

SENATE No. 2823

Senate, July 13, 2020 – Text of the Senate amendment (Senator Chandler) to the Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800)

The Commonwealth of Massachusetts

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

1 by inserting after section 66 the following section:-

2 "SECTION 66A. (a) There shall be a commission to make an investigation and study to:

3 (i) dismantle structural racism in a systemic way that eliminates the violence of arrest, disparities

4 of incarceration and barriers to positive community re-entry; (ii) systematically,

5 comprehensively and iteratively review where and how the systemic presence of structural and

6 institutional racism in the department of correction has generated a culture or practices and

7 policies that produces racial inequality, trauma or disparate impacts and outcomes by race among

8 and between incarcerated persons, corrections officers or other department of correction staff or

9 families of incarcerated persons; provided, however, that the scope of such review shall include

10 mapping the various subsystems interacting with and within the criminal justice system,

11 including, but not limited to, policing, parole and re-entry, that in their intersection with the work

12 and mission of the department of correction produce or accelerate racial inequality or disparate

13 impacts by race; (iii) recommend policies within the department of correction that focus on

14 restorative justice program access, health care continuums, public health and behavioral health

15 impacting people of color in the commonwealth such as socially determinative conditions

16 regarding incarceration, probation, parole and community reentry, including, but not limited to,
17 social indicators of health before, during and after incarceration that include health issues such as
18 post-traumatic stress disorder that department staff and incarcerated persons experience in
19 corrections and physical or behavioral health issues as a result of violence in policing and use of
20 force; (iv) propose programs for implementation by the department of correction that benefit
21 corrections community members, including, but not limited to: (A) language supports for
22 incarcerated English learners; (B) anti-racism training for all department community members
23 regardless of position or ethnic identity; and (C) educational opportunities for correction officers
24 and incarcerated residents; and (v) provide a road map for the establishment of a publicly-funded
25 permanent government entity with expertise to dismantle structural racism that shall: (1)
26 recommend actual internal changes to the department of correction; (2) make administrative or
27 policy recommendations to the governor and specific executive agencies; and (3) make
28 legislative recommendations to the general court. The programs described in clause (iv) may
29 include programs to promote interpersonal trust, relationships, wellness and quality of life of
30 incarcerated persons and staff, to provide educational and personal development opportunities
31 and historical bias and anti-racism training and to improve the correctional physical and
32 administrative structure such as green space, adequate staffing space, facilities resources,
33 communications and management.

34 (b) The commission shall consist of the following 31 members: 3 members of the
35 Massachusetts Black and Latino Legislative Caucus appointed by the caucus, 1 of whom shall be
36 the chair of the commission as selected by the caucus; 3 persons appointed by the speaker of the
37 house of representatives, 1 of whom shall be selected from a list of nominees from Citizens for
38 Juvenile Justice, Inc., 1 of whom shall be a member of the Legislative Criminal Justice Reform

39 Caucus and 1 of whom shall be selected from a list of nominees from Prisoners' Legal Services;
40 2 persons appointed by the senate president; the secretary of public safety and security or a
41 designee; the undersecretary of criminal justice or a designee; 7 persons appointed by the
42 governor, 1 of whom shall be selected from a list of nominees from the Boston branch of the
43 National Association for the Advancement of Colored People New England Area Conference, 1
44 of whom shall be selected from a list of nominees from the Urban League of Eastern
45 Massachusetts, Inc, 1 of whom shall be selected from a list of nominees from the ACLU Racial
46 Justice Program, 1 of whom shall be selected from a list of nominees from the Dimock Health
47 Center, Inc., 1 of whom shall have medical and behavioral health expertise in the incarceration
48 setting, 1 of whom shall be a member of the Charles Hamilton Houston Institute for Race and
49 Justice and 1 of whom shall have expertise in trauma and adverse child experiences; 3 persons
50 appointed jointly by the undersecretary of criminal justice and the commission chair who shall be
51 incarcerated persons, at least 1 of whom shall be selected from a list of nominees from the
52 African American Coalition Committee and at least 1 of whom shall be a person who has
53 demonstrated a commitment to persons that are foreign born; 3 persons appointed jointly by the
54 undersecretary of criminal justice and the commission chair, all of whom shall be correctional
55 officers and at least 1 of whom shall be a member of the Massachusetts Correction Officers
56 Federated Union; 3 members appointed jointly by the undersecretary of criminal justice and the
57 commission chair, all of whom shall be members of the department of correction administration;
58 3 members appointed jointly by the undersecretary of criminal justice and the commission chair,
59 all of whom shall be family members of persons currently incarcerated; and 2 members
60 appointed jointly by the undersecretary of criminal justice and the commission chair, both of
61 whom shall be formerly incarcerated persons. An appointing authority with 2 or more

62 appointments shall ensure that their appointments draw from socially and economically
63 disadvantaged and historically underrepresented groups.

64 All appointments shall be made not later than 30 days following the effective date of this
65 section and the chair of the commission shall convene the first meeting of the commission not
66 later than 60 days after such effective date. The commission shall meet not less than 4 times.

67 (c) The department of correction shall assist the commission in facilitating the
68 participation of department staff and incarcerated persons, including, but not limited to,
69 providing necessary transportation of incarcerated persons, videoconferencing or other
70 appropriate online or electronic communication and access to available and appropriate space at
71 a correctional facility or administrative office. Participation by department staff may be
72 considered by the department to be included in such employees' regular workday activities. The
73 department, or any other state agency as defined in section 1 of chapter 29 of the General Laws,
74 shall assist the commission in gathering relevant information about current operations, programs,
75 staffing and budgets.

76 (d) Not later than March 31, 2021, the commission shall submit a report with
77 recommendations for legislation, if any, together with drafts of legislation necessary to carry its
78 recommendations into effect, by filing the same with the clerks of the house of representatives
79 and the senate, the joint committee on the judiciary, the joint committee on public safety and
80 homeland security and the house and senate committees on ways and means.

81 (e) Not later than 6 weeks after March 31, 2021 or 6 weeks from the date of the filing of
82 the report, whichever is later, the department of correction shall file a report on actions being
83 taken to respond to the commission's report with the clerks of the house of representatives and

84 the senate, the Massachusetts Black and Latino Caucus, the joint committee on the judiciary, the
85 joint committee on public safety and homeland security and the house and senate committees on
86 ways and means,."