SENATE DOCKET, NO. 1593 FILED ON: 1/16/2025

SENATE . . . . . No. 1723

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:
Liz Miranda	*Second Suffolk*
William N. Brownsberger	*Suffolk and Middlesex*

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SENATE . . . . . No. 1723

By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1723) of Liz Miranda and William N. Brownsberger for legislation to establish the Massachusetts correctional officer accountability and standards training Commission. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1546* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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:

SECTION 1. The General Laws are hereby amended by inserting after chapter 6E the following chapter:-

CHAPTER 6F

MASSACHUSETTS CORRECTIONAL OFFICER ACCOUNTABILITY AND STANDARDS TRAINING COMMISSION

Section 1. Definitions

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

"Chair", the chair of the COAST commission.

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

"Commissioner", a member of the COAST commission.

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

“Correctional agency”, the Department of Corrections, a House of Corrections, or a jail.

“Correctional officer”, any officer with supervisory, custodial, or other control responsibilities within a correctional agency.

“COAST Commission”, the Massachusetts Correctional Officer Accountability, Standards and Training Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Powers and duties of the COAST commission

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

(1) act as the primary civil enforcement agency for violations of this chapter involving correctional officers;

(2) establish, in consultation with the Department of Corrections and the Massachusetts Sheriffs Association, minimum correctional officer certification standards pursuant to section 4;

(3) approve Department of Corrections training curriculum for correctional officers, submitted to the COAST commission by the Department of Corrections;

(3A) approve a House of Corrections training curriculum and standards for correctional officers submitted to the COAST commission by the Massachusetts Sheriffs Association;

(3B) approve a training curriculum and standards for jails submitted to the COAST commission by the Massachusetts Sheriffs Association;

(4) certify qualified applicants pursuant to section 4;

(5) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified pursuant to section 4 for any cause that the COAST commission deems reasonable;

(6) receive complaints from any source and preserve all complaints and reports filed with the COAST commission for the appropriate period of time;

(7) conduct audits and investigations pursuant to section 8;

(8) appoint correctional officers and approve employees to be hired by the executive director pursuant to section 2;

(9) establish and amend a plan of organization that it considers expedient;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Division of correctional officer certification

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

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

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

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

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

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

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

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

(1) the date of initial certification;

(2) the date of any recertification;

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

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

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

(6) the date of any arrest and the charge or charges leading to said arrest;

(7) the date of, and reason for, any internal affairs complaint;

(8) the outcome of an internal affairs investigation based on an internal affairs complaint;

(9) the date of any criminal conviction and crime for said conviction;

(10) the date of any separation from employment with a correctional agency and the nature of the separation, including, but not limited to, suspension, resignation, retirement or termination;

(11) the reason for any separation from employment, including, but not limited to, whether the separation was based on misconduct or whether the separation occurred while the appointing agency was conducting an investigation of the certified individual for a violation of an appointing agency's rules, policies, procedures or for other misconduct or improper action;

(12) the date of decertification, if any, and the reason for said decertification; and

(13) any other information as may be required by the COAST commission.

(e) Each certified correctional officer shall apply for renewal of certification prior to its date of expiration as prescribed by the COAST commission. The COAST commission shall not recertify any person as a correctional officer unless the COAST commission certifies that the applicant for recertification continues to satisfy the requirements of subsection (b).

(f) The COAST commission shall promulgate regulations for the division of correctional officer to maintain a publicly available and searchable database containing records for all

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

Section 5.

Section 6.

Section 7.

Section 8. Division of correctional officer standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. Suspension of correctional officer certification

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

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

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

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

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

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

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

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

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

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

Section 10: Revocation of correctional officer certification

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

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

(ii) the certification was issued as a result of administrative error;

(iii) the certification was obtained through misrepresentation or fraud;

(iv) the correctional officer falsified any document in order to obtain or renew certification;

(v) the correctional officer has had a certification or other authorization revoked by another jurisdiction;

(vi) the correctional officer is terminated by their appointing agency, and any appeal of said termination is completed, based upon intentional conduct performed under the color of office to: obtain false confessions; create or use falsified evidence, including false testimony or destroying evidence to create a false impression; engage in conduct that would constitute a hate crime, as defined in section 32 of chapter 22C; or directly or indirectly receive a reward, gift or gratuity on account of their official services;

(vii) the correctional officer knowingly files a written report containing a false statement or commits perjury, as defined in section 1 of chapter 268;

(viii) the correctional officer tampers with a record for use in an official proceeding, as defined in section 13E of chapter 268;

(ix) the correctional officer used force in violation of section 14;

(x) the correctional officer used excessive force resulting in death or serious bodily injury;

(xi) the correctional officer used a chokehold in violation of said section 14;

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

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

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

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

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

(i) has been convicted of any misdemeanor;

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

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

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

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

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

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

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

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

(iii) used excessive force;

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

(v) has a pattern of unprofessional correctional conduct;

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

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

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

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

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

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

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

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

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

Section 11. Employment of decertified correctional officer prohibited

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 16. Annual reporting requirements

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

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

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