

HOUSE No. 2636

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes and Erika Uytterhoeven

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 creating an independent correctional oversight office to facilitate the recommendations of the special legislative commission on structural racism in correctional facilities of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/15/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>1/17/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/28/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/28/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/21/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/21/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/21/2025</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>3/18/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>3/26/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/7/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>5/14/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>7/31/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/3/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>10/21/2025</i>

HOUSE No. 2636

By Representatives Holmes of Boston and Uytterhoeven of Somerville, a petition (accompanied by bill, House, No. 2636) of Russell E. Holmes, Erika Uytterhoeven and others for legislation to authorize an independent correctional oversight office to facilitate the recommendations of the Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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.

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: FACT FINDING

2 Whereas, the Special Legislative Commission on Structural Racism in Correctional
3 Facilities of the Commonwealth Final Report finds:

4 (a) Structural racism exists within Massachusetts Corrections resulting in the
5 disparate treatment and impact of Black, Indigenous, and People of Color (BIPOC) including
6 incarcerated individuals, correctional staff and other intersecting identities including LGBTQ+,
7 immigrant status, language, etc.

8 (b) Structural racism within Massachusetts correctional facilities manifests in four
9 forms:

10 1. Institutional Racism – this form of racism includes policies, procedures and
11 cultural practices of Massachusetts corrections that perpetuate racial inequality. Such inequalities
12 are most prominent in healthcare education, access, diagnosis, and treatment; services to BIPOC
13 immigrants and English Language Learners; cultural and ethnic affinity group programming and
14 services; job and workforce development opportunities; data systems tracking staff and
15 incarcerated individual experiences; and the lack of transparency in budgeting and decision-
16 making;

17 2. Systemic Racism – the joint operation of institutions (i.e. institutional
18 arrangements and interactions) operating within and in conjunction with Massachusetts
19 corrections that produce racialized outcomes, even in the absence of racist intent;

20 3. Interpersonal Racism – the individual interactions of Correctional community
21 members, including incarcerated persons and correctional staff, within Massachusetts corrections
22 that result in the disparate treatment of BIPOC correctional community members, including
23 incarcerated persons and staff; and

24 4. Internalized Racism – includes individual and community attitudes, beliefs and
25 prejudices about race held by Massachusetts corrections community members that result in
26 disparate treatment and impact of BIPOC correctional community members, including
27 incarcerated persons and correctional staff.

28 Whereas, the Special Legislative Commission on Structural Racism in Correctional
29 Facilities of the Commonwealth recommends enactment of legislation mandating the creation of
30 a robust data systems, analysis and reporting with independent oversight to allow for the
31 collection and analysis of racial demographics disaggregated by age, race and ethnicity,

32 language, sex, gender identity, and sexual orientation; to track and monitor the experiences of
33 BIPOC correctional

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35 community members in the day-to-day operations of corrections; and gauge progress
36 dismantling structural racism in Massachusetts Corrections.

37 SECTION 2. The General Laws are hereby amended by inserting after section 15 of
38 chapter 12A: Office of Inspector General the following:

39 Chapter XX

40 INDEPENDENT CORRECTIONAL OVERSIGHT OF MATTERS RELATING TO
41 STRUCTURAL RACISM

42 Section 1. Short Title – Correctional Oversight to End Structural Racism

43 Section 2. Definitions

44 As used in this chapter, unless the context otherwise indicates, the following terms have
45 the following meanings:

46 “administrator” means a person charged with administration of a program, an office, or a
47 division of the department or administration of a private agency;

48 “BIPOC” referring to Black, Indigenous and People of Color;

49 “correctional community members” means incarcerated persons and correctional staff
50 who identify as Black, Indigenous Person of Color;

51 “correctional facility”, any building, enclosure, space, structure, or vehicle used for the
52 custody, control and rehabilitation of committed offenders or of such other persons as may be
53 placed in custody therein in accordance with law regardless of whether the facility is owned,
54 operated, or controlled by a county sheriff or by the department of correction; provided however,
55 this shall not include the facilities operated by the department of youth services;

56 “department” means the Massachusetts Department of Corrections

57 “incarcerated person”, a committed offender or such other person as is placed in custody
58 in a correctional facility in accordance with law;

59 “Private agency” means an entity that contracts with the department or contracts to
60 provide services to another entity that contracts with the department; and

61 “Record” means any recording in written, audio, electronic transmission, or computer
62 storage form, including, but not limited to, a draft, memorandum, note, report, computer printout,
63 notation, or message, and includes, but is not limited to, medical records, mental health records,
64 case files, clinical records, financial records, and administrative records.

