



## Town of Arlington Notice of Meeting

In accordance with the provisions of Massachusetts General Laws,  
Chapter 39, Section 23B, notice is hereby given of a meeting of the:

### Finance Committee

Wednesday, February 16,  
2022

7:30 p.m. – 10 p.m.

Conducted by Remote Participation - Zoom Meeting

#### AGENDA ITEMS:

1. 7:30 PM Virtual Open Meeting protocol and roll call
2. 7:40 PM Chair's Comments
3. 7:45 PM Minutes for approval
4. 7:50 PM Budget Review
  1. (19) Police, (20) Fire (Harmer, Wallach)
  2. (14) Planning, (15) Redevelopment (McKenna, Migliazzo)
  3. (9) Board of Assessors (Tosti, Beck, Kellar)
  4. Reclassification & Pay Schedule (Healy)
  5. Other budgets as available
5. 9:50 PM New business
6. 10:00 PM Adjourn

Register in advance for this meeting: [https://town-arlington-ma-us.zoom.us/meeting/register/tZUrde-trzgrHdUyB\\_9nmKfnpUVaikBCWIs9](https://town-arlington-ma-us.zoom.us/meeting/register/tZUrde-trzgrHdUyB_9nmKfnpUVaikBCWIs9)

After registering, you will receive a confirmation email containing information about joining the meeting.

Members of the public are asked to send written comments to [tbradley@town.arlington.ma.us](mailto:tbradley@town.arlington.ma.us)

Documents regarding agenda items will be made available via the Town's website.

Information regarding Order Suspending Certain Provisions of the Open Meeting Law:  
<https://www.mass.gov/doc/order-suspending-certain-provision-of-open-meeting-law/download>

By Charlie Foskett, Chairman Finance Committee

PRESS RELEASE

# Governor Baker Signs Police Reform Legislation

FOR IMMEDIATE RELEASE:

12/31/2020

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

Governor's Press Office

Executive Office of Public Safety and Security

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**BOSTON** — Governor Charlie Baker today signed *“An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth,”* which creates a mandatory certification process for police officers, increases accountability and transparency in law enforcement and gives police departments a greater ability to hire or promote only qualified applicants.

“This bill is the product of bipartisan cooperation and thanks to the Black and Latino Caucus’ leadership on the hugely important issue of law enforcement accountability, Massachusetts will have one of the best laws in the nation,” **said Governor Charlie Baker**. “Police officers have enormously difficult jobs and we are grateful they put their lives on the line every time they go to work. Thanks to final negotiations on this bill, police officers will have a system they can trust and our communities will be safer for it.”

“This legislation will bring Massachusetts in line with forty-six other states by adopting a mandatory certification process for police officers, creating more accountability and transparency while providing departments the ability to make more informed hiring and recruitment decisions,” **said Lt. Governor Karyn Polito**. “We are grateful to the Legislature for their commitment to getting this significant legislation passed and believe this bill will help best serve all 351 Massachusetts cities and towns.”

“In a deeply challenging year for the dedicated men and women in law enforcement, this reform will create meaningful opportunities for us to demonstrate our ongoing commitment to the values of honesty, integrity and accountability,” **said Public Safety and Security Secretary Thomas Turco**. “As we implement these measures, our work remains focused on strengthening preparedness, preventing crime at every level and building positive relationships in the communities we serve.”

“I am proud that the House lived up to its vow of listening to folks with lived experience in enacting one of the most comprehensive approaches to police reform in the United States since the tragic murder of George Floyd,” **said former House Speaker Robert A. DeLeo**. “My unyielding gratitude to Speaker Mariano and Chairs Cronin, Michlewitz and González for their persistent effort to improve our law enforcement system. I am confident that the House of Representatives will build on this achievement in the time ahead and am humbled that legislation which promotes fairness and equality are part of the House’s legacy.”

“The effort to dismantle institutional and structural racism that exists in our Commonwealth must be both a sprint and a marathon,” **said Senate President Karen E. Spilka (D – Ashland)**. “This bill was a necessary first step towards achieving systemic change through law enforcement accountability and transparency, but I recognize that we must continue to address barriers to racial equity in a comprehensive way. I am proud of everyone who marched for equity and justice, who continued to raise their voices throughout the process of getting this bill finalized, and who will hold us accountable as we continue this work. I am also extremely proud of my partners in government who felt the gravity of the situation we faced, and who worked hard to meet the moment. Thank you to the members of the Senate and the House, especially Senators Chang-Diaz and Brownsberger and Representatives Cronin and González, as well as Speakers DeLeo and Mariano, and Governor Baker for ensuring this landmark bill became law.”

“This legislation is a bold step forward in the modernization of our law enforcement standards,” **said House Speaker Ronald Mariano (D – Quincy)**. “I want to thank Speaker DeLeo and Senate President Karen Spilka for guiding the House and Senate as we answered the calls for reform that filled the streets this summer. I also want to thank Governor Baker and the members of the conference committee, particularly Chairwoman Claire Cronin and Representative Carlos González, who worked so diligently on an incredibly complex and emotional issue.”

“For the first time, Massachusetts will have an independent agency for the statewide certification of law enforcement officers. This will ensure accountability in law enforcement,” **said Representative Claire Cronin (D-Easton), House**

**Chair of the Joint Committee on the Judiciary.** “This legislation is about justice and fairness. Fairness for those that interact with law enforcement, and fairness for our law enforcement officers.”

“I am grateful to the Governor and key leaders in the House and Senate for their wisdom in coming together to carry this bill across the finish line,” **said Senator William N. Brownsberger (D – Belmont).** “I believe that within five years, the Commonwealth will be a significantly better place as a result of this legislation.”

“Today begins to address decades of demands to bring reform & accountability to law enforcement institutions,” **said Representative Carlos González, Chair of the Black & Latino Caucus (D – Springfield).** “Today will go down in history as a necessary step to begin the healing process between the police and the Black and Latino communities. Building consensus is not always easy, but Massachusetts has always had Patriots ready to take the first steps on national issues. Governor Baker, Senate President Spilka, Speaker DeLeo, the Black and Latino Caucus and the thousands who took to the streets are our modern day Patriots.”

“This law represents a mile-marker, not an end,” **said Senator Sonia Chang-Díaz (D – Boston).** “Among the 50 states, it will create the first civilian-led police oversight board with subpoena power and decertification authority; it will ban chokeholds and limit no-knock warrants; it will create a duty-to-intervene for police officers and a duty to de-escalate; it will ban racial profiling and put enforcement powers behind that ban; it will end the requirement of police officers in schools. But no one bill will dismantle structural racism—in policing, or in all the other places it exists. As much as we celebrate these hard-won steps forward today, we must equally resolve to keep walking the road of racial justice in 2021.”

“This legislation is an important step toward realizing the urgent action demanded by the movement that was energized this summer by marches in the streets and speeches in front of the State House,” **said Representative Russell Holmes (D – Mattapan).** “For too long, Black and Latino communities have been demanding change and accountability when it comes to policing in our communities and across the Commonwealth. While we are glad this bill is now signed into law, we must now also reflect on the importance of this fight, and resolve to build on these reforms in the future.”

“The members of the Massachusetts Chiefs of Police Association are eager to turn the page on what has been an unprecedented and incredibly difficult and enduring year on so many different levels,” **said Chief Edward A. Dunne, President of the Massachusetts Chief of Police Association.** “We are extremely confident that this comprehensive legislation signed into law by the Governor today will serve to renew an elevated sense of faith, confidence, and trust that the residents of the Commonwealth will have in their law enforcement agencies across the state. The MCOPA fully realizes and wholeheartedly agrees that the general public deserves nothing less than the highest level of professionalism, accountability and transparency in their respective police departments and this legislation will assist in enhancing our long-standing position as what are viewed by many national experts as model police departments across the entire country.”

“2020 was a year unlike any other in our lifetime, marked by the COVID-19 pandemic and growing calls for police reform after the prominent deaths of several Black men and women at the hands of police officers,” **said Eddy Chrispin, President of the Massachusetts Association of Minority Law Enforcement Officers.** “As an organization of people of color, we know all too well the need for reform in policing. The landmark legislation passed by the legislature and the governor begins to address the historic negative interactions between people of color and the police. It is our hope that this legislation is the first step in addressing systemic racism in this country.”

This legislation will, for the first time, create a mandatory certification process for police officers through the Massachusetts Peace Officer Standards and Training Commission (POST). The Commission, through a majority civilian board, will certify officers and create processes for decertification, suspension of certification, or reprimand

in the event of certain misconduct. The 9-member commission will include six individuals from outside of law enforcement, and will also be responsible for investigating and adjudicating claims of misconduct, maintaining databases of training, certification, employment, and internal affairs records for all officers, and certifying law enforcement agencies. By creating a central entity to oversee officer certification, the Commission will ensure that those officers' training and misconduct records are available both to the Commission and to those officers' current and future employers, improving accountability.

Governor Baker amended the bill to strengthen its due process protections for law enforcement, added police labor representation on the commission, and strengthened the bill's facial recognition provisions ensuring law enforcement agencies can continue to access these potentially lifesaving tools responsibly.

The new law identifies the general circumstances under which police officers can use physical force, and specifically bans the use of chokeholds and prohibits firing into a fleeing vehicle unless doing so is both necessary to prevent imminent harm and proportionate to that risk of harm. The bill also generally precludes officers from using rubber pellets, chemical weapons, or canine units against a crowd. Violations of any of these provisions may provide grounds for an officer to have their certification suspended or revoked.

