

HOUSE No. 3412

The Commonwealth of Massachusetts

PRESENTED BY:

Harold P. Naughton, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to civil rights protection of police officers, firefighters, and emergency medical technicians.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Boston Police Patrolmen's Association</i>	<i>295 Freeport St., Boston MA, 02122</i>
<i>Boston Detectives Benevolent Society</i>	<i>434 Hyde Park Ave, Roslindale MA, 02131</i>
<i>Massachusetts Coalition of Police</i>	<i>182 Worcester-Providence Turnpike, Sutton MA, 01590</i>

HOUSE No. 3412

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 3412) of Harold P. Naughton, Jr. and others relative to the confidentiality of personnel records of certain police officers, firefighters, and emergency medical technicians. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to civil rights protection of police officers, firefighters, and emergency medical technicians.

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. Chapter 66 of the General Laws, as so appearing in the 2018 Official
2 Edition, is hereby amended by adding the following new section:

3 Section 10C.

4 (1) Notwithstanding any general or special law to the contrary, personnel records of
5 police officers, firefighters, and emergency medical technicians used to evaluate performance
6 toward continued employment or promotion, under the control of any police agency, department,
7 district, or city or town, or political subdivision thereof, shall be considered confidential and not
8 subject to inspection or review without the express consent of such police officer, firefighter, or
9 emergency medical technician, except as may be mandated by lawful court order. These
10 personnel records shall include, but not be limited to, any and all documents placed in a

11 personnel file or internal affairs file, and any and all documents that might lead to discipline.
12 These personnel records shall be exempted from disclosure as a public record.

13 (2) Prior to issuing a court order, the judge must review all such requests and give
14 interested parties the opportunity to be heard. No such order shall issue without a clear showing
15 of facts sufficient to warrant the judge to request records for review.

16 (3) If, after such hearing, the judge concludes there is a sufficient basis, s/he shall
17 sign an order requiring that the personnel records in question be sealed and sent directly to
18 her/him. S/he shall then review the file and make a determination as to whether the records are
19 relevant and material in the action before her/him. Upon such a finding the court shall make
20 those parts of the record found to be relevant and material available to the person so requesting.

21 (4) A violation of this section shall be punishable by a fine of not more than five
22 thousand dollars per violation against the police agency, department, district, or city or town, or
23 political subdivision that violates this section.