

# **Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth**

## **Final Report December 22, 2022**



*Report and recommendations to be duly submitted, together with drafts of legislation to carry recommendations into effect, to the clerks of the House of Representatives and the Senate*

*by*

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Senate Chair Senator Jamie Eldridge***

*and by the*

***Commissioners of  
the Former Special Legislative Commission on Structural Racism  
in Correctional Facilities of the Commonwealth***

*and by the*

***currently incarcerated Commissioners of the  
African American Coalition Committee Structural Racism Commission***

*To be submitted in satisfaction of the legislative mandate found in  
[The Acts of 2020 Chapter 253 Section 110 of the Massachusetts General Laws,](#)  
*An Act Relative to Justice, Equity and Accountability  
in Law Enforcement in the Commonwealth**

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Lifers Group

Native American Group

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## **WORDS FROM THE CHAIRS**

### **House Co-Chair Nika Elugardo, State Representative of 15th Suffolk**

*As an abolitionist, I support the end of harmful confinement practices. Today's prisons are an unacceptable substitute for true rehabilitation and restoration. Few enter and leave restored and ready to reintegrate. Victims are not served by the current model. Correctional officers are not served by it. Overlay the normalization of structural racism, and the results are not only counterproductive, but also unfair and unjust for communities of color across the Commonwealth. We need to build a better way. One that truly aligns to our Corrections mission to rehabilitate and prepare people for healthy reentry into communities. One that safely and transparently equips and honors the first responders who serve to carry out that mission.*

*This is why it has been an incredible honor to be tasked by the Massachusetts Legislature to begin the work of dismantling structural racism in our correctional facilities. Dismantling structural racism in Corrections can be the beginning of the end of institutionalized hate in the Commonwealth. This report and its recommendations were crafted with collaborative leadership from current and formerly incarcerated persons, correctional officers and staff, community leaders, legislators, and administrators. It seeks not only to dismantle structural inequity but also to replace it with healthy systems that breathe life and healing into our communities. May the work of these dedicated Commissioners and their partners lay the groundwork for a better way to prepare all members of the Corrections community for success.*

### **Senate Co-Chair Jamie Eldridge, State Senator of Middlesex and Worcester**

*I was honored to Co-Chair the Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth with Representative Nika Elugardo and hear directly from the Commissioners, experts, presenters, formerly and currently incarcerated individuals with lived experiences, their families and friends, and representatives from the Massachusetts Department of Correction and the Executive Office of Public Safety and Security. As the Senate Chair of the Criminal Justice Reform Caucus and the Senate Co-Chair of the Joint Committee on the Judiciary, I recognize that eliminating racial disparities and dismantling structural*

*racism within our correctional facilities is just one of many reforms that need to be implemented to create a more just criminal justice system in Massachusetts.*

*The Commission's report provides insights and makes thoughtful recommendations that reflect the discussions, conversations, public testimony, data collection, and lived experiences that were shared with the Commission. It is my sincere hope that the work of this Commission produces a path forward for a more just correctional setting in Massachusetts. We must all stay committed to eliminating racial disparities and dismantling structural racism across all systems. I want to thank the Commissioners for their service and to all those who participated in this process. Your work is appreciated.*

***Allah Fu'Quan (Ricky) McGee, Chair AACC SRC at MCI-Norfolk***

*Peace. I would like to thank everyone that took part in this beautiful process, not beautiful based on the context of the subject but based on how we came together and put our minds together to identify ways to dismantle structural racism in the Department of Correction.*

*It was important for those most impacted by structural racism in the DOC to have a voice in this process. I can say with all confidence, we were represented. With that said, I hope that we're equally committed to dismantling structural racism by utilizing the recommendations that we extracted through this process. I want to thank everybody that played an active role in this process, and I hope to build and work with you soon. Until then stay healthy, stay free, but ultimately stay committed to the process of curtailing and ultimately curbing structural racism, not just in the DOC but any institution that feeds off the degradation of a protected class. Meaning us. Peace.*

# Executive Summary

## STATUTORY MANDATE TO COMMISSIONERS

With leadership from the Massachusetts Black and Latino Caucus and advocate partners, the 191st Massachusetts Legislature passed *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*. The law mandated the Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth and was enacted as [Chapter 253 SECTION 110 of the Massachusetts General Laws](#). Consisting of 17 members, the Commission was tasked with assessing structural racism in correctional policies and procedures.

*"The Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth ("Commission") is mandated to **investigate and study disparate treatment of persons of color incarcerated at state and county correctional facilities** and determine the role of structural racism in those disparities.*

*The Commission shall **conduct a thorough review of the policies and procedures in place at state and county correctional facilities**, both as written and as implemented, to determine if there are disparities in the treatment of persons of color and if structural racism at these facilities is a cause of those disparities.*

*The Commission shall **conduct a thorough review of the access to educational, vocational or other programming options for incarcerated inmates**, to determine if there are disparities in access for persons of color and if structural racism is a cause of those disparities.*

*The Commission shall **make recommendations to eliminate any disparities** in the treatment of persons of color found at state and county facilities including policy or legislative changes.*

*The Commission shall **submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect**, by filing the same with the clerks of the house of representatives and the Senate."*

## BRIEF SUMMARY OF METHODS

To fulfill its mandate, the Commission gathered both quantitative (numerical or measurable data) and qualitative (personal accounts) data on correctional policies, procedures, and programming to inform its findings and recommendations, using the following methods: live-streamed planning and strategy meetings, public hearings, site visits to correctional facilities, topical working groups, data collection, data analysis, and corrections community review and feedback.

The Commission gathered findings on disparate treatment and impacts experienced by black, indigenous, people of color (BIPOC) Corrections community members and defined the Corrections community to include incarcerated persons, staff, administrators, families, advocates, visitors and volunteers. For the purposes of this report “Corrections” refers to Massachusetts state and county correctional facilities.

## **COMMISSION FINDINGS**

**FINDINGS SUMMARY: Structural racism manifests within the often hidden structures comprising systems (e.g., policies, practices, and culture) of Massachusetts Corrections and results in disparate treatment of BIPOC Corrections community members, including incarcerated individuals and staff. The Commission finds that structural racism in Corrections systems produces or perpetuates unfair treatment and impacts by race and other intersecting identities (e.g., LGBTQ+ or immigrant status) and that it can be dismantled with intentional partnership between the Legislative and Executive branches, supported by leadership from diverse Corrections community members.**

**Structural racism manifests in Corrections as four distinct but overlapping types of racism** commonly assessed in public institutions: **institutional racism** (policies), **systemic racism** (external system impacts), **interpersonal racism** (relationships), and **internalized racism** (culture).

### **➤ Institutional Racism: Corrections Policies**

Structural racism manifests in Massachusetts Corrections as **institutional racism**, mainly through policies. Corrections policy, program design and implementation do not take structural racism into account. Gaps in Department of Correction policies for hiring and for staff training, support, and accountability create opportunities for structural racism to go unchecked. The Commission heard widespread reports of staff discretion resulting in, sometimes unconscious, preferences for individuals based on race, especially in the following policy areas:

- 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
- Budgeting transparency and decision-making

➤ **Systemic Racism: External System Impacts**

Structural racism manifests in Massachusetts Corrections as **Systemic Racism** when unaddressed or unmitigated impacts of structural racism in external public systems carry over into Corrections. Race disparities in the external criminal legal system outside the walls are imported into Corrections. The classification system is one example of a correctional system that compounds structural racism carried over from outside because of its reliance on the unfair sentencing produced by structural racism in the courts. Some respondents perceived access to health services to be tied to experiences and resources that BIPOC individuals were less likely to have pre-incarceration. BIPOC incarcerated individuals also reported heightened barriers to release and reentry because of structural racism in transitioning and post-carceral settings, including parole, public housing, and private employment.

➤ **Interpersonal Racism: Corrections Relationships**

Structural racism manifests in Massachusetts Corrections as **Interpersonal Racism** where disparate treatment by race occurs between Corrections community members. Reportedly, one-on-one interactions between some staff and BIPOC incarcerated people can disproportionately impact disciplinary decisions, access to healthcare services, and access to employment. BIPOC incarcerated individuals reported experiencing over-policing based on race or skin color and receiving harsher discipline than white counterparts. Some BIPOC staff expressed feeling unsafe, discouraged or unsupported in addressing their own experiences of racism or acts of racism they witnessed toward others, including incarcerated persons. In confidential settings, some white staff and administrators corroborate witnessing or suspecting staff of pressuring other staff to keep quiet about incidents of racism.

➤ **Internalized Racism: Corrections Culture**

Structural racism manifests in Massachusetts Corrections as **Internalized Racism** where individual and community attitudes and beliefs impact Corrections culture and community members disparately by race. The Commission found that regardless of race the Corrections culture in general normalizes an “us vs. them”



mentality across many of the corrections institutions. This more generalized mindset can amplify the impacts of structural racism. It is also counter-cultural to confront racism. Incarcerated respondents reported experiencing that the comfort zones or cultural understandings of administrators were discussed and treated as nonethnic, generic or safe, while those of majority BIPOC, non-American, or non-Christian identities and cultures were approached with skepticism or treated as special privileges. Administrators, incarcerated persons and staff respondents all perceived patterns of some Administrators overgeneralizing negative experiences with a small number of BIPOC individuals across all members of that group, rather than investigating and more surgically responding to each situation.

## **SUMMARY OF 10 MAJOR RECOMMENDATIONS**

This Report contains 10 major recommendations that are clustered into Legislative, Corrections Policy, and Governor & Administration responses.

### **Legislative Recommendations to Dismantle Structural Racism in Corrections**

- 1. Review existing bills** recommended by the Commission for individual or omnibus passage, in order to assist Committees in aligning new legislation to improved Corrections outcomes and to ensure such bills incorporate a race equity lens and are enacted to existing race disparities.
- 2. Draft new omnibus Corrections legislation** that increases accountability and transparency, improves conditions, and ensures Corrections community members of all races and ethnicities have a voice in the functioning of these public institutions. New legislative language would bolster equity in these areas:
  - New **EOPSS Undersecretary** of immigrant, identity and linguistic equity
  - **Robust data systems**, analysis and reporting with independent review
  - Detailed and transparent **financial reporting**
  - **Programming** and educational services
  - **Culturally appropriate resources** and services
  - **Disciplinary and grievance** processes
  - Institutional **security and custody** level designations
  - **Visitation** policy and procedure
- 3. Draft new public health legislation** to provide for needs assessment and resource allocation to ensure culturally-appropriate, gender-affirming healthcare,

adequate mental and behavioral healthcare, substance use services, and mental health and trauma education for corrections staff and incarcerated individuals.

## **Corrections Policy Recommended Updates to Dismantle Structural Racism**

- 4. Update Data Collection Policies & Standards:** Establish data collection policies and standards to allow for the collection and analysis of racial demographics that track and monitor the experiences of BIPOC community members in the day-to-day operations of Corrections. Such data should be disaggregated by race and ethnicity, sex, gender identity, sexual orientation, and language, with in-depth focus on health, workforce development, and training outcomes. Information should be regularly updated and accessible to the public without the need for individual public records requests.
- 5. Develop Infrastructure to Innovate Programs & Services:** Establish ongoing processes for the collaborative innovation of policies governing mental health services, classification, intake through reentry planning, visitation, and community engagement (including faith and community-based partners) to ensure best practices in equity and antiracism. Provide culturally competent services for groups whose intersectional culture compounds structural racism:
  - **ELL:** Multilingual programming or translation technology
  - **LGBTQ+:** Gender-affirming healthcare and resources for safe sex
  - **Young Adults:** Immediate eligibility for programming; positive formation and leadership development; age-appropriate behavioral healthcare
  - **Lifers:** Extended family privileges; specialized mental healthcare; longer-term housing; living wage job opportunities; furloughs
- 6. Update Staff Hiring, Training & Accountability Infrastructure:** Reframe human resources policy and practice through a Diversity, Equity, Inclusion, and Belonging (DEIB) lens and engage staff in feedback and leadership opportunities to ensure staff equity, safety and accountability. Modify correctional staff training, hiring and retention practices to improve cultural competence, employing a DEIB Coordinator and team.
- 7. Intentional Corrections Culture Development:** Develop, train and support cross-functional teams in each facility and across facilities who provide peer consulting and consultation to the administration on healthy Corrections culture

and mission alignment in order to ensure ownership and sustainability of best practices at every level.

## **Governor & Administration Recommendations to Dismantle Structural Racism in Corrections**

- 8. Mandate Public Data & Media Technology Supports:** Establish and implement Administration-wide protocols for data collection, data analysis and learning, data reporting, and improvement mechanisms, which allow for service providers to follow an individual across agencies and to ensure that each agency meets its mission. The Commission recommends that an independent governmental entity be mandated to oversee the charge of this Commission, starting with the review of race data collected at state and county correctional facilities, in order to ensure long-term adherence to antiracist practices across administrations and across generations of Corrections leadership.
- 9. Facilitate Increased Inter-Agency Partnership:** Leverage partnerships and funding between Secretariats to mitigate the impacts of external structural racism (e.g., in housing and employment) on reentry success.
- 10. Expand Budget Transparency & Target Financial Support:** Mandate spending and outcomes transparency in program budgets and advocate for the full costs to fund re-entry from intake, including adequate program, healthcare, and employment and the requisite staff and partner resources.

The Commission is pleased to submit these 10 recommendations detailed in the following Report as initial steps to dismantle structural racism in Massachusetts Corrections. Commissioners and stakeholders involved in the work and research undergirding the Findings and Recommendations hope that this Report can be foundational in ensuring that all members of the Corrections community, across every race, ethnicity, language, sex, gender identity, and sexual orientation can safely, successfully and equitably participate in furthering the Corrections mission.

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**The following members of the African American Coalition Committee offered quotes regarding their participation in the Commission on Structural Racism in Correctional Facilities of the Commonwealth:**

*Being a part of the Committee to end Structural Racism in Parole has been a positive life-altering experience. Working side-by-side with passionate, like-minded individuals towards an effort that is not only just, but also has the potential to change so many lives, has been an honor. To witness the hard work and dedication of so many to right a wrong has been inspiring, and it's my want that this is only the beginning of the necessary work that has to be done. I am forever touched and grateful for the opportunity to have been a part of something noble and great.*

**- Mr. Anthony**

*When I participated in the workshop to end structural racism within the Department of Correction, I believed, and still do, that it could be effective in its overall endeavors if all participants commit to its purpose. It felt good to me to see everyone, from prisoners to staff to outside stakeholders, all share in the common goal of ending a system that benefits no one, but causes great damage to the masses. I felt good in that space, because this is a cause I have fought for for all of my existence within the DOC these past 31 years. It was a great event, and I hope there are more to come, because without them we will not be able to keep the purpose alive in the hearts of those we need to change in order to effectuate the end of structural racism in the DOC.*

**- T.G.**

*During my time working with the Commission to curb structural racism, particularly within the dynamic of parole, I was able to become aware of issues that hinder Black and Brown people. Within these meeting spaces we were able to produce viable and tangible issues that evolved into other think tanks, policy recommendations, and other constructive processes to address structural racism. Even through my own individual research and experiences, I was able to help others gain a better understanding on how to approach certain issues regarding parole and structural racism and vice versa. Working within the Commission I feel that this is something needed in order to assist and help the protected class, therefore there must be more space and assistance in order to accomplish the goals we tend to achieve.*

**- Joshua “Hamza” Berrios**

# Introduction

## CONTEXT AND BACKGROUND ON 2020 POLICE REFORM BILL

### The Commonwealth's Response to a National Reckoning

The murder of George Floyd, an unarmed black man killed by a police officer in Minneapolis, Minnesota on May 25, 2020, prompted a reckoning about race in America that extended to classrooms, media, workplaces and politics alike. As countless Americans watched the replay of the video which showed the Minneapolis officer kneeling on the neck of Mr. Floyd for more than 9 minutes, resulting in his death, the aftermath spurred a nationwide political movement that prompted legislatures across the country to examine laws and policies that perpetuate racial inequality at America's societal core, most acutely in the criminal justice system.