The bill places strict limits on the use of so-called "no-knock" warrants, requiring such warrants to be issued by a judge and only in situations where an officer's safety would be at risk if they announced their presence and only where there are no children or adults over the age of 65 in the home. The legislation provides for an exception when those children or older adults are themselves at risk of harm. In addition, the bill requires law enforcement to seek a court order when conducting a facial recognition search except in emergency situations.

The legislation includes key provisions of the State Police reform legislation the Administration filed in January that provide new tools to improve accountability and discipline within the Department and to enhance diversity in the Department's recruitment and promotional practices. Those key provisions include establishing a State Police cadet program, enhancing the Colonel's ability to address and correct misconduct, updating rules governing promotions of uniformed members to officer positions, removing the requirement that the Governor look exclusively within the State Police when appointing a colonel, and creating a new criminal offense for police officers who knowingly receive payment for a fraudulent claim of hours worked.

###

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## Office of Governor Charlie Baker and Lt. Governor Karyn Polito

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## Here's What's In The Massachusetts Police Reform Law

Updated April 07, 2021

By [Steve Brown](#)  and [Ally Jarmanning](#) 

Police chiefs from across the commonwealth gathered in Framingham this summer to protest the early versions of the police reform bill. (Jesse Costa/WBUR)

**Update:** Gov. Charlie Baker [signed](#) an amended version of the police reform bill [into law](#) on Dec. 31.

That's after Gov. Charlie Baker [signed into law](#) on Dec. 31 of last year a landmark police reform bill.

Police lobbied hard against the bill. They say it gives too much oversight to people without law enforcement experience. Meanwhile, some progressives say the bill doesn't go far enough to end things like facial recognition and qualified immunity protections.

But the new law is the compromise lawmakers came up with. This year, we'll be tracking whether the bill delivers on key promises. Here's what those new rules dictate:

## Creation Of A New Commission To Certify Police Officers Statewide

For the first time, Massachusetts will have a system to certify and decertify officers across the commonwealth. The new Peace Officer Standards and Training (POST) commission will have the power to investigate misconduct independently, with subpoena power to compel witnesses and documents as part of its investigations.

The governor and attorney general will appoint the nine-member commission — six of those members will be from outside law enforcement. A current police chief will serve, along with a retired Superior Court judge and a social worker.

The POST commission can undertake its own investigations, including identifying patterns of unprofessional police conduct, escalating behaviors or other increasing complaints against an officer or agency.

An earlier version of the bill would have also given the POST commission power to set training standards, but that was removed after [Baker said](#) training for police shouldn't be handed over to a civilian-control commission.



Qualified immunity — a legal doctrine that provides protection to public officials, including police officers, in civil lawsuits — was one of the most contentious parts of the debate around reforms. The compromise bill doesn't go as far as the earlier Senate version, which would have put the burden on public officials to make the case as to why they weren't liable in a civil suit.

The compromise bill ties qualified immunity to decertification. If a police officer is decertified by the state, he or she loses immunity. But some legal experts question the wording of the legislation, which states only officers who violate a person's right to "bias-free policing" and are decertified lose their qualified immunity protections.

Bias-free policing means decisions made without considering a person's race, ethnicity, sex, gender or other aspects. Many civil rights violations that are subject to lawsuits aren't about bias necessarily, but about actions like excessive force or wrongful arrest. So some lawyers doubt that this provision changes much in practice.

Advocates are also disappointed that the provision leaves in language about "threats, intimidation and coercion" in the state civil rights law. That makes it difficult to sue police officers for a civil rights violation unless the officer explicitly threatens, intimidates or coerces the plaintiff in some way. (For example, just punching a person excessively isn't enough, the officer would have had to explicitly threaten or intimidate the person before throwing the punch.)

## Stronger Facial Recognition Rules

emergency situations, such as if there is “substantial risk of harm” to someone or to identify a deceased person.

Agencies need to document each facial recognition search and provide that information to the state.

A commission will study the government use of facial recognition technology.

Boston [already banned facial recognition](#) this year, along with several other smaller communities.

## A Task Force To Study Body Camera Regulations

Body camera use across the state varies from department to department. The state public safety agency will create a task force that will propose a uniform code for the purchase and use of body cameras, requirements for storage and transfer of the recordings and discipline for not using the cameras correctly. There will be at least five public hearings on the issue.

## Review Of The Civil Service System

Civil service is the system most departments use to hire and promote applicants. The bill would create a legislative commission to review the law, and recommend changes to improve diversity, transparency and representation of the community.

The civil service laws are often blamed for exacerbating the lack of diversity in hiring and promotion, and protecting those who are disciplined. As part of Boston’s police reform recommendations, Mayor Marty Walsh is [seeking a change to the civil service law](#) to allow the city to prioritize local hiring — including Boston high school graduates — and advance officers of color.

of any plans and monitor noncompliance. It also will review the possibility of appointing a diversity officer for every city or town with a fire or police department.

## Stronger Use-Of-Force Policies And Rules For 'Less Lethal' Weapons

The bill bans chokeholds entirely, restricts officers from firing into a fleeing motor vehicle unless there's a risk of imminent harm and creates rules around the use of tear gas, dogs or rubber bullets.

Boston's policy currently [allows the use of chokeholds](#) in cases where deadly force is necessary; this law would forbid them in all cases. Boston officers already are restricted from shooting at moving vehicles, except when threatened with deadly force.

The legislation adds restrictions on using tear gas, rubber bullets or dogs. Officers need to have tried deescalation tactics, and the harm from the "less lethal" option needs to be proportionate to the threat from the person or group targeted. Any use of tear gas, rubber bullets or dogs needs to be reported to the POST commission.

Before planned mass protests or demonstrations, police departments are required to "attempt in good faith" to communicate with organizers of the event.

Police will have an explicit duty to intervene and report if a fellow officer is using unreasonable force. And police departments will have to have a policy and procedure for officers to report abuse by a colleague without fear of retaliation.

## Investigates Structural Racism

treatment of people of color and whether structural racism is the cause, and recommend changes.

## Removes Requirement That Schools Have Officers, And Restricts Disclosure Of Student Information

[Current law](#) mandates that every school have a School Resource Officer, often called a SRO. The compromise now leaves it up to school superintendents to place a request with the community's police chief for an appointed SRO. Schools and local police departments will enter into a memorandum of understanding (MOU) to formalize and clarify the partnership between the school and the SRO, with that MOU filed with the state's Department of Elementary and Secondary Education (DESE).

The bill also forbids school department personnel and SROs from disclosing certain student record information to law enforcement officials, except in certain cases where the student, parent or guardian has provided informed written consent, or to comply with a court order or subpoena in connection with a health or safety emergency as defined by [DESE regulations](#).

## Implements Changes For State Police

While much of the bill has local policing in mind, it does apply to members of the Massachusetts State Police as well. All troopers will have to be certified by the POST commission, and are subject to the rules to maintain that certification. The POST commission will also oversee training at the State Police Academy in New Braintree.

The bill also includes language championed by Gov. Baker that would allow the head of the state police to be appointed from outside the agency. Current law requires the colonel be promoted from within the ranks. Critics say this

There's a nod to the recent state police overtime scandal, too. "Knowingly" submitting a false timesheet will be a crime, with a fine of three times the amount of fraudulent wages collected and up to two years behind bars.

## Other Notable Aspects Of The Proposed Law

- Law enforcement officers who have sex with or indecently assault a person in custody can be charged with rape or indecent assault and battery.
- No-knock warrants are restricted. Police officers will have to show that there are no children or people over age 65 in the home targeted, and that announcing themselves would cause life-threatening harm. Those warrants will only be approved by a judge if there's evidence that it would be life-threatening to the officer or others to announce their presence.
- Expands expungement from one criminal or juvenile record to two.
- The bill creates eight commissions. Among them: permanent commissions to study the status of African Americans, Latinx people, those with disabilities, and Black men and boys. Other commissions will focus on studying a statewide cadet program, corrections officer training, consolidating police academies and the use of emergency hospitalizations.
- It increases transparency. The Department of Public Health will collect and report data on police-involved injuries and deaths, including those at correctional facilities. The bill clarifies that records on police misconduct investigations are subject to the public records law; Many departments shield open investigations from public view. And the POST commission will each year report a plethora of data, including details about officers decertified, those suspended, and how many retrainings were ordered.


*This article was originally published on December 01, 2020.*

## Related:

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- Beacon Hill Reaches Policing Bill Compromise
- Qualified Immunity Is Under Fire. Here's How The Legal Defense Has Played Out In Mass. Cases
- How Qualified Immunity Became The Sticking Point In Mass. Police Reform Debates
- Walsh Says He'll Adopt All Boston Police Reform Recommendations, Including New Oversight Office
- Boston Bans Use Of Facial Recognition Technology. It's The 2nd-Largest City To Do So
- Boston Police Adopt The '8 Can't Wait' Reforms For The Use Of Force



**Steve Brown**  Senior Reporter/Anchor

Steve Brown is a veteran broadcast journalist who serves as WBUR's senior State House reporter.

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**Ally Jarmanning**  Senior Reporter

Ally is a senior reporter focused on criminal justice and police accountability.

