

# SENATE . . . . . No. 2823

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

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## The Commonwealth of Massachusetts

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

1 by inserting after section 66 the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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