65 Section 2: Establishment of office; appointment; removal of anti-racism correctional
66 inspector general

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68 There is hereby established an anti-racism division of the office of inspector general, the
69 Inclusion, Diversity, Anti-Racism, and Equity Unit, hereinafter called IDAREU.

70 There shall be in said office an anti-racism corrections inspector general, who shall be the
71 administrative head of said office and shall devote full-time to the duties of the office. The anti-

72 racism corrections inspector general shall be appointed by a majority vote of the attorney
73 general, the state auditor and the chair of the Black and Latino caucus and confirmed by a
74 majority vote of the community council.

75 Any person appointed to the position of anti-racism corrections inspector general shall be
76 selected without regard to political affiliation and solely on the basis of integrity and knowledge
77 of restorative justice, offender rehabilitation, expertise in the area of structural racism including
78 experience designing and implementing anti-racist strategies, tools, and materials and
79 demonstrate ability in statistics, law, management, public administration, investigation, criminal
80 justice administration or other closely related fields.

81 Any person so appointed shall be a civilian and shall not have been or have any
82 immediate family members who were previously employed in the department of correction,
83 employed in any county sheriff office, or served as a sheriff. Any person so appointed shall be a
84 resident of the commonwealth within 90 days of appointment and shall not: (i) hold, or be a
85 candidate for, federal, state or local elected office; (ii) hold an appointed office in a federal, state,
86 or local government; or (iii) serve as an official in a political party.

87 The anti-racism correctional inspector general shall serve for a term of five years. In case
88 of a vacancy in the position of anti-racism correctional inspector general, his or her successor
89 shall be appointed in the same manner for the unexpired term. No person shall be appointed for
90 more than two five-year terms. Appointing authorities shall make due efforts to assure that
91 BIPOC persons and impacted community members have notice when the anti-racism corrections
92 inspector general position is vacant.

93 The person so appointed may be removed from office, but only for just cause, by a
94 majority vote of the attorney general, the state auditor, the chair of the Black and Latino caucus
95 and by quorum of members of the community council. Such cause may include substantial
96 neglect of duty, gross misconduct or conviction of a crime. The reasons for removal of the anti-
97 racism corrections inspector general shall be stated in writing. Such writing shall be sent to the
98 clerk of the senate, the clerk of the house of representatives and to the attorney general at the
99 time of the removal and shall be deemed to be a public document.

100 Section 3. Anti-racism corrections inspector general community council; establishment
101 There shall be an anti-racism corrections inspector general community council. Council
102 appointments shall be made before the appointment of the anti-racism corrections inspector
103 general.

104 The council shall consist of nine members including the attorney general or a designee,
105 the state auditor or a designee, an attorney designee of Prisoners' Legal Services of
106 Massachusetts,

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108 one member shall be appointed by the speaker of the house of representatives, one
109 member shall be appointed by the president of the senate, one member shall be appointed by the
110 judiciary committee, one member shall be appointed by the women's committee and two
111 members shall be appointed by the Black and Latino caucus. Additionally, the council may
112 designate five additional members to expand its expertise.

113 At least one member of the council shall be an immediate family member of an
114 incarcerated person serving in a department correctional facility at the time of their appointment;

115 at least one additional member shall be an immediate family member of an incarcerated person
116 who served in a county correctional facility within the last five years at the time of their
117 appointment; at least one additional member shall be a formerly incarcerated person who served
118 in a department correctional facility within the last five years at the time of their appointment; at
119 least one additional member shall be a formerly incarcerated person who served in a county
120 correctional facility within the last five years at the time of their appointment.

121 Any person so appointed shall not have been or have any immediate family members
122 who were previously employed in the department of correction, employed in any county sheriff
123 office, or served as a sheriff. Any person so appointed shall not: (i) hold, or be a candidate for,
124 federal, state or local elected office; (ii) hold an appointed office in a federal, state, or local
125 government; or (iii) serve as an official in a political party.

126 At least six community council members shall be directly impacted by structural racism.

127 Appointing authorities shall make due effort to assure BIPOC populations have notice
128 when council positions are vacant.