### 2020 Police Reform Bill

In Massachusetts, the 191st Legislature responded by proposing a number of police reform initiatives as part of "An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth," also known as the "Police Reform Bill." The Police Reform Bill passed the Legislature as S.2963 and was signed into law by Governor Baker December 31, 2020. The final version of the bill mandated **twelve Commissions, including eight temporary Special Legislative Commissions for study and review and four permanent statewide Statutory Commissions to provide long-term infrastructure for continued research and action.**<sup>1</sup>

### The four permanent Commissions are on:

- The Status of African Americans
- The Status of Latinos and Latinas
- The Social Status of Black Men and Boys
- The Status of Persons with Disabilities

### The 8 Special Legislative Commissions are on:

- Structural Racism In Correctional Facilities (the subject of this report)

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<sup>1</sup> For the legislative mandate for each of these permanent and special commissions see *APPENDIX A, Enabling Legislation for 2020 Police Reform Bill & Special Legislative Commissions*. The Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth page is accessible on the MA Legislature website, <https://malegislature.gov/Commissions/Detail/566>.

- Structural Racism In The Parole Process<sup>2</sup>
- Structural Racism In Probation Service<sup>3</sup>
- Government Use Of Facial Recognition Technology<sup>4</sup>
- Emergency Hospitalizations
- Civil Service Law, Personnel Administration Rules And Procedures
- Law Enforcement Officer Cadet Program
- The Impact Of the Qualified Immunity Doctrine

**Three of the eight Special Legislative Commissions, including this Commission, received a legislative mandate to provide findings and recommendations for dismantling structural racism** in furtherance of legislative oversight of the Massachusetts Executive Office of Public Safety and Security (EOPSS), to which the Department of Correction (DOC) reports.

### **Origins Of The Structural Racism In Corrections Commission**

The leadership of the African American Coalition Committee<sup>5</sup> (AACC) drafted the original language for the Commission. AACC members work to reform the criminal legal system through partnerships inside and outside the walls.<sup>6</sup> A long-time goal of the AACC, Ricky (Fu’Quan) McGee, a currently incarcerated AACC Board member, spearheaded the initiative calling for the establishment of a Special Commission to study how structural racism exacerbates BIPOC contact within the criminal legal system. The Massachusetts Black and Latino Caucus included this goal in the Massachusetts Electeds of Color 2020 “10-Point Plan to Address Police Violence and

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<sup>2</sup> See *APPENDIX P, Related Police Reform Bill Special Legislative Commission Reports*. The Massachusetts Parole Process Report is accessible on the MALegislature website and on Senator Eldridge’s website, [Special Commission on Structural Racism in the Massachusetts Parole Process](#), [Commission on Structural Racism in the Parole Process — State Senator Jamie Eldridge](#).

<sup>3</sup> Special Commission on Structural Racism in the Massachusetts Probation Service page is on the MA Legislature site at [Special Legislative Commission on Structural Racism in the Massachusetts Probation Service](#).

<sup>4</sup> See *APPENDIX P, Related Police Reform Bill Special Legislative Commission Reports*. This Report is accessible on the Facial Recognition Commission website, [Facial Recognition Commission](#).

<sup>5</sup> Founded in 1972, AACC is a 501c3 membership organization composed of individuals incarcerated at the DOC facility, MCI-Norfolk. See *APPENDIX C, African American Coalition Committee (AACC) Background*.

<sup>6</sup> “Inside” and “outside the walls” are terms referring to life inside prisons and outside of prisons, respectively.

Advance Racial Justice.”<sup>7</sup> Revised language for the Commission was ultimately included in the final Police Reform Bill that passed into law.

## STATUTORY MANDATE TO THE COMMISSIONERS

The Special Legislative Commission on Structural Racism in Correctional Facilities of the Commonwealth was mandated in [Chapter 253 SECTION 110 of the Massachusetts General Laws](#) to:<sup>8</sup>

To “**investigate and study disparate treatment** of persons of color incarcerated at state and county correctional facilities and determine the role of structural racism in those disparities”

To “**conduct a thorough review of the policies and procedures** in place at state and county correctional facilities, both as written and as implemented,

To “**determine if there are disparities in the treatment of persons of color** and if structural racism at these facilities is a cause of those disparities.”

To “**conduct a thorough review of the access to educational, vocational or other programming options** for incarcerated inmates and if there are disparities in access for persons of color and if structural racism is a cause of those disparities.”

To “**make recommendations to eliminate any disparities** in the treatment of persons of color found at state and county facilities including policy or legislative changes.” And finally,

To “**submit its report and recommendations, together with drafts of legislation**<sup>9</sup> to carry its recommendations into effect, by filing the same with the clerks of the house of representatives and the Senate.”

## COMMISSION MEMBERSHIP

The Legislature uses Commission membership to elevate stakeholder voices in its constitutionally mandated role to provide oversight and accountability to the executive branch and its departments. The Commission appointments were

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<sup>7</sup> For all 10 points in the 10-Point Plan, see *APPENDIX E, Massachusetts Elected Officials of Color Ten Point Plan*.

<sup>8</sup> See *APPENDIX A, Enabling Legislation for 2020 Police Reform Bill 8 Special Legislative Commissions*, for the complete language of the statute, including the legally mandated composition of Commissioner appointments.

<sup>9</sup> “Drafts of legislation were taken from bills not passed in the 192nd Legislative Session that this Commission deemed essential to dismantling structural racism in Corrections and can be found at the links referenced in the Legislative Findings section of this Report. *APPENDIX B, Recommended Legislation for Dismantling Structural Racism in Correctional Facilities*, provides further detail on these bills. In addition to drafts, the Commission submitted recommendations below for new bills to be drafted in the 193rd Session.



completed by December 21, 2021. The **17 legislatively mandated appointments** were as follows:<sup>10</sup>

1. Steven W. Tompkins, Sheriff, Suffolk County
2. Andrew Peck, MA Undersecretary for Criminal Justice, EOPSS
3. Senator Adam Gomez, Hampden
4. Representative Vanna Howard, 17th Middlesex
5. Representative Orlando Ramos, 9th Hampden
6. Representative Christine Barber, 34th Middlesex
7. Attorney LaToya Whiteside, Racial Equity In Corrections Initiative Director, Prisoners Legal Services of MA
8. Robyn Frost, Executive Director, MA Coalition for the Homeless
9. Kevin Flanagan, Legislative Representative, Massachusetts Correction Officers Federated Union
10. Derek Brooks, Founder, Inside Cable, Inc.
11. Scott Scharffenberg, Executive VP, New England, Roca
12. Gregg Croteau, CEO and Dennis Everett, Director of Reentry, UTEC
13. Janson Wu, Executive Director, GLAD
14. Annelise Araujo, Immigration and Family Attorney, Araujo and Fisher
15. Senator James Eldridge, Middlesex and Worcester, Senate Co-Chair
16. Representative Nika Elugardo, 15th Suffolk, House Co-Chair
17. Darrell Jones, Community Activist

### **Incorporating Currently Incarcerated Voices On The Commission**

Legislative commissions have greater effectiveness when they bring governmental staff and impacted community voices into policy processes together to formulate meaningful policy and legislative action. Originally the legislative language on Commissioner selection included incarcerated individuals and their families, formerly incarcerated individuals, legislators, and advocacy organizations. However, the House and Senate Counsels disagreed on legal grounds about the inclusion of currently incarcerated individuals, and they were not ultimately included.

### **AACC Structural Racism Commission Inside the Walls**

In the absence of incarcerated Commissioner voices, the AACC initiated an inside-the-walls Structural Racism Commission as part of its "Harriet Tubman

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<sup>10</sup> Many Commissioners also engaged community partners to represent their respective agencies and organizations.

Initiative.”<sup>11</sup> The AACC carried out similar Commission functions by gathering data on correctional policies, procedures, and programming to inform findings and recommendations. They used the following methods: planning and strategy meetings, recruitment for written testimony by currently incarcerated individuals, survey construction and analysis of incarcerated respondent data at MCI-Norfolk, and themed review of corrections community feedback.<sup>12</sup> The AACC’s research and findings were incorporated as a central case study supporting systemwide findings and recommendations of this Commission.<sup>13</sup>

## Structural Racism: Commission Working Definition & Framework

### COMMISSION WORKING DEFINITION<sup>14</sup> OF STRUCTURAL RACISM

At its first public meeting on July 9, 2021, Commissioners requested to develop a working definition of structural racism. On September 20, the Commission considered a proposed definition, based on expert testimony from Dr. Rufus J. Faulk, Jr., Director of the Mayor’s Office of Public Safety, who also shared recommendations to improve practice and address disparate treatment and outcomes in re-entry, program access, and staffing diversity and training.

#### Shared Agreement on Where to Look for Structural Racism

Following Dr. Faulk’s testimony and related discussion, Commissioners agreed to use the following shared understanding of structural racism to guide investigation:

***Structural racism may be unintentional and is defined by demonstrated disparity by race in the treatment of or impacts on Corrections community members within or across the following elements of service provision or mission:***

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<sup>11</sup> See APPENDIX D, *AACC Submissions to the Legislative Commission on Structural Racism in Corrections: Harriet Tubman Project Description and Call for Civil Rights Investigation*, for a description of the Harriet Tubman Initiative and of the AACC Structural Racism Commission inside the walls.

<sup>12</sup> See, e.g., APPENDIX R, *DOC Structural Racism Systems Analysis*, for an example of themed review.

<sup>13</sup> See APPENDIX D, *AACC Submissions to the Legislative Commission on Structural Racism in Corrections*. See also (n. 12).

<sup>14</sup> “Working Definition” is used to indicate Commissioner agreement on the thrust of the language below. The working definition was not a technical or academic definition, but rather focused on what to look for in the analysis. See APPENDIX V, *Data Collection and Analysis Working Group: Key Definitions*, for suggested definitions of key terms used in this document, such as “racism” and “equity.”

- **Policy Creation:** Design of policy does not incorporate needs of all races.
- **Policy Implementation:** Services are resourced or provided differently to different races in ways that produce negative or disparate outcomes by race.
- **Corrections Mission Outcomes:** Community members experience equal access and treatment, but because of external influences, outcomes differ by race. Disparate outcomes signal structural racism that can be mitigated by shifting Corrections policy or culture.

## Why We Need a Shared Framework and Definition for Structural Change

Special Legislative Commissions, much like other organizational transformation tools and assessment, produce actionable results only when best practices are employed for data collection and analysis. Best practices for legislative and policy development include incorporating voices and ideas of key stakeholders, not only in the research and final analysis of recommendations, but also in defining the terms of the mandate. A framework represents the shared understanding of these terms. Here, Commissioners agreed upon shared initial understandings about structural racism that would guide the Commission’s investigation and review. The below framework outlines the Commissioners’ agreed upon shared understanding of guideposts for the work and provides important context for interpreting the report.

## COMMISSION FRAMEWORK FOR ASSESSING STRUCTURAL RACISM

For the purposes of this Report the following summarizes Commissioner viewpoints, confirmed by stakeholder testimony, on guidelines for structural racism review:

- **Assess impact vs. intent:** Structural racism in organizational culture, policy and programing is demonstrated by disparate impacts or outcomes by race and does not require discriminatory racist intent or motive.
- **Externally-originating factors can be mitigated:** Structural racism outside corrections can foster or amplify structural racism within corrections. The administration is responsible for mitigating or countering externally-originating structural racism impacts where possible.
- **Incarcerated people are experts:** BIPOC incarcerated individuals<sup>15</sup> possess valuable expertise derived from lived experience that is necessary

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<sup>15</sup> The Commission uses “incarcerated” versus “inmate” in this report. Commissioners found that this word choice respects the humanity of people, referencing incarceration as a current status, instead of using stigmatizing language like “inmate” or “prisoner” to depict incarceration status as an identity that can be interpreted as inherent.

to help shift harmful elements of corrections culture. They should be engaged in the work of dismantling structural racism.

- **Staff are harmed by structural racism:** Correctional staff experience the traumatic impacts of structural racism. BIPOC staff experience discriminatory impacts, and all staff experience the toxic fallout resulting from structural racism.
- **Impacts vary for intersecting demographics:** Actionable recommendations will be based on a review of the compounded harm to specific demographic groups within the BIPOC community whose intersectional identities expose them to greater risk. Commissioners identified the following intersecting BIPOC groups among those whose acute experience of structural racism should be independently reviewed and specifically addressed in the recommendations of this report:
  - **Voluntarily identifying<sup>16</sup> as LGBTQ+**
  - **English language learners (ELL)**
  - **Immigrants without documentation**
  - **People experiencing chronic or severe behavioral health challenges or neurodivergence**
  - **Members of the disability community**
  - **People assigned female at birth (e.g., cis gender women and transgender men)**
- **The expansive mandate requires all hands on deck:** Commissioners will collaboratively determine working groups to address the different components of the mandate. Working Groups will self-determine their capacity and deliverables and will be encouraged to involve staff or partners from participating member organizations to help with execution.
- **Engaging the whole corrections community is critical:** Dismantling structural racism requires cultural change within Corrections, not only in the form of policies and harm reduction, but also by cultivating buy-in from diverse members of the corrections community, including incarcerated individuals, staff, administrators and lawmakers. Without shared ownership of the mission, the system may adjust around new

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<sup>16</sup> Commissioners emphasized that providing sexual orientation or gender identity should be voluntary, especially given the risks to safety that exist when LGBTQ+ people who are incarcerated are publicly outed in prisons.

rules, rather than establishing a new normal that is a safe, respectful and honoring community for all.

- **Incarcerated individuals have the same human rights as everyone else:** The penalty of incarceration is the loss of freedom. The treatment of individuals while they are incarcerated should not constitute additional punishment, including exacerbated impacts of structural racism (or racism of any kind) resulting from the incarceration.
- **Existing data is insufficient for a full review:** The DOC does not currently collect much of the data required to comprehensively assess disparate impact by race. The Commission will not have capacity to collect comprehensive county data from the Houses of Correction (HOC). The recommendations will give guidance for a data collection mandate.

## Corrections Community, Organizational Structure, & Programming

### INCLUSIVE CORRECTIONS COMMUNITY

The mandate is “**technical**,” involving research and analysis of Corrections process or infrastructure, and “**social**,” identifying examples of behaviors and interactions between Corrections community members. To further fair and accurate “social” analysis, the Commission sought to comprehensively and inclusively define the Corrections community. The following sections outline roles and functions of the Corrections community, specifically, as a context for analyzing the intersection of relationship, policy and processes within EOPSS organizational culture. **The Commission did not have resources for stakeholder analysis at each county level HOC, and focused more centrally on DOC as a statewide case study.<sup>17</sup> However, Report Recommendations should be tailored to HOC as well.**

#### The Commission’s Inclusive Description of Corrections Community

The Corrections community is diverse, and interactions and relationships are complex and dynamic. According to the official Commonwealth website, 5.4% of the combined state and county incarcerated population was assigned female sex at

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<sup>17</sup> See below section *Procedure & Methodology: Deep Dive in the DOC*, p. 13.

birth, and about 39% are white, 29% latinx, 28% black, 2% Asian American Pacific Islander (AAPI), .3% indigenous, and under 2% other.<sup>18 19</sup> The DOC and the collective county HOCs employ between 8,000 and 9,000 employees. Each incarcerated individual and staff is part of a network of family and stakeholders.

This report focuses on three groups within the Corrections community:

- Staff and Administrators
- Incarcerated Individuals
- Outside stakeholders who have an interest and impact inside the walls.

