

**SENATE . . . . . No. 1546**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Liz Miranda*

*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 establishing the Massachusetts correctional officer accountability and standards training Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	
<i>William N. Brownsberger</i>	<i>Suffolk and Middlesex</i>	<i>1/24/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/6/2023</i>

**SENATE . . . . . No. 1546**

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By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1546) of Liz Miranda, William N. Brownsberger and Patricia D. Jehlen for legislation to establish the Massachusetts correctional officer accountability and standards training Commission. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act establishing the Massachusetts correctional officer accountability and standards training Commission.

*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 are hereby amended by inserting after chapter 6E the  
2 following chapter:-

3           CHAPTER 6F

4           MASSACHUSETTS CORRECTIONAL OFFICER ACCOUNTABILITY AND  
5 STANDARDS TRAINING COMMISSION

6           Section 1. Definitions

7           "Appointing agency", the agency appointing a correctional officer.

8           "Chair", the chair of the COAST commission.

9 "Chokehold", the use of a lateral vascular neck restraint, carotid restraint or other action  
10 that involves the placement of any part of a correctional officer's body on or around a person's  
11 neck in a manner that limits the person's breathing or blood flow with the intent of or with the  
12 result of causing bodily injury, unconsciousness or death.

13 "Commissioner", a member of the COAST commission.

14 "Conviction", an adjudication of a criminal matter resulting in any outcome except  
15 wherein the matter is dismissed or the accused is found to be not guilty, including, but not  
16 limited, to an adjudication of guilt with or without the imposition of a sentence, a plea of guilty,  
17 a plea of nolo contendere, an admission to sufficient facts, a continuance without a finding or  
18 probation.

19 "Correctional agency", the Department of Corrections, a House of Corrections, or a jail.

20 "Correctional officer", any officer with supervisory, custodial, or other control  
21 responsibilities within a correctional agency.

22 "COAST Commission", the Massachusetts Correctional Officer Accountability,  
23 Standards and Training Commission.

24 "Deadly force", physical force that can reasonably be expected to cause death or serious  
25 physical injury.

26 "Decertified", a correctional officer whose certification is revoked by the COAST  
27 commission pursuant to section 10.

28 "De-escalation tactics", proactive actions and approaches used by a correctional officer to  
29 stabilize a situation so that more time, options and resources are available to gain a person's

30 voluntary compliance and to reduce or eliminate the need to use force including, but not limited  
31 to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person,  
32 creating distance between the officer and a threat and requesting additional resources to resolve  
33 the incident, including, but not limited to, calling in medical or licensed mental health  
34 professionals, as defined in subsection (a) of section 5.5 of chapter 111, to address a potential  
35 medical or mental health crisis.

36 "Executive director", the executive director of the COAST commission appointed  
37 pursuant to subsection (g) of section 2."Officer-involved injury or death", any event during  
38 which a correctional officer: (i) discharges a firearm, as defined in section 121 of chapter 140,  
39 actually or proximately causing injury or death to another; (ii) discharges any stun gun as defined  
40 in said section 121 of said chapter 140, actually or proximately causing injury or death to  
41 another; (iii) uses a chokehold, actually or proximately causing injury or death of another; (iv)  
42 discharges tear gas or other chemical weapon, actually or proximately causing injury or death of  
43 another; (v) discharges rubber pellets from a propulsion device, actually or proximately causing  
44 injury or death of another; (vi) deploys a dog, actually or proximately causing injury or death of  
45 another; (vii) uses deadly force, actually or proximately causing injury or death of another; (viii)  
46 fails to intervene, as required by section 15, to prevent the use of excessive or prohibited force by  
47 another officer who actually or proximately causes injury or death of another; or (ix) engages in  
48 a physical altercation with a person who sustains serious bodily injury or requests or receives  
49 medical care as a result.

50 "Serious bodily injury", bodily injury that results in: (i) permanent disfigurement; (ii)  
51 protracted loss or impairment of a bodily function, limb or organ; or (iii) a substantial risk of  
52 death.

53 "Untruthful" or "untruthfulness", knowingly making an untruthful statement concerning a  
54 material fact or knowingly omitting a material fact: (i) on an official criminal justice record,  
55 including, but not limited to, a police report; (ii) while testifying under oath; (iii) to the COAST  
56 commission or an employee of the COAST commission; or (iv) during an internal affairs  
57 investigation, administrative investigation or disciplinary process.

58 Section 2. Establishment of the Correctional Officer Standards and Training  
59 Commission; membership; qualifications; terms; meetings

60 (a) There shall be a Correctional Officer Accountability, Standards and Training  
61 Commission consisting of 9 members: 3 of whom shall be appointed by the governor, 1 of whom  
62 shall be a retired management level DOC correctional officer, 1 of whom shall be a social  
63 worker appointed from a list of 5 nominations submitted by the National Association of Social  
64 Workers, Inc., Massachusetts chapter, and 1 of whom shall be a retired judge; 3 of whom shall  
65 be appointed by the attorney general, 1 of whom shall be appointed from a list of 3 nominations  
66 submitted by Prisoners Legal Services, 1 of whom shall be a formerly incarcerated person; 1 of  
67 whom shall be a MCOFU labor union representative appointed from a list of 3 nominations  
68 submitted by MCOFU; and 3 of whom shall be appointed jointly by the governor and attorney  
69 general, 1 of whom shall be an attorney licensed to practice law in the commonwealth appointed  
70 from a list of 5 nominations submitted by the civil rights and social justice section council of the  
71 Massachusetts Bar Association, 1 of whom is a member of a union who represents employees of  
72 House of Corrections and jails, and 1 of whom shall be a management-level House of  
73 Corrections employee appointed from a list of 3 nominations submitted by the MA Sheriffs  
74 Association.