129 The appointive members shall serve for a term of five years and shall be compensated for
130 work performed for the anti-racism corrections inspector general council at such rate as the
131 secretary of administration shall determine and shall be reimbursed for expenses necessarily
132 incurred in the performance of their duties. The anti-racism corrections inspector general shall
133 meet with the council at least quarterly and may consult or request the assistance of members of
134 the anti- racism community council with respect to the duties and responsibilities of the office.

135 Section 4. Employees, partisan activity, funding

136 The anti-racism corrections inspector general may, subject to appropriation, appoint and
137 may remove such employees, as he deems necessary to perform the duties of his office.

138 With the exception of the attorney general, and the state auditor, no member of the anti-
139 racism corrections inspector general council or officer or employee of IDAREU shall hold, or be
140 a candidate for, any elective public office while an officer or employee, or for three years
141 thereafter, nor shall he hold office in any political party or political committee, or participate in
142 any political campaign of any candidate for public office while an officer or employee.

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144 The anti-racism inspector general, with the advice and consent of the inspector general
145 and the anti-racism corrections community council may apply for and receive federal funds in
146 order to fulfill the duties and responsibilities of the office.

147 Section 5: Purpose

148 IDAREU shall act to dismantle structural racism and ensure the equitable treatment of all
149 prisoners and correctional staff in the day-to-day operations of Massachusetts corrections by
150 assuring accountability, transparency and compliance with anti-racism standards as established
151 by the office.

152 Section 6: Duties

153 (a) The anti-racist corrections inspector general may investigate, inspect, examine,
154 review, or otherwise assess any aspect of corrections facilities or systems as it relates to the day-
155 to-day operations or conditions including, but not limited to:

156 1) canteen, inmate benefit funds and disbursements;

- 157 2) searches including cell searches, pat searches, strip or bodily searches;
- 158 3) classification;
- 159 4) covid-19;
- 160 5) educational, vocational and other programming;
- 161 6) institutional employment and re-instatement of employment upon discipline;
- 162 7) gang designation;
- 163 8) staff recruitment, training, supervision, and discipline;
- 164 9) food services;
- 165 10) inmate funds;
- 166 11) mail distribution and dissemination;
- 167 12) incarcerated person deaths, injuries, or harassment;
- 168 13) housing
- 169 14) incidents of assault, battery, or sexual misconduct;
- 170 15) medical or mental health care, including care provided to incarcerated persons by
171 third parties;
- 172 16) violence among incarcerated persons;
- 173 17) conditions of confinement;
- 174 18) incarcerated person disciplinary processes;

- 175 19) incarcerated person grievance processes;
- 176 20) substance use disorder treatment;
- 177 21) family visitation and communication practices;
- 178 22) rehabilitation, reentry, and integration practices;
- 179 23) Misidentification;
- 180 24) personal property;
- 181 25) re-entry Services; and
- 182 26) use of force.

183

184 (b) The anti-racism corrections inspector general shall review legislation and
185 regulations relating to programs and operations of corrections and shall make recommendations
186 concerning the effect of such legislation or regulation in an effort to dismantle structural racism.

187 (c) The anti-racism corrections inspector general may utilize resources necessary to
188 effectively perform its duties, including but not limited to, conducting interviews with
189 incarcerated community member(s) without molestation from the department or county, and
190 utilizing such tools as surveys, documents, records, reports, statistics, studies, etc. to develop and
191 implement minimum anti-racism standards and policies in corrections.

192 (d) The anti-racism corrections inspector general shall conduct a comprehensive
193 review of all correction records and data collection processes for the purpose of establishing and

194 implementing a statewide uniform racial data collection system. The data collected shall be
195 disaggregated by age, race, ethnicity, language, sex, gender identity, and sexual orientation.
196 IDAREU shall determine areas in which race data is collected; such areas shall include but not
197 be limited to those areas listed above in Section 6(a). Such data shall be used to track and
198 monitor the day-to-day operations of the department and county and to alleviate the adverse
199 impact of structural racism and ensure correctional compliance with applicable laws, regulations
200 and policies as related to the health, safety, welfare, and rehabilitation of incarcerated persons.
201 The review shall include an initial, comprehensive review of the DOCs software and systems
202 used to collect data. All data shall be collected retroactively, at least 10 years prior.