Administrators include the EOPSS Secretary, the Undersecretary of Public Safety, County Sheriffs, the DOC Commissioner, superintendents, deputy superintendents and their administrative and finance teams that manage operations statewide or at individual facilities. In this Report, staff refers to employees responsible for various operational functions, including correctional officers, correctional programs officers, kitchen staff, janitorial staff, medical staff, human resources teams, investigators, educators, and others. This demographic breakdown is similar at county facilities.

### **Intersectional Corrections Community**

As residents of Corrections, incarcerated individuals are continuously impacted by and contributing to structural dynamics in the Corrections system. Different cultural backgrounds, races, ages, sexes, gender identities, sexual orientations, and other identities interrelate differently within and across groups and experience structural racism differently. This complexity produces a multitude of unique experiences and support needs across various identities. The mandate to eliminate race disparity will require the Corrections community to develop nuanced, respectful understandings of each subgroup and their respective perspectives and experiences.

The Corrections community extends far outside the walls of the physical and organizational prison infrastructure. It includes families and friends of staff and incarcerated individuals. It includes legislators and other public officials whose policies and legislation govern Corrections organization and operations. Additionally, public interest attorneys, outside contractors, and volunteers deliver program services. Businesses and government agencies employ incarcerated individuals. In

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<sup>18</sup> [Cross Tracking State & County Correctional Populations | Mass.gov](#): Offender Population by Sex, Race-Ethnicity, Age, Snapshot as of December 1, 2022. Additional breakdowns available, e.g., by age and by County facility.

<sup>19</sup> State numbers may not reflect how individuals self-identify. This is discussed in Findings and Recommendations.

order to interact directly with the incarcerated population inside the walls, most individual and group members of the “outside the walls” Corrections community undergo an extensive screening process. The Commission reviewed experiences with this screening and visitation processes as part of its mandate.

## **DOC<sup>20</sup> MISSION, PROGRAMMING, AND ACTIVITIES**

### **DOC Vision & Mission**

The vision of the Massachusetts Department of Correction is *to effect positive behavioral change in order to eliminate violence, victimization and recidivism.*<sup>21</sup> **The DOC mission is to promote public safety by managing offenders while providing care and appropriate programs in preparation for successful reentry into the community.**<sup>22</sup> DOC materials detail programmatic resources and opportunities are offered to incarcerated individuals intended to facilitate successful rehabilitation and reentry in furtherance of the vision and mission.<sup>23</sup>

### **DOC Programs**

The Department of Correction Program Description Booklet<sup>24</sup> outlines the following programmatic “re-entry continuum:”

- **Step 1:** Intake Assessments, including individualized screenings for medical health, mental health, substance use, risk vs. needs assessment, educational (Test of Adult Basic Education - TABE)
- **Step 2:** Classification (security level): Maximum, medium, minimum, pre-release, or electronic monitoring, which determines an individual’s facility assignment and access to specific programming
- **Step 3:** Personalized program plan (identified criminogenic needs): Academic/vocation, criminal thinking, violence reduction, substance use treatment, sex-offender treatment, faith-based and volunteer programs

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<sup>20</sup> For why the Commission focuses on the DOC as a statewide example, see (n. 17).

<sup>21</sup> See APPENDIX N, *DOC Submissions to the Legislative Commission on Structural Racism in Corrections: Program Description Booklet*, p.3. Also at [Massachusetts Department of Correction Program Description Booklet](#).

<sup>22</sup> IBID.

<sup>23</sup> IBID, pp. 4ff generally, and pp. 28ff for program listing by Secure Facility. See also, [Inmate programming | Mass.gov](#), last modified December 2022, for a generalized overview of programming for incarcerated persons.

<sup>24</sup> IBID, p. 4. Also, APPENDIX H, *DOC Community Graphics: Graphic 4: DOC Reentry Continuum from Intake to Integration*.

- **Step 4:** Individual Reentry Planning, including housing, medical/mental health, identification, probation, parole, employment, substance use treatment, US military, faith-based collaborations
- **Step 5:** Release/expiration of sentence
- **Step 6:** Community Reintegration

Programs are intended to begin preparing incarcerated individuals for reentry at Step 3. Access to those programs is shaped by the Assessment process at Step 1 and the Classification process at Step 2. The following programming addresses individualized goals identified through the assessment process, related to health, mental health, education, substance use, and risk vs. needs.

- **Religious services**, including chaplaincy and volunteer services, recreational services, and a wide variety of services provided by over 1,500 volunteers (offered at all facilities)
- **Self-improvement groups** sponsored by incarcerated individuals (differing by facility).
- **Programs provided by outside contractor** Spectrum Health Services for males and females providing motivational, therapeutic cognitive and behavioral management activities, substance abuse treatment activities, and re-entry preparation (6 weeks to 6 months). Programs for females incorporate gender-responsive approaches to address trauma, abuse, family relationships, substance abuse, and mental illness.
- **Educational programs**, including English as a Second Language (3 levels), Adult Basic Education (3 levels, including Hi-Set test preparation), remote learning tablets, college-level programs, technology educational programs, and Voc-Ed (different programs at different facilities).
- **Employment programs** (different programs at different facilities)

All facilities offer a range of departmental programs, educational programs, self-improvement groups, and institutional programs.<sup>25</sup> Several factors limit access to program opportunities in specific facilities. Generally, individuals incarcerated in a maximum security facility have access to fewer programming opportunities.

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<sup>25</sup> (n. 23).



Individuals placed in solitary confinement have severely restricted access. **If classification and disciplinary systems produce disparate impacts, programming access will also be disparate.**

Each facility runs complex scheduling for staff assignments, shift changes, and movement requirements for incarcerated individuals. Family members, volunteers, and other visitors follow strict protocols for when and how they safely enter a facility and relate with incarcerated individuals, staff, and administration. In a variety of security risk situations, staff may exercise discretion in the way they implement or suspend these policies. All these interactions form the backdrop on which community members may experience structural racism, in relationships or in the course of services, activities or discretionary decision-making.

## Procedure & Methodology

### COMMISSIONERS' CONSENSUS ON PROCEDURAL SCOPE

#### Commissioner Guidelines for Procedure & Deliverables

In the Commission's initial meetings, Commissioners discussed the scope, purpose, and strategy of the Commission.<sup>26</sup> From these discussions emerged the following guidelines Commissioners agreed would govern the work and help ensure actionable recommendations:

- Develop a shared working definition of structural racism
- Use inclusive processes to engage multiple demographics in the analysis
- Identify data types required for full analysis of structural racism impacts
- Engage DOC staff in the analysis
- Incorporate policy and legislative recommendations into the final report

The Commission established **working groups** to ensure progress on each point.<sup>27</sup>

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<sup>26</sup> See APPENDIX I, *Transcripts, Summaries, and Links for Hearings and Oral & Written Testimony*, especially pp. 166-177. Audio and visual recordings of each hearing are also available on the MA Legislature website at [Hearings & Events](#).

<sup>27</sup> See APPENDIX F, *Working Group Detailed Descriptions & Members*.

## Deep Dive in the DOC

Massachusetts Corrections includes a network of 15 prisons managed by the DOC<sup>28</sup> and of HOC jails managed by 14 county Sheriffs. The state and county incarcerated population includes just under 11,800 persons, about 7500 sentenced and 4300 pretrial.<sup>29</sup> The DOC incarcerated population represents about 5,300 individuals, or 45%, with the remaining 6,500, or 55%, housed in county HOCs.<sup>30</sup> The DOC employs about 4,200 staff and administrators, 18.9% of whom are BIPOC.<sup>31</sup> HOC county jail facilities collectively employ approximately an additional 4,500 staff. As a temporary Special Legislative Commission, there were no dedicated staff or paid research personnel. The Commission did not have capacity or resources to analyze all 14 counties and the DOC statewide. To maximize the robustness of the review and to ensure an actionable set of recommendations the Commission focused more in-depth review and analysis within the Department of Correction as a case study.

## Procedural Meetings and Decisions

The first three Commission hearings, as well as email updates throughout, dedicated time to transparently discuss and decide on the procedure for developing findings and recommendations and for collectively reviewing and releasing the Report. Commissioners agreed that each Working Group would submit both interim and final reports on their respective findings and recommendations<sup>32</sup> to be circulated to Commissioners for discussion and comment in public hearings. The Commissioners received written summaries of each meeting along with a link to the hearing and detailed meeting notes on early procedural meetings.<sup>33</sup>

## METHODOLOGY

In the inaugural meeting, Commissioners committed to establishing a methodology that would maximize potential for actionable recommendations that produced

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<sup>28</sup> See full listing at *APPENDIX O, DOC Facilities Listing*. An online list of Department of Correction facilities is also available on the Mass.gov website, [Massachusetts Department of Correction Locations | Mass.gov](#).

<sup>29</sup> [Cross Tracking State & County Correctional Populations | Mass.gov](#): Offender Population by Offender Status by Month, Snapshot as of December 1, 2022.

<sup>30</sup> IBID.

<sup>31</sup> [State Employee Diversity Dashboard | Mass.gov](#), “Department Name” dropdown: Department of Correction.

<sup>32</sup> See *APPENDIX G, Working Group Reports & Recommendations (Interim and Final)*.

<sup>33</sup> (n. 26).

transformational change. Ultimately, the Commission Methodology comprised of the following elements:

- **Live-streamed Planning & Strategy Meetings**
- **Public Hearings**
- **Site Visits**
- **Working Groups**
- **Data Collection**
- **Data Analysis for Draft Findings and Recommendations**
- **Corrections Community Review & Feedback on Findings**

### **Live-streamed Planning and Strategy Meetings**

The Commission began to convene on July 9, 2021 and hosted a total of twelve Public Hearings through March 1, 2022.<sup>34</sup> The early meetings focused on the Commission’s planning and strategy, developing agreement on the scope of the mandate, the leadership role of Commissioners, the shared working definition of structural racism, the Commission priorities and values, and the scope and expectations for Working Groups.<sup>35</sup>

### **Public Hearings<sup>36</sup>**

From December 2021 to March 2022, the Commission hosted seven public hearings to solicit oral and written testimony from diverse stakeholders, including:

- **Formerly Incarcerated Men and Women:** Eleven formerly incarcerated BIPOC individuals in MA correctional facilities, including three who identify as LGBTQIA+ and one who is undocumented
- **Academic Expert Testimony:** Two academic experts on structural racism in corrections and one volunteer expert in resources and families

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<sup>34</sup> (n. 26).

<sup>35</sup> (n. 27).

<sup>36</sup> (n. 26).

- **Currently Incarcerated Persons:** Five currently incarcerated BIPOC individuals in MA correctional facilities (pre-recorded), including one transgender woman
- **Family of Incarcerated:** Four family members of currently and formerly incarcerated BIPOC individuals
- **DOC Administration:** DOC Commissioner Carol Mici and Administrators
- **HOC Administration:** Suffolk County Sheriff Tompkins, President MA Sheriffs' Association

### Site Visits

Commissioners participated in two official site visits in March, MCI-Cedar Junction/Walpole and MCI-Pondville, where Commissioners conducted onsite interviews and heard testimony.<sup>37</sup> The Staff and Administration Working Group made additional site visits to interview staff and administration leaders, including:<sup>38</sup>

- DOC Office of Recruiting and Training
- DOC Office of Diversity
- DOC Employee Assistance Unity
- Massachusetts Correctional Officers Federated Union, BIPOC members and line staff
- EOPSS Office of Diversity

Additionally, several Commissioners made independent site visits as part of their professional roles or business. These institutions included MCI- Norfolk, MCI-Concord, MCI-Framingham, Suffolk County House of Correction, and Souza Baranowski. Their findings were taken into account for the Commission's analysis.

### Working Groups

Commissioners delegated priority topics for investigation and recommendations to Working Groups. The working group structure allowed each Commissioner to share their individual expertise more directly and fully, and incorporated more of the

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<sup>37</sup> The Commission attempted to schedule official site visits at MCI-Concord, MCI-Norfolk, Old Colony C.C., Souza Baranowski, MCI Cedar Junction/Walpole and MCI Pondville for on-site interviews and testimonials. However, several were canceled due to various constraints.

<sup>38</sup> The complete list of interviews can be found in *APPENDIX G, Working Group Reports & Recommendations (Interim and Final): Staff & Administration Support, Development, and Training Working Group– Listing of EOPSS Staff & Administrator Interviews.*

complexity inherent in the study of structural racism in Corrections. Following is a list of the Working Groups:<sup>39</sup>

- **DOC Policy, Experience, & Access to Resources:** To analyze and study the current DOC system and its disparate impacts on BIPOC inmates.
- **Small Group Site Visit Coordinators:** To coordinate site visits and to organize interviews with incarcerated individuals and correctional officers.
- **Staff & Administration Support, Development, and Training:** To conduct internal and external interviews with staff and administrators within the DOC.<sup>40</sup>
- **Intersectionality of Hearing Agendas and Invitations:** Planned hearings and speakers to ensure inclusion of BIPOC individuals with intersectional identities representing all the affected subgroups, including women, LGBTQIA+ trans women of color, those who are housing insecure, those who are not citizens, those who are not English speakers, those with mental health challenges, and members of the disability community.
- **Follow the Money:** To analyze the budget and spending of the DOC.
- **Data Collection and Analysis:** To gather, analyze, and present data relevant to structural racism in the DOC, disaggregated by race, sex, gender identity, sexual orientation, and mental health status.
- **Outside Systems Mapping of Influences on DOC community:** To review how structural racism functions within and outside the DOC.

## Data Collection

The Commission reviewed educational, vocational and other programming as well as staff, administrator, incarcerated individual and group, family member, and other stakeholder experiences. In addition to testimony and site visits, Commissioners researched corrections data to provide context and inputs for analysis. This included DOC's public record of expenditures,<sup>41</sup> a 200-page response to 60 questions queried

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<sup>39</sup> (n. 27).

<sup>40</sup> (n. 38).

<sup>41</sup> See, e.g., *APPENDIX L, DOC Sample Expenditures and Line Item Requests*.

by Commission Working Groups,<sup>42</sup> the Mass Society for the Aid of Discharged Prisoners December 2022 Reentry Report,<sup>43</sup> and DOC healthcare data by race.<sup>44</sup>

The Working Groups determined early that the types of data that the DOC currently collects is insufficient for comprehensively analyzing structural racism that may be found in policies, programs or practices. For example, the Policy Working Group requested performance metrics on program participation and outcomes by race and ethnicity. The DOC response included some information on program enrollment in some facilities but did not have completion or other outcomes data by race. DOC expressed eagerness to partner with the Legislature to develop new data sets<sup>45</sup> and data collection systems consistent with Report Recommendations.

### **Qualitative Data Analysis for Draft Findings & Recommendations**

The Commission coded and analyzed data from the following sources:

- 13 Public Hearings, including testimony<sup>46</sup>
- Working Group & Commissioner Formal and Informal Interviews
- Racial Equity In Corrections Initiative of Prisoners' Legal Services (REICI) survey responses from currently incarcerated BIPOC individuals<sup>47</sup>
- Testimony submitted outside of hearings<sup>48</sup>
- Online research of DOC public data
- AACC data collection, surveys and research<sup>49</sup>
- DOC Response to Data requests from Commission Working Groups<sup>50</sup>

Coding is a process of identifying themes across a body of qualitative data.<sup>51</sup> These themes are used to map systemic connections and to support conclusions for findings and recommendations.

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<sup>42</sup> See *APPENDIX N, DOC Submissions to the Legislative Commission on Structural Racism in Corrections*

<sup>43</sup> See *APPENDIX K, Needs Assessment Report for Mass Society for the Aid of Discharged Prisoners*.

<sup>44</sup> (n. 42), *Point-In-Time Healthcare Data by Race, January 24, 2022*.

