

**HOUSE . . . . . No. 2509**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***James J. O'Day***

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*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>2/19/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/18/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/13/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>5/26/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>6/23/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>12/2/2021</i>

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By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 2509) of James J. O'Day, Tami L. Gouveia and Sean Garballey relative to establishing a rehabilitation oversight committee to review substance use in correctional facilities. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

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, as inserted by Section 78 of Chapter 208 of the Acts of 2018, the following  
3 section:-

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

10           (b) The oversight committee shall consist of eight members: 1 member from corrections  
11 appointed by the Department of Correction, 1 sheriff appointed by the sheriff's association, 1

12 prisoner appointed by the Legal Advisory Committee (LAC) at MCI-Norfolk, 1 staff member  
13 from the Bureau of Substance Addiction Services (BSAS) appointed by its director, 1 staff  
14 member from the Massachusetts Organization for Addiction Recovery (MOAR) appointed by its  
15 director, 1 staff member from Prisoners' Legal Services (PLS) appointed by its director, 1 staff  
16 member from the Massachusetts Association for Mental Health appointed by its director and 1  
17 licensed clinician appointed by the Massachusetts Association of Alcoholism and Drug Abuse  
18 Counselors (MAADAC).

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

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

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

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

53 (f) The oversight committee shall meet at least quarterly and shall publish a report  
54 compiling information gathered through parts (c), (d), and (e) of this section annually, with the  
55 first report being published within one year of the passage of this Act. The oversight committee

56 shall make said report publicly available and shall deliver copies of said report to all relevant  
57 legislative committees.

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