203 (e) The anti-racism corrections inspector general shall investigate thoroughly and
204 completely, all grievances and complaints alleging disparate treatment or impact of BIPOC
205 correctional community members. Such investigations shall be performed independently without
206 regard for department and county processes or findings.

207 (f) The anti-racism corrections inspector general shall regularly confer with the anti-
208 racism corrections inspector general community council and its designees for input into the
209 office's activities and priorities. Additional input shall be sought from impacted community
210 members at large, which shall include a minimum quarterly public meeting.

211 (g) The anti-racism inspector general shall work to identify other state agencies
212 responsible for investigating, auditing, reviewing, or evaluating the management and operation
213 of state agencies, and coordinate with these agencies to share information in the furtherance of
214 this office's duties.

215 (h) The anti-racism corrections inspector general shall maintain, monitor, and provide
216 a system of response for a statewide toll-free telephone number, a collect telephone number, a
217 website, and a mailing address for the receipt of grievances, complaints and inquiries relating to
218 structural racism in corrections.

219 (i) The anti-racism corrections inspector general shall provide, information to
220 incarcerated persons, representatives of incarcerated persons, agencies working with incarcerated
221 persons, impacted family members, and department and county staff, as it relates to the duties
222 and functions of the offices

223 (j) The anti-racism corrections inspector general may identify and implement ways in
224 which management functions can better assist in the performance of the duties and functions of
225 the office.

226 Section 7. Powers and enforcement, access to facilities

227 (a) The office shall be independent of any supervision or control by any executive
228 agency.

229 (b) The office shall have all powers necessary or convenient to carry out and
230 effectuate its purposes, including, but not limited to, the power to:

231 1) Survey all prisoners housed in the department and county to establish baseline
232 racial data, including surveying incarcerated persons to allow for an independent assessment of
233 the racial make-up and other identities of incarcerated persons;

234 2) Initiate and conduct investigations to carry out and effectuate its purpose;

- 235 3) Identify systemic issues and responses relating to dismantling structural racism in
236 corrections upon which the department and county shall implement;
- 237 4) Identify systemic issues and responses relating to dismantling structural racism in
238 corrections upon which the Governor, Legislature, Attorney General or other authorities as
239 identified by the office shall act;
- 240 5) Recommend and facilitate the implementation of minimum statewide anti-racism
241 standards for correctional operations;
- 242 6) Hire and employ staff to perform duties and exercise the same powers as the anti-
243 racism corrections inspector general;
- 244 7) Ensure compliance with relevant statutes, rules, regulations, and policies
245 concerning corrections facilities, services, and treatment of incarcerated persons under the
246 jurisdiction of the department and within each county;
- 247 8) Hire and employ staff or otherwise appoint designees to perform duties and
248 exercise the same powers as the anti-racism corrections inspector general;
- 249 9) Enter into agreements or other transactions with a person, including, but not
250 limited to, a public entity or other governmental instrumentality or authority in connection with
251 its powers and duties of this office;
- 252 10) Execute all instruments necessary or convenient for accomplishing the intended
253 purpose of this office;

254 11) Enter into agreements or other transactions with a person, including, but not
255 limited to, a public entity or other governmental instrumentality or authority in connection with
256 the powers and duties of this office;

257 12) Appear on its own behalf before boards, commissions, departments or other
258 agencies of municipal, state or federal government;

259 13) Apply for and accept subventions, grants, loans, advances and contributions of
260 money, property, labor or other things of value from any source, to be held, used and applied for
261 its purposes; and

262 14) Provide and pay for advisory services and technical assistance as may be
263 necessary in its judgment to carry out this chapter and fix the compensation of persons providing
264 such services or assistance.

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266 (c) The anti-racism corrections inspector general, its employees, designee or
267 organizational member(s) of the community council working in furtherance of the office's
268 intended purposes may enter any part or all of any place where prisoners in this state are kept and
269 shall be immediately admitted to such place as they desire.

270 (d) The anti-racism corrections inspector general, its employees, designee or
271 organizational member(s) of the community council working in furtherance of the office's
272 intended purposes may consult and confer with any prisoner(s), department and county
273 employees, privately and confidentially without molestation. Such communications may be both
274 formal and informal, in person, by video conference, by phone, and by mail.

275 (e) The anti-racism corrections inspector general shall be authorized to hold public
276 hearings, to subpoena witnesses and documents, and to require that witnesses testify under oath.

