

By Ms. Swift, petition (accompanied by bill, Senate, No. 784) of Jane M. Swift, Peter J. Larkin and Christopher J. Hodgkins for legislation to establish the office of independent counsel. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT ESTABLISHING THE OFFICE OF INDEPENDENT COUNSEL.

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. For the purposes of this act the following words
2 shall have the following meanings:

3 (1) "Class 12", the collective group of police academy cadets
4 undergoing training at the Edward W. Connelly Criminal Justice
5 Training Center on September nineteenth, nineteen hundred and
6 eighty-eight.

7 (2) "Day One", September nineteenth, nineteen hundred and
8 eighty-eight.

9 (3) "Office of independent counsel", an office under the
10 direction of a qualified attorney at law appointed to conduct an
11 investigation concerning Class 12 of Day One at the training
12 center as defined herein.

13 (4) "Training Center", the Edward W. Connelly Criminal
14 Justice Training Center in the town of Agawam.

1 SECTION 2. Notwithstanding the provisions of any general or
2 special law to the contrary, there is hereby established the office
3 of independent counsel for the purpose of conducting an
4 investigation of events which occurred on September nineteenth,
5 nineteen hundred and eighty-eight at the training center resulting
6 in injury or death to any cadet of Class 12, to determine whether
7 or not there is probable cause to believe that such injury or death

8 resulted from violation of criminal laws by any person, and, if
9 so, to prosecute such person in accordance with the provisions
10 of this act.

1 SECTION 3. The director of said office shall be an attorney
2 licensed to practice in the commonwealth for a minimum of ten
3 years with substantial experience in the trial of criminal cases.

4 Said director shall be appointed by a majority of the justices
5 of the supreme judicial court from a list of nominees as hereinafter
6 provided. Such appointment shall be made within sixty days after
7 the effective date of this act.

8 No person who within the past ten years has had any direct or
9 indirect interest or connection with the training center or the state
10 police shall be eligible for appointment as director.

11 The director shall serve until said justices determine that the
12 purposes of this act have been fulfilled but in no event for a period
13 in excess of four years.

14 A dean of an accredited law school located in the common-
15 wealth, the president of the Massachusetts Bar Association, the
16 presiding officer of a county or local bar association may each
17 submit the name of one nominee for the position of director within
18 thirty days after the effective date of this act.

1 SECTION 4. Said director shall be paid an annual salary of
2 sixty-five thousand dollars.

1 SECTION 5. Said director shall have all the powers of the
2 attorney general as such powers relate to the purpose of this act,
3 including, but not limited to, subpoena powers, the authority to
4 seek an indictment before a grand jury, and to engage in criminal
5 litigation in the appropriate court of the commonwealth.

6 For the purpose of carrying out his duties under this act, the
7 director may appoint, fix the compensation for and assign the
8 duties of such attorneys, investigators and other assistants as said
9 director deems necessary. The positions of all such employees shall
10 be exempt from the provisions of Chapter thirty one of the
11 General Laws. No such employee may be compensated at a rate
12 exceeding the maximum rate of pay payable for job group XXIX

13 of the General Salary Schedule as provided in section forty-one
14 of Chapter thirty of the General Laws.

1 SECTION 6. The office of independent counsel shall cease
2 operations when the service of the director has been terminated
3 as provided in section three, and except as otherwise provided by
4 law, shall forward all documents and records of any nature to the
5 clerk of the supreme judicial court who shall be the custodian of
6 such records and which shall then be public records.

1 SECTION 7. This act shall take effect upon its passage and
2 shall expire four years from said effective date.

