SENATE DOCKET, NO. 1630 FILED ON: 1/16/2025

SENATE . . . . . No. 1725

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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:	
Liz Miranda	*Second Suffolk*	
Russell E. Holmes	*6th Suffolk*	
James B. Eldridge	*Middlesex and Worcester*	*2/10/2025*
Patricia D. Jehlen	*Second Middlesex*	*2/26/2025*
Robyn K. Kennedy	*First Worcester*	*3/12/2025*
Adam Gómez	*Hampden*	*4/7/2025*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*4/9/2025*
Erika Uyterhoeven	*27th Middlesex*	*4/9/2025*
Vanna Howard	*17th Middlesex*	*5/15/2025*
Pavel M. Payano	*First Essex*	*11/18/2025*

SENATE DOCKET, NO. 1630 FILED ON: 1/16/2025

SENATE . . . . . No. 1725

By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1725) of Liz Miranda, Russell E. Holmes, James B. Eldridge and Patricia D. Jehlen for legislation to create 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1545* OF 2023-2024.]

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:

SECTION 1. FACT FINDING

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

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

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

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

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

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

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

Whereas, the Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth recommends enactment of legislation mandating the creation of

a robust data systems, analysis and reporting with independent oversight to allow for the collection and analysis of racial demographics disaggregated by age, race and ethnicity, language, sex, gender identity, and sexual orientation; to track and monitor the experiences of BIPOC correctional community members in the day-to-day operations of corrections; and gauge progress dismantling structural racism in Massachusetts Corrections.

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

Chapter XX

INDEPENDENT CORRECTIONAL OVERSIGHT OF MATTERS RELATING TO STRUCTURAL RACISM

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

Section 2. Definitions

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

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

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

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

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

“department” means the Massachusetts Department of Corrections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Employees, partisan activity, funding

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

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

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

Section 5: Purpose

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

Section 6: Duties

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

1) canteen, inmate benefit funds and disbursements;

2) searches including cell searches, pat searches, strip or bodily searches;

3) classification;

4) covid-19;

5) educational, vocational and other programming;

6) institutional employment and re-instatement of employment upon discipline;

7) gang designation;

8) staff recruitment, training, supervision, and discipline;

9) food services;

10) inmate funds;

11) mail distribution and dissemination;

12) incarcerated person deaths, injuries, or harassment;

13) housing

14) incidents of assault, battery, or sexual misconduct;

15) medical or mental health care, including care provided to incarcerated persons by third parties;

16) violence among incarcerated persons;

17) conditions of confinement;

18) incarcerated person disciplinary processes;

19) incarcerated person grievance processes;

20) substance use disorder treatment;

21) family visitation and communication practices;

22) rehabilitation, reentry, and integration practices;

23) Misidentification;

24) personal property;

25) re-entry Services; and

26) use of force.

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

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

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

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

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

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

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

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

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

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

Section 7. Powers and enforcement, access to facilities

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

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

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

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

3) Identify systemic issues and responses relating to dismantling structural racism in corrections upon which the department and county shall implement;

4) Identify systemic issues and responses relating to dismantling structural racism in corrections upon which the Governor, Legislature, Attorney General or other authorities as identified by the office shall act;

5) Recommend and facilitate the implementation of minimum statewide anti-racism standards for correctional operations;

6) Hire and employ staff to perform duties and exercise the same powers as the anti-racism corrections inspector general;

7) Ensure compliance with relevant statutes, rules, regulations, and policies concerning corrections facilities, services, and treatment of incarcerated persons under the jurisdiction of the department and within each county;

8) Hire and employ staff or otherwise appoint designees to perform duties and exercise the same powers as the anti-racism corrections inspector general;

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

10) Execute all instruments necessary or convenient for accomplishing the intended purpose of this office;

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

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

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

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

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

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

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

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

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

Section 8. Division of the corrections ombuds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. Public disclosure following an investigation or inspection.

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

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

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

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

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

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

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

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

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

Section 10. Access to records, public disclosure, reporting

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

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

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

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

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

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

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

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

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

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

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

Section 11. Annual and Interim Reports.

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

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

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

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

Section 12. Confidentiality of correspondence, communications, investigations

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

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

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

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

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

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

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

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

further disclose such information. If the anti-racism corrections inspector general determines that such disclosure is necessary to an investigation or recommendation, the anti-racism corrections inspector general shall notify the staff member as well as the bargaining unit representative before any disclosure.

Section 13. Prevention of retaliation

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

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

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

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

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

(c) No discriminatory, disciplinary, or retaliatory action may be taken against a department or county employee, subcontractor, or volunteer, an incarcerated person, or a family member or representative of an incarcerated person for any communication made, or information

given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

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