75 (b) Other than as provided for in subsection (a), all COAST commissioners shall be  
76 civilians and no COAST commissioner shall have been previously employed as a law  
77 enforcement or correctional officer, or be a retired law enforcement or correctional officer. The  
78 civilian COAST commissioners shall have experience or expertise in corrections and training,  
79 criminal law, civil rights law, the criminal justice system, mental health, post-traumatic stress  
80 disorder, crisis intervention, de-escalation techniques or social science fields related to race or  
81 bias. The governor shall designate the chair of the COAST commission. The COAST  
82 commission shall include people of color and women, at least in such proportion as these groups  
83 exist in the commonwealth's population as periodically determined by the state secretary as the  
84 commonwealth's chief census officer. The members of the COAST commission shall represent  
85 diverse geographic areas of the commonwealth, including urban, rural and suburban areas. The  
86 COAST commissioners shall take an oath to faithfully and impartially execute their duties as  
87 COAST commissioners.

88 (c) Each COAST commissioner shall be a resident of the commonwealth within 90 days  
89 of appointment and, while serving on the COAST commission, shall not: (i) hold, or be a  
90 candidate for, federal, state or local elected office; (ii) hold an appointed office in a federal, state,  
91 or local government; or (iii) serve as an official in a political party. Not more than 2 COAST  
92 commissioners shall be from the same political party. The members of the COAST commission  
93 shall be compensated for work performed for the COAST commission at such rate as the  
94 secretary of administration and finance shall determine.

95 (d) Each COAST commissioner shall serve for a term of 5 years or until a successor is  
96 appointed and shall be eligible for reappointment; provided, however, that no COAST  
97 commissioner shall serve more than 10 years. The governor may remove a COAST

98 commissioner if the COAST commissioner: (i) is guilty of malfeasance in office; (ii)  
99 substantially neglects the duties of a COAST commissioner; (iii) is unable to discharge the  
100 powers and duties of the COAST commissioner's office; (iv) commits gross misconduct; or (v) is  
101 convicted of a felony.

102 (e) Seven members shall constitute a quorum. The affirmative vote of a majority of  
103 COAST commissioners present and voting shall be required for an action of the COAST  
104 commission. The COAST commission shall meet monthly and at other times as it shall deem  
105 necessary or upon the written request of 4 COAST commissioners or the COAST chair;  
106 provided, however, that notice of all meetings shall be given to each COAST commissioner and  
107 to other persons who request such notice. The COAST commission shall adopt regulations  
108 establishing procedures, which may include electronic communications, by which a request to  
109 receive notice shall be made and the method by which timely notice may be given.

110 (f) The COAST commission shall annually elect 1 of the COAST commissioners to serve  
111 as secretary and 1 of the COAST commissioners to serve as treasurer. The secretary shall keep a  
112 record of the proceedings of the COAST commission and shall be the custodian and keeper of  
113 the records of all books, documents and papers filed by the COAST commission and of its  
114 minute book. The secretary shall cause copies to be made of all minutes and other records and  
115 documents of the COAST commission and shall certify that such copies are true copies, and all  
116 persons dealing with the COAST commission may rely upon such certification.

117 (g) The COAST commission shall appoint an executive director, who shall not be a  
118 member of the COAST commission. The executive director shall serve at the pleasure of the  
119 COAST commission, shall receive such salary as may be determined by the COAST

120 commission, and shall devote full time and attention to the duties of the office. The executive  
121 director shall be a person with skill and experience in management, shall be the executive and  
122 administrative head of the COAST commission and shall be responsible for administering and  
123 enforcing the provisions of law relative to the COAST commission and to each administrative  
124 unit thereof. The executive director may employ other employees, consultants, agents and  
125 advisors, including legal counsel, and shall attend meetings of the COAST commission. In the  
126 case of an absence or vacancy in the office of the executive director or in the case of disability as  
127 determined by the COAST commission, the COAST commission may designate an acting  
128 executive director to serve as executive director until the vacancy is filled or the absence or  
129 disability ceases. The acting executive director shall have all of the powers and duties of the  
130 executive director and shall have similar qualifications as the executive director.

131 (h) The executive director may, subject to the approval of the COAST commission,  
132 appoint the director of correctional officer certification, and the director of the division of  
133 correctional officer standards. The executive director shall appoint all other persons that the  
134 executive director shall consider necessary to perform the functions of the COAST commission;  
135 provided, however, that chapter 31 and section 9A of chapter 30 shall not apply to COAST  
136 commission employees. If an employee serving in a position which is classified under said  
137 chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30  
138 shall be appointed to a position within the COAST commission which is not subject to said  
139 chapter 31, the employee shall, upon termination of service in such position, be restored to the  
140 position which the employee held immediately prior to such appointment; provided, however,  
141 that the employee's service in such position shall be determined by the civil service commission  
142 in accordance with the standards applied by that commission in administering said chapter 31.

143 Such restoration shall be made without impairment of the employee's civil service status or  
144 tenure under said section 9A of said chapter 30 and without loss of seniority, retirement or other  
145 rights to which uninterrupted service in such prior position would have entitled such employee.  
146 During the period of such appointment, each person so appointed from a position in the classified  
147 civil service shall be eligible to take any competitive promotional examination for which such  
148 person would otherwise have been eligible. The executive director and employees of the COAST  
149 commission shall be classified as group 1 pursuant to paragraph (g) of subdivision (2) of section  
150 3 of chapter 32.

151 (i) No employee of the division of correctional officer standards, established pursuant to  
152 section 8, or the executive director shall have previously been employed as a correctional officer,  
153 previously employed by a correctional agency or be a retired correctional officer or retired from  
154 a correctional agency; provided, however, that such employee may have been a previous  
155 employee of or have retired from the division of correctional officer standards.