<sup>45</sup> See *APPENDIX M, DOC 2023 Data Sets Requests*.

<sup>46</sup> (n. 26)

<sup>47</sup> See *APPENDIX G, Working Group Reports & Recommendations (Interim and Final): Data Collection and Analysis (Survey) Working Group Preliminary Report*. Link to full blank survey of 147 questions available on p.141.

<sup>48</sup> See, e.g., *APPENDIX J, Written Testimony Submitted Outside of Public Hearings*.

<sup>49</sup> (n. 13).

<sup>50</sup> (n. 42).

<sup>51</sup> For coding instructions to research volunteers see *APPENDIX S, Coding Volunteer Assignments and Rubric*.

## Corrections Community Review & Feedback on Findings

May 2022, Commissioners and a team of research and writing volunteers from among the Commissioner agency and office staff and partners produced preliminary draft Findings & Recommendations.<sup>52</sup> To test this early draft, Commissioners and members of the Corrections community were offered opportunities to review and give feedback on the preliminary Findings and Recommendations.<sup>53</sup> These community members living and working inside the walls are critical experts in mitigating and eliminating structural racism. The Commission's process was grounded in building collaboration and trust with them and with DOC leadership and staff, which is also essential for implementing Recommendations.

### **On May 31, 2022, MCI Norfolk and the Commission hosted an intersectional group of about 80 Corrections stakeholders to give feedback to and workshop the Commission's preliminary high-level findings and recommendations.**

Participants included about 40 affinity group leaders who are incarcerated individuals, about 20 DOC administrators, staff, and correctional officers, Commissioners, and legislative staff, all of whom were engaged to work together with equal voice for six hours.<sup>54</sup> This workshop consisted of three sessions, each creating their own deliverable. Group A. finalized an analysis of DOC community and relationships, Group B gave line item feedback on preliminary Findings and Recommendations, and Group C produced a preliminary systems analysis of what DOC systems look like when they are free of structural racism.<sup>55</sup>

In subsequent small group sessions, incarcerated affinity group members refined the systems analysis by articulating themes, organizing responses, and identifying additional factors that influence findings. The Commission used this system analysis to prioritize recommendations and to enhance their feasibility and positive outcomes.<sup>56</sup> Once feedback from post-Commission review events was incorporated into a Draft, the Report draft was circulated to Commissioners and participants.

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<sup>52</sup> See APPENDIX Q, *MCI-Norfolk Workshop to Review Report Preliminary Findings & Recommendation: Preliminary Findings & Recommendations for Review 5/31/2022*.

<sup>53</sup> See, e.g., APPENDIX Q, *MCI-Norfolk Workshop to Review Report Preliminary Findings & Recommendations*.

<sup>54</sup> See workshop agenda and participating affinity groups in APPENDIX Q, *MCI-Norfolk Workshop to Review Report Preliminary Findings & Recommendation: Workshop Proposed Agenda to MCI Norfolk Administrations* ff.

<sup>55</sup> For details on the workshop and Group deliverables see, generally, materials in APPENDIX Q, *MCI-Norfolk Workshop to Review Report Preliminary Findings & Recommendations*.

<sup>56</sup> See APPENDIX R, *DOC Structural Racism Systems Analysis*.

# COMMISSION CALENDAR

## Statutory Deadlines

The original timeline provided for by the Statute established the Commission in January 2021 and set a deadline for the work at September 30, 2021. Due to a confluence of factors it took several months longer than mandated to appoint Commissioners. Commission co-chairs successfully petitioned for an extension to March 30, 2022. Due to the collaborative work and other various post-Commission opportunities for Corrections community engagement and feedback on the Report draft, Legislative leadership allowed for the Report to be submitted by the end of 2022. Where possible, further feedback was incorporated into this Final Report. However, to officially file this Report with the House and Senate Clerks as mandated, the Commission will need to be **"Revived and Continued"** in 2023.<sup>57</sup>

## Commission Timeline Highlights:

- **January 7, 2021:** law enabling Commission takes effect
- **July 9, 2021:** first public meeting date
- **July 23, 2021:** Working Groups established
- **December 23, 2021:** Final Commissioners appointed
- **March 1, 2022:** Last public meeting
- **March 22, 2022:** Last official Commission site visit
- **March 30, 2022:** Data collection completed and statutory term ends
- **May 2022:** Preliminary Findings and Recommendations circulated
- **May 31, 2022:** Stakeholder Workshop to review Draft report components
- **December 6, 2022:** Final Report Draft circulated to Former Commissioners, testifiers, and other participating stakeholders for review
- **December 30, 2022:** Final Report posted online and submitted to Former Commissioners, testifiers, stakeholders, and to 192nd Session House and Senate Leadership to be filed with the 193rd General Court upon *2023 Revival and Continuation*<sup>58</sup> of the Commission.

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<sup>57</sup>It is not uncommon for Special Legislative Commissions to expire before their work is complete. This Commission received two extensions. Though disbanding at the final extended statutory deadline of March 30, 2022, many former Commissioners, Corrections community members and volunteers continued to work to continue analyzing the data and writing to produce this Report in 2022. Because the Commission automatically disbanded at its statutory deadline, the Clerks cannot officially file it with the General Court until a legislator or the Governor files an order to "Revive and Continue" the Commission. However, Co-chairs will publish the Report document online.

<sup>58</sup> IBID.



## **LIMITATIONS ON DATA AND METHODS IN RESPONSE**

The Special Legislative Commission structure limited the Commission in key ways, noted below. Transparency about the limitations facilitated adaptations that helped ensure the strongest possible result given the limits.

### **Limitations: Commissioner Appointments & Limited Resources**

Based on legislatively mandated appointments, key stakeholder groups were not reflected in the Commissioner makeup, including currently incarcerated persons, families of incarcerated persons, groups representing the experience of women prisoners and staff, persons with disabilities, groups specific to BIPOC staff, operations and facilities staff, the DOC Commissioner, DOC facility-level administrators, and groups representing victims and survivors of crime. The Commission made extra efforts to engage these individuals and groups. Lacking their representation as Commissioners still created limitations, given the Commission's lack of staff and resources. The ongoing work required to hear all voices and perspectives and the need to dedicate adequate resources to antiracism inquiry in Corrections is reflected in the Commission's Recommendations.

### **Limitations: Hearings**

Currently incarcerated individuals offer relevant testimony regarding their experience of structural racism in Corrections, however, they may speak publicly only in conjunction with a victim impact and notification process. To work within these regulations, the Commission and DOC Administrator arranged for five currently incarcerated individuals to share pre-recorded testimony publicly. Housed in four different facilities, individuals are identified by first name only.

### **Limitations: Site Visits**

DOC provided access for Commissioners and Working Groups to conduct unlimited site visits and interviews with incarcerated individuals and staff. Nevertheless, required security protocols do not facilitate the spontaneous observation of interpersonal or structural racism in correctional facilities. Even unannounced visits offer ample time to change or hide negative behaviors. The Commission's ability to corroborate testimony of currently and formerly incarcerated individuals was limited by this. The DOC offered to provide unannounced video, but Commissioners did not have the capacity to request or thoroughly review it. Furthermore, spikes in Covid-19 cases in facilities led to shut downs, which limited site visit activities.

### **Limitations: Working Groups**

The volunteer nature of the Commission limited the available time Working Groups had to devote to their research and recommendations. Groups were further limited by health delays among Commissioners and family members due to COVID-19.

### **Limitations: Data Collection**

The DOC does not routinely collect staff or incarcerated individual data on experience and outcomes by race. With advance notice, DOC will publish such data via a special written Commission request. Commissioners and the DOC shared a learning curve on how to request and get the specific and targeted data needed. The Recommendations reflect this, including a proposed listing of new data sets required to fully examine and monitor structural racism and equity.

Despite these limitations, Commissioners made strong efforts to include as many diverse perspectives as possible within the time frame and structure of a Special Legislative Commission. The Report reflects a general Commissioner consensus of the Findings and Recommendations, based on testimony, interviews, site visits and available data. Each finding is supported by citations, and the Report identifies findings requiring further data for corroboration.

## **Findings**

### **COMMISSION FINDINGS FRAMEWORK: FOUR TYPES OF STRUCTURAL RACISM**

#### **Structural Racism in Public and Private Institutions Generally**

The Commission collected hundreds of discreet findings on structural racism in correctional facilities. Commissioners agreed that structural racism is systemic, and thus that this Report's complex and interrelated Findings and Recommendations should be presented within a systems thinking framework. For the purposes of this Report, the authors reviewed a number of frameworks to help organize the complex Commissioner Findings. The following Structural Racism framework, developed and promoted by Professor John A. Powell,<sup>59</sup> elaborates four types of Structural Racism

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<sup>59</sup> Professor Powell and others developed this framework on a systems thinking approach to understanding structural racism while Powell was at the [Othering and Belonging Institute at Berkeley Law School](#) and at [Kirwan Institute at Ohio State University](#), influenced by [Urie Bronfenbrenner's Ecological Systems Theory](#). See e.g., Workshop

and is widely used in academic and community justice settings to help people understand and address structural racism:

*"Racism manifests itself in multiple spheres of our lives and takes many forms, including internalized, interpersonal, institutional, and structural. In most conversations, people think about racism as a problem between two or more individuals. From a systems perspective, different facets of racism work interactively to reinforce a system that racializes outcomes." **In other words, interactions between individuals are shaped by and reflect underlying and often hidden structures that shape biases, create disparate outcomes even in the absence of racist actors or racist intentions.** The presence of structural racialization is evidenced by consistent differences in outcomes..."<sup>60</sup>*

#### **Four Types of Structural Racism In the Corrections Setting**

Borrowing from the Powell et al framework: "Racism is a social-political construct used to group people and differentially allocate resources of society based on that grouping," and **structural racism** "describes the dynamic process that creates cumulative and durable inequalities correlated with race."<sup>61</sup> **This framework can be adapted to describe structural racism as manifesting in four ways:**

- **Institutional racism:** racialized bias ingrained within agency practices
- **Systemic racism:** cumulative institutional culture perpetuating harmful biases
- **Interpersonal racism:** racialized biases impacting individuals' interactions
- **Internalized racism:** racialized beliefs within individuals

**Structural racism manifests in Corrections in these same four distinct yet overlapping types of racism**, commonly assessed in other institutions:

Institutional Racism (**policies**), Systemic Racism (**external system impacts**), Interpersonal Racism (**relationships**), and Internalized Racism (**culture**).

The primary purview of the Special Legislative Commission is Institutional Racism (policies) where legislative and administrative platforms can be readily leveraged to make change. However all four forms of racism contribute to Structural Racism, all four forms must be addressed to dismantle Structural Racism, and all four forms can be impacted by the policies of the Administration. The Commission Findings and Recommendations reflect this system's thinking approach to the mandate.

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Summary [Systems Thinking and Race, Transforming Race Today: Structural Racialization, Systems Thinking, and Implicit Bias](#), accessible on the official Berkeley and Kirwan websites.

<sup>60</sup> IBID, at [Systems Thinking and Race, Transforming Race Today: Structural Racialization, Systems Thinking, and Implicit Bias](#), p.5

<sup>61</sup> IBID, p.6.

## KEY FINDINGS: HIGHLIGHTS & EXPLANATION

### FINDINGS SUMMARY

**Structural racism manifests within the often hidden structures comprising systems (e.g., policies, practices, and culture) of Massachusetts Corrections and results in disparate treatment of BIPOC Corrections community members, including incarcerated individuals and staff.**

The Commission finds that the structural racism in Corrections systems produces or perpetuates unfair treatment and impacts by race and other intersecting identities (e.g., LGBTQ+ or immigrant status) and that it can be dismantled with intentional partnership between the Legislative and Executive branches, supported by leadership from diverse Corrections community members. As the Powell framework indicates, individual interactions and experiences are “shaped by and reflect **underlying and often hidden structures that shape biases [and] create disparate outcomes even in the absence of racist actors or [] intentions.**”<sup>62</sup>

The Commission’s data and procedures revealed hundreds of individual findings in support of the presence of structural racism in Corrections. Below, Key Findings are organized according to the adapted Powell framework, on p. 22 above, and to facilitate actionable, sustainable, and systemically-grounded recommendations.

#### ➤ **Institutional Racism: Corrections Policies**

**Structural racism manifests in Massachusetts Corrections as institutional racism, mainly through policies.** The inequity is institutional, because even when staff implement the policies by the book, things can go wrong from an equity perspective, yielding unintended negative or disparate impacts by race.

**Corrections policy, program design and implementation do not take structural racism into account.** This lack of antiracist intentionality<sup>63</sup> leaves gaps in resources for BIPOC incarcerated individuals and groups and results in disparate

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<sup>62</sup> (n. 60).

<sup>63</sup> Dr. Ibram X. Kendi, founding director of Boston University's Center for Antiracist Research, discusses the themes and differences of being ‘not racist’ and ‘antiracist’ in his book *How To Be an Antiracist*, published, 2019. Kendi writes “What’s the problem with being ‘not racist’? It is a claim that signifies neutrality: ‘I am not a racist, but neither am I aggressively against racism.’ I want to eliminate the concept of ‘not racist’ from our vocabulary. We’re either being racist or antiracist.” He also shared in his Ted Talk that “An antiracist is someone who is willing to admit the times in which they’re being racist and who is willing to recognize the inequities and the racial problems of our society and who is willing to challenge those racial inequities by challenging policies.” See [Ibram X. Kendi: The difference between being "not racist" and antiracist | TED Talk](#).

services, opportunities, and impacts by race, as well as by various intersections of identity and race. In some cases, the Commission found that, when it comes to impact, services and opportunities were provided differently to different groups of people despite the policy having been designed considering the needs of all.

**Gaps in DOC<sup>64</sup> policies for hiring and for staff training, support, and accountability create opportunities for structural racism to go unchecked.**

DOC recruitment practices do not reflect the DOC community's ethnic and cultural diversity. Staff and management do not reflect the diversity of the DOC community, which limits the cultural fluency of the staff and administration. Staff of all races report limited access to training, professional development, and trauma support. This shortfall can amplify structural racism when the specialized training required for equity and mission success in a diverse setting is missing or inadequate. In addition, DOC does not have adequate mechanisms for individual observation, assessment, and accountability for employees who violate anti-discrimination policy.

**The Commission heard widespread reports of staff discretion resulting in, sometimes unconscious, preferences for individuals based on race.** This showed up in testimony recounting disciplinary measures or job opportunities. In other cases, the Commission found the policy design did not incorporate the unique needs of different races, ethnicities or cultures, such as in canteen procurement or equitable access to religious and cultural literature or celebrations.<sup>65</sup>

**Institutional racism findings showed up most prominently in the following policy areas:**

- **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
- **Budgeting transparency** and decision-making

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<sup>64</sup> HOC human resources and staffing processes need to be reviewed on a county by county basis.

<sup>65</sup> See, e.g., (n. 47), p.141. Preliminary Survey Results, March 28, 2022 found 94% of BIPOC incarcerated individuals surveyed believe that regulations, policies and/or practices at their correctional facility have a disparate (unequal) impact on BIPOC prisoners. According to 75% of surveyed BIPOC incarcerated individuals, there are no regulations, policies or practices at their correctional facility that adequately address racial discrimination.

## Institutional Racism Findings by Policy Area

### **Healthcare Education, Access Diagnosis and Treatment**

**The Commission found structural racism present in policy governing healthcare education, access, diagnosis, treatment and other services delivery, with particular disparities in mental and behavioral health.**

Current and formerly incarcerated individuals of all races reported reluctance to request mental health treatment, because of stigma<sup>66</sup> and perceived negative impact on their parole. These and other healthcare access challenges were exacerbated for BIPOC respondents who reported requests for healthcare being ignored or denied when similar requests by white peers were addressed.

