

HOUSE No. 2114

The Commonwealth of Massachusetts

PRESENTED BY:

Tram T. Nguyen and 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 to reduce harm by creating baseline standards for use of force by K9s in correctional facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/18/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/18/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/1/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/31/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/31/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/1/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 2114

By Representatives Nguyen of Andover and Keefe of Worcester, a petition (accompanied by bill, House, No. 2114) of Tram T. Nguyen, Mary S. Keefe and others relative to standards for the use of force by trained dogs in correctional facilities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to reduce harm by creating baseline standards for use of force by K9s in correctional facilities.

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

1 Chapter 127 of the General Laws is hereby amended by adding the following new section
2 immediately after Section 169:

3 SECTION 170: Use of K-9

4 The following provisions shall apply to all correctional facilities in the Commonwealth,
5 including all jails, houses of correction, trial court detention facilities, youth detention facilities,
6 and state prisons.

7 For purposes of this section:

8 1) “K-9” shall be defined as a dog trained and certified for law enforcement
9 purposes, accompanied by a trained handler.

2) “Handler” shall be defined as a person trained and certified to handle a law enforcement K-9.

3) “Major Disturbance” shall be defined as a riot situation or hostage situation where there is an immediate threat of death or serious bodily injury.

K-9s shall be under the control of their handlers at all times while on correctional facility property and shall never be permitted to roam freely on correctional facility property. K-9s shall be used only in the following circumstances: (i) to search for contraband, (ii) to search for fleeing escapees, and (iii) for crowd control and use of force only if necessary as part of a coordinated response by a tactical team to a major disturbance. K-9s may only be used in these circumstances with prior approval by the Commissioner, Sheriff, Superintendent, or designee. K-9s shall not be used for routine internal patrol or to monitor prisoner movement, and shall not be used in use of force or for crowd control other than if necessary as part of a coordinated response by a tactical team to a major disturbance. Prisoners shall be removed from any area where K-9s are conducting contraband searches, and all other reasonable efforts shall be made to minimize prisoner contact with K-9s.

If a K-9 bites or otherwise apprehends a person, the incident must be documented in accordance with the correctional facility’s use of force reporting requirements. Color photographs must be taken of any injuries sustained and the photos must be preserved for a period not less than ten years. All fixed, handheld, body camera, or other video recording from the area of the incident must be preserved for a period not less than ten years. Any person bitten or apprehended by a K9 shall have the right to obtain a copy of all records relating to the K9 bite or apprehension, including but not limited to written reports, investigations, video and audio

32 recordings, and photographs. All such records are also public records, except that records access
33 officers must redact the name and identifying information of any involved inmate before
34 providing the records to any requestor who is not the involved inmate or who does not have a
35 release from the involved inmate.