

HOUSE No. 2142

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

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 Massachusetts corrections oversight commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>1/18/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/28/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/1/2019</i>

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By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 2142) of Chynah Tyler, Bud L. Williams and Russell E. Holmes for legislation to establish the Massachusetts correction oversight commission (including members of the General Court) to advise on policies, procedures, and administration of the correction system. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act Massachusetts corrections oversight commission.

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. Notwithstanding any general or special law to the contrary, the Governor shall
2 convene the Massachusetts Correction Oversight Commission to be known hereinafter as “the
3 commission.” The commission shall be assigned to the executive office of public safety for
4 administrative and fiscal accountability purposes, but it shall otherwise function independently of
5 the control and direction of the executive office of public safety.

6
7 Section 2. The Commission may advise the Commissioner of Correction and county
8 Sheriff’s on correction policies and procedures, and overall administration of the Department of
9 Correction to be known hereinafter as “DOC” and county Houses of Correction to be known
10 hereinafter as “HOC”. The Commission may also make recommendations to the Commissioner
11 of Correction and county Sheriff’s regarding goals for the future of the DOC and county HOC.

12 Section 3. The Commission shall consist of twenty three (25) members, including the
13 Commissioner of the Department of Public Health or a designee; the Commissioner of the
14 Department of Mental Health or a designee; the Secretary of Public Safety or a designee; the
15 Commissioner of Probation or a designee; the chairman of the parole board or a designee; a
16 member of the classification board; 2 members of the State Senate selected by the Senate
17 President; 2 members of the House of Representatives selected by the House Speaker. The
18 Governor shall appoint 9 members, a person to chair the commission who has experience in state
19 government; a district attorney; a public defender; a sheriff; an expert on prisoner re-entry; a
20 corrections policy expert; a returning citizen; a college or university professor with experience in
21 criminal justice; a person with corrections management experience not currently employed by
22 the Department; the American civil liberties union shall appoint an attorney with experience in
23 criminal justice or state government; the Prisoner Legal Services of Massachusetts shall appoint
24 an attorney with experience in prisoner litigation or criminal defense; the national association for
25 the advancement of colored people shall appoint a racial justice policy expert; the Women’s Bar
26 Association shall appoint an attorney with experience in women’s prison issues; the
27 Massachusetts Association of Health Plans shall appoint a health care expert with corrections
28 experience; the Massachusetts Taxpayers Foundation shall appoint a budget policy expert; The
29 Chairperson shall be responsible for directing the tasks of the Commission, and for calling to
30 order Council meetings.

31 Section 4. The terms of the members appointed shall be three years, except that of the
32 first appointed members seven shall be appointed for a term of two years, seven shall be
33 appointed to a term of three years, the chairperson shall be appointed for a term of three years.

34 In the first year of appointments, the governor, in consultation with the chairperson, shall
35 determine which members shall serve which terms.

36 No member of the commission shall be appointed to serve more than two consecutive
37 three-year terms. Upon the expiration of the term of an appointed member, the successor shall
38 be appointed in a like manner for three years. A member ex officio shall not be entitled to vote
39 on any matter before the committee.

40 Members of the commission shall receive no compensation but each member shall be
41 reimbursed by the commonwealth for necessary expenses incurred in the performance of his or
42 her official duties. The commission shall adopt bylaws to govern its own proceedings. Said
43 bylaws shall be submitted for approval by the house and senate committees on post-audit and
44 oversight, the joint committee on public safety and homeland security and the joint committee on
45 the judiciary.

46 Section 5. The Commission shall monitor the implementation of correction reforms;
47 advocate on behalf of continued reforms; and where appropriate and necessary, propose
48 modifications in light of changed circumstances. The Commission shall also submit
49 recommendations relative to:

50 the classification system used to place inmates in prisons with different levels of security;
51 minimum security beds and transitional housing before being released to the community;
52 disciplinary reports; substance abuse treatment, educational and vocational training within
53 prisons; solitary confinement; correctional officer training in mental health crisis management;
54 public accountability of the entire system; reducing the rate of re-offense by inmates released to
55 the community; performance management and accountability systems; management capacity;

56 monitor and oversee the DOC and HOC; staffing costs and worker absenteeism; budget, mission
57 and priorities; view reducing the rate of re-offense by returning inmates as one of its highest
58 public safety priorities;