In addition to inadequate physical and mental health care, BIPOC respondents reported issues with missing medical histories or other relevant medical information in their records. In both testimony and interviews, BIPOC incarcerated people reported experiencing retaliation for requesting medical help as well as obstacles to continuity in medication management, such as having to make multiple requests or to wait until symptoms intensified before receiving follow-up care. **Increased healthcare data collection by race is required to confirm perceptions that these experiences are worse for BIPOC compared to white incarcerated individuals.**

**The BIPOC experience is one aspect of a broader mental health crisis in Corrections.** Reports show that the number of incarcerated individuals in MA in need of mental health services is growing rapidly.<sup>67</sup> From sleep disorders to anxiety, mental health treatments have spiked in recent years.<sup>68</sup>

### **Services to BIPOC Immigrants and English Language Learners**

**Incarcerated BIPOC immigrants experience added barriers to programs and services.** Corrections does not consistently provide translation services to support communication during the intake process. Among other problems, this

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<sup>66</sup> See, e.g., *APPENDIX I, Transcripts, Summaries, and Links for Hearings and Oral & Written Testimony*, Hearing, December 8, 2021, Jamal Spencer.

<sup>67</sup> See, e.g., Matt Murphy, State House News Service, mod. March 22nd, 2022, [Demand for mental health services spike in jails, sheriff's report | WBUR News](#).

<sup>68</sup> IBID.

results in staff misidentifying the race and ethnicity of incarcerated individuals who do not speak English, undermining a policy<sup>69</sup> of self-reporting. If race is not properly identified at intake, data-collection on structural racism will be inaccurate and the documentation of barriers or progress by race is impossible. In one Commission survey of latino men at MCI-Norfolk, over 75% of the 157 surveyed were labeled as white when they do not self-identify as such and nearly 45% said they required translation services.<sup>70</sup> In another Commissioner survey, across DOC facilities, almost 50% of respondents reported their race or ethnicity had been misidentified in a MA correctional database.<sup>71</sup>

**Language barriers prevent ELL incarcerated individuals adequately advocating for their health care and program participation and inadequate multilingual information and programming produces disparities in program participation and outcomes.** Family members who do not speak English experience a significant disadvantage. For example, the DOC’s webpage and bulletin boards provide public information about visitation procedures, attorney application forms, and dress codes in English only or, in some cases, in English and Spanish only. These and many other examples of linguistic inequality unfairly restrict both incarcerated individuals and staff in rehabilitation efforts and can result in a failure to effectively prepare non-English speaking incarcerated people for reentry.

### **Cultural and Ethnic Affinity Group Programming and Services**

**Corrections infrastructure, policy and resources to support non-mainstream cultural and ethnic groups is limited and inconsistent across facilities.** The language for and understanding of what a cultural or ethnic affinity group is or why it is important to the Corrections mission shifts depending on the department or facility. Therefore, many corrections facilities have no way to cultivate leadership or feedback to ensure racially and culturally equitable community engagement among staff or among incarcerated people. The impacts of this range from awareness of basic needs, like black hair care

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<sup>69</sup> DOC Research and Planning Division, May 2021, accessible on the official Mass.gov website, [Massachusetts Department of Correction Prison Population Trends 2020 | Mass.gov](#).

<sup>70</sup> See APPENDIX D, *AACC Submissions to the Legislative Commission on Structural Racism in Corrections: AACC Structural Racism Commission: Survey on MCI-Norfolk Latino Men*.

<sup>71</sup> (n. 47), p. 145.

and skin care products in canteen, to accessibility of shared cultural events and foods associated with non white or non-American cultural or religious activities.

**Many administrators and staff don't realize that the products and events they are accustomed to are most prominent in white or American-born culture.** In some cases staff of any race may not believe that underrepresented cultures should or can be given equal expression as compared to mainstream culture. There is limited training, and what exists is largely informal, on the connection between cultural access and rehabilitation. This is discussed in the below section on Internalized Racism: Corrections Culture.

### **Job and Workforce Development Opportunities**

**BIPOC community members perceive that white incarcerated individuals are offered more desirable, higher paying job opportunities than BIPOC incarcerated individuals.** BIPOC incarcerated individuals in hearings and interviews reported delayed access to jobs, like being waitlisted longer than white peers, and being offered lower paying jobs. In one Commissioner survey of BIPOC incarcerated individuals, respondents believed BIPOC incarcerated people weren't given the same employment opportunities as white peers.<sup>72</sup>

The Commission found that this disparity may be partially explained by pre-existing race disparities. **Corrections policy currently has no intentional infrastructure for mitigating externally-originating disparities.** Research shows that black and many immigrant groups are over-arrested, overcharged, and over-sentenced for the same crimes as compared to white persons.<sup>73</sup> Parole hearings also produce disparate results by race.<sup>74</sup> Corrections jobs policies tied, for example, to the type of offense or the number of years until release, can compound pre-existing disparities. The below section on Systemic Racism: External Public Systems further elaborates findings of structural racism imported from outside the walls.

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<sup>72</sup> See, e.g., (n. 47), pp.144-145.

<sup>73</sup> See, e.g., "Racial Disparities in The Massachusetts Criminal System," The Criminal Justice Policy Program, Harvard Law School, Submitted to Chief Justice Ralph D. Gants, Supreme Judicial Court of Massachusetts, at <https://hls.harvard.edu/wp-content/uploads/2022/08/Massachusetts-Racial-Disparity-Report-FINAL.pdf>

<sup>74</sup> IBID. See also, *APPENDIX P, Related Police Reform Bill Special Legislative Commission Reports: Special Legislative Commission on Structural Racism in the Massachusetts Parole Process, 2022.*



## **Data Systems To Collect and Track Staff and Incarcerated Individual Experiences and Outcomes**

**Corrections lacks consistent reporting on targeted, specific, consistent, and accurate data by race, including accurate identification of an individual's race and ethnicity upon intake.** Accurate data reporting disaggregated by race is essential for examining and addressing structural racism and equity in strategic planning and for resource allocation decisions. Inaccurate Corrections data on incarcerated individuals' primary language deflates the scope and magnitude of language needs and blurs the distribution of that need across facilities.

Several Commission Working Groups requested corrections data disaggregated by race from the Department of Correction, but generally speaking only aggregated data was available. The DOC has agreed to collect specific disaggregated data by race going forward, which will in some cases require building out new data collection capacities.<sup>75</sup> Each HOC should similarly agree. This data should be published online to facilitate transparency and public policy.

## **Budgeting Transparency and Decision-making**

**Budgeting opaqueness inflames public mistrust and inhibits the Legislature targeting funds towards new efforts, including those to dismantle structural racism.** DOC financial reports<sup>76</sup> do not itemize costs at the program level. Moreover, DOC administrators, correctional officers, and incarcerated people reported a belief that Corrections spending does not match stated priorities for staff or incarcerated individual outcomes. Some respondents perceived that program spending, especially for healthcare and reentry, targets needs more commonly experienced by white incarcerated persons than those experienced by BIPOC people.<sup>77</sup> These perceptions can be damaging to Corrections culture and mission and can stoke mistrust between groups.

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<sup>75</sup> (n. 45).

<sup>76</sup> (n. 41).

<sup>77</sup> (n. 47).

## ➤ **Systemic Racism: External System Impacts**

Structural racism manifests in Massachusetts Corrections as **Systemic Racism** when unaddressed or unmitigated impacts of structural racism in external public systems carry over into Corrections.

### **Intersectional race disparities in the external criminal legal system outside the walls are imported into Corrections.**

BIPOC communities are overrepresented in the criminal legal system from over-policing to disproportionate arrests and charging to over-sentencing.<sup>78</sup> BIPOC LGBTQ+ persons and youth experiencing homelessness are even more overrepresented. For example, in a graph created in 2021 by the Prison Policy Initiative, 47% of black transgender people nationally have been incarcerated at some point in their lives.<sup>79</sup> LGBTQ+ youth of color in greater Boston are four times more likely to be homeless<sup>80</sup> and food insecure as their white LGBTQ+ peers and this leads to higher rates of incarceration. While these realities originate outside of Corrections, the impacts inside the walls can be mitigated through increased training and policy as well as through development of antiracist Corrections culture.

### **Education and other policies & privileges tied to sentencing can produce disparate results.**

Much like jobs policy, incarcerated individuals who enter Corrections with longer sentences can be disproportionately excluded from programming or put on years-long long waiting lists. Individuals with longer sentences report being ineligible for some educational programming until they are a certain number of months from their release date. Because of pre-existing sentencing disparity, these individuals are disproportionately BIPOC.

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<sup>78</sup> Harvard Law School (n. 73).

<sup>79</sup> “Visualizing the unequal treatment of LGBTQ people in the criminal justice system,” Help us End Mass Incarceration, 2021, [BIPOC transgender people have especially high lifetime rates... | Prison Policy Initiative](#). This sample was created in 2021, with a follow up survey in 2022 predicted to be larger than the previous survey.

<sup>80</sup> In the 2018 Massachusetts homeless youth count, where 2,150 youth were struggling with homelessness or were unstably housed, 21.9% identified as LGBTQ. The survey revealed that LGBTQ youth were 2.8 times more likely to experience homelessness than their heteronormative counterparts. Of these youth, 31% were Black, 14% were Latinx, 1% were Native American, and 1% were Asian or Pacific Islander. Mass.gov, [Massachusetts Commission on LGBTQ Youth: 2020 Report and Recommendations | Mass.gov](#), pp. 23 and 31.

**The classification system is one example of a correctional system that compounds structural racism carried over from outside because of its reliance on the unfair sentencing produced by structural racism in the courts.** BIPOC currently and formerly incarcerated persons reported that the Objective Point-based Classification System negatively impacts their access to services and programming relative to white counterparts by granting a higher place on certain programming waitlists to those with shorter sentences of incarceration.<sup>81</sup> Because BIPOC individuals are much more likely to be over-sentenced for the same crimes, this reliance on sentencing can exacerbate structural racism.

**Some respondents perceived access to health services to be tied to experiences and resources that BIPOC individuals were less likely to have pre-incarceration.** For example, where previous diagnosis or addiction care is required for certain behavioral health programming, BIPOC respondents felt that white incarcerated persons had an effective advantage in accessing those services because of better and more culturally accessible diagnosis and treatment for opioid addiction and other behavioral health and trauma in white communities of origin.

**BIPOC incarcerated individuals also reported heightened barriers to release and reentry because of structural racism in transitioning and post-carceral settings, including parole, public housing, and private employment.** BIPOC incarcerated and formerly incarcerated respondents report being drastically underprepared and ill-equipped for successful parole hearings and return to their communities. This can be especially true for LGBTQ+ persons and English Language Learners. Corrections policy requires updating to reduce disparities in reentry outcomes and ensure that all incarcerated individuals returning to community can succeed, regardless of race.

**Formerly incarcerated BIPOC respondents reported that reentry processes are faster and more effective for people who have stronger ties to outside employment, stable housing and homeownership.** Where external factors create race disparities in employment, housing and homeownership, this means that on average BIPOC returning individuals require increased workforce development and housing support in order to experience the same outcomes as

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<sup>81</sup> (n. 42), p. 308.

white counterparts. Currently the baseline of employment and housing support afforded to incarcerated persons does not address this and therefore may unintentionally disadvantage BIPOC returning individuals. By contrast if the baseline of support targeted the populations with the highest need, regardless of race, it would raise the bar and reentry outcomes for everyone.

➤ **Interpersonal Racism: Corrections Relationships**

**Structural racism manifests in Massachusetts Corrections as Interpersonal Racism where disparate treatment by race occurs between Corrections community members.** BIPOC incarcerated individuals reported hearing blatantly racist statements and epithets from white staff, incarcerated people, and one<sup>82</sup> administrator. Some BIPOC incarcerated members felt added stress at the lack of venues for holding staff accountable for racist and other harmful words and actions. This was particularly true for BIPOC LGBTQ+ incarcerated people. Respondents also reported that incarcerated individuals of any race may expect allegiance or opposition from staff or other incarcerated people, based on their race. These expectations can trigger counterproductive confrontations.

**Reportedly, one-on-one interactions between some staff and BIPOC incarcerated people can disproportionately impact disciplinary decisions, access to healthcare services, and access to employment.** In interviews, testimony and at site visits, staff, administrators, and incarcerated people of various races reported a perception that many staff carry conscious or subconscious negative stereotypes based on race. This is especially true when a BIPOC incarcerated individual is LGBTQ+, dark-skinned, or does not speak English. Staff of any race<sup>83</sup> who are implementing policies where discretionary decision-making is the norm are at greatest risk of giving preference to white individuals over BIPOC individuals based on their biases. An example referenced frequently in testimony, focus groups, and interviews was of some staff assigning higher paying and more desirable jobs, like metalworking or dog training, to white individuals, while assigning lower paying less desirable jobs, like janitorial work, to individuals of

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<sup>82</sup> Upon inquiring about multiple allegations by currently incarcerated persons of a current administrator using offensive racial epithets and making blatant racist statements to them, the Commission found each reported incident traced back to a single individual. That individual is no longer employed by DOC.

<sup>83</sup> Unconscious bias was reported as problematic across the Corrections community, regardless of the race or position of the person holding the bias. Bias against darker skinned and immigrant incarcerated people was reported in interactions with staff as well as with other incarcerated people, including some BIPOC staff and peers

other races. In site visits and in confidential interviews, multiple staff and administrators acknowledged what they believed to be a minority but significant percentage of Corrections staff who treat BIPOC community members disrespectfully, cause them harm, or withhold positive support from them when they expect they can get away with it.

**BIPOC incarcerated individuals reported experiencing over-policing based on race or skin color and receiving harsher discipline than white counterparts.**

Almost 50% of incarcerated individuals surveyed by one Commissioner reported having been physically assaulted by correctional staff, with half of these reporting the assault was racially motivated.<sup>84</sup> Some BIPOC incarcerated respondents used phrases like “militarized” or “warlike” to describe how corrections officers relate to them. Disparate treatment increases for incarcerated individuals with intersectional identities. For example, BIPOC incarcerated individuals who identify as LGBTQ+ reported being more likely to be sentenced to solitary confinement for defending themselves in an attack. Black transgender women’s intersectional identities made them particularly vulnerable to violence. Cruel and unusual punishment of BIPOC transgender individuals reportedly led to suicide in some cases.<sup>85 86</sup>

**BIPOC staff reports ranged from experiencing no problems with racism to feeling unsafe, discouraged or unsupported in addressing their own experiences of racism or acts of racism they witnessed toward other members of the corrections community, including incarcerated persons.<sup>87</sup>**

In confidential settings, some white staff and administrators corroborate witnessing or suspecting staff of pressuring other staff to keep quiet about incidents of racism.

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<sup>84</sup> (n. 47), See, e.g., p. 145.

<sup>85</sup> APPENDIX I, *Transcripts, Summaries, and Links for Hearings and Oral & Written Testimony*: Hearing, January 13, 2022, Michael Cox.

<sup>86</sup> A worsening epidemic of suicide within the Corrections community crosses all races and positions. This devastating and unacceptable reality must be addressed for all races. The Commission’s mental health Recommendations are intended to combat structural racism and bolster support for all Corrections community.

<sup>87</sup> See, e.g., APPENDIX J, *Written Testimony Submitted Outside of Public Hearings: Summary of Interview with BIPOC Officer Derrick Samuels* reporting details of employment discrimination claim and experience..

## ➤ **Internalized Racism: Corrections Culture**

### **Structural racism manifests in Massachusetts Corrections as Internalized Racism where individual and community attitudes and beliefs impact Corrections culture and community members disparately by race.**

Historically, corrections culture normalizes mentalities that work counter to dismantling structural racism. Additionally, preference for white, Christian or American cultural familiarity, while neglecting other cultures or subjecting them to special scrutiny, can lead to disparate impacts by race.