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# Police Reform

MCLE, APRIL 5, 2021

WILL BROWNSBERGER

# Restrict use of force

- ✓ Bans training and use of chokeholds
- ✓ Require de-escalation before force
- ✓ Eliminate arrest or escape as reasons for deadly force
- ✓ Prohibit firing at moving vehicle
- ✓ Regulatory authorization minor uses of force in non-arrest situations. Joint promulgation by POST and MPTC.
  - ✓ Necessary
  - ✓ Proportionate
  - ✓ Non-deadly
  - ✓ De-escalation

# Restrict Use of Force

- ✓ Restrict use of crowd control tools to cases where people are threatened
  - ✓ Encourage prospective de-escalation planning
  - ✓ Require reporting and review
- ✓ Ban no-knock warrants for evidentiary preservation
  - ✓ Allow only for safety
  - ✓ Not if any reason to believe kids or seniors present (except to protect them)
  - ✓ Only issue by judge
- ✓ Duty to intervene and/or report
- ✓ Create commission on force rules in corrections

- Not within EOPPS
- Acts by majority vote
- Full staff and powers
- Strong executive dir. – manager, not from law enforcement

**Committee on Police Training and Certification** (MPTC preserved within EOPPPS in final bill)

**Police Standards and Training Commission**  
 3 police (Chief, Rank&File, MAMLEO) 6 civilians with no prior law enforcement (including nominees from MCAD, NASW, MBA, civil rights section)

Any state or federal criminal prosecutor

Refer

Certify and decertify officers and agencies.

Agencies

- Background checking
- Certification
- Database of all officers

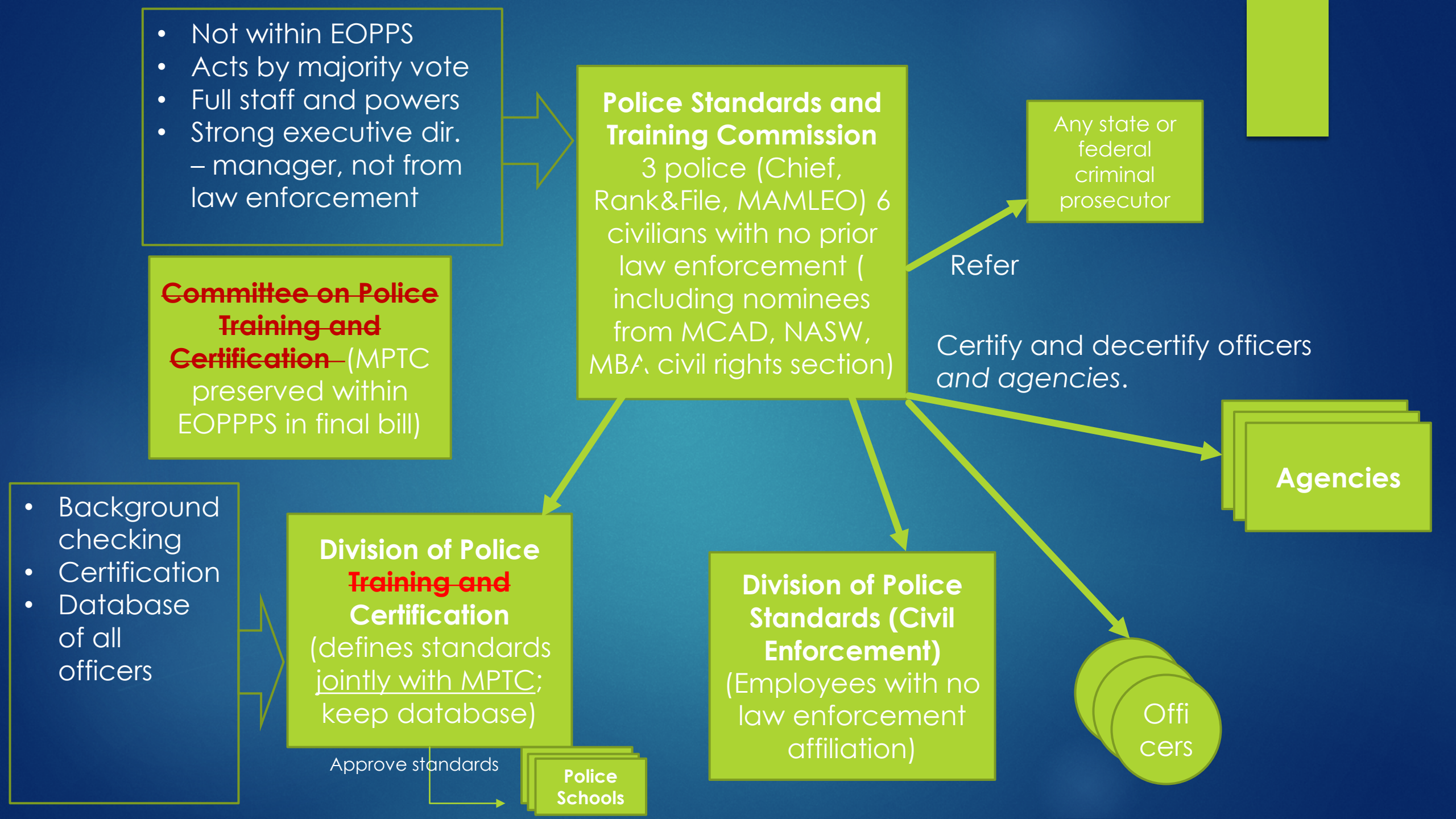
**Division of Police Training and Certification**  
 (defines standards jointly with MPTC; keep database)

Approve standards

Police Schools

**Division of Police Standards (Civil Enforcement)**  
 (Employees with no law enforcement affiliation)

Officers



# Peace Officer Standards and Training Commission

- ✓ Fully independent authority with executive powers
- ✓ Civilian majority controlled (6-3)
- ✓ Jointly approves certification standards and training developed by MPTC
- ✓ Receives all misconduct complaints from any source (direct and indirect)
- ✓ Authorized to investigate any complaint
- ✓ Subpoena and audit powers and authority to employ investigative staff
- ✓ Scope includes all law enforcement including state police (but not corrections)

# POST – powerful but procedurally fair

- ✓ Tracks all complaints and local investigations; can receive complaints directly.
- ✓ May investigate on evidence it deems sufficient and must investigate most serious cases. Preliminary invest is confidential, but may refer.  
Authority to suspend certification after preliminary investigation
- ✓ (preponderance of the evidence); employment consequences of preliminary suspension subject to bargaining and civil service.
- ✓ Final decertification or suspension goes forward after agency action (or one year) plus, upon request, one year for appeals of agency action
  - ✓ Likely suspended already
  - ✓ Indefinite delay to resolve criminal charges
- ✓ Decertify or suspend after finding of serious violations
  - ✓ Clear and convincing evidence
  - ✓ Majority vote
- ✓ No civil service appeal of either decertification or termination due to decertification. No employment of decertified officers.

# Mandatory decertification

- ▶ Conviction of a felony
- ▶ Original certification due to administrative error, fraud, falsification
- ▶ Revocation of certification by another jurisdiction
- ▶ Law enforcement integrity violation – false testimony or police report, destruction of evidence, witness intimidation
- ▶ Public service integrity violation -- false timesheets, gratuities
- ▶ Use of force in violation of standards or excessive use of force resulting in death or serious bodily injury
- ▶ Failure to intervene to prevent excessive or prohibited use of force
- ▶ Not fit for duty and danger to the public

# Discretionary decertification

- ▶ Conviction of misdemeanor
- ▶ Acted with bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct.
- ▶ Pattern of unprofessional conduct that may escalate
- ▶ Was terminated for disciplinary reasons
- ▶ Has repeated sustained internal affairs complaints

*May order suspension or retraining for lesser offenses*



# POST – powerful but procedurally fair

- ✓ Public disclosure database of all final decertifications, suspensions, retraining orders
- ✓ Additional public database to be developed by regulation with consideration for officer safety
- ✓ Law enforcement misconduct investigation materials not exempted from public records (once complete)
- ✓ No law enforcement or correctional employment of decertified officers
- ✓ Participation in national decertification index
- ✓ Mandate to track all complaints in own database monitor patterns
- ✓ Authority to audit complaint handling of law enforcement agencies

# State police reform

- ✓ Allow Governor to select colonel from outside
- ✓ Create state police cadet program as alternative pathway to employment
- ✓ Redefine state police promotion process – eligibility formulae
- ✓ Strengthen colonel's hand in applying discipline
- ✓ Additional provisions tracking Governor's bill as modified by committee

# Court enforcement of police misconduct

- ✓ Revise qualified immunity defense
- ✓ Prohibit NDAs in police misconduct settlement (unless requested).
- ✓ Treble damages for overtime fraud (new criminal offense)
- ✓ Criminal penalties for sex with people in custody
- ✓ Allow Attorney General to bring pattern and practice cases

# School to prison pipeline

- ✓ Make school resource officers optional at choice of superintendent
- ✓ Strengthen MOU between SRO and school by setting up a model MOU review commission to create a template
- ✓ Prohibit school departments from sharing student information with police unless its germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report
- ✓ Specialized training and certification for School Resource Officers

# Reducing burden of policing on people of color

- ✓ Ban racial profiling; allow lawsuit by AG for injunction to enforce
- ✓ Broaden interpretation of youth expungement – up to two incidents, with multiple charges on same day considered one incident.

# Additional measures

- ✓ Facial recognition searches limited to court orders on reasonable grounds or emergencies; reporting; further study
- ✓ Expand mental health diversions
  - ✓ Expand mandate of the Center for Police Training in Crisis Intervention
  - ✓ Study to develop new evidence-based crisis response models
  - ✓ Emergency hospitalization commission
- ✓ Commissions and training mandates (many)

# *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*

*Whereas, the deferred operation of this act would tend to defeat its purpose, which is to forthwith make certain changes in laws relative to the administration of justice in the Commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.*



*Breakdown of the  
Police Reform  
Legislation:  
"JEALE"ACT  
December 31, 2020  
Brian Kyes, Esq.*

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# *THE COMMONWEALTH OF MASSACHUSETTS*

## *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth.*

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to forthwith provide justice, equity and accountability in law enforcement, therefore, it is hereby **declared to be an Emergency Law**, necessary for the immediate preservation of the public safety.

