

HOUSE No. 3586

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan and Christine P. Barber

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to justice-involved women.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|-------------------------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Solomon Goldstein-Rose</i> | <i>3rd Hampshire</i> |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |

| | |
|---------------------------|-----------------------|
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Juana Matias</i> | <i>16th Essex</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |

HOUSE No. 3586

By Representatives Khan of Newton and Barber of Somerville, a petition (accompanied by bill, House, No. 3586) of Kay Khan and others relative to re-entry and rehabilitation programs for incarcerated women. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to justice-involved women.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The general court finds and declares that:

2 (a) As a rapidly growing incarcerated population in Massachusetts, an estimated 85 per
3 cent of women offenders commit nonviolent crimes;

4 (b) Seventy-five percent of incarcerated women are mothers, most are single parents, and
5 66 per cent had custody of their children prior to arrest;

6 (c) Women offenders are known to have more diagnosed mental health concerns and
7 longer histories of substance abuse;

8 (d) Therefore, it is in the public interest of the commonwealth to promote the prosperity
9 and general welfare of its citizens to use the best available data to offer trauma-informed and
10 gender-specific approaches to diversion, programming, and re-entry and rehabilitation programs
11 for incarcerated women.

12 SECTION 2. Section 1 of chapter 124 of the General Laws, as appearing in the 2014
13 Official Edition is hereby amended by adding the following 4 clauses:

14 (v) collaborate with necessary agencies to collect aggregate data on descriptive variables
15 of inmates including, but not limited to, gender, number of dependents, race and ethnicity, age,
16 education level completed, employment, mental health diagnoses, substance abuse history,
17 prescribed medications, and geographic origin.

18 (w) shall review recording procedures for all visitors to state and county correctional
19 facilities, ensuring comprehensive information is being collected including, but not limited to,
20 visitor's relationship to inmate, age, distance travelled, whether the visit is facilitated by the
21 department of children and families.

22 (x) shall supplement the current intake process and practices with additional data
23 collected for newly incarcerated women, including information regarding number of children,
24 other available caretakers, status of children during mother's incarceration, reproductive health
25 needs and knowledge.

26 (y) in conjunction with other department representatives involved in classification,
27 programming and program assignments shall consider results of needs assessment for each
28 inmate in assigning programming that will provide rehabilitative benefits to inmate.

29 SECTION 3. Chapter 124 of the General Laws is hereby amended by inserting after
30 section 6 the following section:-

31 Section 6A. (a) The commissioner shall submit an annual report no later than December
32 31st of all aggregate data collected pursuant to clauses (v) to (y), inclusive, of section 1 to the

33 house and senate clerks, the joint committee on the judiciary, and the Women’s Caucus Task
34 Force on Justice-Involved Women, and including number of children entering the department of
35 children and families because of incarceration of parents, average distance traveled to a
36 correctional facility by visitors, and an analysis of apparent geographic and other barriers to
37 visitation.

38 (b) This report shall also include an overview of the curriculum for reproductive health
39 education programs, overview of reproductive health services provided to incarcerated women,
40 number of participants in the program, and an analysis of reproductive health needs of
41 incarcerated women.

42 (c) All aggregate data shall be made publicly available on the website.

43 SECTION 4. Said chapter 124 is hereby further amended by adding the following 2
44 sections:-

45 Section 11. (a) The commissioner shall evaluate the program delivery system for existing
46 programming for parenting skills and related training for incarcerated women and the
47 effectiveness of these programs. The commissioner shall develop programs with a focus on
48 family preservation and reunification where they are lacking.

49 (b) The commissioner shall collect data related to program participation, successful
50 completion based on goal setting, and level of inmate interest in gender-specific programs.

51 (c) All aggregate data generated pursuant to this section shall be made publicly available
52 on the website.

53 Section 12. The superintendent of a state correctional facility and the administrator of a
54 county correctional facility, as those terms are defined in chapter 125, shall coordinate with the
55 department of children and families to:

56 (i) offer expanded visitation options for extended and enhanced visits, including but not
57 limited to: day camp for children, outdoor play activities for children's visits to MCI
58 Framingham and South Middlesex Correctional Center;

59 (ii) investigate and report on alternative funding streams for the improvement and
60 expansion of visiting rooms; and

61 (iii) Identify innovative funding streams, including public-private partnerships with ride
62 sharing companies including, but not limited to, transportation network services, as defined in
63 chapter 159A½, to offer transportation, such as bus, train or taxi for visiting family members
64 and their children, and establish an equitable system to offer vouchers to visitors.

