



# Independent Correctional Oversight to Address Structural Racism

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## DESCRIPTION

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 correctional oversight office within the Office of the Inspector General to oversee and investigate these issues and empower it to enforce needed reform.

## WHY THIS MATTERS

In the wake of George Floyd's murder, the Massachusetts legislature responded by proposing a number of police reform initiatives, including mandating twelve Commissions -- eight temporary Special Legislative Commissions and four permanent statewide Statutory Commissions. This bill was created based on the recommendations of the Special Legislative Commission on Structural Racism in Correctional Facilities in the Commonwealth which found that structural racism exists within Massachusetts Corrections resulting in disparate treatment and impact of Black, Indigenous, and People of Color (BIPOC). An extension of this is the lack of mandate to collect substantive racial data in prisons and jails in Massachusetts (or any state in the nation).

Like the whole of American society, systemic racism pervades every stage of the criminal justice system. Mass incarceration and the racial inequities experienced amongst BIPOC populations are well-documented. However, much of the available data regarding this issue focuses on front end issues like policing, arrests, prosecutorial decisions, sentencing and re-entry. Meanwhile, the jails and prisons that house BIPOC defendants at the end of the criminal justice process are perhaps some of the most archaic and damaging examples of institutional racism.

Presently, the Massachusetts Department of Correction (DOC) aggregates race data in just three areas - 1) population trends; 2) crime trends; and 3) solitary confinement. Over the past two years, REICI and various PLS projects (Medical Parole and Brutality) have submitted over fifty inquiries requesting substantive race data in MA prisons via public records requests and each time the DOC has responded in the negative, maintaining that it does not "aggregate race data." To meaningfully address the racism endemic to the system, the DOC's impunity must end, and its actions must be overseen by an independent office committed to the elimination of these injustices.




## IMPACT

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 will:

- **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.

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

- The ten members will include the attorney general or a designee, the state auditor or a designee, a designee of Prisoners' Legal Services of Massachusetts, two members appointed by of the speaker of the house of representatives, two members appointed by the president of the senate, and three members appointed by the Black and Latino Caucus. At least four council members must be impacted family members and formerly incarcerated people and at least five must be directly impacted by structural racism. 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. 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.



# Independent Oversight to Address Structural Racism

- **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, or 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.

## CONTACT

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