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**Therefore, the Act is Effective as of December 31, 2020.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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### **Additional Effective Dates:**

**SECTION 122.** Sections 1, 4, 6, 9, 18, 26, 30, 37 to 39, inclusive, 67 to 70, inclusive, 73, 80, 84 to 86, inclusive, and 102 shall take effect on **July 1, 2021**.

**SECTION 123.** Subsection (d) of section 15 of chapter 6E shall take effect on **September 1, 2021**.

**SECTION 124.** Subsection (a) of section 14 of chapter 6E shall take effect on **December 1, 2021**.

**Note:** The following is a very brief **Table of Contents** for some of the *more important topics* pertaining to the legislation for law enforcement agencies here in Massachusetts.

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**Note:** For tracking purposes, please note above in the *Table of Contents* that the following numerical Sections were deleted in the Act: Therefore, there are **NO SECTIONS 3.; 5.; 7.; 8.; 12.;14.; 17.; 19.; 20.; 24.; 25.; 27.; 28.; 29.; 31.; 32.; 33.; 34.; 35.;36.; 40.; 55.; 56.; 60.; 61.; 62.; 66.; 71.; 74.; 75.; 76.; 81.; 82.; 88.; 89.; 93.; & 121 as you read through the entire Act**

**\*Note:** Not to be confused with “Sections” 1-5 and 8-16 of Chapter 6E on pages 34-72 herein.

**Eighteen (18) Commissions were established in the Legislation including:**

- (1) Permanent Commission on *Status of African Americans*; [Section 1] Page 6
- (2) Permanent Commission on *Status of Latinos/Latinas*; [Section 1] Page 9
- (3) Permanent Commission on the *Status of Persons with Disabilities*; [Section 1] Page 12
- (4) Permanent Commission on the *Social Status of Black Men and Boys* to study and examine issues which disproportionately have a negative impact on Black men and boys in the commonwealth; [Section 1] Page 16
- (5) Review *Commission for Model School Resource Officer Memorandum of Understanding* to develop and review the model memorandum of understanding and make recommendations for changes to the model memorandum of understanding as the commission deems appropriate. [Section 79] Page 90 (1) MCOPA / (1) MMCC
- (6) Commission to review and make recommendations on: (i) improving, modernizing and developing comprehensive protocols for the *training of state and county correction officers and juvenile detention officers* [Section 103] Page 111
- (7) Task Force on the *Implementation of Body Worn Camera Program* [Section 104] (2) Mass Chiefs Seats Page 113
- (8) Special Legislative Commission to conduct a *Study on Government Use of Facial Recognition* technology in the commonwealth [Section 105] Page 117
- (9) Special Legislative Commission on Emergency Hospitalizations pursuant to subsection (a) of section 12 of c. 123 of the General Laws [Section 106] Mass Chiefs Seat Page 120

- (10) Special Legislative Commission to Study and Examine the Civil Service Law, personnel administration rules, hiring procedures and by-laws for municipalities not subject to the civil service law and state police hiring practices. [Section 107]  
Mass Chiefs Seat Page 122
- (11) Special Legislative Commission to study the establishment of a Statewide Law Enforcement Officer Cadet Program [Section 108] Mass Chiefs Seat - Page 125
- (12) Special Legislative Commission on Structural Racism in Correctional Facilities of the commonwealth. [Section 110] Page 128
- (13) Special Legislative Commission on Structural Racism in the Parole Process [Section 111] Page 129
- (14) Special Legislative Commission on Structural Racism in the Massachusetts Probation Service, referred to in this section as the commission [Section 112] Page 130
- (15) MPTC to Study the Costs associated with Consolidating Police Academies [Section 115] Page 132
- (16) Special Legislative Commission to Investigate and Study the impact to the administration of justice of the Qualified Immunity Doctrine in the commonwealth [Section 116] NO Chiefs Seat Page 133
- (17) The Community Policing and Behavioral Health Advisory Council – establish recommendations [Section 117] Page 134 [Currently (3) Mass Chiefs Seats – based on size of jurisdiction (<10k; <50k; <100k) since 2018]
- (18) The Massachusetts Peace Officer Standards and Training Commission (POST) [Section 30] Page 34 Mass Chiefs Seat – Governor’s Appointment

**SECTION 1. [Effective July 1, 2021]** [(1) Permanent Commission on Status of African Americans / (2) Permanent Commission on Status of Latinos/Latinas / (3) Permanent Commission on the Status of Persons with Disabilities / (4) Permanent commission on the social status of Black men and boys to study and examine issues which disproportionately have a negative impact on Black men and boys in the Commonwealth]

Chapter 3 of the General Laws is hereby amended by adding the following 4 sections:-

**Section 72.** (a) There shall be a **permanent commission on the status of African Americans.**

The commission shall consist of: 3 persons appointed by the governor from a list of not less than 5 nominees provided by the Massachusetts branches of the National Association for the Advancement of Colored People New England Area Conference; 3 persons appointed by the president of the senate; and 3 persons appointed by the speaker of the house of representatives. Members of the commission shall be residents of the commonwealth who have demonstrated a commitment to the African American community. Members shall be considered special state employees for purposes of chapter 268A.

(b) A member of the commission shall serve a term of 3 years and until a successor is appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(c) The commission shall annually elect from among its members a chair, a vice chair, a treasurer and any other officers it considers necessary. The members of the commission shall receive no compensation for their services; provided, however, that members shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(d) The commission shall be a resource to the commonwealth on issues affecting African Americans. It shall be a primary function of the commission to make policy recommendations, based on research and analysis, to the general court and executive agencies that: (i) ensure African Americans equitably benefit from and have access to government services in the same manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have benefited citizens of the commonwealth to the exclusion of African Americans; and (iii) promote solutions that address the impact of discrimination against African Americans. Further, the commission shall: (A) promote research and be a clearinghouse and source of information on issues pertaining to African Americans in the commonwealth; (B) inform the public and leaders of business, education, human services, health care, judiciary, state and local governments and the media of the historical and current implications of systemic racism on the African American community across the commonwealth and the unique cultural, social, ethnic, economic and educational issues affecting African Americans in the commonwealth; (C) serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to African Americans in the commonwealth; (D) identify and recommend qualified African Americans for appointive positions at all levels of government, including boards and commissions; (E) assess programs and practices in all state agencies as they affect African Americans using a racial equity framework; (F) advise executive agencies and the general court on the potential effect on African Americans of proposed legislation and regulations using a racial equity framework; (G) monitor executive and legislative action purported to eliminate systemic racism for its impact on African Americans using a racial equity framework; and (H) generally undertake activities designed to enable the commonwealth to realize the full benefit of the skills, talents and cultural heritage of African Americans in the commonwealth.

(e) Annually, not later than June 2, the commission shall report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the House of Representatives and senate.

(f) The powers of the commission shall include, but not be limited to: (i) directing a staff to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other public forums as necessary; (iii) using the voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed, including provision of meeting places and refreshments; (iv) establishing and maintaining offices that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance; (vi) contracting or collaborating with academic institutions, private sector consultants or other professionals for research and analysis; and (vii) recommending policies and making recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsection (d).

(g) The commission may request information and assistance from state agencies as the commission requires.

(h) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for any of the purposes of this section. The commission shall receive settlement funds payable to the commonwealth related to matters involving racial discrimination or other bias toward African Americans; provided, that the attorney general shall deposit any such settlement funds into the separate account with the state treasurer; provided, however, that the commission shall not receive more than \$2,000,000 in settlement funds in any single fiscal year or cumulatively more than \$2,500,000 in settlement funds in any period of 5 fiscal years. Funds received under this subsection shall be deposited in a separate account with the state treasurer,

received by the treasurer on behalf of the commonwealth and expended by the commission in accordance with law.

(i) The commission staff shall consist of an executive director, employees, consultants and unpaid volunteers who assist the commission in effectuating its statutory duties. The commission shall appoint the executive director for a term of 3 years.

**Section 73.** (a) **There shall be a permanent commission on the status of Latinos and Latinas.**

The commission shall consist of: 3 persons appointed by the governor from a list of not less than 5 nominees provided by gateway municipalities as defined in section 3A of chapter 23A where 40 per cent or more of the population are Latinos and Latinas; 3 persons appointed by the president of the senate; and 3 persons appointed by the speaker of the house of representatives from a list of not less than 5 nominees provided by the Massachusetts Black and Latino Legislative Caucus. Members of the commission shall be residents of the commonwealth who have demonstrated a commitment to the Latino and Latina community. Members shall be considered special state employees for purposes of chapter 268A.

(b) A member of the commission shall serve a term of 3 years and until a successor is appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(c) The commission shall annually elect from among its members a chair, a vice chair, a treasurer and any other officers it considers necessary. The members of the commission shall receive no compensation for their services; provided however, that members shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.