### **The Commission found that historic Corrections culture normalizes an “us vs. them” mentality across many of the corrections institutions, with varied responses to this culture in the contemporary Corrections community.**

The “us vs. them” mindset showed up between staff and administrators as well as between staff and incarcerated individuals. This mentality can be exacerbated by certain aspects of street culture,<sup>88</sup> imported by corrections community members, that impact dynamics between staff or between incarcerated individuals. “Us vs. them” promotes dehumanizing “the other,” and destroys the capacity for empathy, good will and honesty<sup>89</sup>— all essential tools for dismantling structural racism. Administrators named this culture as something they attempt to work against in their respective institutions. Some staff and incarcerated individual testimony reported that they themselves resist this culture or actively work against it. In other cases, however, community members expressed a general acceptance of this culture as “the way it is,” or acknowledged a sense of giving up or of hopelessness about changing these deeply rooted cultural and relational divisions.

### **Diverse community members reported that internalizing race and ethnic bias is normalized in Corrections culture and that it is counter-cultural to confront it.**

A number of respondents cited cases where administrators were dismissive of critiques relating to unfair treatment based on race, resisting or refusing authentic inquiry or investigation. This was reported in some cases where the complainant was a white staff or incarcerated person reporting negative treatment or impacts on behalf of their BIPOC peers.

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<sup>88</sup> The Commission did not attempt to define “street culture,” which is a dynamic and diverse concept. This finding is referring to one aspect of “running the streets” where neighborhood boundaries or demographic differences are pitted against each other and emotional or physical harm between groups is normalized.

<sup>89</sup> See, e.g., Forbes, Feb. 6, 2019, Duena Blomstrom, [Why A Culture Of "Us Vs. Them" Is Deadly](#).

**When staff are not trained and do not understand racial trauma they may cause more triggering or misinterpret reactions of incarcerated persons, responding in ways that unnecessarily escalate situations that are medical in nature.**<sup>90</sup> Some staff, both BIPOC and white, used phrases like “violent criminals” and “bad people” to generally describe the incarcerated population,

contributing to a cycle of triggering and harm. External structural racism in charging and sentencing leads to proportionally more BIPOC and immigrant people being incarcerated for violent crimes.<sup>91</sup> This could create or reinforce internalized views that BIPOC people are more violent.

**When BIPOC individuals experience PTSD resulting from persistent racism prior to incarceration, continued encounters with racism can delay PTSD recovery and trigger more severe symptoms.**<sup>92</sup> Community members

expressed that racialized generalizations are triggered by and trigger trauma responses and hypervigilance across the community, regardless of position or race.

**Incarcerated respondents reported experiencing that the comfort zones or cultural understandings of administrators were discussed and treated as nonethnic, generic or safe, while those of majority BIPOC, non-American, or non-Christian identities and cultures were approached with skepticism or treated as special privileges.** They also reported a pervasive lack of

knowledge or understanding about how to assess needs and resources through a cultural lens, particularly for cultures unfamiliar to them. While this may be a common experience among BIPOC, immigrant and non-Christian individuals in institutions across the Commonwealth and country, the impacts of this disparity in

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<sup>90</sup> “Mental Health and Racial Equity In CHNA 17”, page 22-23, 47-48, Community Health Network Area 17, Compiled by Emily Bhargava, Connection Lab LLC, Funded by Mount Auburn Hospital and McLean Hospital, September 2017. Respondent healthcare provider responsible for training police officers in social work and antiracism reported officers showing much stronger outcomes when training modules included trauma history of African Americans with law enforcement. Parts of this report can be accessed on the CHNA17 website, [Assessing Community Needs - CHNA 17](#).

<sup>91</sup> Harvard Law School (n. 73).

<sup>92</sup> See Sibrava, Nicholas J., et al, January 2019, [Posttraumatic Stress Disorder in African American and Latinx Adults: Clinical Course and the Role of Racial and Ethnic Discrimination](#). Research suggests that experiences with discrimination contribute to higher prevalence of Posttraumatic Stress Disorder in African American and Latinx adults and that frequency of those experiences predict lower outcomes in treatment, as compared to White adults.

the Corrections setting can lead to unequal distribution of resources and privileges by race and can make the environment less safe for everyone.<sup>93</sup>

**The Commission found that religious celebrations, foods, canteen products and programming in Corrections generally align within the cultural comfort zone of white Americans and can receive less scrutiny than cultural norms that are less familiar or comfortable for white community members.** A lack of diverse hair care products in canteen is one example. BIPOC incarcerated respondents reported incidents where requests for books, multimedia, or events that are standard or essential in their culture or religion were denied based on express administrator or staff concerns that the content was disruptive. BIPOC-led affinity groups reported having a harder time approving volunteers than white-led groups. These respondents noted that cultural or religious celebrations requested by majority white groups were more often described as relevant, safe, and mainstream by the same administrators. BIPOC family members and LGBTQ+ incarcerated people expressed feeling chastised based on their body types or how their clothes fit, with curvy shapes in women family members and femme presentation among BIPOC incarcerated people assigned male at birth (e.g., gay men, transgender women) receiving higher levels of scrutiny about attire.

**Some administrators expressed working towards culturally equitable resource assessment, however they described their efforts as recent, new or counter cultural and therefore lacking strong supportive cultural infrastructure.** Staff and administrators reportedly lacked training or awareness about the unique resource needs of race, culture, or language groups.

**Administrators, incarcerated persons and staff respondents all perceived patterns of some Administrators overgeneralizing negative experiences with a small number of BIPOC individuals across all members of that group, rather than investigating and more surgically responding to each situation.** Respondents of all races described the practice of restricting, dismissing, or punishing an entire group because of the behavior of someone similar to them in demographic, living space, job title or sentence as dehumanizing. Testimonies mentioned this practice across a broad range of areas of Corrections, including

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<sup>93</sup> Some non-BIPOC staff also reported feeling or being silenced in their cultural or religious adherence, particularly with respect to COVID restrictions. These experiences and others the Commission heard were not covered by the legislative mandate to investigate structural racism but should be further investigated and addressed.



furloughs, COVID response, gym access, lockdowns, room searches, and staff complaints, with BIPOC individuals and people who have been convicted of serious crimes reporting significant distress as a result.

**BIPOC staff and incarcerated persons reported that some staff's unconscious beliefs about race and culture unintentionally negatively impact fairness in daily discretionary decisions, such as job placement or discipline.** These respondents shared that some correctional officers fear or distrust BIPOC, especially darker skinned, incarcerated individuals, more than white incarcerated individuals. They perceived that in these cases, white incarcerated people and their visitors, volunteers, and families were perceived by these officers as safer or more trustworthy than BIPOC community members. Respondents reported that neighborhood or ethnic group familiarity between a staff person and an incarcerated person sometimes resulted in preferential or disparate treatment. In other cases certain immigrant backgrounds were typecast as better cleaners or harder workers. In some cases incarcerated people felt discriminated against based on their offense type as compared to white peers convicted of the same offense. These unconscious biases were reported to disproportionately impact BIPOC job assignments, disciplinary review or appeal, and disciplinary actions.

Limited shared language or understanding about how to identify and describe structural inequity and bias further entrenches negativity and can impact community safety and the mission of Corrections.

## Recommendations

### **SUMMARY OF MAJOR<sup>94</sup> RECOMMENDATIONS**

**In light of the systemic nature of the Commissions structural racism framework, this Report's 10 major recommendations are clustered into Legislative, Corrections Policy, and Administration responses which, taken together, can launch effective transformational change with best practices in antiracism and Diversity, Equity, Inclusion, and Belonging (DEIB).**

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<sup>94</sup> More recommendations from Commissioners and Commission participants can be found in *APPENDIX G, Working Group Reports & Recommendations (Interim and Final)* and in *APPENDIX U, Preliminary Outlines Organizing Comprehensive Findings & Recommendations*. Many of the recommendations presented in testimony related either to racism outside of Corrections or to addressing general problems or abuses within Corrections without linking outcomes to reducing race disparities. The *Rough Outline of Preliminary Recommendations* in APPENDIX U culled Recommendations tailored specifically to ending structural racism in Corrections settings.

## Summary of Legislative Recommendations

1. Review **existing bills** recommended for individual or omnibus passage.
2. Draft **omnibus Corrections bill** for accountability and DEIB inclusion.
3. Draft **public health bill** for culturally-appropriate, gender-affirming healthcare.

## Summary of Corrections Policy Recommendations

4. Update **Corrections data** collection policies & standards with a DEIB lens.
5. Develop infrastructure to **innovate programs & services with a DEIB lens**.
6. Update **staff hiring, training & accountability** infrastructure with a DEIB lens.
7. Launch and support **intentional corrections culture development** teams.

## Summary of Governor & Administration Recommendations

8. Establish **equity data** systems, independent review, and public communication.
9. Facilitate **inter-agency partnership** to leverage reentry funding and outcomes.
10. Expand **budget transparency** and target financial support to reentry success.

The Commission offers the following expansion on some immediately actionable highlights from each of the 10 key recommendations above.

## LEGISLATIVE RECOMMENDATIONS TO DISMANTLE STRUCTURAL RACISM

Dismantling structural racism will be shared work between the Legislature, the Corrections community, and the broader Administration. Where the work requires consistency and oversight to hold steady across staffing and administration changes, the particular contribution of the Legislature is essential to fulfilling the mandate. Below the Commission recommends **existing** and **new bills** for passage.

1. **Review existing bills recommended for individual or omnibus passage.**  
**Review existing legislation recommended by the Commission for individual or omnibus bill passage, in order to assist Committees in aligning new legislation to improved Corrections outcomes and to ensure such bills incorporate a race equity lens and are enacted to existing race disparities.**

The Commission recommends the following bills from among the 192nd General

Court for consideration whose collective passage would help to reduce or eliminate structural racism in Corrections by addressing issues of race disparity in the criminal legal system, supporting decarceration, providing for equitable healthcare in prisons, increasing reentry resources and outcomes, and increasing accountability through data transparency.<sup>95</sup>

## Public Safety Bills

- *H.3453/S2304 - An Act to eliminate debt-based incarceration and suspensions*: Eliminates several debt-based driver's license suspension triggers.
- *H.2008/S.1815 - An Act to reinvest justice and opportunity in communities affected by incarceration*: Establishes a strong communities and workforce development fund to be reinvested in communities impacted by incarceration.
- *H.2484/S.1566 - An Act to promote rehabilitation including guaranteed health, treatment, and safety for incarcerated LGBTQI+ people*: Guaranteed health, treatment, and safety for incarcerated LGBTQI+ persons.
- *H.1794/S.1022 - An Act to prevent the imposition of mandatory minimum sentences based on juvenile adjudications*: Decreases juvenile incarceration.

## Housing & Reentry Bills

- *H.4071 - An Act securing housing options for eligible tenants with a history of criminal justice involvement*: Creates a priority and preference in state-assisted housing projects for formerly incarcerated persons and persons about to be released.
- *H209 - An Act relative to discharge plans across the Commonwealth*: Helps prevent discharging individuals released from incarceration into homelessness.
- *H.2460/S.1551 - An Act relative to successful transition and re-entry to tomorrow for incarcerated persons; "The STARTT Act"*: Streamlines the application process for incarcerated persons to receive identification cards upon release.
- *S.450 - An Act to increase voter registration, participation, and to help prevent recidivism*: Voting infrastructure for incarcerated and pre-release individuals.
- *S.1564 - An Act relative to education and programming for the incarcerated*: Increases education and other programming related to rehabilitation and healthcare.
- *H.2503/S.1560 - An Act to promote equitable access to parole*: Expands and restructures the Parole Board and updates standards for parole decisions.

## Judiciary & Decarceration Bills

- *H.1868 - An Act regarding decarceration and COVID-19*: Decarceration measures for certain individuals posing no immediate physical threat to the community.
- *H.1797 - An Act to reduce mass incarceration*: Parole eligibility for individuals having served 25 years or more of a life sentence.

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<sup>95</sup> These bills were not voted on in time for the July 31st, 2022 deadline for the 192nd General Court. See APPENDIX B, *Recommended Legislation for Dismantling Structural Racism in Correctional Facilities (filed: 192nd Legislative Session)*, for details on bill summaries and status as of 12/6/22.

- *H.1795/S.1558 - An Act improving juvenile justice data collection*: Establishes systems to collect accurate, consistent, and comprehensive data on juvenile contact with law enforcement and juvenile justice systems.
- *H.1905/S.2030 - An Act establishing a jail and prison construction moratorium*: Prevents investment in new prison beds by pausing prison construction.
- *H.1518 - An Act relative to clarity and consistency for the Justice Reinvestment Oversight Board*: Improves data systems in criminal justice agencies.
- *H.2480/S.1541 - An Act to create uniform standards in use of force, increase transparency, and reduce harm in correctional facilities*: Standards for correctional facilities to minimize unnecessary use of force.

## Healthcare & Mental Health Bills

- *S.1635 - An Act to ensure compliance with the anti-shackling law for pregnant incarcerated women*: Ensures pregnant women aren't handcuffed.
- *H.2504/S.1578 - An Act to provide criminal justice reform protections to all prisoners in segregated confinement*: Reduces solitary confinement and its harms.
- *H.2509/S.1598 - An Act establishing a commission to review substance use in correctional facilities*: Commission to review substance use in correctional facilities.
- *H.2066/S.1285 - An Act ensuring access to addiction services*: Provides for DMH guidance on healthcare for incarcerated individuals with Substance Use Disorder.
- *H.1461 - An Act relative to ensuring quality mental health services in state correctional facilities*: Commission of Mental Health ensures health data collection.
- *S.1559 / H.1900 - An Act Relative to Inmate Phone Calls*: Ensures no-cost calls and supplemental communications, e.g., email and video calls, for incarcerated persons.
- *H. 2448/S.1599 - An Act to remove barriers to medical parole*: Removes barriers to medical processes by clarifying eligibility determinations, increasing cognitively incapacitated person access, and encouraging prompt resolution of court challenges.

## 2. Draft omnibus Corrections bill for accountability and DEIB inclusion.

**Draft new omnibus Corrections legislation that increases accountability and transparency, improves conditions, and ensures Corrections community members of all races and ethnicities have a voice in the functioning of these public institutions.** While existing bills will address a

number of the issues this Report has identified, the Commission recommends the drafting and inclusion of supplemental legislation to fill remaining, significant gaps. The legislative process is designed to hear and vet a range of ideas that ultimately yield a workable solution. The Commission process is no replacement for this. Rather than wordsmithing language for new bills, this section outlines key elements the legislature should consider in formulating additional legislation.

**The Commission heard a number of ideas for new drafts, mainly addressing the need for independently audited and reviewed transparency and**

### **accountability for race equity in funding, programs and services.**

Recommendations spanned the gamut of accountability from data collection on disparity and outcomes to both internal and public oversight of the DOC and of each county House of Correction. The Legislature could establish an independent oversight review board for this purpose, specifically to conduct an equity audit of Corrections, to host and review focus groups, and to circulate and report on qualitative surveys of staff and incarcerated individuals. Additionally, a number of Commissioners and respondents recommended a civilian review panel to review grievances, appeals, and disciplinary disputes of incarcerated individuals.

### **The Commission further recommends that the Legislature mandate specific guidelines for dismantling structural racism in Corrections that codify the elements of the work that must survive administration changes.**

While thoughtfully designed external accountability is essential to monitor the status of equity outcomes and to provide outlets that safeguard Corrections community members against retaliation, sustainable culture shift must also be led by and for the members of the community who live and work in the Corrections setting. It is essential that this work remain consistent, regardless of changes in Administration.