156 (j) The COAST commission shall be a commission for the purposes of section 3 of  
157 chapter 12.

158 (k) Any vacancy occurring on the COAST commission shall be filled within 90 days by  
159 the original appointing authority. A person appointed to fill a vacancy occurring other than by  
160 expiration of a term of office shall be appointed for the unexpired term of the member they  
161 succeed and shall be eligible for re-appointment.

162 Section 3. Powers and duties of the COAST commission

163 Section 3. (a) The COAST Commission shall have all powers necessary or convenient to  
164 carry out and effectuate its purposes, including, but not limited to, the power to:

- 165 (1) act as the primary civil enforcement agency for violations of this chapter involving  
166 correctional officers;
- 167 (2) establish, in consultation with the Department of Corrections and the Massachusetts  
168 Sheriffs Association, minimum correctional officer certification standards pursuant to section 4;
- 169 (3) approve Department of Corrections training curriculum for correctional officers,  
170 submitted to the COAST commission by the Department of Corrections;
- 171 (3A) approve a House of Corrections training curriculum and standards for correctional  
172 officers submitted to the COAST commission by the Massachusetts Sheriffs Association;
- 173 (3B) approve a training curriculum and standards for jails submitted to the COAST  
174 commission by the Massachusetts Sheriffs Association;
- 175 (4) certify qualified applicants pursuant to section 4;
- 176 (5) deny an application or limit, condition, restrict, revoke or suspend a certification, or  
177 fine a person certified pursuant to section 4 for any cause that the COAST commission deems  
178 reasonable;
- 179 (6) receive complaints from any source and preserve all complaints and reports filed with  
180 the COAST commission for the appropriate period of time;
- 181 (7) conduct audits and investigations pursuant to section 8;
- 182 (8) appoint correctional officers and approve employees to be hired by the executive  
183 director pursuant to section 2;
- 184 (9) establish and amend a plan of organization that it considers expedient;

185 (10) execute all instruments necessary or convenient for accomplishing the purposes of  
186 this chapter;

187 (11) enter into agreements or other transactions with a person, including, but not limited  
188 to, a public entity or other governmental instrumentality or authority in connection with its  
189 powers and duties under this chapter;

190 (12) appear on its own behalf before boards, commissions, departments or other agencies  
191 of municipal, state or federal government;

192 (13) apply for and accept subventions, grants, loans, advances and contributions of  
193 money, property, labor or other things of value from any source, to be held, used and applied for  
194 its purposes;

195 (14) provide and pay for advisory services and technical assistance as may be necessary  
196 in its judgment to carry out this chapter and fix the compensation of persons providing such  
197 services or assistance;

198 (15) prepare, publish and distribute, with or without charge as the COAST commission  
199 may determine, such studies, reports, bulletins and other materials as the COAST commission  
200 considers appropriate;

201 (16) gather facts and information applicable to the COAST commission's obligation to  
202 issue, suspend or revoke certifications pursuant to section 4 for: (i) a violation of this chapter or  
203 any regulation adopted by the COAST commission; (ii) a willful violation of an order of the  
204 COAST commission; (iii) the conviction of a criminal offense; or (iv) the violation of any other  
205 offense which would disqualify a person from being certified;

206 (17) conduct investigations into the qualifications of all applicants for certification  
207 pursuant to section 4;

208 (18) request and receive from the state police, the department of criminal justice  
209 information services or other criminal justice agencies, including, but not limited to, the Federal  
210 Bureau of Investigation and the federal Internal Revenue Service, such criminal offender record  
211 information relating to the administration and enforcement of this chapter;

212 (19) demand access to and inspect, examine, photocopy and audit all papers, books and  
213 records of any correctional agency;

214 (20) levy and collect assessments, fees and fines and impose penalties and sanctions for a  
215 violation of this chapter or any regulations promulgated by the COAST commission;

216 (21) restrict, suspend or revoke certifications issued pursuant to section 4;

217 (22) conduct adjudicatory proceedings in accordance with chapter 30A;

218 (23) refer cases for criminal prosecution to the appropriate federal, state or local  
219 authorities;

220 (24) issue subpoenas and compel the attendance of witnesses at any place within the  
221 commonwealth, administer oaths and require testimony under oath before the COAST  
222 commission in the course of an investigation or hearing conducted under this chapter;

223 (25) maintain an official internet website for the COAST commission;

224 (26) adopt, amend or repeal regulations in accordance with chapter 30A for the  
225 implementation, administration and enforcement of this chapter, including, but not limited to,

226 regulations: (i) governing the conduct of proceedings hereunder; (ii) determining whether an  
227 applicant has met the standards for certification pursuant to section 4; (iii) establishing minimum  
228 standards for internal correctional agency review of complaints of correctional officer-involved  
229 injuries or deaths and recommendations to the COAST commission regarding retraining,  
230 suspension or revocation of correctional officer certification to ensure consistency across  
231 corrections agencies; (iv) establishing a physical and psychological fitness evaluation pursuant to  
232 section 4 that measures said fitness to ensure correctional officers are able to perform essential  
233 job duties; and (v) identifying patterns of unprofessional correctional officer conduct, including,  
234 but not limited to, patterns of: (A) escalating behavior that may lead to the use of excessive force  
235 or conduct that is biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
236 religion, mental or physical disability, immigration status or socioeconomic or professional level;  
237 (B) an increase in the frequency of complaints regarding an individual correctional officer; or (C)  
238 the number of complaints regarding a correctional officer that are at least 1 standard deviation  
239 above the mean for similarly situated correctional officers for a defined period; and

240 (27) refer patterns of racial profiling or the mishandling of complaints of unprofessional  
241 correctional officer conduct for investigation and possible prosecution to the attorney general or  
242 the appropriate federal, state or local authorities; provided, however, that if the attorney general  
243 has reasonable cause to believe that such a pattern exists based on information received from any  
244 other source, the attorney general may bring a civil action for injunctive or other appropriate  
245 equitable and declaratory relief to eliminate the pattern or practice.