(d) The commission shall be a resource to the commonwealth on issues affecting Latinos and Latinas. It shall be a primary function of the commission to make policy recommendations, based on research and analysis, to the general court and executive agencies that: (i) ensure Latinos and Latinas equitably benefit from and have access to government services in the same manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have benefited citizens of the commonwealth to the exclusion of Latinos and Latinas; and (iii) promote solutions that address the impact of discrimination against Latinos and Latinas. Further, the commission shall: (A) promote research and be a clearinghouse and source of information on issues pertaining to Latinos and Latinas in the commonwealth; (B) inform the public and leaders of business, education, human services, health care, judiciary, state and local governments and the media of the historical and current implications of systemic racism on the Latino and Latina community across the commonwealth and the unique cultural, social, ethnic, economic and educational issues affecting Latinos and Latinas in the commonwealth; (C) serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to Latinos and Latinas in the commonwealth; (D) identify and recommend qualified Latinos and Latinas for appointive positions at all levels of government, including boards and commissions; (E) assess programs and practices in all state agencies as they affect Latinos and Latinas using a racial equity framework; (F) advise executive agencies and the general court on the potential effect on Latinos and Latinas of proposed legislation and regulations using a racial equity framework; (G) monitor executive and legislative action purported to eliminate systemic racism for its impact on Latinos and Latinas using a racial equity framework; and (H) generally undertake activities designed to enable the commonwealth to realize the full benefit of the skills, talents and cultural heritage of Latinos and Latinas in the commonwealth.

(e) Annually, not later than June 2, the commission shall report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the House of Representatives and senate.

(f) The powers of the commission shall include, but not be limited to: (i) directing a staff to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other public forums as necessary; (iii) using the voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed, including provision of meeting places and refreshments; (iv) establishing and maintaining offices that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance; (vi) contracting or collaborating with academic institutions, private sector consultants or other professionals for research and analysis; and (vii) recommending policies and making recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsection (d).

(g) The commission may request information and assistance from state agencies as the commission requires.

(h) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for any of the purposes of this section. The commission shall receive settlement funds payable to the commonwealth related to matters involving racial discrimination or other bias toward Latinos and Latinas; provided, that the attorney general shall deposit any such settlement funds into the separate account with the state treasurer; provided, however, that the commission shall not receive more than \$2,000,000 in settlement funds in any single fiscal year or cumulatively more than \$2,500,000 in settlement funds in any period of 5 fiscal years. Funds received under this subsection shall be deposited in a separate account with the state

treasurer, received by the treasurer on behalf of the commonwealth and expended by the commission in accordance with law.

(i) The commission staff shall consist of an executive director, employees and consultants and unpaid volunteers who assist the commission in effectuating its statutory duties. The commission shall appoint the executive director for a term of 3 years.

**Section 74.** (a) **There shall be a permanent commission on the status of persons with**

**disabilities.** The commission shall consist of: 3 persons appointed by the president of the senate; 3 persons appointed by the speaker of the house of representatives; 1 person appointed by the minority leader of the senate; 1 person appointed by the minority leader of the house of representatives; 7 persons appointed by the governor; the attorney general or their designee; the state treasurer or their designee; the state secretary or their designee; the executive director of the disabled persons protection commission or their designee; 1 person from the University of Massachusetts medical school Work Without Limits program; 1 person from the Massachusetts Disability Policy Consortium; 1 person from the Association of Developmental Disabilities Providers, Inc.; and 1 person from the Massachusetts Developmental Disabilities Council.

(b) Members of the commission shall be drawn from diverse racial, ethnic, religious, age, disability, sexual orientation, gender identity and expression and socio-economic backgrounds, and should have personal experience, professional background or demonstrated interest on issues relating to persons with disabilities. It shall be the goal of the commission to include representation from a broad spectrum of disabilities, as well as perspectives of family members, disability advocacy organizations, human service agencies, regional employment collaboratives and business and labor organizations throughout the commonwealth.

(c) The commission shall be an independent agency of the commonwealth and shall not be subject to the control of any other department or agency. Members of the commission shall be subject to the provisions of chapter 268A as they apply to special state employees.

(d)(1) A member of the commission shall serve a term of 3 years and until a successor is appointed, or the member is reappointed by their appointing or nominating authority.

(2) Vacancies in the membership of the commission shall be filled by the original appointing or nominating authority for the balance of the unexpired term. If the position was filled by a nominating body, the replacement member shall be selected from solicited nominations. If the nominating body or appointing authority does not fill a position, the existing members of the commission shall fill the vacancy from a pool of qualified applicants pursuant to subsection (b).

(3) Nominations for vacancies in the membership shall be solicited through an open application process using a uniform and accessible application, which accommodates candidates of all abilities. Appointments shall be announced not later than April 1 of each year.

(4) The commission shall elect from among its members a chair, a vice-chair, a clerk, a treasurer and any other officers it deems necessary to carry out its mission.

(5) The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(e) An executive director shall be selected by the commission and may hire staff. The executive director shall be qualified by his or her experience working on issues relating to persons with disabilities, organizing research and reports, advocacy and communication skills and demonstrated leadership abilities. The executive director shall not simultaneously serve as a member of the commission.

(f) The commission shall work to advance the cause of all persons with disabilities in the commonwealth. The commission shall be empowered to (i) study, review, advise and report on: (A) any disparities across service or geographical areas concerning the range of available options within state disability services; (B) the status of transportation for persons with disabilities including access to employment opportunities; (C) the effect of public assistance for persons with disabilities as it pertains to earning limits and eligibility for subsidies for food, housing, child care and other benefits; (D) establishing school-to-work activities for transition aged youth with disabilities that establish a bridge to self-sufficiency and engage school supports, family members and employers; (E) the status of the strategic plan to make the commonwealth a model employer by seeking to increase the number of people with disabilities employed by the executive branch; (F) the enhanced enforcement of state requirements that promote diversity in state government employment; and (G) the number of persons with disabilities who apply for state disability services and are unsuccessful in receiving services; (ii) facilitate and promote public awareness to encourage inclusion of persons with disabilities as employees and vendors within the private and public sector workforce, including under-represented business sectors of all sizes; (iii) assess programs and practices in all state agencies as they affect persons with disabilities, as the commission deems necessary and appropriate; (iv) advise executive and legislative bodies regarding the impact of proposed legislation on persons with disabilities; and (v) promote and facilitate collaboration among local disability commissions, disability rights advocacy organizations and disability employment service providers.

(g) The commission shall annually, not later than October 31, report the results of its findings and activities of the preceding fiscal year and its recommendations, which may include draft legislation, to the governor, the house and senate committees on ways and means, the clerks of the

house of representatives and the senate, the joint committee on children, families and persons with disabilities and the joint committee on labor and workforce development.

(h) The powers of the commission shall include, but not be limited to: (i) using voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; (ii) reviewing policies and legislation and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsections (f) and (g); (iii) selecting an executive director and to acquire adequate staff to perform its duties; (iv) establishing and maintain such offices as it may deem necessary; (v) enacting by-laws for its own governance; (vi) establishing subcommittees or regional chapters of the commission as it deems necessary; and (vii) holding regular, public meetings and fact-finding hearings and other public forums as it may deem necessary.

(i) Public meetings should be held in a manner accessible to and welcoming of persons of all abilities with necessary accommodations to ensure broad participation. Notices of meetings and other information shall be posted to a publicly accessible website that also accommodates persons who are visually impaired.

(j) The commission may request from all state agencies such information and assistance as the commission may require.

(k) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds, for any of the purposes of this section. Such funds shall be deposited in a separate account with the state treasurer, be received by the state treasurer on behalf of the commonwealth and be expended by the commission in accordance with commission by-laws and state and federal law.

**Section 75. (a) There shall be a permanent commission on the social status of Black men and boys to study and examine issues which disproportionately have a negative impact on Black men and boys in the commonwealth.**

The commission shall: (i) signal that the issues facing the Black male population are a national priority; (ii) develop solutions to these issues and (iii) help eliminate the obstacles facing Black men and boys. The commission should work to improve economic, education, criminal justice, public safety, housing, health and wellness, father-hood and mentorship outcomes of Black men and boys in the commonwealth.

(b) The commission shall consist of 21 members: 2 persons appointed by the speaker of the house of representatives, 2 persons appointed by the president of the senate, the commissioner of public health or their designee; the commissioner of social services or their designee; the commissioner of education or their designee; 1 additional member from the department of education appointed by the commissioner of education; the commissioner of youth services or their designee; the commissioner of correction or their designee; the secretary of labor and workforce development or their designee; 3 additional persons appointed by the speaker of the house of representatives, none of whom shall be members of the general court; 3 additional persons appointed by the president of the senate, none of whom shall be members of the general court; and 3 persons appointed by the Massachusetts Black and Latino Legislative Caucus or its successor organization, none of whom shall be a member of the general court.

Members of the commission shall be selected from diverse religious, age, sexual orientation, socio-economic and geographical backgrounds from throughout the commonwealth and shall have a sincere desire or experience in working toward the improvement of the social status of black men and boys. Members shall be subject to the provisions of chapter 268A as they apply to special state employees.

(c) Members shall serve terms of 3 years and until their successors are appointed. Members may be reappointed in the same manner in which they were originally appointed.

Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

The commission shall elect from among its members a chair, a vice chair, a treasurer and any other officers it deems necessary.

The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(d) The commission shall conduct an ongoing study of all matters concerning the social status of Black men and boys in the commonwealth. In furtherance of that responsibility, the commission shall: (i) study, review and report on the social status of Black men and boys in the commonwealth; (ii) inform leaders of business, education, health care, state and local governments and the media of issues pertaining to Black men and boys, (iii) serve as a liaison between government and private interest groups concerned with issues affecting Black men and boys; (iv) serve as a clearinghouse for information on issues pertaining to Black men and boys; (v) identify and recommend policies and programs to be implemented by state departments, agencies, commissions, and boards that will lead to the improved social status of Black men and boys, as the commission deems necessary and appropriate; and (vi) promote and facilitate collaboration among local agencies, including community-based organizations in the state, as the commission deems necessary and appropriate.

The commission shall annually, not later than August 31, report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the House of Representatives and senate.



