

HOUSE No. 3585

The Commonwealth of Massachusetts

PRESENTED BY:

Mary S. Keefe

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 entrance of cell procedures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/20/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	
<i>John J. Mahoney</i>	<i>13th Worcester</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>4/5/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	

HOUSE No. 3585

By Ms. Keefe of Worcester, a petition (accompanied by bill, House, No. 3585) of Mary S. Keefe and others for legislation to establish uniform standards for state and county correctional facilities regarding entrance of cell procedures. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to entrance of cell procedures.

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 of chapter 124 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by adding the following 2 subsections:-

3 (v) establish uniform standards for state and county correctional facilities regarding
4 entrance of cell procedures. The standards shall establish the process for: (i) an emergency
5 entrance of cell procedure; and (ii) a planned entrance of cell procedure; provided, that, a
6 planned entrance of cell procedure which shall include intervention by a qualified mental health
7 professional, as defined in section 1 of chapter 127, before a correctional officer enters the cell.

8 The standards shall instruct superintendents of all institutions under the jurisdiction of the
9 department of correction and the superintendents and keepers of jails and houses of correction of
10 that an emergency entrance of cell procedure shall only be used when time is of the essence
11 where the failure to take immediate action would place that a person in imminent risk of death or
12 serious bodily injury.

13 The standards shall require correctional officers to wear a personal audio-video recording
14 device attached to the officer's clothing, helmet, or sunglasses and that is capable of capturing
15 video and audio recordings from the officer's point of view during both planned entrance of cell
16 procedures and emergency entrance of cell procedures. A correctional officer shall be prohibited
17 from viewing or listening to any video or audio recorded prior to submitting a report regarding
18 the use of force.

19 The standards shall detail acceptable equipment for use during a planned entrance of cell
20 procedure or an emergency entrance of cell procedure; provided, that the standards shall prohibit
21 the use of certain kinetic impact weapons, to be determined by the commissioner.

22 (w) establish uniform standards for all state and county correctional facilities governing
23 the use of chemical agents. The standards shall: (i) identify all chemical agents which are
24 deemed an acceptable use of force; (ii) establish protocols for situations when chemical agents
25 may not be used, including but not limited to, on an inmate with intellectual disabilities or
26 respiratory illnesses; (iii) define the required authorization for staff prior to the use of chemical
27 agents; and (iv) establish protocols for decontamination of inmates following exposure to each
28 type of chemical agent identified pursuant to clause (i).