

HOUSE No. 2509

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>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>

HOUSE No. 2509

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.

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.