

OFFERED BY COUNCILOR MINIARD CULPEPPER



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

RESOLUTION CALLING FOR THE SUFFOLK COUNTY SHERIFF'S DEPARTMENT TO ADOPT CRITICAL-INCIDENT ADMINISTRATIVE LEAVE STANDARDS IN LIGHT OF THE MEDICAL EXAMINER'S HOMICIDE DETERMINATION IN THE DEATH OF SHACOBY KENNY

WHEREAS, On December 8, 2025, Shacoby Kenny died following an altercation and physical restraint involving correctional officers at the Suffolk County House of Correction, and the circumstances surrounding his death have remained the subject of an ongoing criminal investigation led by the Massachusetts Attorney General's Office; *and*

WHEREAS, On April 29, 2026, the Boston City Council voted on, and ultimately rejected, adoption of Docket #0872, a resolution calling for the temporary suspension of correctional staff involved in the December 2025 in-custody death of Shacoby Kenny at the Suffolk County House of Correction; *and*

WHEREAS, During discussion on Docket #0872, Councilors raised concerns regarding the application of Section 17G of the Boston City Charter, which prohibits the Council from directly or indirectly taking part in the appointment or removal of any City or County employee; however, such discussion was unnecessary and misleading because Section 17G applies only to City and County employees, not State employees; *and*

WHEREAS, In 2009, the Suffolk County Sheriff's Department became an independent state agency. While it retains the word "County" in its title, individuals employed by the Suffolk County Sheriff's Department are state employees, not city or county employees; *and*

WHEREAS, Since Mr. Kenny's death, serious questions have been raised regarding the force used against him, including accounts from incarcerated witnesses who reported observing correctional officers punching, kneeling, and kneeling on Mr. Kenny during the incident; *and*

WHEREAS, The Massachusetts Office of the Chief Medical Examiner subsequently determined that the manner of Shacoby Kenny's death was a homicide, materially

changing the factual circumstances surrounding his death and heightening the need for accountability and clear administrative safeguards while the criminal investigation remains ongoing; *and*

WHEREAS, The Office of the Chief Medical Examiner further determined that the cause of Mr. Kenny's death was "hypoxic-ischemic encephalopathy due to resuscitated cardiac arrest during physical restraint by correction officers," directly identifying the physical restraint by correction officers as part of the medical cause of death; *and*

WHEREAS, The Medical Examiner's classification of a death as a homicide does not itself determine criminal liability, and no criminal charges had been filed against correctional officers as of the announcement of the determination; however, this new finding substantially heightens the seriousness of the circumstances surrounding Mr. Kenny's death while the Attorney General's criminal investigation remains active; *and*

WHEREAS, An in-custody death following a documented use of force represents a critical incident requiring heightened administrative and investigative safeguards to protect incarcerated individuals, witnesses, employees, the integrity of the investigation, and public confidence in the institution responsible for their custody; *and*

WHEREAS, National law enforcement guidance recognizes that deaths, serious bodily injuries, and other significant critical incidents warrant specialized post-incident procedures, while Massachusetts law similarly requires heightened reporting and investigation when law enforcement uses of force result in death or serious bodily injury; *and*

WHEREAS, Law enforcement agencies, including the Boston Police Department, utilize administrative leave and administrative duty as mechanisms for determining an employee's appropriate status while serious criminal or administrative investigations remain unresolved, demonstrating the importance of having clear procedures governing removal from ordinary duties and eventual return to duty; *and*

WHEREAS, Correctional institutions should similarly maintain clear written standards governing the status of personnel directly involved in uses of force resulting in death or serious bodily injury, including standards governing administrative leave, administrative reassignment, detainee contact, investigation, and return to regular duty; *and*

WHEREAS, Such standards should require that an in-custody death following staff use of force trigger a formal critical-incident review and the immediate removal of directly involved personnel from regular detainee-contact assignments while an initial assessment of the incident and appropriate duty status is conducted; *and*

WHEREAS, Where subsequent evidence materially changes the circumstances surrounding an in-custody death, including a determination by the Office of the Chief Medical Examiner that the manner of death was homicide, those standards should require a renewed review of the duty status of personnel directly involved in the use of force; *and*

WHEREAS, The Suffolk County Sheriff's Department has stated that correctional officers connected to Mr. Kenny's death continue to serve in non-inmate or detainee-contact posts pending the outcome of the investigation, but the Department has not publicly established the criteria governing those assignments or whether the Medical Examiner's subsequent homicide determination resulted in a renewed assessment of those officers' duty status; *and*

WHEREAS, Establishing transparent and consistently applied critical-incident standards would strengthen institutional accountability while ensuring that interim personnel decisions do not prejudge criminal or disciplinary responsibility and remain consistent with applicable due process and collective bargaining requirements; *and*

WHEREAS, The subsequent determination by the Office of the Chief Medical Examiner that Mr. Kenny's death was a homicide presents a materially changed circumstance and underscores the need for clear Department-wide protocols governing the employment status of correctional personnel directly involved in uses of force resulting in death; *and*

WHEREAS, The Suffolk County Sheriff's Department should take action to place on administrative leave all correctional personnel directly involved in the physical restraint and use of force against Mr. Kenny, in light of the Massachusetts Office of the Chief Medical Examiner's determination that Shacoby Kenny's death was a homicide and its finding that physical restraint by correction officers was part of the medical cause of death; ***NOW, THEREFORE BE IT***

RESOLVED: That, following the in-custody death of Shacoby Kenny in December 2025, which the Massachusetts Office of the Chief Medical Examiner determined on July 21, 2026, to be a homicide, the Boston City Council calls upon the Suffolk County Sheriff's Department to immediately adopt and apply critical-incident administrative leave standards following in-custody deaths involving use of force; and further urges the Department to recognize that continued assignment to active-duty positions, including non-contact posts, does not reflect the level of administrative precaution warranted by a death in government custody now officially determined to be a homicide.

Filed on: August 5, 2026