(e) The powers of the commission shall include, but not be limited to: (i) using such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; and (ii) recommending policies and making recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of this section.

(f) The powers of the commission shall include: (i) selecting an executive director and acquiring adequate staff to perform its duties, subject to appropriation, provided that said persons are not members of said commission; (ii) establishing and maintaining such offices as it may deem necessary, subject to appropriation; (iii) enacting by-laws for its own governance; and (iv) holding regular, public meetings and to hold fact finding hearings and other public forums as it may deem necessary.

(g) The commission shall set its own meeting schedule.

(h) The commission may request from all state agencies such information and assistance as the commission may require. Each state agency shall cooperate with requests from the commission and shall provide such information and assistance requested, as permitted under the state law.

The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for any of the purposes of this section. Such funds shall be deposited in a separate account with the state treasurer, be received by the state treasurer on behalf of the commonwealth and be expended by the commission in accordance with law.

**SECTION 2.** **[Law Enforcement Disciplinary Memo in Personnel File shall be a Public Record]**

Clause Twenty-sixth of section 7 of chapter 4 of the General Laws is hereby amended by striking out subclause (c), as appearing in the 2018 Official Edition, and inserting in place thereof the following subclause:- [Public Records Law Exemptions (a) – (u)]

(c) **personnel and medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy; provided, however, that this sub clause shall not apply to records related to a law enforcement misconduct investigation.**

**SECTION 4.** **[Effective July 1, 2021]**

**[Structure of the Municipal Police Training Committee]**

**Chapter 6 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out section 116 and inserting in place thereof the following section:-**

**Section 116.** **There shall be a municipal police training committee (MPTC) within the executive office of public safety.**

- Members of said committee (MPTC) shall be as follows:
  - **Five (5) chiefs of police to be appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police Association Incorporated,**
    - 1 of whom shall be from the **Western Massachusetts** region,
    - 1 of whom shall be from the **Central Massachusetts** region,
    - 1 of whom shall be from the **Southeastern Massachusetts** region,
    - 1 of whom shall be from the **Northeastern Massachusetts** region and

- 1 of whom shall be from the Massachusetts Bay Transportation Authority; [Transit Police]
  - 1 chief of police selected by the Massachusetts Chiefs of Police Association Incorporated; [MCOPA – at Large Seat]
  - 1 police officer to be appointed by the governor from nominations submitted by the Massachusetts Police Association [MPA], Inc. executive board and the Massachusetts Police Training Officers Association, Inc. executive board;
  - Two (2) Sheriffs to be appointed by the Governor;
  - the chair of the Massachusetts Association of Minority Law Enforcement Officers, Inc.; [MAMLEO Seat]
  - the president of the Massachusetts Association of Women in Law Enforcement, Inc.; [MAWLE Seat]
  - the Commissioner of Police for the city of Boston; [BPD Commissioner’s Seat]
  - the Colonel of the Massachusetts State Police; [Colonel’s Seat]
  - the Attorney General; [AG’s Seat] and
  - 1 person to be designated by the secretary of public safety and security; or their respective designees. [EOPSS Seat]
- All such appointments shall be for terms of 3 years with their successors appointed in a like manner.
  - The following persons, or their designees, shall be Advisory, Nonvoting members of the MPTC: the personnel administrator; the commissioner of correction; the commissioner of youth services; the commissioner of probation; the chair of the parole board; the executive director of the committee on criminal justice; the chief justice of the trial court of the

commonwealth; the chief justice of the district court department; the secretary of education; the chair of the criminal law committee of the Massachusetts Bar Association; and the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the director of the bureau. The governor shall appoint 6 additional advisory, nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public counsel services, 1 of whom shall be a social worker, 1 of whom shall be a **mental health clinician** and 1 of whom shall be a district attorney of a district, or their respective designees.

- The **MPTC shall elect a chair annually and shall, as needed, provide nominations for the selection of an executive director to the secretary of public safety and security.**
- The secretary shall select an executive director from the nominations submitted by the committee. The position of executive director shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30.
- **The MPTC shall set *policies and standards* for the training of the following [(6) LE groups], in accordance with applicable laws and regulations, including the training mandated by this chapter,** section 36C of chapter 40, sections 96B and 97B of chapter 41 and section 24M of chapter 90:
  - (i) **municipal police** officers and candidates for such appointment;
  - (ii) Massachusetts Bay Transportation Authority **transit police officers**, and candidates for such appointment;

- (iii) police officers of the department of law enforcement within the executive office of **environmental affairs**, and candidates for such appointment;
- (iv) **University of Massachusetts** police officers, and candidates for such appointment;
- (v) **Campus police officers** attending committee-approved academies or training programs; and
- (vi) **deputy sheriffs**, appointed pursuant to section 3 of chapter 37, performing police duties and functions.

- The **MPTC shall set policies and standards for the screening of all applicants for admission to committee-certified academies.**
- **The MPTC shall set policies and standards for background investigations** for all **persons appointed** to **committee-certified academies** and initial appointments of those persons, which investigations **shall require at a minimum verification against the national decertification index** or the database of decertified law enforcement officers maintained by the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E.
- **[Officer Certification Standards]** **The MPTC committee and the division of police certification established in section 4 of chapter 6E shall jointly establish minimum certification standards for all officers, pursuant to section 4 of chapter 6E.**
- **[Use of Force Regulations]** **The MPTC committee, and the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E, shall jointly promulgate rules and regulations for the use of force by law enforcement officers consistent with sections 14 and 15 of chapter 6E.**


 MPTC + DPC


 MPTC + POST

- **The MPTC shall maintain records of training for all officers for whom the committee sets policies and standards for training, issue confirmation of satisfactory completion of training, and provide for extensions or waivers of training requirements for good cause and maintain records of any such extension or waiver and the reason.**
- **The MPTC shall provide records of completion of training to the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E.**
- **The MPTC shall coordinate with the center for responsive training in crisis intervention established pursuant to section 25 of chapter 19 on all behavioral health-related training.**
- The MPTC shall identify training requirements and develop guidance for meeting those requirements through trainings provided by the committee or other independent educational entities.
- **The MPTC shall review and recommend to the secretary of public safety and security an annual appropriation for the administration of the committee, as well as for the operations of a headquarters and regional training centers, and for the delivery of standardized training at the centers.**
- The MPTC may promulgate regulations pursuant to chapter 30A as necessary to implement sections 116 to 118, inclusive.

**SECTION 6. [Effective July 1, 2021]** The second paragraph of said subsection (a) of said section 116A of said chapter 6, as so appearing, is hereby amended by striking out the first sentence.

**SECTION 9.** [Effective July 1, 2021] Said section 116B of said chapter 6, as so appearing, is hereby further amended by striking out, in line 6, the words “police academies” and inserting in place thereof the following words:- police schools, academies and programs.

**SECTION 10.** [Technology Training in Police Academy]

**Section 116C of said chapter 6, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-**

(a) **The municipal police training committee shall develop and establish within the recruit basic training curriculum a course for police training schools, academies and programs for the training of law enforcement officers in the commonwealth in law enforcement and related public safety technology. The course of instruction shall stress the use and application of technology to increase public safety.**

**SECTION 11.** Said section 116C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words “, no later than January first, nineteen hundred and

**SECTION 13.** Said section 116C of said chapter 6, as so appearing, is hereby further amended by striking out, in line 40, the words “one to six” and inserting in place thereof the following words:- 1 to 5.

**SECTION 15.** Said section 116D of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words “student officers’ course of study” and inserting in place thereof the following words:- recruit basic training curriculum.

**SECTION 16. Section 116E of said chapter 6, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-**

(a) The municipal police training committee shall develop and establish within the recruit basic training curriculum a course for police training schools, academies and programs for the training of law enforcement officers in **bicycle safety enforcement** and develop guidelines for traffic enforcement for bicyclist safety.

**SECTION 18. [Effective July 1, 2021] [Bias-free Policing] [Definition first introduced in 2018 in the *Criminal Justice Reform Act*]**

Section 116G of said chapter 6, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:- As used in this section, “*bias-free policing*” **shall have the same meaning as defined in section 1 of chapter 6E.** (See page 35)

**SECTION 21.** Said section 116G of said chapter 6, as so appearing, is hereby further amended by inserting after the word “enforcement”, in line 9, the following words:- officers and.