246 Section 4. Division of correctional officer certification

247 Section 4: (a) There shall be within the COAST commission a division of correctional  
248 officer certification. The purpose of the division of correctional officer certification shall be to  
249 establish uniform policies and standards for the certification of all correctional officers, subject  
250 to the approval of the COAST commission.

251 (b)(1) The division of correctional officer certification shall establish minimum  
252 certification standards for all correctional officers that shall include, but not be limited to: (i)  
253 attaining the age of 21; (ii) successful completion of a high school education or equivalent, as  
254 determined by the COAST commission; (iii) successful completion of the basic training program  
255 approved by the COAST commission; (iv) successful completion of a physical and psychological  
256 fitness evaluation approved by the COAST commission; (v) successful completion of a state and  
257 national background check, including, but not limited to, fingerprinting and a full employment  
258 history; provided, that if the applicant has been previously employed in law enforcement or  
259 corrections in any state or United States territory or by the federal government, the applicant's  
260 full employment record, including complaints and discipline, shall be evaluated in the  
261 background check; (vi) passage of an examination approved by the COAST commission; (vii)  
262 possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as  
263 determined by the COAST commission; (viii) successful completion of an oral interview  
264 administered by the COAST commission; and (ix) being of good moral character and fit for  
265 employment as a correctional officer, as determined by the COAST commission.

266 (2) The COAST commission shall not issue a certificate to an applicant who: (i) does not  
267 meet the minimum standards enumerated in paragraph (1) or the regulations of the COAST  
268 commission; (ii) has been convicted of a felony or whose name is listed in the national  
269 decertification index or the databases of decertified law enforcement and correctional officers

270 maintained by the POST and COAST commissions; or (iii) while previously employed in law  
271 enforcement, or corrections, in any state or United States territory or by the federal government,  
272 has had their certification revoked.

273 (3) The COAST commission may issue a certificate to a qualified applicant consistent  
274 with the provisions of this chapter. The COAST commission shall determine the form and  
275 manner of issuance of a certification. A certification shall expire 3 years after the date of  
276 issuance.

277 (4) A correctional officer shall remain in compliance with the requirements of this  
278 chapter and all rules and regulations promulgated by the COAST commission for the duration of  
279 their employment as a correctional officer.

280 (c) No correctional agency shall appoint or employ a person as a correctional officer,  
281 unless the person is certified by the COAST commission.

282 (d) The division of correctional officer certification shall create and maintain a database  
283 containing records for each certified correctional officer, including, but not limited to:

284 (1) the date of initial certification;

285 (2) the date of any recertification;

286 (3) the records of completion of all training and all in-service trainings, including the  
287 dates and locations of said trainings;

288 (4) the date of any written reprimand and the reason for said reprimand;

289 (5) the date of any suspension and the reason for said suspension;

- 290 (6) the date of any arrest and the charge or charges leading to said arrest;
- 291 (7) the date of, and reason for, any internal affairs complaint;
- 292 (8) the outcome of an internal affairs investigation based on an internal affairs complaint;
- 293 (9) the date of any criminal conviction and crime for said conviction;
- 294 (10) the date of any separation from employment with a correctional agency and the  
295 nature of the separation, including, but not limited to, suspension, resignation, retirement or  
296 termination;
- 297 (11) the reason for any separation from employment, including, but not limited to,  
298 whether the separation was based on misconduct or whether the separation occurred while the  
299 appointing agency was conducting an investigation of the certified individual for a violation of  
300 an appointing agency's rules, policies, procedures or for other misconduct or improper action;
- 301 (12) the date of decertification, if any, and the reason for said decertification; and
- 302 (13) any other information as may be required by the COAST commission.
- 303 (e) Each certified correctional officer shall apply for renewal of certification prior to its  
304 date of expiration as prescribed by the COAST commission. The COAST commission shall not  
305 recertify any person as a correctional officer unless the COAST commission certifies that the  
306 applicant for recertification continues to satisfy the requirements of subsection (b).
- 307 (f) The COAST commission shall promulgate regulations for the division of correctional  
308 officer to maintain a publicly available and searchable database containing records for all

309 correctional officers. In promulgating the regulations, the COAST commission shall consider the  
310 health and safety of the correctional officers.

311 Section 5.

312 Section 6.

313 Section 7.

314 Section 8. Division of correctional officer standards

315 (a) There shall be within the COAST commission a division of correctional officer  
316 standards. The purpose of the division of correctional officer standards shall be to investigate  
317 correctional officer misconduct and make disciplinary recommendations to the COAST  
318 commission.

319 (b)(1) The head of a correctional agency shall transmit any complaint received by said  
320 correctional agency within 2 business days to the division of correctional officer standards, in a  
321 form to be determined by the COAST commission; provided, that the form shall include, but  
322 shall not be limited to: (i) the name and COAST commission certification identification number  
323 of the subject correctional officer; (ii) the date and location of the incident; (iii) a description of  
324 circumstances of the conduct that is the subject of the complaint; (iv) whether the complaint  
325 alleges that the correctional officer's conduct: (A) was biased on the basis of race, ethnicity, sex,  
326 gender identity, sexual orientation, religion, mental or physical disability, immigration status or  
327 socioeconomic or professional level; (B) was unprofessional; (C) involved excessive, prohibited  
328 or deadly force; or (D) resulted in serious bodily injury or death; and (v) a copy of the original  
329 complaint submitted directly to the correctional agency; provided, however, that the COAST

330 commission may establish a minimum threshold and streamlined process for the reporting or  
331 handling of minor complaints that do not involve the use of force or allegations of biased  
332 behavior.

