HOUSE DOCKET, NO. 1769 FILED ON: 1/19/2017

HOUSE . . . . . No. 3586

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan and Christine P. Barber

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 relative to justice-involved women.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/19/2017*
Brian M. Ashe	*2nd Hampden*	*3/28/2017*
Ruth B. Balser	*12th Middlesex*	*3/27/2017*
Jennifer E. Benson	*37th Middlesex*	*4/3/2017*
William N. Brownsberger	*Second Suffolk and Middlesex*	*3/31/2017*
Mike Connolly	*26th Middlesex*	*3/29/2017*
Julian Cyr	*Cape and Islands*	*3/28/2017*
Michelle M. DuBois	*10th Plymouth*	*1/31/2017*
Carolyn C. Dykema	*8th Middlesex*	*3/30/2017*
James B. Eldridge	*Middlesex and Worcester*	*3/30/2017*
Carole A. Fiola	*6th Bristol*	*3/31/2017*
Sean Garballey	*23rd Middlesex*	*4/3/2017*
Solomon Goldstein-Rose	*3rd Hampshire*	*3/28/2017*
Natalie Higgins	*4th Worcester*	*3/27/2017*
Patricia D. Jehlen	*Second Middlesex*	*3/30/2017*
Jay R. Kaufman	*15th Middlesex*	*4/3/2017*
Mary S. Keefe	*15th Worcester*	*3/29/2017*
Peter V. Kocot	*1st Hampshire*	*3/30/2017*

Jay D. Livingstone	*8th Suffolk*	*3/30/2017*
Juana B. Matias	*16th Essex*	*3/30/2017*
Denise Provost	*27th Middlesex*	*3/28/2017*
Steven Ultrino	*33rd Middlesex*	*4/3/2017*

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HOUSE . . . . . No. 3586

By Representatives Khan of Newton and Barber of Somerville, a petition (accompanied by bill, House, No. 3586) of Kay Khan and others relative to re-entry and rehabilitation programs for incarcerated women. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to justice-involved women.

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. The general court finds and declares that:

(a) As a rapidly growing incarcerated population in Massachusetts, an estimated 85 per cent of women offenders commit nonviolent crimes;

(b) Seventy-five percent of incarcerated women are mothers, most are single parents, and 66 per cent had custody of their children prior to arrest;

(c) Women offenders are known to have more diagnosed mental health concerns and longer histories of substance abuse;

(d) Therefore, it is in the public interest of the commonwealth to promote the prosperity and general welfare of its citizens to use the best available data to offer trauma-informed and gender-specific approaches to diversion, programming, and re-entry and rehabilitation programs for incarcerated women.

SECTION 2. Section 1 of chapter 124 of the General Laws, as appearing in the 2014 Official Edition is hereby amended by adding the following 4 clauses:

(v) collaborate with necessary agencies to collect aggregate data on descriptive variables of inmates including, but not limited to, gender, number of dependents, race and ethnicity, age, education level completed, employment, mental health diagnoses, substance abuse history, prescribed medications, and geographic origin.

(w) shall review recording procedures for all visitors to state and county correctional facilities, ensuring comprehensive information is being collected including, but not limited to, visitor's relationship to inmate, age, distance travelled, whether the visit is facilitated by the department of children and families.

(x) shall supplement the current intake process and practices with additional data collected for newly incarcerated women, including information regarding number of children, other available caretakers, status of children during mother's incarceration, reproductive health needs and knowledge.

(y) in conjunction with other department representatives involved in classification, programming and program assignments shall consider results of needs assessment for each inmate in assigning programming that will provide rehabilitative benefits to inmate.

SECTION 3. Chapter 124 of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 6A. (a) The commissioner shall submit an annual report no later than December 31st of all aggregate data collected pursuant to clauses (v) to (y), inclusive, of section 1 to the

house and senate clerks, the joint committee on the judiciary, and the Women's Caucus Task Force on Justice-Involved Women, and including number of children entering the department of children and families because of incarceration of parents, average distance traveled to a correctional facility by visitors, and an analysis of apparent geographic and other barriers to visitation.

(b) This report shall also include an overview of the curriculum for reproductive health education programs, overview of reproductive health services provided to incarcerated women, number of participants in the program, and an analysis of reproductive health needs of incarcerated women.

(c) All aggregate data shall be made publicly available on the website.

SECTION 4. Said chapter 124 is hereby further amended by adding the following 2 sections:-

Section 11. (a) The commissioner shall evaluate the program delivery system for existing programming for parenting skills and related training for incarcerated women and the effectiveness of these programs. The commissioner shall develop programs with a focus on family preservation and reunification where they are lacking.

(b) The commissioner shall collect data related to program participation, successful completion based on goal setting, and level of inmate interest in gender-specific programs.

(c) All aggregate data generated pursuant to this section shall be made publicly available on the website.

