the
40 prison and/or house of correction staff of their need for services; (viii) The number of prisoners
41 being treated for SUD and other co-occurring mental health disorder(s), broken down by the type
42 of treatment being provided and the type of treatment provider (i.e. qualified addiction specialist,
43 licensed social worker, volunteer program, program contractor); (ix) The number of prisoners
44 with SUD diagnosed with each enumerated co-occurring mental health disorder; (x) The
45 educational and specific training requirements for staff assigned to work with prisoners in SUD
46 programs including: (1) The number of licensed clinicians employed in each program; (2) Staff
47 to prisoner ratio; and (3) The treatment modalities used (xi) Search results of inmates, staff and
48 visitors including (1) Frequency of scheduled and random inmate searches and results as entered
49 into the IMS database; (2) Searches of staff members and visitors including search of the day
50 results, etc. as documented in the IMS database; (3) Staff search reports reported by the Office
51 of Investigative Services and/or the Office of Internal Affairs

52 (f) The oversight committee shall meet at least quarterly and shall publish a report
53 compiling information gathered through parts (c), (d), and (e) of this section annually, with the
54 first report being published within one year of the passage of this Act. The oversight committee
55 shall make said report publicly available and shall deliver copies of said report to all relevant
56 legislative committees.

57 (g) The report of the Rehabilitative Oversight Committee shall offer recommendations
58 concerning the impact of substance use as it relates to health, rehabilitation, discipline,
59 overdoses, and drug contraband. The recommendations shall include, but are not limited to: (i)
60 Recommendations regarding modifications, additions, and elimination of offender treatment and
61 programming; (ii) Recommendations regarding how the department and each sheriff can ensure
62 that prisoners experience continuity in treatment and programming; (iii) Recommendations
63 regarding how the department and each sheriff can deliver more meaningful treatment and
64 programming; (iv) Recommendations regarding alternatives to disciplining prisoners for
65 infractions stemming from substance use disorders; and (v) Recommendations regarding existing
66 policies that seek to limit the introduction of contraband, including but not limited to visitation
67 restrictions, and whether such policies are effective at reducing substance use.