333 (2) Upon completion of the internal investigation of a complaint, the head of each  
334 correctional agency shall immediately transmit to the division of correctional officer standards an  
335 investigation report in a form to be determined by the COAST commission; provided, that the  
336 form shall include, but shall not be limited to: (i) a description of the investigation and  
337 disposition of the complaint; (ii) any disciplinary action recommended by internal affairs or the  
338 supervising officer; and (iii) if the recommended disciplinary action included retraining,  
339 suspension or termination, a recommendation by the head of the correctional agency for  
340 disciplinary action by the COAST commission including, retraining or suspension or revocation  
341 of the correctional officer's certification.

342 (3) Upon final disposition of the complaint, the head of each correctional agency shall  
343 immediately transmit to the division of correctional officer standards a final report in a form to  
344 be determined by the COAST commission; provided, that the form shall include, but shall not be  
345 limited to: (i) any disciplinary action initially recommend by internal affairs or the supervising  
346 officer; (ii) the final discipline imposed and a description of the adjudicatory process; and (iii) if  
347 the disciplinary action recommended or imposed included retraining, suspension or termination,  
348 a recommendation by the head of the correctional agency for disciplinary action by the COAST  
349 commission including, retraining or suspension or revocation of the correctional officer's  
350 certification.

351 (4) If a correctional officer resigns during a correctional agency investigation, prior to the  
352 conclusion of a correctional agency investigation or prior to the imposition of correctional  
353 agency discipline, up to and including termination, the head of said agency shall immediately  
354 transmit to the division of correctional officer standards a report in a form to be determined by  
355 the COAST commission; provided, that the form shall include, but shall not be limited to: (i) the  
356 correctional officer's full employment history; (ii) a description of the events or complaints  
357 surrounding the resignation; and (iii) a recommendation by the head of the correctional agency  
358 for disciplinary action by the COAST commission, including retraining or suspension or  
359 revocation of the correctional officer's certification.

360 (5) Notwithstanding any general or special law or collective bargaining agreement to the  
361 contrary, nothing shall limit the ability of the head of a correctional agency to make a  
362 recommendation in their professional judgement to the COAST commission relative to the  
363 certification status of a correctional officer, after having followed the correctional agency's  
364 internal affairs procedure and any appeal therefrom.

365 (c)(1) The division of correctional officer standards shall initiate a preliminary inquiry  
366 into the conduct of a correctional officer if the COAST commission receives a complaint, report  
367 or other credible evidence that is deemed sufficient by the COAST commission that the  
368 correctional officer:

369 (i) was involved a correctional officer-involved injury or death;

370 (ii) committed a felony or misdemeanor, whether or not the correctional officer has been  
371 arrested, indicted, charged or convicted;

372 (iii) engaged in conduct prohibited pursuant to section 14;

373 (iv) engaged in conduct prohibited pursuant to section 15; or

374 (v) the COAST commission receives an affirmative recommendation by the head of an  
375 appointing agency for disciplinary action by the COAST commission, including retraining or  
376 suspension or revocation of the correctional officer's certification.

377 (2) The division of correctional officer standards may initiate a preliminary inquiry into  
378 the conduct of a correctional officer upon receipt of a complaint, report or other credible  
379 evidence that is deemed sufficient by the COAST commission that the correctional officer may  
380 have engaged in prohibited conduct. All proceedings and records relating to a preliminary  
381 inquiry or initial staff review used to determine whether to initiate an inquiry shall be  
382 confidential, except that the executive director may turn over to the attorney general, the United  
383 States Attorney or a district attorney of competent jurisdiction evidence which may be used in a  
384 criminal proceeding.

385 (3) The division of correctional officer standards shall notify any correctional officer who  
386 is the subject of the preliminary inquiry, the head of their collective bargaining unit and the head  
387 of their appointing agency of the existence of such inquiry and the general nature of the alleged  
388 violation within 30 days of the commencement of the inquiry.

389 (d) The division of correctional officer standards may audit all records related to the  
390 complaints, investigations and investigative reports of any correctional agency related to  
391 complaints of correctional officer misconduct or unprofessionalism, including, but not limited to,  
392 personnel records. The COAST commission shall promulgate rules and regulations establishing  
393 an audit procedure; provided, however, that said rules and regulations shall not limit the ability  
394 of the division of correctional office standards to initiate an audit at any time and for any reason.

395 (e) The division of correctional officer standards shall create and maintain a database  
396 containing information related to a correctional officer's: (i) receipt of complaints and related  
397 information, including, but not limited to: the correctional officer's appointing agency, date, a  
398 description of circumstances of the conduct that is the subject of the complaint and whether the  
399 complaint alleges that the correctional officer's conduct: (A) was biased on the basis of race,  
400 ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability,  
401 immigration status or socioeconomic or professional level; (B) was unprofessional; (C) involved  
402 excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or death; (ii)  
403 allegations of untruthfulness; (iii) failure to follow COAST commission training requirements;  
404 (iv) decertification by the COAST commission; (v) correctional agency-imposed discipline; (vi)  
405 termination for cause; and (vii) any other information the COAST commission deems necessary  
406 or relevant.

407 (f) The division of correctional officer standards shall actively monitor the database to  
408 identify patterns of unprofessional correctional officer conduct. Upon identification of a pattern  
409 of unprofessional correctional officer conduct, the division of correctional officer standards may  
410 recommend the evidence in its possession for review in a preliminary inquiry.

411 (g) The division of correctional officer standards shall be a law enforcement agency and  
412 its employees shall have such law enforcement powers as necessary to effectuate the purposes of  
413 this chapter, including the power to receive intelligence on an applicant for certification or an  
414 officer certified under this chapter and to investigate any suspected violations of law.

