

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

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:

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

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

37 Chapter XX

38 INDEPENDENT CORRECTIONAL OVERSIGHT OF MATTERS RELATING TO
39 STRUCTURAL RACISM

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

41 Section 2. Definitions

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

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

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

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

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

54 “department” means the Massachusetts Department of Corrections

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

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

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

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

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

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

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

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

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

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

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

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

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

105

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

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

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

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

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

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

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

133 Section 4. Employees, partisan activity, funding

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

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

141

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

145 Section 5: Purpose

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

150 Section 6: Duties

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

154 1) canteen, inmate benefit funds and disbursements;

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

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

181

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

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

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

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

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

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

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

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

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

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

224 Section 7. Powers and enforcement, access to facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

263

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

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

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

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

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

286 Section 8. Division of the corrections ombuds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

342

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

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

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

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

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

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

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

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

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

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

383

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

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

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

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

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

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

412 Section 11. Annual and Interim Reports.

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

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

421
422 (2) improve operations of the department and county, (3) deter and identify structural
423 racism in correction polices, practices, and regulations, and (4) identify inconsistencies between
424 statutory requirements and requirements as established by this office in an effort to dismantle
425 structural racism. The summaries shall not contain any confidential or identifying information
426 concerning the subjects of the reports and investigations.

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

430 Section 12. Confidentiality of correspondence, communications, investigations

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

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

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

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

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

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

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

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

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

465 Section 13. Prevention of retaliation

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

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

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

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

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

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

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

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