

By Mr. Harold, a petition (accompanied by bill, Senate, No. 583) of Paul D. Harold, John C. Bradford and Barbara Hildt for legislation to create a citizen advisory board. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT CREATING A CITIZEN ADVISORY BOARD.

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 Laws, as appearing in the 1988
2 Official Edition, are hereby amended by inserting after Chapter
3 127 the following new chapter: —

4 Chapter 127A. This Chapter shall be known as the Citizens
5 Advisory Board Act.

6 Section 1. There shall be a citizen advisory board established
7 in the department of correction consisting of 13 members
8 appointed by the Governor as follows; two members shall be
9 criminal defense attorneys one of whom shall be from the
10 committee for public counsel services, two members shall be from
11 inmate advocate organizations, two members shall be inmate
12 family members, one member shall be a former inmate, one
13 member shall be a clergy from a community church, three
14 members shall be representatives of the general public two of
15 whom shall be victims of a violent crime, one member shall be
16 a residing judge, and one member shall be an employee of the
17 department of correction. The members shall be appointed for
18 terms of three years each, and no member shall serve more than
19 two consecutive terms. Chairman shall be appointed by the board
20 members. A majority of the board shall constitute a quorum. The
21 advisory board shall serve without compensation but shall be
22 reimbursed for actual and reasonable expenses occurred in the
23 performance of their duties.

24 Section 2. The advisory board shall meet monthly, or
25 additionally as needed, and upon the request of two or more
26 members of the board. The board may appoint a clerk. The
27 department of correction shall appoint an inmate in each facility
28 as a liason to the board. Further, the department of correction
29 shall provide the board with adequate space in which to hold their
30 meetings. The board shall be an autonomous entity, independent
31 of the department of correction.

32 Section 3. The advisory board duties shall consist of the
33 following:

34 a) to investigate and report on the general state of correction
35 facilities, their administration, correction policy and practices, and
36 the treatment of prisoners therein;

37 b) to investigate and report on the health and safety of
38 prisoners, the availability of education, vocation, employment,
39 and rehabilitation programs, the availability of proper medical,
40 psychiatric and counseling services, and the availability of healthy
41 and nutritious meals;

42 c) to investigate and report on the sufficiency and availability
43 of regular visiting hours, telephones, religious clergy and
44 attorneys, and the treatment of visiting family, friends, attorneys
45 and program volunteers, and the availability of transportation for
46 visiting family members;

47 d) to advise and inform the community-at-large of current
48 needs and trends in department of correction policy and practices;

49 e) to advise the department of correction on implementation,
50 improvements, and general modifications to policies and practices
51 relative to prisoner education, vocation, employment and
52 rehabilitation programs, visitation, medical, psychiatric, and
53 counseling services, religious and volunteer programs, and
54 community corrections.

55 Section 4. In order to perform its duties the advisory board
56 shall have access to all correctional institutions, and all areas
57 therein, at any time, and without notice, unless the safety of board
58 members would be endangered due to an institutional emergency.

59 Further, the board members may meet with any prisoner within
60 the institution and endeavor to assist any prisoner with problems
61 in relation to the institution or of a personal nature. The board
62 shall be allowed to meet with prisoners out of sight and hearing

63 of any officer or employee of the institution if the board so
64 requests.

65 Section 5. The provisions of sections 11A and 11A $\frac{1}{2}$ of
66 Chapter 30A, and sections 23A and 23B of chapter 39 shall not
67 apply to any meetings or investigatory tours of the advisory board.

68 Section 6. The advisory board shall have access to any and all
69 records of a prisoner incarcerated, including but not limited to,
70 records of conviction, probation, parole, discipline, grievance,
71 administrative, and classification, notwithstanding the provisions
72 of sections 167 through 178, inclusive, of chapter 6 of the General
73 Laws; provided, however, the board shall not disseminate said
74 files, or any other information therein, except as provided in said
75 sections 167 through 178, inclusive, of chapter 6.

1 SECTION 2. Chapter 127 of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by inserting the
3 following new sections: —

4 Section 170. There shall be a grievance advisory committee
5 established in the department of correction consisting of seven
6 members appointed by the governor as follows: one member shall
7 be a representative of the Massachusetts Correctional Legal
8 Services, one member shall be a criminal defense attorney from
9 the Massachusetts defender's committee, one member shall be a
10 representative of the law enforcement community; provided,
11 however, such member shall not be an employee of the department
12 of correction, four members shall be representatives from the
13 general public; provided however, no more than one such member
14 shall be a crime victim. The members shall be appointed for terms
15 of two years each. The chairman shall be appointed by the
16 committee members. Upon the expiration of the term of an
17 appointed member, he shall serve until the qualification of his
18 successor, who shall be appointed in like manner. Any vacancies
19 on the committee due to causes other than the expiration of a term
20 shall be filled for the remainder of the term by the governor. The
21 committee shall serve without compensation but shall be
22 reimbursed for actual and reasonable expenses incurred in the
23 performance of their duties.

24 Section 171. The grievance committee shall meet monthly, or
25 additionally as needed, and upon the request of two or more

26 members of the committee. The department of correction shall
27 provide adequate space in which to hold meetings. The committee
28 shall be an autonomous entity, independent of the department of
29 correction.

30 Section 172. The committee shall review each inmate grievance
31 submitted in accordance to regulatory practice to the commis-
32 sioner or his designee. Such review shall include interviewing
33 prisoners, reviewing files and documents or any other action the
34 committee deems necessary. The committee shall make
35 recommendations to the commissioner or his designee regarding
36 any grievances reviewed. The decisions and recommendations of
37 the committee are advisory and may be accepted, denied or
38 modified by the commissioner.