New legislation would include language to bolster equity in the following areas:

- **EOPSS Undersecretary of immigrant, identity and linguistic equity** to provide strategic planning and support for culturally and linguistically relevant programming and services, to provide advocacy for affinity groups, and to oversee regular equity audits from intake to re-entry.
- **Robust data systems, analysis and reporting** with independent review to gauge progress dismantling structural racism in Corrections, including systemized collection, analysis, and reporting of qualitative and outcomes data for staff and incarcerated individuals disaggregated by age, race, language, sex, gender identity, and sexual orientation.<sup>96</sup> A review of the experience and outcomes transparency measures currently in use by the MA juvenile justice system<sup>97</sup> may have applications for guarding against abuses and unintentional negligence in adult settings.

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<sup>96</sup> Data on services and outcomes for incarcerated persons should include individualized assessment on healthcare, jobs, program access, housing, canteen items, and religious observance. These details may appear in legislative language for a data systems bill or rather in subsequent regulations.

<sup>97</sup> [Juvenile Justice Policy and Data Board | Mass.gov](#) is one resource for a review of transparency and accountability measures in state-funded services for youth involved with the juvenile justice system.

- **Detailed and transparent financial reporting** on the level of funds spent each year at each facility in each functional area, such as security, housing, programming, administration, human resources, culture, and employment.<sup>98</sup>
- **Programming and education** services review through a DEIB lens, especially of workforce development opportunities and reentry programming.
- **Culturally-appropriate services and resources** funding to ensure community partners and vendors adequately provide for cultural needs and ethnic products serving BIPOC Corrections community members.
- **Disciplinary and grievance** processes review through a DEIB lens to monitor, address, and eliminate race-based disparities in treatment.
- Review **institutional security and custody level designations** through a DEIB lens to eliminate disproportionate outcomes by race in Security Threat Group and classification decisions.
- **Visitation** policy and procedure review through a DEIB lens to ensure cultural competence and training in visitor engagement.

### **3. Draft public health bill for culturally-appropriate, gender-affirming care.**

**Draft new public health legislation to provide for needs assessment and resource allocation to ensure culturally-appropriate, gender-affirming healthcare, adequate mental and behavioral healthcare, substance use services, and mental health and trauma education for corrections staff and incarcerated individuals.** Public health, legal system, and community leaders and experts, with staffing for actual research and analysis, would be a more appropriate venue for examining and legislatively addressing this Report's health disparity-related findings.

**The Commission recommends the Legislature stand up a permanent Commission on the Impact of Public Health Crises on Structural Racism in the Criminal Legal System to perform ongoing investigation of health disparity in and impacting Corrections.** Whether the COVID pandemic, the housing crisis, environmental injustice, or food insecurity, compounding public health crises outside the walls disproportionately impact and even drive BIPOC individual and community engagement with the criminal legal system, including Corrections. Some of the health disparities reported by this Report's respondents,

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<sup>98</sup> See APPENDIX G, *Working Group Reports & Recommendations (Interim and Final): Follow the Money Working Group Final Report*.

from PTSD and hypervigilant aggression to suicide and depression to substance use disorder and recovery, may originate with these external realities. An adequate response requires a more in-depth expertise and analysis than a temporary legislative commission of volunteers can provide and must link outside crises to treatment and impacts inside the walls. The permanent Commission could be jointly overseen by the Committees on Public Health & Judiciary.

## **CORRECTIONS POLICY RECOMMENDED UPDATES TO DISMANTLE STRUCTURAL RACISM**

The role of legislation to provide guidance and frameworks for dismantling structural racism is mainly limited to broad mandates on infrastructure and outcomes. While this is necessary scaffolding, the Commission found that targeted policy innovation within Corrections will also be essential. The Commission's next four recommendations center on Corrections policy impacts in the following areas:

- **Data Collection Policies & Standards** (Recommendation 4)
- **Innovation in Programs & Services** (Recommendation 5)
- **Staff Hiring, Training & Accountability** (Recommendation 6)
- **Corrections Culture Development Teams** (Recommendation 7)

### **4. Update Corrections data collection policies & standards with a DEIB lens. Establish data collection policies and standards to allow for the collection and analysis of racial demographics that track and monitor the experiences of BIPOC community members in the day-to-day operations of Corrections.**

Such data should be disaggregated by race and ethnicity, sex, gender identity, sexual orientation, and language, with in-depth focus on health, workforce development, and training outcomes. Information should be regularly updated and accessible to the public without the need for individual public records requests.

### **The Commission recommends Corrections engage in a regular rhythm of quantitative and qualitative analysis to continuously learn and respond to what is and is not working to further antiracism and mission alignment.**

When DOC officials responded to Commission data requests, Commissioners realized two things. One, data requests needed to be much more specific and actionable than those the Commission had submitted. Two, the DOC did not have data collection systems in place for monitoring structural racism or equity. The Commission worked closely with DOC administrators to refine data set requests.

The Commission has submitted recommended data sets to the DOC to begin collecting in 2023.<sup>99</sup> These include employment, healthcare, program, and canteen participation and outcomes data. To assess structural racism, it will be essential to control for variables like classification level, sentence, and offense. In some cases new systems will need to be built or developed. The Commission recommends each County House of Corrections collect and publish similar data.<sup>100</sup>

**The Commission recommends Corrections revamp data tracking systems for staff and incarcerated individual outcomes throughout their Corrections tenure.** Specific data requests will help jumpstart analysis but are insufficient to support a sustained process for dismantling structural racism. This requires professional assessment systems currently lacking across Corrections. Beginning at intake and continuing through discharge, the data process should log individual program engagement, program and services requests and denials, disciplinary action, and outcomes progress. With increased tablet access, technologies can readily be developed to manage data input and dashboarding. Similarly for staff, beginning at recruitment and following the staff through hiring, training, professional development, review, and promotion, disaggregated data by race can enable not only improved individual assessment but also help spot trends, strengths and weaknesses in antiracism and other mission alignment efforts.

**The Commission recommends expanding the existing COVID-19 data dashboard to include other health data, such as requests and treatment for substance use disorder and mental health.** Staff and incarcerated individuals regardless of race, need education and infrastructure for trauma response and other health care needs that arise as part of employment or living in the Corrections system. The Commission would like to have reviewed specific mental health data disaggregated by serious mental illness diagnosis, number of health care requests, and patient reported outcomes on the process of asking for care and treatment. This information is not readily available, nor the processes that would produce it.

**The Commission recommends the Prison Population Trends annual report be publicly accessible as a monthly update.** However, accuracy and consistency are critical in the data input. This will require updated training in the intake process

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<sup>99</sup> See *Appendix M, DOC 2023 Data Set Requests* for a detailed list of data sets and control variables to start with.

<sup>100</sup> The Commission did not have capacity to analyze data collection methods for each county. The DOC case provides an important baseline for data collection which must be customized and replicated at each county level.



to ensure consistency when incarcerated individuals choose ethnicity, national origin, and primary language. Allowing selection of multiple options for race improves accuracy, as would providing explanation or translation assistance.

**The Commission recommends the Corrections continue and expand focus group and survey protocols for staff, incarcerated individuals, and affinity groups to safely participate in regular feedback to the Department.** The Commission’s formal and informal data collection from current staff and incarcerated individuals yielded valuable data on race disparity and uncovered invisible inequities. Corrections can build on these methods to produce continuous feedback. This should include confidential surveys and peer led focus groups.<sup>101</sup>

#### **5. Develop infrastructure to innovate programs & services with a DEIB lens.**

Establish ongoing processes for the collaborative DEIB innovation of policies governing **mental health services, classification, intake through reentry planning, visitation,** and **community engagement** (including faith and community-based partners) to ensure best practices in DEIB. Provide culturally competent services for groups whose intersectional culture compounds disparity.

#### **Continuous Training & Review of Mental Health Services**

**The Commission recommends that state and County Corrections contract an independent audit or review of mental and behavioral health services with an equity lens.**<sup>102</sup> This review will capture areas where unseen barriers to culturally competent healthcare create unintentional disparities. The reviewing entity would form healthcare targeted legislative and policy recommendations to follow up on this Report. Without a professional audit it is clear Corrections suffers the same challenge as providers outside the walls with hiring BIPOC and multilingual clinicians. The Commission recommends the Administration contract culturally and linguistically diverse outside behavioral health vendors to more effectively provide care to staff and incarcerated individuals. This includes outreach to community partners outside the wall who specialize in connecting BIPOC medical care providers with patients who share cultural and linguistic backgrounds.

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<sup>101</sup> See *Appendix G, Working Groups Reports & Recommendations: Staff & Administration Support, Development, and Training Working Group Final Report.*

<sup>102</sup> This review can proceed with or without legislation, however the Commission did recommend the Legislature establish a Commission to review and respond to the impact of public and mental health crises on race disparity.

**Staff and incarcerated individuals should receive annual or more frequent training and continuing education in trauma-informed care and peer advising.** In the Corrections setting, self awareness about community and personal trauma, including trauma caused by racism inside and outside the walls, can save staff and incarcerated lives. All members of the Corrections community should receive regular education and training to equip them to recognize and effectively respond to the signs of mental health concerns in themselves and their peers.

**The Commission recommends Corrections track and regularly report on requests for mental health care received, requests denied, and the length of time in which requests are fulfilled, by race and ethnicity, sex, gender identity, sexual orientation, and language.** This data has clear assessment value and can support increased equity and effectiveness in case management.

#### **Outside Review of the Objective Points-Based Classification System through an Equity Lens with a focus on DEIB**

**To reduce race disparity in programming and services impacted by classification, the Commission recommends an external equity review of the Objective Points-Based System with an aim to identify and eliminate classification disparities based on race.** The classification system attempts to mitigate staff discretion by using a range of factors that predict behavior to determine classification decisions. A structural problem is that this system relies on variables determined in part by outside the walls decisions, like arrests, convictions, and sentencing, which disproportionately target BIPOC populations.<sup>103</sup> This review will identify points tied to variables that are already racially disparate and will provide recommendations to address any resulting disparity in classification outcomes. Recommendations will serve to remove barriers to program, housing and employment participation for inmates with longer sentences but who demonstrate readiness to participate. This practice may also support focusing staff discretion on performance achievement, versus potential bias surrounding a sentence or charge.

**Corrections should review the use of age under 24, immigration status, and previous education and prior employment in classification through a DEIB lens.** BIPOC youth and immigrants are disproportionately arrested and sentenced,

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<sup>103</sup> Harvard Law School (n. 73).

compared to other age and ethnic groups.<sup>104</sup> The use of these characteristics to limit access to programming essential to successful reentry must be carefully understood within a DEIB context in order to avoid working counterproductively to the Corrections mission and compounding pre-existing inequities. Incarcerated youth and immigrants who reported feeling stuck, hopeless, or angry when their mere demographic prevents access could benefit from recommendations for culturally and racially neutral alternatives to demonstrate their readiness for reclassification. For instance, a policy allowing incarcerated individuals to access programming based on readiness factors like setting and fulfilling goals could reduce disparity.

### **Inclusive Planning from Intake to Re-entry**

**The Commission recommends Corrections monitor the equity of program funding in proportion to resident demographics and track race disparity and equity in cultural programming and waitlists for resources and services.** The aim is to facilitate strategic planning in ways that ultimately impact not only events and activities, but also individual-level planning for jobs and education access. To ensure equitable success in re-entry outcomes, state and county Corrections must recognize that no programming is culturally neutral and work to ensure that all incarcerated individuals can access culturally relevant programming, regardless of their facility.

Stand up an EOPSS office dedicated to racial, cultural, immigrant, sex, gender **identity, sexual orientation, and linguistic equity within the Human Resources Department of DEIB, without awaiting a legislative mandate.**<sup>105</sup> This office will advocate with and for affinity groups and for strategic planning and support for accessible culturally and linguistically competent programming and services. Train staff to incorporate personalized, culturally-relevant dynamic schedules into reentry planning from the point of entry. Staff should support incarcerated individuals to develop and continuously update their re-entry success plan and timeline, identifying barriers to equitable access or outcomes and plans to

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<sup>104</sup> IBID.

<sup>105</sup> The Commission recommends above that the Legislature establish an Undersecretary position to oversee issues of cultural, ethnic, linguistic and identity equity. See *Appendix G, Working Groups Reports & Recommendations: Staff & Administration Support, Development, and Training Working Group Final Report* for a detailed outline of an Corrections administrative policy-based response.

troubleshoot obstacles. This office would oversee procedures, outcomes review and innovation to increase equity and decrease disparity, including:

- Translation of written and oral information for languages spoken by ELL incarcerated persons, using technology to enhance access to education programming, telehealth services, and reentry goals and planning.
- Targeted programming to equitably meet BIPOC and immigrant needs.
- Accessible visitation for ELL guests, including print and online translations of applications and required reading for visitors into at least the top ten most commonly spoken languages in Massachusetts.<sup>106</sup>
- Culturally relevant goods and services for groups whose intersectional culture or demographic compounds structural racism:
  - **ELL:** Multilingual programming and translation technology
  - **LGBTQ+:** Gender-affirming healthcare and resources for safe sex practices, including integration of tools like lube, condoms, dental dams, and educational literature on ensuring comfort and safety.
  - **Young Adults:** Early eligibility for programming; positive formation and leadership development; age-appropriate behavioral healthcare
  - **Lifers:** Extended family privileges; specialized mental healthcare; longer-term housing; living wage job opportunities; furloughs

### **Inclusive Procedures for Volunteers and Visitation**

**The Commission recommends the DOC monitor equitable volunteer access across facilities and cultural or affinity groups recruit specialized volunteers to fill in cultural programming gaps.** The management of equitably distributed volunteer resources requires intentional planning and outreach. This may require updating volunteer restrictions on formerly incarcerated individuals who offer to operate culturally-relevant programs. Volunteers present an effective and low-cost source of labor to organize and run culturally-relevant programming.

**The Commission recommends training staff in visitation equity and in religious and cultural competence.** To dismantle structural racism, volunteers, family, and friends should be and feel welcomed equally, regardless of their dress,

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<sup>106</sup> Currently, [Visiting an inmate in a Massachusetts Prison | Mass.gov](#) is posted in English and Spanish only.

language, culture, or identity. Corrections administrators should survey visitors to ask about and ensure equitable visitor access and to identify the resources needed to support cultural holidays, celebrations, and religious services and observances. Providing for no-cost technology to support remote visits<sup>107</sup> will go far to reduce race and other disparities in culturally and linguistically accessible visitation. Expanding the class of visitors who can perform unannounced site visits would increase opportunities for feedback on equity and disparity inside the walls.

### **Community Engagement in Legislative & Policy Review & Response**

This Commission recommends that Corrections establish, train and support a Corrections community equity task force, staffed with rotating members selected from across facilities. Task force members, including administrators, staff, incarcerated individuals, legislators, and faith-based and community volunteers, will be trained to engage peer stakeholders inside the wall in building relationships and assessing and promoting equity within and across peer groups. Staff and currently incarcerated members should be compensated at a living wage for their time.

**To oversee equitable access to health care, programming, jobs and other services, the Commission recommends an independent ombudsperson be assigned to monitor access and address disparities and grievances.**<sup>108</sup> This person may also function as a liaison between the Corrections community and formal or informal civilian oversight groups or panels.

### **6. Update staff hiring, training and accountability infrastructure with a DEIB lens.**

**The Commission recommends Corrections reframe human resources policy and practice through a DEIB lens and engage staff in feedback and leadership opportunities to ensure staff equity, safety and accountability.**<sup>109</sup>

Staff recruitment, hiring, training, professional development, supervision, support, team building, review, promotion, and retention strategy all create opportunities for updated systems and ongoing training. State and county corrections must ensure

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<sup>107</sup> See *Legislative Recommendations To Dismantle Structural Racism: Draft omnibus Corrections bill for accountability and DEIB inclusion* section, above.

