SENATE DOCKET, NO. 1706 FILED ON: 1/18/2013

SENATE . . . . . No. 742

The Commonwealth of Massachusetts

PRESENTED BY:

***Robert L. Hedlund*, (BY REQUEST)**

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 citizen's commission for the oversight of courts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
South Shore NOW Mass.	*South Shore NOW Mass. P.O. Box 86 Accord, MA 02018*

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SENATE . . . . . No. 742

By Mr. Hedlund (by request), a petition (accompanied by bill, Senate, No. 742) of South Shore NOW Mass. for legislation to establish a citizen's commission for the oversight of courts. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing a citizen's commission for the oversight of courts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general law or regulation to the contrary, including any court division's specialized procedure, and to augment any citizen scrutiny of criminal justice procedure now in place or presently under consideration for placement, there is hereby established per urgency of public safety, a Citizens' Advisory Committee and Citizens' Court Oversight Commission. Said Commission shall be separate and apart from any commission established for the review of criminal /political accountability within the criminal probation system, and shall be advised by a Citizens' Advisory Committee to be established.

SECTION 2. This Commission shall be responsible for the intake, management and investigation of the state's citizens' complaints about the district courts and probate and family court entities, including complaints on the judiciary, bar members, social and mental health professionals, court employees and non-employee providers of services to litigants, previously reserved exclusively for licensure and other oversight bodies including unions, which panels hereforward in the Commonwealth of Massachusetts shall not be permitted to conduct complaint investigation or render decision without ultimate Citizen Commission oversight.

SECTION 3. This Oversight Commission is neither affiliated with nor is answerable to, the Commission on Judicial Conduct, Board of Bar Overseers, or any state Agency, Ethics Commission, Public Safety entity or Child Protection office now in existence, all of which immediately become subordinate to this Commission, and all of which procedures will be

21 scrutinized for duplication of effort and funding to be detailed by the Commission. This
22 Commission may communicate with all said offices and shall be considered a direct arm of the
23 Governor in that regard such that communication with it or any individual member or staff
24 person shall not be withheld or delayed without swift, meaningful and strictly enforced
25 consequence.

26 SECTION 4. The purpose of the Commission's oversight will focus on, but not be
27 limited to, eliminating discrimination and oppression in our systems and services, and ensuring
28 the utilization of evidence-based justice methods system-wide, with an overarching goal of
29 maximizing the safety and security of children and their mothers.

30 SECTION 5. The Commission shall have power to oversee policies, culture, and
31 structure of the family and district courts.

32 In order to facilitate and accomplish these goals, this Commission shall have enforcement
33 power as well as disciplinary authority.

34 The Commission shall have the additional purpose of providing clear and detailed written
35 policies and standards on how judicial and other officers of the court are expected to respond to
36 domestic and sexual violence against children and women, as well as consequences for failure.

37 The Commission shall review and establish discipline and is imbued with power to
38 recommend release of actors who fail to perform according to its accepted policies and
39 procedures.

40 The Commission shall have all investigatory powers, including ability to initiate any
41 scrutiny on its own initiative. While focus shall be on children and women's safety, policy
42 powers above shall include all court policy, structure, culture, etc., including that related to
43 financial and procurement complaints, and "own initiative" scrutiny shall not be limited to
44 investigations prompted by cumulative complaints.

45 The Commission shall have powers of review, with an eye to uniformity of procedure,
46 not to exclude review of how court funds are applied for, awarded, distributed and reported, and
47 how procurement of provisions and equipment, etc. operates for the benefit of consumers of
48 court services in the Commonwealth, with focus on what is fair for those disenfranchised by
49 domestic violence and abuse. This Commission shall have all powers of subpoena without
50 limitation.

51 SECTION 6. The Commission shall provide clear information on how the police,
52 prosecutors, social workers, judges and gals/mediators/and particularly the probation
53 departments of the Probate and Family court services and service providers have historically
54 failed mothers protecting children. These failures shall be listed in detail on informational
55 brochures to be distributed to citizens involved with the court system. Said material will

56 describe the Civilian Commission so that citizens are made aware of its purpose, policies, and
57 procedures, and also that it has been formed to address court failures and that it encourages the
58 public to come forward without fear of retaliation.

59 SECTION 7. Said commission shall consist of 9 members who shall be appointed by the
60 Commission's Advisory Committee and who shall serve with stipend. Each member shall have
61 the demonstrated experience and knowledge necessary to support the goals of the commission:
62 none of whom shall be or shall have been, lawyers, judges, state agency personnel, law
63 enforcement personnel, mental health professionals, "court appointeds" or court employees, or
64 have any relationship with or to the above that would serve to compromise objectivity, and none
65 of whom shall have any relationship with or to the Probate and Family Court Probation
66 Department; all of whom shall have been trained or will undergo minimum 30-hour training,
67 meant to be ongoing, to recognize the dynamics of domestic violence at least two of whom shall
68 have demonstrated experience in management (one of those two in finance) and two of whom
69 shall have significant expertise in investigatory technique and protocol, at least one of those two
70 shall have experience with, and in the procurement of, cybertechnology, at least one member
71 shall be expert in facilitation of representative voices of victims, and at least one of whom shall
72 have expertise on the issue of quasi and total judicial immunity; most of whom shall be mothers,
73 and all of whom shall comprise a Commission representative by sex of the abuse victim statistics
74 in this Commonwealth of Massachusetts. The members of the council shall serve staggered,
75 three year terms. Upon the expiration of the term of any member, the member's successor shall
76 be appointed for a term of three years. Any vacancy shall be filled for the balance of the
77 unexpired term. Any member shall be eligible for reappointment.

78 SECTION 8. The Commission's reports and decisions shall be filed with the
79 Commonwealth and be at all times visible to the public. Additionally, the Commission shall, in
80 its discretion, provide appropriate sunshine on the complaints it receives, upon a to-be-
81 established procedure of formal request. Because abuse complaints can direct certain
82 confidentiality, the Commission may employ discretionary production of such requests, but no
83 complaint submission shall be unreasonably withheld from good faith request for information.

84 Said commission shall annually provide a report to be filed with the clerks of the house
85 and senate, the house and senate chairs of the joint committee on the judiciary, and the house and
86 senate chairs of the joint committee on public safety and homeland security. The public shall
87 have complete access to these reports.