59 comprehensive reentry strategy including risk, needs and responsivity assessment; proven
60 programs, “step-down”, and supervised release; inmate accountability for participation in
61 productive activities designed to reduce the likelihood that they will re-offend; DOC and HOC
62 policies that create barriers to appropriate classification, programming, and “step-down”; inmate
63 health and mental health services;

64 issues pertaining to female offenders; policies and procedures, including those related to
65 inmate classification, discipline, and grievances; oversight and accountability systems, including
66 an independent investigation authority, data management, and unit management; system-wide
67 facility inspections; protection and care for inmates in protective custody; the linguistic diversity
68 and cultural competence of the workforce;

69 modernizing existing facilities; developing alternative sentencing methods to reduce
70 prison overcrowding; reduce recidivism; improve rehabilitation; reduce racial inequalities in
71 correctional facilities

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73 Section 6. The commission shall convene its first official meeting on or before
74 September 1, 2020. The commission shall submit to the house and senate committees on ways
75 and means, the joint committee on the judiciary, the joint committee on public safety and
76 homeland security and the secretary of administration and finance yearly reports that include the

77 dates of its meetings, meeting participants not named to the commission and whether it has
78 identified, applied for or been selected for any federal or other funds.

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80 Section 7. The commission shall submit a report on recommendations and findings
81 annually on September 1 to the house and senate committees on ways and means and post-audit
82 and oversight, the joint committee on public safety and homeland security and the joint
83 committee on the judiciary

84 Section 8. Annually, each correctional institution of the commonwealth shall be visited
85 by at least one member of the commission. Every member of the commission shall visit at least
86 one correctional institution of the commonwealth annually;

87 Section 9. The commission shall advocate on behalf of any recommended reform that
88 should be adopted by the commonwealth;

89 Section 10. The commission shall advise the commissioner of corrections and county
90 Sheriff's on policy development and priorities for DOC and HOC facilities as well as on the
91 department's compliance with legislative and judicial mandates;

92 Section 11. The commission shall meet at least 4 times per year upon the call of the
93 chairperson, and other meetings may be called by the chairperson upon giving at least 7 days'
94 notice to all members and the public. Emergency meetings may be held without any notice upon
95 the request of a majority of all voting members;

96 Section 12. All meetings of the commission shall be open to the public and announced
97 through public notice at least 7 days prior to the meeting date. All inmates housed within DOC

98 and HOC facilities shall be notified of said meetings at least 7 days prior to the meeting date.
99 The commission shall accept written testimony in the event any individual is unable to attend the
100 meeting.

101 Section 13. A majority of the voting membership of the commission shall constitute a
102 quorum at any meeting of the commission. An action of the commission is not binding unless
103 the action is taken pursuant to an affirmative vote of a majority of voting members present, but
104 not fewer than 14 voting members of the commission must be present, and the vote must be
105 recorded in the minutes of the meeting;

106 Section 14. The chairperson shall cause to be made a complete record of all the
107 proceedings of the commission, which record shall be open for public inspection;

108 SECTION 15. Pursuant to section 63 of chapter 3 of the General Laws, the house and
109 senate committees on post-audit and oversight of the general court in cooperation with the joint
110 committee on public safety and homeland security and the joint committee on the judiciary shall
111 have authority to review regulations proposed or adopted by the department of correction. The
112 house and senate Committees on post-audit and oversight may hold public hearings concerning a
113 proposed or existing regulation and may submit to the department of correction comments
114 concerning the merit and appropriateness of the regulations to be promulgated and an opinion
115 whether the regulations are authorized by, and consistent with, these chapters. The department
116 of correction shall respond in writing within 10 days to the house and senate committees on post-
117 audit and oversight written questions relevant to the committee's review of a proposed or existing
118 regulation. The DOC and HOC shall provide to the house and senate committees on post-audit
119 and oversight, without charge, copies of all public records in the department of correction's

120 custody relating to the regulation or action in question within 10 days of a request by the house
121 and senate committees on post-audit and oversight. The house and senate committees on post-
122 audit and oversight may issue reports with proposed changes to a proposed or existing regulation
123 and shall transmit this report to the department of correction. If the DOC and HOC does not
124 adopt the proposed changes contained in the house and senate committees on post-audit and
125 oversight's reports, the department of correction shall notify the committee in writing of the
126 reasons why it did not adopt the changes either at the time it adopts a proposed regulation or
127 within 21 days of receiving the committee's report on an existing regulation.