<sup>108</sup> See APPENDIX G, *Working Groups Reports & Recommendations: Policy, Experience and Access to Resources Working Group Final Report* and APPENDIX R, *DOC Structural Racism Systems Analysis: July 2022 Draft of DOC Healthy System Observations & Themes*.

<sup>109</sup> (n. 101).

that hiring and promotion practices strengthen management and staff diversity through retaining and promoting diverse staff and using diverse interview panels. Management policies should be updated to address implicit bias and to better promote officer wellness, including on-going training on the race-related and other direct or vicarious trauma that staff and incarcerated persons respectively experience.

**Engaging staff, administrators, formerly and currently incarcerated persons, and returning citizens in developing a DEIB Strategic Plan will build shared ownership and make the plan more actionable.** The Plan would outline a staff-led process for reviewing staffing policies with a DEIB lens and would propose recruitment and training strategies to diversify the workforce and to increase the cultural competence of staff at all levels and of incarcerated leaders.

**The Commission also recommends formalizing and expanding the Diversity Advisory Council to increase cultural and regional diversity, as well as diversity in race, sex, gender identity, sexual orientation, rank and job function.** The expanded Council would consider how to more effectively increase the role, scope, locations, and staffing of the Employee Assistance Services Unit (EASU), with a focus on strengthening the racial, ethnic and gender diversity of the Council.<sup>110</sup> Corrections budgets must include sufficient funding to invest in annual DEIB training, and in the additional staff needed to support more robust functions.

**Modify correctional staff training, hiring and retention practices to improve cultural competence, employing a DEIB Coordinator and team.**<sup>111</sup> As has been referenced throughout this report, examining and addressing structural racism requires disaggregated data by race, and this includes data collection and tracking on staff recruiting, new hires, retention, promotions, and staff discipline. If staff and administrators are to be trained in DEIB, they must also have clear goals and objectives for their own professional development, performance and personal wellness, as it relates to their work and the mission.

**The Commission recommends that union leadership can play a more significant role in partnering with management to prioritize DEIB practices within their membership and to ensure the health and welfare of the**

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<sup>110</sup> IBID.

<sup>111</sup> IBID.

**Corrections community as a whole.** Barriers to staff wellness, as well as significant harm, can be part of the Corrections Officer’s job for all ethnicities. This reality must be overcome as a community. This includes increasing support and resources, like telehealth and online training, that help bypass the stigma and fear among staff associated with addressing issues of mental health and racial bias.

## **7. Launch and support intentional corrections culture development teams.**

**Develop, train and support cross-functional teams in each facility and across facilities who provide peer consulting and consultation to the administration on healthy Corrections culture and mission alignment in order to ensure ownership and sustainability of best practices at every level.**<sup>112</sup> It is said that “culture eats strategy for breakfast,”<sup>113</sup> and the Commission found the Corrections environment to be no exception. Policy redrafts and staffing diversity will not create sustained change unless Corrections culture also shifts to embrace antiracist and DEIB principles. In talks with Corrections community staff, incarcerated and Administration leaders, it is clear the work of culture shift must be led from the top and grown among grassroots leaders throughout each facility.

**The Commission recommends Corrections invest in targeted development of self-aware and motivated members of the community to grow their ability to lead DEIB and other culture shifts among their peers and across functions and facilities.** The Corrections community represents a diversity of cultures, all of which can and should contribute to shifting culture together. Such investment will be critical to building positive, respectful, collaborative relationships between staff, incarcerated individuals, and administrators, and can result in a culture that not only celebrates diverse cultures and backgrounds but also more agilely addresses trauma and strengthens rehabilitation and mission alignment.

**In coordination with the Office of Diversity, Equity, Inclusion, and Belonging, the Division of Staff Development can create structured leadership and management training programs to encourage, support, and foster leadership development, including an active recruiting pipeline of**

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<sup>112</sup> In 2022, EOPSS launched several initiatives in furtherance of this recommendation and is at the time of this Report publication in the planning and hiring phases for paying incarcerated and formerly incarcerated persons to work alongside staff teams to train peers in culture shift.

<sup>113</sup> This phrase is attributed to the management guru Peter Drucker. It means institutional culture determines or undermines the success of a strategy, policy, and transformation.

**diverse leadership candidates.** Ideally, DEIB work outlined in the above section on staffing policy, while facilitated by the administration, would be co-led at the facilities level by such diverse and well-trained cross-functional teams. These groups can effectively champion culture change in their facilities and advise the administration on culture shift, policy changes, and new legislation. Their close understanding of climate and culture at the housing unit level uniquely positions them to design, develop and organize workshops targeted at the needs of their peers. Equipping these teams with knowledge of trauma brain science, systems thinking, and team building will help them address resistance to challenging shifts.

**The Commission recommends Corrections expand the Restorative Justice model as a tool for developing leaders in the effort of dismantling**

**structural racism.** Some corrections facilities have implemented Restorative Justice (RJ)<sup>114</sup> opportunities within their facilities. RJ requires intentional relationship building across organizational roles and equips participants in peacemaking and other tools for building healthy community.<sup>115</sup> Staff and incarcerated individuals are already organized by blocks and units which lend themselves to the peacemaking circles RJ uses to make space for dialogue and crafting shared goals. Facilitating RJ community in this way may require diversifying classification within housing units, a change from the current system which places residents with the same security risk classification together by unit. This could create and enhance opportunities to engage disenfranchised groups like young adult lifers and English Language Learners at the center of culture transformation and to readily pair new staff and incarcerated individuals with peer mentors.

**GOVERNOR & ADMINISTRATION RECOMMENDATIONS TO DISMANTLE STRUCTURAL RACISM**

**The systems impacting structural racism in Corrections span every agency of the Executive branch. Strong leadership and coordination from the Governor and across Secretariats will be required to fulfill this mandate.**

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<sup>114</sup> Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice*. June 1st, 2015.

<sup>115</sup> Restorative justice is rooted in RJ is rooted in evidence-based values, principles, and in six guiding questions: 1. Who has been hurt? 2. What are their needs? 3. Whose obligations are these? 4. What are the causes? 5. Who has a stake in the situation? 6. What is the appropriate process to involve stakeholders in an effort to address causes and put things right? See, e.g., [Restorative Justice | Letscircleup](#).



The Commission recommends the Administration’s special attention to its leadership in **Data & Public Communications** (Recommendation 8), **Inter-Agency Partnerships** (Recommendation 9), and **Budget Funding & Transparency** (Recommendation 10).

**8. Establish equity data systems, independent review, and public communication.**

**Establish and implement Administration-wide protocols for data collection, data analysis and learning, data reporting, and improvement mechanisms, which allow for service providers to follow an individual and their outcomes across agencies, to ensure that each agency meets its mission.**

Ensuring data collection is individualized, confidential, accurate, and uses standardized demographic categories<sup>116</sup> across agencies, disaggregated by race and ethnicity, language, sex, gender identity, and sexual orientation is good for all agencies. Corrections would benefit, because incarcerated individual outcomes depend on successful engagement with other agencies, especially in reentry.

**The Commission recommends that an independent governmental entity be mandated to oversee the charge of this Commission.** This neutral governmental entity will comprise race experts, impacted community members, and other substantive experts and leaders from housing to public health. The entity would conduct ongoing review of Massachusetts correctional systems, policies, programming, practices, and culture for the purpose of identifying and dismantling structures which contribute to the disparate impact and treatment of Corrections community members. The entity shall possess investigative authority and similar oversight necessary to carry out its mandate, particularly with the following aims:

- To recommend **legislative drafts** that ensure long-term adherence to antiracist practices across generations of Corrections leadership.
- To oversee **independent race data collection and analysis** that tracks and monitors the experiences of incarcerated BIPOC community members in the day-to-day operations of Massachusetts corrections, starting with the review of race data collected at state and county correctional facilities.

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<sup>116</sup> “Summary of the HIPAA Privacy Rule.” U.S. Department of Health & Human Services, Health Information Privacy, last modified on October 19th, 2022. HIPAA website, [Summary of the HIPAA Privacy Rule | HHS.gov](https://www.hhs.gov/hipaa/for-professionals/summary-of-the-hipaa-privacy-rule/).

- To recommend **reforms to the Objective Points-Based Classification** system that ensure the policy does not result in the disparate impact of BIPOC incarcerated community members.

**The Commission recommends the Administration dedicate Public Communications and Social Media resources to educate and engage residents, schools, housing developments, and communities in the transformational work Corrections is undergoing.** This is not only a critical step for garnering community feedback, but also for protecting the mental health and wellness of Corrections staff, who can feel that hard work on culture shift goes unnoticed and unrewarded. Regardless of race, the Commission found that Corrections staff experience distress based on extreme negative public perception of their job. Dismantling structural racism presents an opportunity for the Administration to support Corrections in repairing the public image where warranted. Engaging key Corrections community members and teams in public messaging can also help spread awareness of the positive impacts of dismantling structural racism while building important communications skills inside the walls.

#### **9. Facilitate inter-agency partnership to leverage reentry funding and outcomes.**

**The Commission recommends the Administration leverage partnerships and funding between Secretariats to mitigate the impacts of external structural racism (e.g., in housing or employment) on reentry outcomes and to support EOPSS in implementing Recommendations of this Report.**

Each Secretariat should review this Report to integrate key findings related to their departmental strategic plans. The Administration may delegate an inter-cabinet Task Force on Rehabilitation & Reentry, staffed across departments, to facilitate collaborative problem solving and filling resource gaps. Cabinets responsible for Healthcare, Public Health, Housing, Education, and Labor & Employment should be strongly represented on the Task Force. From translation to medical care to housing support, an interdepartmental group of state professionals can identify creative ways to share resources and to ensure that each returning resident is equipped with the tools and documentation required for successful and equitable reentry.

**10. Expand budget transparency and target financial support to reentry success.**

**Mandate spending and outcomes transparency in program budgets and advocate for the full costs to fund re-entry from intake, including adequate program, healthcare, and employment and the requisite staff and partner resources.** To make the case for targeted funding to dismantle structural racism in Corrections, the Administration must first ensure transparency in Corrections budgeting. The Commission recommends a recurring audit of DOC and Sheriff reports for consistency and accuracy, with public updates on Corrections spending by program and service area. The Commission further recommends EOPSS provide outcomes data to support increases in budget line items targeted at creating and safeguarding equity from intake through re-entry. The Administration can further support targeted budget advocacy by promoting outcomes-based budgeting across departments and by providing research and analysis on the cost savings to the Commonwealth associated with successful mission alignment in Corrections.

## **CONCLUSION**

The Commission is pleased to submit the foregoing 10 recommendations as initial steps to dismantle structural racism in Massachusetts Corrections. Commissioners and stakeholders involved in the work and research undergirding the Findings and Recommendations hope that this Report can be foundational in ensuring that all members of the Corrections community, across every race, ethnicity, language, sex, gender identity, and sexual orientation can safely, successfully and equitably participate in furthering the Corrections mission.

# Appendices

## APPENDICES LIST

- A. Enabling Legislation for 2020 Police Reform Bill 8 Special Legislative Commissions
- B. Recommended Legislation for Dismantling Structural Racism in Correctional Facilities
- C. African American Coalition Committee (AACC) Background
  - Proposal for an Act to Establish the MA Commission on Structural Racism in the Criminal Justice System
  - AACC Organizational Description
- D. AACC Submissions to the Legislative Commission on Structural Racism in Corrections
  - Harriet Tubman Project Description and Call for Civil Rights Investigation
  - AACC Structural Racism Commission: Survey on MCI-Norfolk Latino Men
  - Report on SR and Related Threats Posed to Life-time Parole Applicants, 2022
  - Lifers' Group: Report on the Sources and Uses of Funds from MA DOC
  - Inner-City Violence Offenders, 2020
  - MCI Norfolk Maintenance Certification Proposals
  - Preliminary Research Observations on October 2021 Lifer Population Data
  - Overview of Life Without Parole Initiative
  - AACC Service Learning Curriculum
  - Memo Regarding MLK Day Recognition
- E. Massachusetts Elected Officials of Color Ten Point Plan
- F. Working Group Detailed Descriptions & Members
- G. Working Group Reports & Recommendations
  - Staff & Administration Working Group: Interim Report
  - Staff & Administration Working Group: Final Report
  - Staff & Administration Working Group: Listing of EOPSS Interviews
  - Policy, Experience and Access to Resources Working Group Interim Report
  - Policy, Experience and Access to Resources Working Group Final Report
  - Data Collection and Analysis Working Group Preliminary Report
  - Data Collection and Analysis Working Group Presentation
  - Follow The Money Working Group Final Report
- H. DOC Community Graphics
  - Intersectional DOC Community: Correctional Institutions
  - Intersectional DOC Community: Intersectional Identities
  - Intersectional DOC Community
  - DOC Reentry Continuum from Intake to Integration
- I. Transcripts, Summaries, and Links for Hearings and Oral & Written Testimony
- J. Written Testimony Submitted Outside of Public Hearings
- K. Needs Assessment Report for Mass Society for the Aid of Discharged Prisoners
- L. DOC Sample Expenditures and Line Item Requests
  - DOC Actual and Projected Expenditures

- Appropriation for DOC| Governor's FY21 Budget Recommendation
  - DOC Annual Operating Expenditures FY17 to FY21 - Per Appropriation
  - MassCor Annual Expenditures FY17 to FY21 - Per Appropriation
- M. DOC 2023 Data Sets Requests
- N. DOC Submissions to the Legislative Commission on Structural Racism in Corrections
- DOC Response to Policy Working Group Questions
  - Sample Classification Report\*\*
  - Male Objective Point-based Classification System\*\*
  - Female Objective Point-based Classification System\*\*
  - DOC Program Description Booklet\*
  - Active Pop Enrolled Education Recidivism Reduction Programs\*\*
  - Point-In-Time Healthcare Data by Race, January 24, 2022
  - DOC Post Hearing Follow-Up Responses
- O. DOC Facilities Listing
- P. Related Police Reform Bill Special Legislative Commission Reports
- Commission on Structural Racism in the Massachusetts Parole Process\*
  - Commission on Facial Recognition\*
- Q. MCI-Norfolk Workshop to Review Report Preliminary Findings & Recommendations
- Workshop Overview
  - Workshop Agenda
  - Participating Groups & Leaders
  - Preliminary Report Outline
  - Preliminary Report Findings & Recommendations for Review
  - Breakout Group Descriptions
  - GROUP A: DOC Community & Systems Review
  - GROUP B: DOC Findings & Recommendations Review
  - GROUP C: Mapping the System of Structural Racism at the DOC
  - PROPOSED NEXT STEPS (June to December 2022)
- R. DOC Structural Racism Systems Analysis
- DOC: Healthy System Themes
  - July 2022 Draft of DOC Healthy System Observations and Themes
- S. Coding Volunteer Assignments and Rubric
- T. Racial and Ethnic Disparities: Massachusetts' Juvenile Justice System Report\*
- U. Preliminary Outlines Organizing Comprehensive Findings & Recommendations
- Outline of General Findings: Themes Uncovered in Review & Analysis
  - Rough Outline of Preliminary Recommendation
- V. Data Collection and Analysis Working Group: Key Definitions

**\* The document on this Appendix page is too large to download into the Appendices. Use the link provided to read the document online. If you are reading a printed document, you can search the document name on the Internet, or contact the Massachusetts Legislature's Office of the House Clerk at (617) 722-2356 to learn where to request a printed copy.**

**\*\* The document on this Appendix page is too large to download into the Appendices. The link provided points to a PDF on a Google Drive owned by the principal author on the Report. You may also contact the Massachusetts Legislature's Office of the House Clerk at (617) 722-2356 to learn where to request a printed copy.**

## **APPENDICES A THROUGH V**

