

**An Act Creating
an Independent
Correctional Oversight
Office to Facilitate the
Recommendations of
the Special Legislative
Commission on
Structural Racism in
Correctional Facilities
of the Commonwealth**



S.1725 Sen. Liz Miranda

**H.2636 Reps. Russell Holmes &
Erika Uytterhoeven**

**In this country and state, structural
racism is inescapable in carceral
institutions.**

These systems continually perpetuate harm against Black and Brown incarcerated people with impunity, hidden by the lack of available data and systemic non-compliance. This bill will establish an independent oversight office within the Office of the Inspector General to oversee and investigate these issues and empower it to enforce the reforms it deems necessary.

**WHY
This Bill is Needed**

In response to George Floyd's murder and subsequent calls for racial justice, the Massachusetts legislature initiated a number of police reform initiatives, including the creation of twelve Commissions -- eight temporary Special Legislative Commissions and four permanent statewide Statutory Commissions. A key component of these efforts was the formation of the Special Legislative Commission on Structural Racism in Correctional Facilities in the Commonwealth. This bill was created based on the Commission's determination that structural racism is deeply entrenched within Massachusetts corrections, resulting in significant disparities in the treatment and outcomes of Black, Indigenous, and People of Color (BIPOC) staff and prisoners.

WHY ...continued

A major concern identified is the lack of mandated collection and analysis of substantive racial data in Massachusetts prisons and jails – a problem mirrored across the nation. While systemic racism permeates every stage of the criminal justice system, from policing and arrests to prosecution and sentencing, the prisons and jails that disproportionately house BIPOC prisoners remain some of the most egregious examples of institutional racism. These facilities often lack transparency and accountability, further exacerbating racial inequities.

Currently, the Massachusetts Department of Correction (DOC) collects race-related data in only three categories: population trends, crime trends, and solitary confinement. This limited scope fails to address the full extent of racial disparities within correctional facilities. Efforts by the Racial Equity in Corrections Initiative (REICI) and related projects at Prisoners' Legal Services (PLS) have repeatedly sought detailed racial data through public records requests, only to encounter consistent refusals from the DOC, which claims it does not aggregate race data.

To confront systemic racism within the corrections system, the DOC's lack of transparency and accountability must end. Establishing independent correctional oversight is essential to eliminating these injustices and ensuring the implementation of equitable reforms.

IMPACT



Establish an anti-racism division of the office of inspector general called the Inclusion, Diversity, Anti-Racism, and Equity Unit (IDAREU):

The anti-racism corrections inspector general will head this office and shall be appointed by the attorney general, the state auditor and the chair of the Black and Latino caucus and confirmed by a majority vote of the community council for a term of five years.

IMPACT

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Create a Community Council with nomination authority, composed of impacted families and formerly incarcerated people, that offers compensation to members:

The nine members will include the attorney general or a designee, the state auditor or a designee, an attorney designee of Prisoners' Legal Services of Massachusetts, one member shall be appointed by the speaker of the house of representatives, one member shall be appointed by the president of the senate, one member shall be appointed by the judiciary committee, one member shall be appointed by the women's committee and two members shall be appointed by the Black and Latino caucus. Additionally, the council may designate five additional members to expand its expertise.

At least one member of the council shall be an immediate family member of an incarcerated person serving in a department correctional facility at the time of their appointment; at least one additional member shall be an immediate family member of an incarcerated person who served in a county correctional facility within the last five years at the time of their appointment; at least one additional member shall be a formerly incarcerated person who served in a department correctional facility within the last five years at the time of their appointment; at least one additional member shall be a formerly incarcerated person who served in a county correctional facility within the last five years at the time of their appointment.

The council will be a vital aspect of IDAREU and ensure that power resides in the hands of community members directly impacted by issues of racism within the DOC.



Assure accountability, transparency and compliance with anti-racism standards as established by IDAREU:

IDAREU may investigate any aspect of the day-to-day operations or conditions of corrections, review related legislation, and examine all corrections records to establish a statewide uniform racial data collection system. The data collected shall be disaggregated by age, race, ethnicity, language, sex, gender identity, and sexual orientation.

IMPACT

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Any necessary resources for these investigations, including access to incarcerated people and the power to enter any place where prisoners are kept, may be utilized without molestation from corrections.

Investigate all grievances and complaints alleging disparate treatment or impact of BIPOC correctional community members independently without regard for department and county processes or findings.

Provide a system of response for a statewide toll-free telephone number, a collect telephone number, a website, and a mailing address for the receipt of grievances, complaints and inquiries relating to structural racism in corrections.



Empower IDAREU to:

Impose fines, demote correctional administrators and staff, or otherwise limit correctional staff interactions with incarcerated persons and their property until such time deemed necessary.

Recommend and facilitate the implementation of minimum statewide anti-racism standards for correctional operations.

Ensure compliance with relevant statutes, rules, regulations, and policies concerning corrections facilities, services, and treatment of incarcerated persons.

Disclose info to public without the need for a public records request: IDAREU has the right to access, inspect, and copy any information, records, documents, video or audio recordings in the control of corrections without restriction. Corrections must provide any requested materials within 20 days or 5 days if the material pertains to an incarcerated person's death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the denial of necessary medical treatment. The results of these investigations are to be published in reports available to the public and lawmakers, evaluating systemic problems and recommending solutions.

Prohibit retaliation for reporting: Any person who has authority over incarcerated persons or correctional employees shall not take any action against them because they disclosed information, alleged wrongdoing, or testified pursuant to the office.