277 (f) The anti-racism corrections inspector general may make referrals to any other
278 civil or criminal enforcement authority as it may see fit.

279 (g) Failure of the department or county to cooperate or otherwise interfere with the
280 performance of the duties of this office shall result in sanctions, fines or demotion. The office,
281 for just cause, may impose fines, demote correctional administrators and staff, or otherwise limit
282 correctional staff interactions with incarcerated persons and their property until such time
283 deemed necessary by the office. All determinations shall be made in writing and subject to
284 appeal and corrective action by the department or county within 90 days. The department or
285 county shall respond in writing to the determination to impose fines, sanctions or demotion of
286 staff within 30 days of the decision. Failure to respond shall make null and void the opportunity
287 for appeal by the department or county.

288 Section 8. Division of the corrections ombuds.

289 (a) There shall be within the office a division of the anti-racism corrections ombuds,
290 which is responsible for receiving and reviewing individual complaints.

291 (b) The division shall remain neutral and impartial and shall not act as an advocate
292 for the complainant or for the department or county.

293 (c) The division may receive complaints from incarcerated persons, family members
294 of incarcerated persons, representatives of incarcerated persons, department or county

295 employees, or any other source, regarding the disparate treatment and impact of structural
296 racism.

297 (d) A person shall file a complaint without regard for the internal grievance,
298 administrative, or appellate procedures within the department or county. Such investigation may
299 be performed simultaneously to the internal processes of the department or county and shall not
300 be intended to substitute those internal processes.

301 (e) The division, in its discretion, may decline to investigate any complaint.

302 (f) If the division declines to investigate a complaint, the division shall notify the
303 complainant in writing of the decision not to investigate and the reasons for the decision.

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305 (g) If the division decides to investigate a complaint, the division shall communicate
306 in writing the outcome to the incarcerated person or complainant, if any, and to the department or
307 county.

308 (h) The division may not investigate any complaints relating to an incarcerated
309 person's underlying criminal conviction.

310 (i) The division may not investigate a complaint from a department or county
311 employee that relates to the employee's employment relationship with the department or county,
312 unless the complaint is related to the duties and functions of this office.

313 (j) The division may refer complainants and others to appropriate resources,
314 agencies, or departments, including to appropriate law enforcement authorities.

315 (k) The division may not levy any fees for the submission or investigation of
316 complaints.

317 (l) The division shall monthly publish an anonymized report summarizing each
318 complaint received and the resolution of the complaint. The report shall include the facility to
319 which each complaint pertained. The data collected shall be disaggregated by age, race,
320 ethnicity, language, sex, gender identity, and sexual orientation.

321 (m) The department and each county shall report all internal complaints received
322 through its internal grievance process to the division on a weekly basis.

323 Section 9. Public disclosure following an investigation or inspection.

324 (a) At the conclusion of an investigation or inspection, the corrections inspector
325 general shall produce a public report on the outcome of the investigation, which shall include any
326 recommendations to the department or county deemed necessary by the correctional inspector
327 general, except that the documents supporting the report are subject to the confidentiality
328 provisions of section 12.

329 (b) If the corrections inspector general believes that there has been or continues to be
330 a significant threat to the health, safety, welfare, or rehabilitation of incarcerated persons, the
331 corrections inspector general shall promptly report the finding to the governor and the
332 appropriate committees of the legislature.

333 (c) The anti-racism corrections inspector general may request to be notified by the
334 department, within a specified time, of any action taken on any recommendation presented.

335 Failure of the department or county to comply with this office's recommendations may result in
336 fines or other penalties.

337 (d)) The department or county shall, within thirty days, respond in writing about any
338 action taken on the recommendation or any additional action the department or county will take.
339 This written response shall include timelines for implementation. If the department or county
340 disputes the findings or recommendation, the department or county shall, within thirty days,
341 respond in writing with the reasons for not complying with the recommendation. This written
342 response shall be public, accessible through the Internet, and distributed to the media, legislature,
343 attorney general, and governor.

344

345 (e) Reports shall apply legal requirements, best correctional practices, and other
346 criteria to objectively and accurately review and assess a facility's policies, procedures,
347 programs, and practices for the purpose of identifying and dismantling structural racism in
348 corrections,

349 (f) The correctional inspector general may redact a report for public release if, after
350 consultation with the department or county, such redaction may be necessary to protect the safety
351 or privacy of persons or the safe, secure, and orderly operation of correctional facilities.