Section 12. The superintendent of a state correctional facility and the administrator of a county correctional facility, as those terms are defined in chapter 125, shall coordinate with the department of children and families to:

(i) offer expanded visitation options for extended and enhanced visits, including but not limited to: day camp for children, outdoor play activities for children's visits to MCI Framingham and South Middlesex Correctional Center;

(ii) investigate and report on alternative funding streams for the improvement and expansion of visiting rooms; and

(iii) Identify innovative funding streams, including public-private partnerships with ride sharing companies including, but not limited to, transportation network services, as defined in chapter 159A½ , to offer transportation, such as bus, train or taxi for visiting family members and their children, and establish an equitable system to offer vouchers to visitors.

SECTION 5. Chapter 125 of the General Laws is hereby amended by adding the following section:-

Section 22. (a) The commissioner and the administrator shall develop a comprehensive discharge plan for every offender to include, but not be limited to:

(i) identifying the individuals and organizations that can help inmates address the challenges in their lives;

(ii) work release program participation;

(iii) employment readiness training;

(iv) financial education;

(v) family reintegration programming; and

(vi) programs addressing healthy relationships, domestic violence prevention, family conflict, anti-social peers and anti-social attitudes.

(b) Every inmate who is within 6 months of their release from a correctional facility shall be reviewed by the administrator or superintendent to identify their concerns and needs for re-entry including, but not limited to: housing, MassHealth, treatment programs and employment assistance.

(c) Every inmate shall be assigned a case manager by the department. The case manager shall assist and offer guidance to reunify women with children, and establish housing, employment, child care, and treatment services for mental health and substance abuse issues.

(d) The department shall provide case managers who shall be available post-release, shall connect discharged women to detoxification and rehabilitation centers previously used.

(e) The department shall establish and make available a hotline central information phone line with information regarding housing, shelter, transitional assistance, detox, rehabilitation, medical assistance, additional urgent services.

(f) Correctional facilities shall develop opportunities for inmates to volunteer in return for a stipend, and offer case management to build resume and application skills.

SECTION 6. Section 20B of chapter 127, as appearing in the 2014 Official Edition, of the General Laws is hereby amended by inserting after the word “sitting”, in line 9, the following words:- provided, however, that such sheriff’s office shall implement a gender-specific

risk/needs assessment tool to help determine eligibility and placement for diversion to a program as set forth by the office of the commissioner pursuant to section 8A of chapter 276A.

SECTION 7. Chapter 276A of the General Laws is hereby amended by inserting after section 8, the following section:-

Section 8A. (a) The office of the commissioner shall implement a gender-specific risk/needs assessment tool to help determine eligibility and placement for diversion to a program. A gender-specific risk/needs assessment tool shall include but is not limited to assessing all eligible female detainees with: (1) age; (2) race and ethnicity; (3) criminal history; (4) employment status; (5) educational needs; (6) substance abuse; (7) risk of flight; (8) trauma and abuse; (9) unhealthy relationships; (10) parental stress; (11) depression; (12) self-efficacy; (13) current mental health symptoms; (14) employment and financial status; (15) family support; and (16) number of dependents.

(b) The commissioner shall submit an annual report to the House and Senate clerks, the Joint Committee on the Judiciary, and the Women's Caucus Task Force on Justice-Involved Women including, but not limited to, the outcomes of the assessment tool, findings and demographics of the population diverted.

SECTION 8. Notwithstanding any general or special law to the contrary, there shall be established a policy review panel to review data and make recommendations for legislation, if needed, based on annual aggregate data collected pursuant to chapter 124 and this chapter. The panel shall be jointly chaired by the commissioner of the Department of Corrections, the commissioner of the Department of Children and Families and the commissioner of the Department of Mental Health, who shall convene panel meetings with persons with expertise in

the following, but not limited to; representing justice-involved women, re-entry programs, trauma-informed programs and training, domestic violence prevention, and an individual who has been formally incarcerated. Members of the board shall be appointed no later than 60 days after enactment of this act. The policy review panel shall meet at least 2 times annually and review the reports, data and other information to implement this act. The panel shall annually, on or before December 31st, issue a report of its review and recommendations to the chairs of the joint committee on the judiciary, house and senate clerks, and the Chairs of the Women's Caucus Task Force on Justice Involved Women.

SECTION 9. Section 12 of chapter 127 of the acts of 1999 is hereby amended by adding the following sentence:- For the purposes of chapter 125 of the general laws, the sheriff shall be the chief administrative officer of a county correctional facility, unless such officer is otherwise appointed by the sheriff and for the purposes of chapter 126 of the general laws the sheriff shall be the superintendent, unless a superintendent is so appointed by the sheriff or such appointment is otherwise provided for in the general laws.

SECTION 10. Implementation of the assessment tool provided for in subsection (a) of section 8A of chapter 276 of the General Laws is to take place no later than 1 year after bill passage, with notification being sent at time of implementation to the Joint Committee on the Judiciary and the Women's Caucus Task Force on Justice-Involve Women.