

SENATE No. 1533

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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:

Patricia D. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

SENATE No. 1533

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1533) of Patricia D. Jehlen for legislation to establishing a commission to review substance use in correctional facilities. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1598 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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 Chapter 127 of the General Laws is hereby amended by inserting after Section 17D, as
2 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.

(b) The oversight committee shall consist of eight members: 1 member from corrections appointed by the Department of Correction, 1 sheriff appointed by the sheriff's association, 1 prisoner appointed by the Legal Advisory Committee (LAC) at MCI-Norfolk, 1 staff member from the Bureau of Substance Addiction Services (BSAS) appointed by its director, 1 staff member from the Massachusetts Organization for Addiction Recovery (MOAR) appointed by its director, 1 staff member from Prisoners' Legal Services (PLS) appointed by its director, 1 staff member from the Massachusetts Association for Mental Health appointed by its director and 1 licensed clinician appointed by the Massachusetts Association of Alcoholism and Drug Abuse Counselors (MAADAC).

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

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

(e) The Department of Correction and all County Sheriffs Departments will provide the oversight committee quarterly data and statistical reports including but not limited to the following for each state prison, correctional institution, jail, and house of correction, covering the

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

(f) The oversight committee shall meet at least quarterly and shall publish a report compiling information gathered through parts (c), (d), and (e) of this section annually, with the

first report being published within one year of the passage of this Act. The oversight committee shall make said report publicly available and shall deliver copies of said report to all relevant legislative committees.

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