415 Section 9. Suspension of correctional officer certification

416 (a)(1) The COAST commission shall immediately suspend the certification of any  
417 correctional officer who is arrested, charged or indicted for a felony.

418 (2) If, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8,  
419 the COAST commission concludes by a preponderance of the evidence that a correctional officer  
420 has engaged in conduct that could constitute a felony and upon a vote shall initiate an  
421 adjudicatory proceeding of said conduct, the COAST commission shall immediately suspend a  
422 correctional officer's certification.

423 (3) The COAST commission may, after a preliminary inquiry pursuant to paragraph (1)  
424 of subsection (c) of section 8, suspend the certification of any correctional officer who is  
425 arrested, charged or indicted for a misdemeanor, if the COAST commission determines by a  
426 preponderance of the evidence that the crime affects the fitness of the correctional officer to  
427 serve as a correctional officer.

428 (4) The COAST commission may, pending preliminary inquiry pursuant to paragraph (1)  
429 of subsection (c) of section 8, suspend the certification of any correctional officer if the COAST  
430 commission determines by a preponderance of the evidence that the suspension is in the best  
431 interest of the health, safety or welfare of the public.

432 (5) A suspension order of the COAST commission issued pursuant to this subsection  
433 shall continue in effect until issuance of the final decision of the COAST commission or until  
434 revoked by the COAST commission.

435 (b) The COAST commission shall administratively suspend the certification of a  
436 correctional officer who fails to complete in-service training requirements of the COAST  
437 commission within 90 days of the deadline imposed by the COAST commission; provided,

438 however, that the COAST commission may promulgate reasonable exemptions to this  
439 subsection, including, but not limited to, exemptions for: (1) injury or physical disability; (2) a  
440 leave of absence; or (3) other documented hardship.

441 The COAST commission shall reinstate the certification of a correctional officer  
442 suspended pursuant to this subsection upon completion of the in-service training requirements of  
443 the COAST commission.

444 (c) The COAST commission shall administratively suspend the certification of a  
445 correctional officer with a duty to report information to the COAST commission pursuant to  
446 section 8 who fails to report such information. The COAST commission shall reinstitute the  
447 certificate of a correctional officer suspended pursuant to this subsection upon completion of said  
448 report.

449 (d) A correctional officer whose certification is suspended by the COAST commission  
450 pursuant to subsection (a), (b) or (c) shall be entitled to a hearing before a COAST commissioner  
451 within 15 days. The terms of employment of a correctional officer whose certification is  
452 suspended by the COAST commission pursuant to said subsection (a), (b) or (c) shall continue to  
453 be subject to chapter 31 and any applicable collective bargaining agreement to which the  
454 correctional officer is a beneficiary.

#### 455 Section 10: Revocation of correctional officer certification

456 (a) The COAST commission shall, after a hearing, revoke a correctional officer's  
457 certification if the COAST commission finds by clear and convincing evidence that:

458 (i) the correctional officer is convicted of a felony;

- 459 (ii) the certification was issued as a result of administrative error;
- 460 (iii) the certification was obtained through misrepresentation or fraud;
- 461 (iv) the correctional officer falsified any document in order to obtain or renew  
462 certification;
- 463 (v) the correctional officer has had a certification or other authorization revoked by  
464 another jurisdiction;
- 465 (vi) the correctional officer is terminated by their appointing agency, and any appeal of  
466 said termination is completed, based upon intentional conduct performed under the color of  
467 office to: obtain false confessions; create or use falsified evidence, including false testimony or  
468 destroying evidence to create a false impression; engage in conduct that would constitute a hate  
469 crime, as defined in section 32 of chapter 22C; or directly or indirectly receive a reward, gift or  
470 gratuity on account of their official services;
- 471 (vii) the correctional officer knowingly files a written report containing a false statement  
472 or commits perjury, as defined in section 1 of chapter 268;
- 473 (viii) the correctional officer tampers with a record for use in an official proceeding, as  
474 defined in section 13E of chapter 268;
- 475 (ix) the correctional officer used force in violation of section 14;
- 476 (x) the correctional officer used excessive force resulting in death or serious bodily  
477 injury;
- 478 (xi) the correctional officer used a chokehold in violation of said section 14;

479 (xii) the correctional officer engaged in conduct that would constitute a hate crime, as  
480 defined in section 32 of chapter 22C;

481 (xiii) the correctional officer engaged in the intimidation of a witness, as defined in  
482 section 13B of chapter 268;

483 (xiv) the correctional officer failed to intervene, or attempt to intervene, to prevent  
484 another correctional officer from engaging in prohibited conduct or behavior, including, but not  
485 limited to, excessive or prohibited force in violation of section 15;

486 (xv) the correctional officer is not fit for duty as a correctional officer and the  
487 correctional officer is dangerous to the public, as determined by the COAST commission.

488 (b) The COAST commission may, after a hearing, suspend or revoke a correctional  
489 officer's certification if the COAST commission finds by clear and convincing evidence that the  
490 correctional officer:

491 (i) has been convicted of any misdemeanor;

492 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
493 religion, mental or physical disability, immigration status or socioeconomic or professional level  
494 in their conduct;

495 (iii) has a pattern of unprofessional correctional officer conduct that COAST commission  
496 believes may escalate;

497 (iv) was suspended or terminated by their appointing agency for disciplinary reasons, and  
498 any appeal of said suspension or termination is completed; or

499 (v) has repeated sustained complaints, for the same or different offenses.

500 (c) The COAST commission may reinstate the certificate of a correctional officer  
501 suspended pursuant to subsection (b) at the expiration of the suspension, if the COAST  
502 commission finds that all conditions of the suspension were met.