65 SECTION 5. Chapter 125 of the General Laws is hereby amended by adding the
66 following section:-

67 Section 22. (a) The commissioner and the administrator shall develop a comprehensive
68 discharge plan for every offender to include, but not be limited to:

69 (i) identifying the individuals and organizations that can help inmates address the
70 challenges in their lives;

71 (ii) work release program participation;

72 (iii) employment readiness training;

73 (iv) financial education;
74 (v) family reintegration programming; and
75 (vi) programs addressing healthy relationships, domestic violence prevention, family
76 conflict, anti-social peers and anti-social attitudes.

77 (b) Every inmate who is within 6 months of their release from a correctional facility shall
78 be reviewed by the administrator or superintendent to identify their concerns and needs for re-
79 entry including, but not limited to: housing, MassHealth, treatment programs and employment
80 assistance.

81 (c) Every inmate shall be assigned a case manager by the department. The case manager
82 shall assist and offer guidance to reunify women with children, and establish housing,
83 employment, child care, and treatment services for mental health and substance abuse issues.

84 (d) The department shall provide case managers who shall be available post-release, shall
85 connect discharged women to detoxification and rehabilitation centers previously used.

86 (e) The department shall establish and make available a hotline central information phone
87 line with information regarding housing, shelter, transitional assistance, detox, rehabilitation,
88 medical assistance, additional urgent services.

89 (f) Correctional facilities shall develop opportunities for inmates to volunteer in return for
90 a stipend, and offer case management to build resume and application skills.

91 SECTION 6. Section 20B of chapter 127, as appearing in the 2014 Official Edition, of
92 the General Laws is hereby amended by inserting after the word "sitting", in line 9, the following
93 words:- provided, however, that such sheriff's office shall implement a gender-specific

94 risk/needs assessment tool to help determine eligibility and placement for diversion to a program
95 as set forth by the office of the commissioner pursuant to section 8A of chapter 276A.

96 SECTION 7. Chapter 276A of the General Laws is hereby amended by inserting after
97 section 8, the following section:-

98 Section 8A. (a) The office of the commissioner shall implement a gender-specific
99 risk/needs assessment tool to help determine eligibility and placement for diversion to a program.
100 A gender-specific risk/needs assessment tool shall include but is not limited to assessing all
101 eligible female detainees with: (1) age; (2) race and ethnicity; (3) criminal history; (4)
102 employment status; (5) educational needs; (6) substance abuse; (7) risk of flight; (8) trauma and
103 abuse; (9) unhealthy relationships; (10) parental stress; (11) depression; (12) self-efficacy; (13)
104 current mental health symptoms; (14) employment and financial status; (15) family support; and
105 (16) number of dependents.

106 (b) The commissioner shall submit an annual report to the House and Senate clerks, the
107 Joint Committee on the Judiciary, and the Women’s Caucus Task Force on Justice-Involved
108 Women including, but not limited to, the outcomes of the assessment tool, findings and
109 demographics of the population diverted.

110 SECTION 8. Notwithstanding any general or special law to the contrary, there shall be
111 established a policy review panel to review data and make recommendations for legislation, if
112 needed, based on annual aggregate data collected pursuant to chapter 124 and this chapter. The
113 panel shall be jointly chaired by the commissioner of the Department of Corrections, the
114 commissioner of the Department of Children and Families and the commissioner of the
115 Department of Mental Health, who shall convene panel meetings with persons with expertise in

116 the following, but not limited to; representing justice-involved women, re-entry programs,
117 trauma-informed programs and training, domestic violence prevention, and an individual who
118 has been formally incarcerated. Members of the board shall be appointed no later than 60 days
119 after enactment of this act. The policy review panel shall meet at least 2 times annually and
120 review the reports, data and other information to implement this act. The panel shall annually, on
121 or before December 31st, issue a report of its review and recommendations to the chairs of the
122 joint committee on the judiciary, house and senate clerks, and the Chairs of the Women’s Caucus
123 Task Force on Justice Involved Women.

124 SECTION 9. Section 12 of chapter 127 of the acts of 1999 is hereby amended by adding
125 the following sentence:- For the purposes of chapter 125 of the general laws, the sheriff shall be
126 the chief administrative officer of a county correctional facility, unless such officer is otherwise
127 appointed by the sheriff and for the purposes of chapter 126 of the general laws the sheriff shall
128 be the superintendent, unless a superintendent is so appointed by the sheriff or such appointment
129 is otherwise provided for in the general laws.

130 SECTION 10. Implementation of the assessment tool provided for in subsection (a) of
131 section 8A of chapter 276 of the General Laws is to take place no later than 1 year after bill
132 passage, with notification being sent at time of implementation to the Joint Committee on the
133 Judiciary and the Women’s Caucus Task Force on Justice-Involve Women.