

**SENATE . . . . . No. 1004**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Steven A. Tolman, (BY REQUEST)***

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*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 to Limit the Powers of Transit Police..**

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*George Newman*

*George Casey*

**SENATE . . . . . No. 1004**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Nine**

An Act to Limit the Powers of Transit Police..

*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. Any registered rail carrier that appoints and maintains a police force shall  
2 comply with the following requirements:

3 Establish an internal policy that includes procedures to ensure objective  
4 oversight in addressing allegations of abuse of authority or other misconduct on the part  
5 of its police officers.

6 Adopt appropriate policies and guidelines for employee investigations by  
7 police officer. These policies and guidelines shall provide for initiating employee  
8 investigations only under the following conditions:

9 There is reason to believe criminal misconduct has occurred

10 In response to employee accident.

11 There is reason to believe that the interview of an employee could result in workplace  
12 violence.

13           There is a legitimate concern for the personal safety of one or more employees.

14           The policies and guidelines which a rail carrier's police force must abide by shall provide  
15 for the right of an employee to request a representative to be present during an interview  
16 concerning a non-criminal matter.

17           SECTION 2. Copies of the policies and guidelines adopted under section I of this Act  
18 shall be filed with the Massachusetts State Police, the Executive Office of Public Safety and  
19 Security and the Attorney General of the Commonwealth of Massachusetts. All shall make filed  
20 copies of the policies and guidelines available for public inspection. The board of the registered  
21 rail carrier shall review the policies and guidelines, and approve them to ensure they comply with  
22 this Act.

23           SECTION 3. A person adversely affected or aggravated by a decision of a rail carrier's  
24 internal investigation under this Act may appeal the decision to the Massachusetts State Police.  
25 The appeal shall be filed no later than 90 days after the issuance of the decision. The State  
26 Police shall review the depth, completeness, and objectivity of the rail carrier's investigation, and  
27 may conduct its own investigation of the complaint. The State Police may uphold, overturn, or  
28 modify the rail carrier's decision by filing a report of its findings and recommendations with the  
29 Executive Office of Public Safety and Security and the Attorney General of the Commonwealth.  
30 Consistent with its authority under the Massachusetts General Laws the Attorney General shall  
31 have the power to conduct evidentiary hearings, make finding, and issue and enforce order,  
32 including sanctions under the powers it is afforded by the Massachusetts General Law.