503 (d) The COAST commission may, after a hearing, order retraining for any correctional  
504 officer if the COAST commission finds substantial evidence that the correctional officer:

505 (i) failed to comply with this chapter or COAST commission regulations, reporting  
506 requirements or training requirements;

507 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
508 religion, mental or physical disability, immigration status or socioeconomic or professional level  
509 in their conduct;

510 (iii) used excessive force;

511 (iv) failed to respond an incident according to established procedure;

512 (v) has a pattern of unprofessional correctional conduct;

513 (vi) was untruthful, except for a statement or action that mandates revocation pursuant to  
514 subsection (a);

515 (vii) was suspended or terminated by their appointing agency for disciplinary reasons,  
516 except those reasons which mandate revocation pursuant to said subsection (a);

517 (viii) fails to intervene to prevent another correctional officer from engaging in prohibited  
518 conduct or behavior, except a failure to intervene in conduct that mandates revocation pursuant  
519 to said subsection (a); or

520 (ix) would benefit in their job performance if retrained.

521 (e) The COAST commission shall immediately notify the correctional officer and the  
522 head of the appointing agency of the correctional officer who is decertified, suspended or  
523 ordered to undergo retraining of the order.

524 (f) The COAST commission shall conduct preliminary inquiries, revocation and  
525 suspension proceedings and hearings, and promulgate regulations for such proceedings and  
526 hearings, pursuant to sections 1, 8 and 10 to 14, inclusive, of chapter 30A. Any decision of the  
527 COAST commission relative to a preliminary inquiry, revocation and suspension proceeding  
528 shall be appealable pursuant to chapter 30A. No adverse action taken against a certification by  
529 the COAST commission pursuant to this section shall be appealable to the civil service  
530 commission established under chapter 31. No employment action taken by an appointing  
531 authority that results from a revocation by the COAST commission pursuant to subsection (a)  
532 shall be appealable to the civil service commission established under chapter 31.

533 (g) The COAST commission shall publish any revocation order and findings. The  
534 COAST commission shall provide all revocation information to the national decertification  
535 index. No correctional officer may apply for certification after that correctional officer's  
536 certification has been revoked pursuant to this section.

537 (h) An appointing agency shall complete an internal affairs investigation into correctional  
538 officer misconduct and issue a final disposition within one year of receiving a complaint or

539 notice from the COAST commission of the complaint being filed. The COAST commission may,  
540 upon a showing of good cause, extend the time to complete the investigation. The COAST  
541 commission shall not institute a revocation or suspension hearing pursuant to this section until  
542 the correctional officer's appointing agency has issued a final disposition or 1 year has elapsed  
543 since the incident was reported to the COAST commission, whichever is sooner. If the  
544 correctional officer notifies the COAST commission that the correctional officer wishes to  
545 suspend such hearing pending an appeal or arbitration of the appointing agency's final  
546 disposition, the COAST commission shall suspend the hearing. Any such suspension of the  
547 hearing shall not exceed 1 year from the correctional officer's notice to the COAST commission;  
548 provided, however, that at any time during which the hearing is so suspended and upon a  
549 showing of good cause by the correctional officer, the COAST commission shall further suspend  
550 the hearing for a period of not less than 6 months and not more than the COAST commission  
551 determines is reasonable; provided, however, that any delay in instituting a revocation or  
552 suspension hearing shall not exceed 1 year from the correctional officer's request. If the  
553 correctional officer notifies the COAST commission that the correctional officer wishes to  
554 suspend such hearing pending the resolution of criminal charges, the COAST commission shall  
555 suspend the hearing; provided, however, that the correctional officer's certification shall be  
556 suspended during the pendency of any delay in such hearing. This subsection shall not impact the  
557 COAST commission's authority to suspend a certification pursuant to section 9.

558 Section 11. Employment of decertified correctional officer prohibited

559 Neither any correctional agency, nor a sheriff, nor the executive office of public safety  
560 nor any entity thereunder shall employ a decertified correctional officer in any capacity,  
561 including, but not limited to, as a consultant or independent contractor.

562 Section 12. Retaliation for providing information to or testifying before the COAST  
563 commission prohibited

564 No correctional officer or employee of the commonwealth or of any county, city, town or  
565 district shall discharge a correctional officer or employee, change their official rank, grade or  
566 compensation, deny a promotion or take any other adverse action against a correctional officer or  
567 employee or threaten to take any such action for providing information to the COAST  
568 commission or testifying in any COAST commission proceeding.

569 Section 13. Public database of orders issued pursuant to Sec. 10; cooperation with  
570 national decertification index and other jurisdictions

571 (a) The COAST commission shall maintain a publicly available database of orders issued  
572 pursuant to section 10 on the COAST commission's website, including, but not limited to: (i) the  
573 names of all decertified correctional officers, the date of decertification, the correctional officer's  
574 last appointing agency and the reason for decertification; (ii) the names of all correctional  
575 officers who have been suspended, the beginning and end dates of suspension, the correctional  
576 officer's appointing agency and the reason for suspension; and (iii) the names of all correctional  
577 officers ordered to undergo retraining, the date of the retraining order, the date the retraining was  
578 completed, the type of retraining ordered, the correctional officer's appointing agency and the  
579 reason for the retraining order.

580 (b) The COAST commission shall cooperate with the national decertification index and  
581 other states and territories to ensure correctional officers who are decertified by the  
582 commonwealth are not hired as law enforcement or correctional officers in other jurisdictions,  
583 including by providing information requested by those entities.

584 Section 14. Correctional Officer De-escalation tactics to be used prior to physical or  
585 deadly force; prohibited uses of force

586 (a) A correctional officer shall not use physical force upon another person unless de-  
587 escalation tactics have been attempted and failed or are not feasible based on the totality of the  
588 circumstances and such force is necessary, proportionate and in accordance with the regulations  
589 promulgated by the COAST pursuant to subsection (e) of section 15.

