

Truth in Prison Staff and Administrative Reporting Act (TIPS & Administrative Reporting Act)

SECTION 1. SHORT TITLE

This Act may be cited as the “Truth in Prison Staff and Administrative Reporting Act” or the “TIPS & Admin Reporting Act.”

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE

The Legislature finds that:

1. The integrity of correctional institutions depends upon truthful, accurate, and accountable reporting by correctional staff and administrative personnel.
2. There exists a documented pattern and practice, in certain jurisdictions, of correctional staff producing false, misleading, or incomplete incident reports and testimony.
3. Such falsified reporting has been used to:
 - Avoid administrative discipline or criminal liability
 - Justify excessive use of force
 - Obstruct internal and external investigations
 - Undermine inmate grievance procedures
4. Inmates and their families are disproportionately harmed by falsified reporting and often lack effective means to challenge official accounts.
5. In certain cases, falsified or misleading reports have contributed to wrongful disciplinary actions, denial of medical care, prolonged incarceration consequences, and loss of life.
6. Existing oversight mechanisms are insufficient to consistently detect, deter, and penalize deliberate falsification of correctional records.

Purpose:

This Act establishes enforceable standards, independent oversight mechanisms, and accountability measures to ensure truthfulness in correctional reporting, protect inmates’ rights, and restore public trust.

SECTION 3. DEFINITIONS

- **“Correctional staff”**: Any employee, contractor, or officer working within a correctional facility.
- **“Administrative personnel”**: Wardens, supervisors, investigators, or any staff responsible for oversight or report review.
- **“Material falsification”**: Knowingly making false statements, omitting critical facts, or altering evidence in any official report, log, or testimony.
- **“Pattern of falsification”**: As defined in Section 9 of this Act.
- **“Protected reporting”**: Good-faith reporting of misconduct by staff or inmates.
- **“Independent Review Unit (IRU)”**: A body established under this Act to investigate allegations of falsified reporting.

SECTION 4. PROHIBITION OF FALSIFIED REPORTING

1. It shall be unlawful for any correctional staff or administrative personnel to knowingly:

- File false incident reports
 - Provide false sworn or unsworn testimony
 - Omit material facts in official documentation
2. Violations shall constitute:
- A felony offense when resulting in serious bodily injury or death
 - A misdemeanor or felony offense, as applicable, in other cases

SECTION 5. MANDATORY EVIDENCE PRESERVATION

1. All correctional facilities shall:
 - Maintain body-worn camera systems where feasible
 - Preserve surveillance footage for a minimum of 180 days, or longer if tied to an incident
2. Tampering with, disabling, or failing to activate recording devices during incidents shall create a rebuttable presumption of misconduct.
3. Any intentional destruction, alteration, or concealment of evidence relevant to an investigation shall constitute:
 - Obstruction of justice
 - Grounds for enhanced penalties under this Act

SECTION 6. INDEPENDENT REVIEW UNIT (IRU)

1. An Independent Review Unit (IRU) is hereby established, independent of the Department of Corrections.
2. The IRU shall:
 - Investigate allegations of falsified reporting and related misconduct
 - Subpoena documents, records, and testimony
 - Administer oaths and take sworn statements
 - Refer cases for criminal prosecution
3. **Mandatory Cooperation:**
All correctional staff and administrative personnel shall fully cooperate with IRU investigations as a condition of employment.
4. **Investigative Compliance Measures:**
As part of administrative investigations, employees may be required to submit to:
 - Polygraph examinations
 - Voice Stress Analysis (VSA) or similar credibility assessment tools
 - Recorded interviews and follow-up questioning
5. **Safeguards:**
 - Results of such examinations shall not alone constitute evidence in criminal proceedings
 - All investigative practices shall comply with constitutional protections
6. Refusal to cooperate may result in administrative discipline, including termination, and adverse inference in administrative proceedings.

SECTION 7. WHISTLEBLOWER PROTECTIONS

1. Correctional staff who report misconduct in good faith shall be protected from retaliation.
 2. Violations shall result in civil penalties and reinstatement rights.
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SECTION 8. INMATE REPORTING ACCESS

1. Facilities shall provide secure and confidential mechanisms for inmates to report misconduct.
 2. Reports involving alleged falsification shall be referred to the IRU.
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SECTION 9. PENALTIES AND CIVIL LIABILITY

1. **Criminal Penalties:**
 - Perjury charges for false statements under oath
 - Obstruction of justice for interference with investigations
 - Felony charges where conduct results in serious injury or death
 2. **Administrative Penalties:**
 - Termination of employment
 - Revocation of certification or licensure
 3. **Civil Liability:**

Victims shall have a private right of action, including claims for emotional distress, civil rights violations, and wrongful death.
 4. **Enhanced Penalties:**

Apply where:

 - Multiple staff conspire to falsify reports
 - Supervisors knowingly approve or ignore misconduct
 - Evidence is destroyed or concealed
 5. **Pattern of Falsification:**
 - A. Defined as:
 - Two or more instances by the same individual within five years; or
 - Coordinated or systemic misconduct
 - B. Enhanced consequences include:
 - Elevated criminal charges
 - Permanent decertification
 - Employment prohibition in corrections or law enforcement
 - C. Supervisors who fail to act shall be held equally accountable.
 6. **Limitation on Immunity:**

Deliberate falsification, perjury, and obstruction of justice shall not be protected by qualified immunity to the extent permitted by law.
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SECTION 10. TRAINING AND COMPLIANCE

1. Annual ethics and reporting integrity training shall be mandatory.
 2. Facilities must certify compliance annually.
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SECTION 11. DATA TRANSPARENCY

1. Public reporting shall include:
 - Misconduct allegations
 - Investigations and outcomes
 2. Data shall be anonymized but publicly accessible.
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SECTION 12. FEDERAL ALIGNMENT

This Act aligns with federal civil rights enforcement priorities and supports eligibility for federal funding related to correctional transparency and reform.

SECTION 13. EFFECTIVE DATE

This Act shall take effect 12 months after enactment.

SECTION 14. DUTY TO REPORT MISCONDUCT

1. All staff have an affirmative duty to report known or suspected misconduct.
2. Reports must be made within 72 hours to the IRU or designated channels.
3. Failure to report may result in administrative or criminal penalties.
4. Reporting individuals shall be protected from retaliation.
5. Knowingly false reports shall be subject to penalties under this Act.