**SECTION 22. [In-Service Training Program Topics]**

Subsection (b) of section 116G of said chapter 6, as so appearing, is hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 4 clauses:-

**Existing Language from the CJRA - 2018:**

**(b) The municipal police training committee, in consultation with the executive office of public safety and security, shall establish and develop an in-service training program designed to train local law enforcement officials in the following areas:**

**(i)** practices and procedures related to **bias-free policing** which shall include, but not be limited to, examining attitudes and stereotypes that affect the actions and decisions of law enforcement officers;



**New language from Police Reform Act:**

**(ii) practices and techniques for law enforcement officers in civilian interaction and to promote procedural justice, which shall emphasize de-escalation and disengagement tactics [added>] and techniques and procedures, including developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children, that build community trust and maintain community confidence;**

**(iii) handling emergencies and complaints, including, but not limited to, those involving victims, witnesses or suspects with mental illness, substance use disorder, trauma history or developmental or intellectual disabilities, which shall include training related to common behavior and actions exhibited by such individuals, strategies law enforcement officers may use for reducing or preventing the risk of harm and strategies that involve the least intrusive means of addressing such incidences and individuals while protecting the safety of the law enforcement officer and other persons; provided, however, that training presenters shall include certified mental health practitioners with expertise in the delivery of direct services to individuals, including victims, witnesses or suspects with mental illness, substance use disorder, trauma history or developmental or intellectual disabilities in emergency situations;**

**[New subsections iv and v]:**

**(iv) practices and techniques related to responding to mass gatherings or protests that shall emphasize de-escalation and minimizing the necessity for use of force; and**

**(v) cultural competency.**

**SECTION 23. [School Resource Officers / Use of Force / Autism / Mental Health]**



Said chapter 6 is hereby further amended by inserting after section 116G the following 3 sections:-

Section 116H. **(a) The municipal police training committee shall establish and develop an in-service training program designed to train School Resource Officers [SROs], as defined in section 37P of chapter 71. Such program shall include training on:**

- (i) the ways in which **legal standards regarding police interaction and arrest procedures** differ for juveniles compared to adults;
- (ii) **child and adolescent cognitive development**, which shall include instruction on common child and adolescent behaviors, actions and reactions as well as the impact of trauma, mental illness, behavioral addictions, such as gaming and gambling disorder, and developmental disabilities on child and adolescent development and behavior;
- (iii) engagement and **de-escalation tactics** that are specifically effective with youth; and
- (iv) **strategies for resolving conflict and diverting youth in lieu of making an arrest.**

Such program shall also include training related to:

- (i) **hate crime identification** and prevention training curriculum including acquisition of practical skills to prevent, respond to and investigate hate crimes and hate incidents and their impacts on victim communities;

- (ii) anti-bias, anti-racism and anti-harassment strategies;
- (iii) bullying and cyberbullying; and
- (iv) comprehensive training to help school resource officers interact effectively with school personnel, victim communities and build public confidence with cooperation with law enforcement agencies.

(b) The course of instruction, the learning and performance objectives and the curriculum and standards for training developed pursuant to this section shall be developed in consultation with experts on child and adolescent development and child trauma and with educators and attorneys experienced in juvenile and education law and preventing and addressing youth hate crimes.

Section 116I. Autism Training

The municipal police training committee shall establish and develop within the recruit basic training curriculum a program for regional and municipal police training schools for the training of law enforcement officers in the commonwealth in appropriate interactions with persons on the autism spectrum and those with other intellectual and developmental disabilities. The program shall include training for law enforcement response to individuals on the autism spectrum and those with other intellectual and developmental disabilities who are victims or witnesses to a crime or suspected or convicted of a crime.

Section 116J. Use of Force



The [MPTC] municipal police training committee, in consultation with the executive office of public safety and security [EOPSS], shall establish and develop basic and in-service training

**programs designed to train officers on the regulation of physical force under section 14 of chapter 6E. Such programs shall be included in basic and in-service training for all law enforcement officers.**

Section 116K. (a) [Mental Health and Wellness]

**The municipal police training committee shall develop and establish, within its recruit basic training curriculum and its in-service training curriculum available to in-service trainees, a course for police training schools, academies and programs for the training of law enforcement officers on mental wellness and suicide prevention.** The course, which shall consist of two (2) hours of total instruction annually, shall teach law enforcement officers

how to:

- (i) utilize healthy coping skills to **manage the stress and trauma of policing;**
- (ii) recognize the **symptoms of post-traumatic stress disorder** within themselves and other officers; and
- (iii) recognize the **signs of suicidal behavior** within themselves and other officers.

**(b) The course shall include information on the mental health resources available to help law enforcement officers and shall be designed to reduce and eliminate the stigma associated with law enforcement officers receiving mental health services.**

**(c) The course of instruction shall be developed by the municipal police training committee in consultation with appropriate groups and individuals having an interest and expertise in law enforcement mental health and suicide prevention.**

MPTC + MH Professionals

**(d) All law enforcement officers shall annually attend and complete a course on mental wellness and suicide prevention.**

**SECTION 26. [Effective July 1, 2021] [Facial Recognition]**

Said chapter 6 is hereby further amended by adding the following section:-

Section 220. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- **“Biometric surveillance system”, any computer software that performs facial recognition or other remote biometric recognition.**
- **“Facial recognition”**, an automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on the physical characteristics of an individual’s face, head or body, that uses characteristics of an individual’s face, head or body to infer emotion, associations, activities or the location of an individual; provided, however, that “facial recognition” shall not include the use of search terms to sort images in a database.
- **“Facial recognition search”**, a computer search using facial recognition to attempt to identify an unidentified person by comparing an image containing the face of the unidentified person to a set of images of identified persons; provided, however, that a set of images shall not include moving images or video data.
- **“Law enforcement agency”**, as defined in section 1 of chapter 6E.
- **“Other remote biometric recognition”**, an automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on an individual’s gait, voice or other biometric characteristic or that uses such characteristics to infer emotion, associations, activities or the location of an individual; provided, however, that “other remote biometric recognition” shall not include the

identification or verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other information derived from physical contact.

- “Public agency”, any: (i) agency, executive office, department, board, commission, bureau, division or authority of the commonwealth; (ii) political subdivision thereof; or (iii) authority established by the general court to serve a public purpose.
- “Public official”, any officer, employee, agent, contractor or subcontractor of any public agency.

**(b) Any law enforcement agency performing or requesting a facial recognition search using facial recognition technology shall only do so through a written request submitted to the registrar of motor vehicles, the department of state police or the Federal Bureau of Investigation.**

- **A law enforcement agency may perform such a facial recognition search for the following purposes:**
  - **(i) to execute an order, issued by a court or justice authorized to issue warrants in criminal cases, based upon specific and articulable facts and reasonable inferences therefrom that provide reasonable grounds to believe that the information sought would be relevant and material to an ongoing criminal investigation or to mitigate a substantial risk of harm to any individual or group of people; or**
  - **(ii) without an order to identify a deceased person or if the law enforcement agency reasonably believes that an emergency involving substantial risk of harm to any individual or group of people requires the performance of a facial recognition search without delay.**



- **Any emergency request shall be narrowly tailored to address the emergency and shall document the factual basis for believing that an emergency requires the performance of a facial recognition search without delay.**
- This subsection shall not apply to the department of state police when performing investigatory functions related to the issuance of identification documents by the registrar of motor vehicles.

**(c) Law enforcement agencies shall document each facial recognition search performed and shall provide such documentation quarterly to the executive office of public safety and security.** Such documentation shall include: (i) a copy of any written request made for a facial recognition search; (ii) the date and time of the request; (iii) the number of matches returned, if any; (iv) the database searched; (v) the name and position of the requesting individual and employing law enforcement agency; (vi) the reason for the request, including, but not limited to, any underlying suspected crime; (vii) the entity to which the request was submitted; and (viii) data detailing the individual characteristics included in the facial recognition request. Such documentation shall not be a public record, except for as provided for in (d).

**(d) Annually, not later than September 1, the executive office of public safety and security shall publish on its website documentation received from law enforcement agencies under subsection (c) a** and the following data for the previous calendar year: (i) the total number of facial recognition search requests made by other law enforcement agencies to the department of state police, disaggregated by law enforcement agency; (ii) the total number of facial recognition searches performed by the department of state police, disaggregated by law enforcement agency

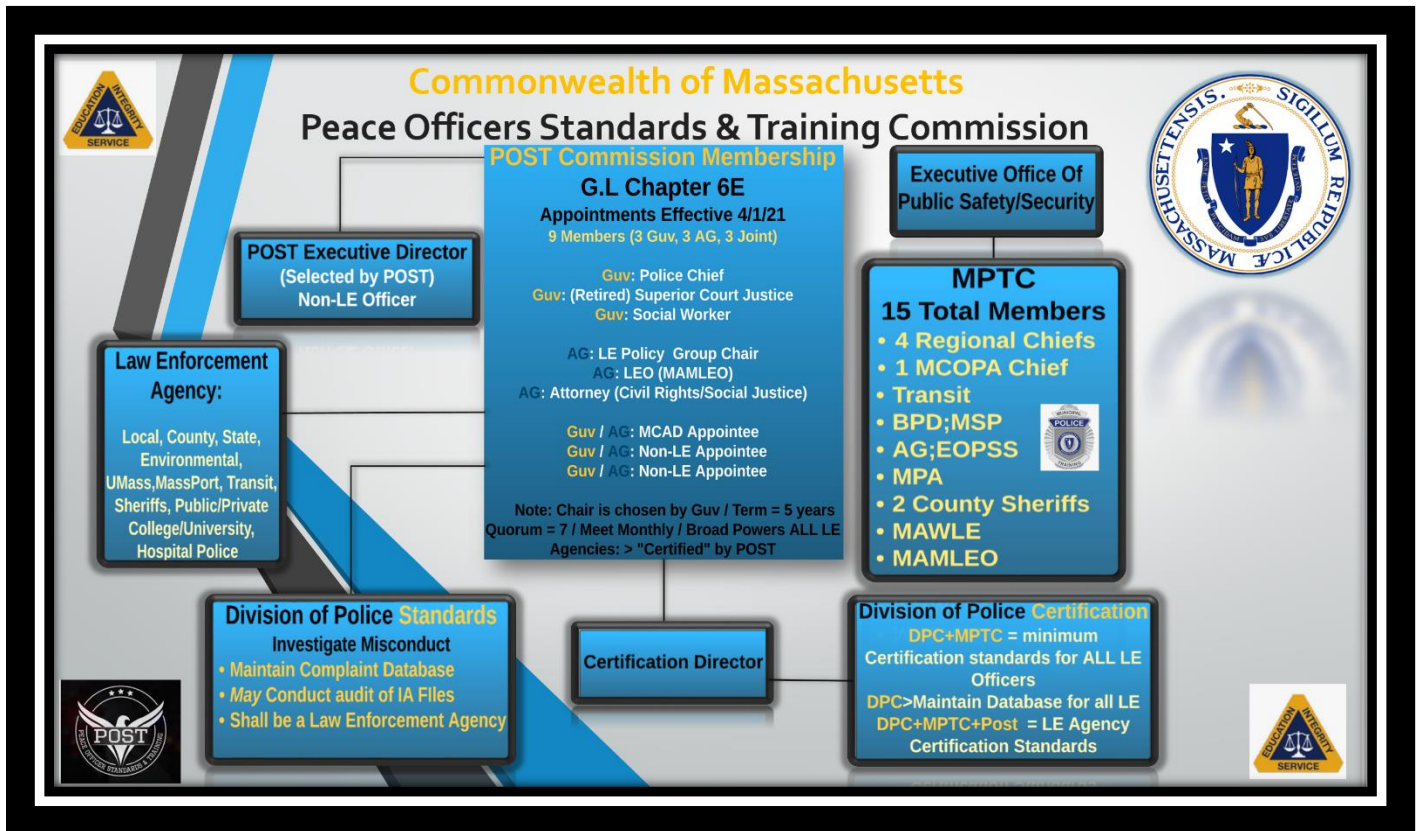
on whose behalf the search was performed;(iii) the total number of facial recognition searches requested and performed by the state police; (iv) the total number of facial recognition search requests made by the department of state police to the Federal Bureau of Investigation, disaggregated by law enforcement agency on whose behalf the requests were made; and (v) the total number of facial recognition searches performed by the Federal Bureau of Investigation on behalf of Massachusetts law enforcement agencies, disaggregated by law enforcement agency on whose behalf the search was performed. For each category of data and each law enforcement agency, the published information shall specify the number of requests made or searches performed pursuant to a court order, the number of emergency requests made or searches performed, and the reason for requesting the search, including, but not limited to, any underlying suspected crime.