590 (b) A correctional officer shall not use deadly force upon a person unless de-escalation  
591 tactics have been attempted and failed or are not feasible based on the totality of the  
592 circumstances and such force is necessary to prevent imminent harm to a person and the amount  
593 of force used is proportionate to the threat of imminent harm.

594 (c) A correctional officer shall not use a chokehold. A correctional officer shall not be  
595 trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the  
596 placement of any part of a correctional officer's body on or around a person's neck in a manner  
597 that limits the person's breathing or blood flow.

598 (d) A correctional officer shall not discharge any firearm into or at a fleeing motor  
599 vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent  
600 imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a  
601 person.

602 Section 15. Duties of correctional officer observing use of unreasonable force by another  
603 correctional officer; intervention; reporting; policy against retaliation; promulgation of rules and  
604 regulation on use of force

605 (a) A correctional officer present and observing another correctional officer using  
606 physical force, including deadly force, beyond that which is necessary or objectively reasonable  
607 based on the totality of the circumstances, shall intervene to prevent the use of unreasonable  
608 force unless intervening would result in imminent harm to the correctional officer or another  
609 identifiable individual.

610 (b) A correctional officer who observes another correctional officer using physical force,  
611 including deadly force, beyond that which is necessary or objectively reasonable based on the  
612 totality of the circumstances shall report the incident to an appropriate supervisor as soon as  
613 reasonably possible but not later than the end of the correctional officer's shift. The correctional  
614 officer shall prepare a detailed written statement describing the incident consistent with uniform  
615 protocols. The correctional officer's written statement shall be included in the supervisor's report.

616 (c) A correctional agency shall develop and implement a policy and procedure for  
617 correctional personnel to report abuse by other correctional personnel without fear of retaliation  
618 or actual retaliation.

619 (d) The COAST commission shall promulgate rules and regulations on the use of force  
620 by correctional officers including, but not limited to, the appropriate use of kinetic weapons,  
621 canines, and restraint chairs in correctional settings. Such rules and regulations shall be  
622 consistent with this section and section 14.

### 623 Section 16. Annual reporting requirements

624 The COAST commission shall annually report to the general court, the governor and the  
625 attorney general concerning: (1) all correctional officer-involved injuries or deaths that occurred  
626 during the preceding fiscal year, including: (i) the total number of correctional officer-involved

627 injuries or deaths; (ii) the number of correctional officer-involved injuries or deaths reported by  
628 each agency; and (iii) any operational, policy, regulatory or legislative recommendations to  
629 reduce the number and seriousness of correctional officer-involved injuries or deaths; (2) all  
630 correctional officers who were decertified during the preceding fiscal year, including: (i) the total  
631 number of correctional officers who were decertified; (ii) the reasons for revocation of the  
632 certificate and the frequency of each reason; (iii) the average number of complaints a  
633 correctional officer who was decertified received over the course of their tenure as a correctional  
634 officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias on  
635 the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical  
636 disability, immigration status or socioeconomic or professional level; (v) the frequency with  
637 which said complaints alleged use of excessive or prohibited force or correctional officer-  
638 involved injuries or deaths; (vi) the frequency with which a correctional officer who was  
639 decertified failed to meet training requirements established by the COAST commission and their  
640 appointing agency; and (vii) the frequency with which a correctional officer who was decertified  
641 was subject to discipline, including, but not limited to, retraining or suspension, by the COAST  
642 commission and their appointing agency prior to decertification; (3) all suspensions that occurred  
643 during the preceding fiscal year, including: (i) the total number of suspensions; (ii) the reasons  
644 for suspensions of the certificate and the frequency of each reason; (iii) the average number of  
645 complaints a correctional officer who was suspended received over the course of their tenure as a  
646 correctional officer and on a per annum basis; (iv) the frequency with which said complaints  
647 alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion,  
648 mental or physical disability, immigration status or socioeconomic or professional level; (v) the  
649 frequency with which said complaints alleged use of excessive or prohibited force or correctional

650 officer-involved injuries or deaths; (vi) the frequency with which a correctional officer who was  
651 suspended failed to meet training requirements established by the COAST commission and their  
652 appointing agency; and (vii) the frequency with which a correctional officer who was suspended  
653 was subject to discipline, including, but not limited to, retraining or previous suspension, by the  
654 COAST commission and their appointing agency prior to suspension; (4) all retraining orders  
655 imposed by the COAST commission that occurred during the preceding fiscal year, including: (i)  
656 the total number of retraining orders, by type of retraining ordered; (ii) the reasons for retraining  
657 and the frequency of each reason, by type of retraining ordered; (iii) the average number of  
658 complaints a correctional officer who was subject to a retraining order, by type of retraining  
659 ordered, received over the course of their tenure as a correctional officer and on a per annum  
660 basis; (iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity,  
661 sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status  
662 or socioeconomic or professional level, by type of retraining ordered; (v) the frequency with  
663 which said complaints alleged use of excessive or prohibited force or correctional officer-  
664 involved injuries or deaths, by type of retraining; (vi) the frequency with which a correctional  
665 officer who was subject to a retraining order, by type of retraining ordered, failed to meet  
666 training requirements established by the COAST commission and their appointing agency; and  
667 (vii) the frequency with which a correctional officer who was subject to a retraining order was  
668 previously subject to discipline, by type of retraining ordered, including, but not limited to,  
669 retraining or suspension, by the COAST commission and their appointing agency; (5) the total  
670 number of injuries or deaths of correctional officers; and (6) any other action the COAST  
671 commission has taken. The COAST commission shall make such further reports on matters  
672 within its jurisdiction as necessary.