352 (g) Except as provided in paragraph (f), the corrections inspector general's reports
353 shall be public, accessible through the Internet, and distributed to the media, legislature, attorney
354 general, and governor.

355 (h) The corrections inspector general shall continue to assess and report on previously
356 identified problems and the progress made in resolving them until the problems are resolved.
357 These reports shall be public and accessible through the Internet.

358 Section 10. Access to records, public disclosure, reporting

359 (a) The anti-racism corrections inspector general has the right to access, inspect, and
360 copy any information, records, documents, or video or audio recordings in the possession or
361 control of the department or county that the anti-racism corrections inspector general considers
362 necessary. No claim of restriction or privilege under state law shall limit the anti-racism
363 corrections inspector general's rights under this paragraph. The department or county shall assist
364 the corrections inspector general in obtaining any necessary releases for those documents which
365 are restricted or privileged under federal law.

366 (b) Following a written demand from the anti-racism corrections inspector general,
367 the department or county shall provide the requested material within twenty days unless the anti-
368 racism corrections inspector general consents to an extension of that time frame. Any failure to
369 obey the request may be punished by imposition of fines or sanctions. Where the material
370 requested by the anti-racism corrections inspector general pertain to an incarcerated person's
371 death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the
372 denial of necessary medical treatment, the material shall be provided within five days unless the
373 anti-racism corrections inspector general consents to an extension of that time frame.

374 (c) Upon notice and request by the anti-racism corrections inspector general, a state,
375 county, or municipal government agency, other than the department or a county sheriff, that has
376 information, records, documents, or video or audio recordings relevant to a complaint or an

377 investigation conducted by the anti-racism corrections inspector general shall provide the anti-
378 racism corrections inspector general with access to the material not later than twenty days unless
379 the anti-racism corrections inspector general consents to an extension of that time frame.

380 (d) Disclosure of any information, records, documents, or video or audio recordings
381 in the possession or control of the department or county as requested by the anti-racism
382 corrections inspector general shall not be released to the public. The office may release
383 information from the department or county in the form of reports and other informational tools
384 developed by the office in performance of his duties and responsibilities.

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386 (e) The anti-racism corrections inspector general shall work with the department or
387 county to minimize disruption to the departments or county's operations due to the anti-racism
388 corrections inspector general activities and shall comply with the department's or county's
389 security clearance processes, provided those processes do not, in the sole judgment of the anti-
390 racism corrections inspector general, impede the anti-racism corrections inspector general from
391 carrying out the duties and intended purpose of this office.

392 (f) The anti-racism investigations, audits and reports relating to the administration of
393 the programs and operations of the department and county, and may make recommendations to
394 address any identified issues as it relates to dismantling structural racism.

395 (g) At the conclusion of such investigation, the anti-racism corrections inspector
396 general shall produce a public report on the outcome of the investigation, which may include any
397 recommendations to the department or county.

398 (c) Upon request by the anti-racism corrections inspector general, the department or
399 county shall, within the time specified, inform the anti-racism corrections inspector general about
400 any action taken on the recommendations or the reasons for not complying with the
401 recommendations and an anticipated timeline for completion. The department and county shall
402 be provided with a specified time when sanctions or fines may be imposed for any failure to
403 comply with the recommendations of the office.

404 (d) The anti-racism inspector general shall make public the results of its findings after
405 reasonable notice to the department and county. Correctional administrators may be provided an
406 opportunity to review reports and provide feedback about them to the anti-racism corrections
407 inspector general before their dissemination to the public; provided, however that the release of
408 the reports is not subject to approval from any entity or person outside the office nor is it
409 contingent of the review of the report by the facility.

410 (e) Reports shall apply legal requirements, best correctional practices, and other
411 criteria to objectively and accurately review and assess a facility's policies, procedures,
412 programs, and practices; identify systemic problems and the reasons for them; and recommend
413 possible solutions to those problems as it pertains to dismantling structural racism.

