



Reducing Harm by Increasing Transparency and Creating Baseline Use of Force Standards in Correctional Facilities

An Act to create uniform standards in use of force, increase transparency, and reduce harm (S. 1362, H. 2087) & An Act to Reduce Harm by Creating Baseline Standards for Use of Force by K9s in Correctional Facilities (H. 2114): These bills create uniform minimum standards for state prisons, county jails, and houses of correction in order to minimize unnecessary and excessive use of force against incarcerated persons, increase transparency in use of force, and decrease the harm that results to both incarcerated persons and custodial staff when incidents escalate into uses of force. The bills apply standards to use of force during planned and emergency cell entrance, the use of chemical agents, the use of kinetic impact weapons, and the use of restraint chairs. They also establish baseline standards for transparency in use of force, including minimum data reporting and records access. S. 1362 and H. 2114 additionally establish minimum standards for use of law enforcement K-9s in the correctional setting.

Use of Force Standards: S. 1362, Sen. Barrett & H. 2087, Rep. Keefe

2019-2020 legislative session

Requires that the DOC Commissioner create uniform standards for entrance of cell procedures including:

Planned Entrance: where there is no immediate danger	Emergency Entrance: when there is imminent risk of death or serious bodily injury	Both
<u>Standards:</u> <ul style="list-style-type: none"> • 24-hour cooling off period • Intervention by a qualified mental health professional 	<u>Standards:</u> <ul style="list-style-type: none"> • Cannot use chemical agents against prisoners attempting suicide 	<u>Standards:</u> <ul style="list-style-type: none"> • Use of body cameras • Officers must write reports prior to reviewing video

Bars the use of Kinetic Impact Weapons (weapons that shoot rubber bullets) for cell extractions

Worcester County House of Correction regularly utilizes a kinetic impact weapon called the FN 303 during planned cell extractions. This weapon was intended as a riot control weapon, yet at Worcester County, the FN 303 is discharged from less than five to ten feet from a prisoner, who is locked in a cell. This bill will prohibit the use of dangerous kinetic impact weapons during entrance of cell procedures.

Data and Transparency: Data regarding use of force must be collected, provided to any person upon request, and published on the agency's website. Prisoners and their legal counsel will have the right to obtain a copy of all of their own records relating to use of force incidents.



Requires the DOC Commissioner to establish minimum standards for use of chemical agents, such as: (1) barring the use of chemical agents on prisoners with intellectual disabilities, respiratory illnesses, and cardiac diseases (2) establishing which chemical agents are acceptable in use of force incidents and clarifying what authorization is required for the use of chemical agents– including consultation with mental health staff when possible, and (3) establishing protocols for decontamination, including a shower and an eye flush.



Requires the DOC Commissioner to establish minimum standards for use of restraint chairs, including: (1) a restraint chair may be used only when it is the least restrictive means available to prevent substantial threat of imminent harm, (2) the prisoner must be checked on by medical staff and offered an opportunity to exercise every 30 minutes, (3) the prisoner may not be confined any longer than necessary to prevent harm, and (4) restraint chairs should not automatically be used following a use of force.

K-9 Standards: S. 1362, Sen. Barrett & H. 2114, Rep. Keefe, Rep. Nguyen

S. 1362 and a separate bill, H. 2114 An Act to Reduce Harm by Creating Baseline Standards for Use of Force by K9s in Correctional Facilities, create baseline standards for all correctional facilities in the use of law enforcement K-9s, including: (1) K-9s shall be under control of their handlers at all times, (2) K-9s shall only be used to search for contraband, search for fleeing escapees, and for crowd control and use of force only as part of a coordinated response to a major disturbance, (3) Prisoner contact with K-9s must be minimized, (4) Any bites must be documented.

Currently, The Essex County Correctional Facility has K-9 units posted throughout the facility. These units respond to every radio call, and their use is entirely left to the officer's discretion. Thus, K-9 units can be engaged arbitrarily, even if the prisoner poses little to no threat. **This is the only correctional facility with this practice.** All other facilities in the Commonwealth are able to manage their population without using K9s in this way.

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