



**Testimony Submitted to the Joint Committee on Public Safety and Homeland Security
In Support of S.1548, An Act establishing a correctional inspector general office
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January 23, 2024**

The League of Women Voters of Massachusetts asks the Joint Committee on Public Safety and Homeland Security to support S.1548 and to report it favorably. The bill aims to protect the health, safety and welfare of incarcerated people and all who work in corrections by assuring accountability and transparency within the Department of Correction (DOC) and each county. If passed, this bill would establish an independent correctional inspector general (COIG) with broad authority to receive complaints from the public and incarcerated people, to investigate and assess DOC operations and facilities, to report the findings to the public and the legislature and to make referrals to any enforcement authorities.

This bill accords with policy positions adopted by the League of Women Voters of the United States (LWVUS, 2023), which support:

- A criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices, pre-trial procedures, sentencing, incarceration, and re-entry.
- Policies and procedures that:
 - Ensure that all correctional systems provide humane, dignified, non-discriminatory treatment of incarcerated people and personnel, including appropriate health care;
 - Eliminate the practice of solitary confinement; and
 - Ensure that incarcerated people and corrections officers have clear, safe, and accessible ways to report abuse.

The bill addresses persistent problems related to DOC's management of correctional facilities. The Corrections Inspector General would have the authority to assess any aspect of a facility's operations, including, but not limited to:

- Staff recruitment, training, supervision and discipline;
- Death, injury to, or harassment of incarcerated persons;
- Incidents of assault battery or sexual misconduct;
- Medical or mental health care, including care provided to incarcerated persons by third parties;
- Incarcerated person disciplinary process; and
- Incarcerated person grievance process.

Reports of misconduct and mismanagement within our correctional facilities that have been made public illustrate the urgent need for independent oversight. DOC's operations and disciplinary decisions are largely shrouded in secrecy, and it is possible that the examples below are only the tip of the iceberg.

- Our correctional facilities have a history of holding people in isolation for extended periods of time, despite ample evidence that such isolation can severely damage mental and physical health. At different times the practice has been referred to by different names, including "solitary confinement" and "restrictive housing." The 2018 Criminal Justice Reform Act (CJRA) set certain limitations on the use of restrictive housing, but those limitations have largely been evaded. After stern criticism from the U.S. Department of Justice (U.S.D.O.J 2020) and other legal and medical professionals, and milder criticism by their own consultant (Falcon 2021), DOC announced a plan to eliminate restrictive housing (MA DOC, 2021). However, since that time,

DOC has continued to subject people to punitive isolation. For example, “Behavioral Assessment Units” (BAUs) have been established in most DOC facilities, to house “individuals removed from general population due to unacceptable risk to facility safety and operations.” People in BAUs are kept in solitary cells and allowed just 3 hours per day out-of-cell time, only 1 hour more than was required for restrictive housing. Establishment of an independent oversight entity is imperative to ensure that BAUs and isolation by any other name are used infrequently, and only for limited periods of time.

- In September of 2021, two men incarcerated at Sousa-Baranowski Correction Center (SBCC), filed a complaint in U.S. District Court (*Silva-Prentice et al. v. Turco, et al.*) against a number of DOC managers and staff for directing, condoning and covering up brutal attacks on them by armed MA DOC officers in January of 2020. The attacks on Robert Silva-Prentice and Dionisio Paulino were carried out in retaliation for a January 10, 2020 altercation in which several corrections officers were injured, even though DOC managers were well aware that the two men had nothing to do with that incident. The alleged purpose of the attacks was to send a warning message to Black and Latino population at SBCC about who was in charge. The complaint also alleged that that DOC staffers subsequently made false statements and falsified reports to rationalize their attacks and to justify placing Mr. Paulino in solitary confinement and to falsely accuse Mr. Silva-Prentice of actions that could result in years of solitary confinement. Details of the horrific attack are recounted in the complaint. A grand jury has been investigating DOC’s actions to determine whether there is probable cause a crime was committed, raising the possibility that the DOC officials could face criminal charges (Deborah Becker, 2023). A separate class action suit has been filed by Prisoners’ Legal Services on behalf of nine of the other 100 prisoners who also had experienced retaliation and discrimination in the aftermath of the January 10th incident (*Diggs, et al. v. Mici, et al.*). Still, there has been no indication that DOC has responded satisfactorily to any of the many grievances submitted after the January 2020 incident – showing clearly that there is no truly viable grievance process for people held in custody by DOC.
- A report from the Women’s Incarceration Conditions and Reentry Project, a special project of Prisoners’ Legal Services, focuses on the maltreatment of women incarcerated at MCI Framingham (Nawab, 2022). Researchers conducted 22 interviews and 10 anonymous surveys of incarcerated or formerly incarcerated women. The report conveys deeply distressing accounts of maltreatment, including physical violence, sexual harassment, rape, sexual abuse of transgender women, racist treatment of BIPOC women, and failure to provide vital medical and mental health care. Of the 22 women interviewed, 19 reported having either experienced or witnessed sexual harassment or sexual violence during incarceration. Even when abusive behavior is reported, the perpetrators are not always removed from positions of power over their victims. The report notes instances of women being placed in solitary confinement as punishment, including for reporting wrongdoing. There can be no doubt that fear of retaliatory punishment discourages victims from reporting abuse, and that a safe and effective grievance and disciplinary process is necessary to mitigate the maltreatment of incarcerated women.

Thirteen states have established independent inspectors general specifically to oversee their departments of corrections (Association of Inspectors General). In Massachusetts, the absence of transparency, the lack of a viable grievance process and reported incidents of abuse of power at our correctional facilities demand the establishment of an independent correctional oversight body. The League of Women Voters of Massachusetts, representing 43 local Leagues across the Commonwealth, asks this committee to report S.1548 favorably in a timely manner.

Thank you for your consideration.

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