414 Section 11. Annual and Interim Reports.

415 (a) On or before September 15 of each year, the anti-racism inspector general shall
416 provide to the Legislature, the Governor, the Attorney General, and Community Council a
417 summary of reports and investigations made under the IDAREU for the preceding year. The
418 summary provided shall be provided electronically. The summaries shall include
419 recommendations and an update on the status of recommendations made in prior summaries, if

420 any. The recommendations may address issues discovered through investigations, evaluations,
421 surveys, inspections, reviews and other related means of performing the duties of this office that
422 will (1) increase accountability and legislative oversight of Massachusetts corrections,

423

424 (2) improve operations of the department and county, (3) deter and identify structural
425 racism in correction polices, practices, and regulations, and (4) identify inconsistencies between
426 statutory requirements and requirements as established by this office in an effort to dismantle
427 structural racism. The summaries shall not contain any confidential or identifying information
428 concerning the subjects of the reports and investigations.

429 (b) Within the discretion of the anti-racism inspector general, summaries of reports,
430 investigations and other job functions in the furtherance of this offices purpose shall be published
431 on the office's website and made accessible to incarcerated person quarterly.

432 Section 12. Confidentiality of correspondence, communications, investigations

433 (a) Correspondence and communication with the office is confidential and shall be
434 confidential and protected as privileged correspondence in the same manner as legal
435 correspondence or communication.

436 (b) The office shall establish confidentiality rules and procedures for all information
437 maintained by the office.

438 (c) The anti-racism corrections inspector general, its employees and designees shall
439 treat all matters under investigation, including the identities of complainants, and individuals
440 from whom information is acquired, as confidential, except as far as disclosures may be

441 necessary to enable the anti-racism corrections inspector general to perform the duties of the
442 office and to support any recommendations resulting from an investigation. Upon receipt of
443 information that by law is confidential or privileged, the anti-racism corrections inspector
444 general shall maintain the confidentiality of such information and shall not further disclose or
445 disseminate the information except as provided by applicable state or federal law or as
446 authorized by this section. All records exchanged and communications between the office and
447 the department or county to include the investigative record are confidential and are exempt from
448 public disclosure.

449 (d) To the extent the anti-racism corrections inspector general reasonably believes
450 necessary, the anti-racism corrections inspector general:

451 (1) Shall reveal information obtained in the course of providing anti-racism
452 corrections inspector general services to prevent reasonably certain death or substantial bodily
453 harm; and

454 (2) May reveal information obtained in the course of providing anti-racism
455 corrections inspector general services to prevent the commission of a crime.

456 (e) If the anti-racism corrections inspector general believes it is necessary to reveal
457 investigative records for any of the reasons outlined in subsection (d), the anti-racism corrections
458 inspector general shall provide a copy of what they intend to disclose to the department or
459 county. If the anti-racism corrections inspector general receives personally identifying
460 information about individual corrections staff during the course of an investigation that the anti-
461 racism corrections inspector general determines is unrelated or unnecessary to the subject of the
462 investigation or recommendation for action, the anti-racism corrections inspector general will not

463 further disclose such information. If the anti-racism corrections inspector general determines that
464 such

465

466 disclosure is necessary to an investigation or recommendation, the anti-racism corrections
467 inspector general shall notify the staff member as well as the bargaining unit representative
468 before any disclosure.

469 Section 13. Prevention of retaliation

470 (a) Any person who has authority to recommend, approve, direct, or otherwise take
471 or affect action against incarcerated persons or correctional employees shall not, with respect to
472 such authority:

473 1) Take any action against an incarcerated person or correctional employee because
474 of the disclosure of information by said person(s) to the office which the person(s) reasonably
475 believes evidences wrongdoing under the office;

476 2) Take any action against an incarcerated person or correctional employee as a
477 reprisal for the submission of an allegation of wrongdoing to the office by such person(s); or

478 3) Take any action against an incarcerated person or correctional employee as a
479 reprisal for providing information or testimony pursuant to an investigation by the office.

480 (b) A civil action may not be brought against any employee of the office for good
481 faith performance of responsibilities under this chapter.

482 (c) No discriminatory, disciplinary, or retaliatory action may be taken against a
483 department or county employee, subcontractor, or volunteer, an incarcerated person, or a family
484 member or representative of an incarcerated person for any communication made, or information
485 given or disclosed, to aid the office in carrying out its responsibilities, unless the communication
486 or information is made, given, or disclosed maliciously or without good faith.

487 (d) This section is not intended to infringe on the rights of an employer to supervise,
488 discipline, or terminate an employee for other reasons.