(e) Notwithstanding subsection (b), **a law enforcement agency may**: (i) acquire and possess personal electronic devices, such as a cell phone or tablet, that utilizes facial recognition technology for the sole purpose of user authentication; (ii) **acquire, possess and use automated video or image redaction software; provided, that such software does not have the capability of performing facial recognition or other remote biometric recognition**; and (iii) **receive evidence related to the investigation of a crime derived from a biometric surveillance system**; provided, that the use of a biometric surveillance system was not knowingly solicited by or obtained with the assistance of a public agency or any public official in violation of said subsection (b).



**SECTION 30.** [Effective July 1, 2021] The General Laws are hereby amended by inserting after chapter 6D the following chapter:-

**MASSACHUSETTS GENERAL LAWS CHAPTER 6E**  
**MASSACHUSETTS PEACE OFFICER STANDARDS**  
**AND TRAINING COMMISSION.**



**Section 1: Applicable DEFINITIONS:**

**As used in this chapter,** the following words shall, unless the context clearly requires otherwise, have the following meanings:

- **“Agency”, a law enforcement agency.**
- **“Appointing agency”, the agency appointing a law enforcement officer.**

- **“Bias-free policing”**, policing decisions made by and conduct of law enforcement officers that ***shall not consider*** a person’s race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level.
  - This definition ***shall include policing decisions*** made by or conduct of law enforcement officers that:
    - (1) are ***based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment;*** or
    - (2) consider a person’s race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level ***because such factors are an element of a crime.***
- **“Chair”**, the chair of the POST Commission. [Selected by the Governor]
- **“Chokehold”**, the use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or ***around a person’s neck*** in a manner that limits the person’s breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death.
- **“Commission”**, [POST] the Massachusetts Peace Officer Standards and Training Commission established pursuant to section 2.
- “Commissioner”, a member of the POST Commission. [**9 members of POST**]
- “Conviction”, an adjudication of a criminal matter resulting in any outcome except wherein the matter is dismissed or the accused is found to be not guilty, including, but not limited,

to an adjudication of guilt with or without the imposition of a sentence, a plea of guilty, a plea of nolo contendere, an admission to sufficient facts, a continuance without a finding or probation.

- “**Deadly force**”, physical force that can ***reasonably be expected to cause death*** or serious physical injury.
- “**Decertified**”, an officer whose certification is **revoked by the commission** pursuant to section 10.
- “**De-escalation tactics**”, proactive actions and approaches used by an officer to stabilize a law enforcement situation so that **more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force including**, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, **creating distance between the officer and a threat and requesting additional resources to resolve the incident**, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.
- “**Division of [Police] Standards**”, the division of police standards established pursuant to **section 8.**
- “**Division of [Police] Certification**”, the division of police certification established pursuant to **section 4.**
- “**Executive director of POST**”, the executive director of the commission appointed pursuant to subsection (g) of section 2 [**by nine POST Commissioners**].
- “**Law enforcement agency**”,

- (i) a state, county, municipal or district law enforcement agency, including, but not limited to: a
  - city, town or district police department, [Local]
  - the office of environmental law enforcement, [Environmental Police]
  - the University of Massachusetts police department, [UMass Police]
  - the department of the state police, [MSP]
  - the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and [Massport Police]
  - the Massachusetts Bay Transportation Authority Police [Transit];
- (ii) Sheriff's Department in its performance of police duties and functions; or
- (iii) a public or private college, university or other educational institution
  - or hospital police department. [College/University/Hospital]
- “Law enforcement officer” or “officer”,
  - any officer of an agency [from previous slide], including the head of the agency;
  - a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C;
  - a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions;
  - a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions;
  - a Constable executing an arrest for any reason;
  - or any other special, reserve or intermittent police officer.

- “**Officer-involved injury or death**”, any event during which an officer:
  - (i) **discharges a firearm**, as defined in section 121 of chapter 140, actually or proximately **causing injury or death** to another;
  - (ii) **discharges any stun gun** as defined in said section 121 of said chapter 140, actually or proximately **causing injury or death to another**;
  - (iii) **uses a chokehold**, actually or proximately **causing injury or death of another**;
  - (iv) **discharges tear gas or other chemical weapon**, actually or proximately **causing injury or death of another**;
  - (v) **discharges rubber pellets from a propulsion device**, actually or proximately **causing injury or death of another**;
  - (vi) **deploys a dog**, actually or proximately **causing injury or death of another**;
  - (vii) **uses deadly force**, actually or proximately **causing injury or death of another**;
  - (viii) **fails to intervene**, as required by section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately **causes injury or death of another**; or
  - (ix) **engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result**.
- “**Serious bodily injury**”, bodily injury that results in:
  - (i) permanent disfigurement;
  - (ii) protracted loss or impairment of a bodily function, limb or organ; or
  - (iii) a **substantial risk of death**.

- **“Untruthful” or “untruthfulness”**, knowingly making an **untruthful statement concerning a material fact** or knowingly omitting a material fact:
  - (i) on an **official criminal justice record**, including, but not limited to, a **police report**;
  - (ii) while **testifying** under oath;
  - (iii) **to the POST Commission** or an employee of the commission; or
  - (iv) **during an internal affairs investigation**, administrative investigation or disciplinary process.

**Section 2 [Composition and Administration of the POST Commission]:**

**(a) There shall be a Massachusetts Peace Officer Standards and Training Commission consisting of nine (9) members:**

- **Three (3)** of whom shall be appointed by the **Governor**,
  - 1 of whom shall be a **police chief**,
  - 1 of whom shall be a **retired justice of the superior court** and
  - 1 of whom shall be a **social worker** appointed from a list of 5 nominations submitted by the National Association of Social Workers, Inc., Massachusetts chapter;
- **Three (3)** of whom shall be appointed by the **Attorney General**,
  - 1 of whom shall be a **law enforcement officer below the rank of sergeant who is a labor union representative** appointed from a list of 3 nominations submitted by the Chair of the Massachusetts Law Enforcement Policy Group,

- 1 of whom shall be a law enforcement officer appointed from a list of 5 nominations submitted by the Massachusetts Association of Minority Law Enforcement Officers, Inc. and
- 1 of whom shall be an attorney licensed to practice law in the commonwealth appointed from a list of 5 nominations submitted by the civil rights and social justice section council of the Massachusetts Bar Association; and
- **Three (3)** of whom shall be appointed jointly by the Governor and Attorney General,
  - 1 of whom shall be appointed from a list of 5 nominations submitted by the Massachusetts Commission Against Discrimination [MCAD].

**(b)** Other than as provided for in subsection (a), Police Chief, MAMLEO, Patrol Union Seat]

- all commissioners shall be civilians and no commissioner shall have been previously employed as a law enforcement officer or be a retired law enforcement officer.
- The civilian commissioners shall have experience or expertise in law enforcement practice and training, criminal law, civil rights law, the criminal justice system, mental health, post-traumatic stress disorder, crisis intervention, de-escalation techniques or social science fields related to race or bias.
- The Governor shall designate the Chair of the POST Commission.
- The commission shall include people of color and women, at least in such proportion as these groups exist in the commonwealth's population as periodically determined by the state secretary as the commonwealth's chief census officer.
- The members of the commission shall represent diverse geographic areas of the commonwealth, including urban, rural and suburban areas.

- The commissioners shall take an oath to faithfully and impartially execute their duties as commissioners.

(c) Each commissioner **shall be a resident of the commonwealth** within 90 days of appointment and, while serving on the commission, **shall not**:

(i) hold, or be a candidate for, federal, state or local elected office;

(ii) hold an **appointed office** in a federal, state, or **local government** [**Except Police Chief, MAMLEO, Patrol Officer**]; or

(iii) serve as an official in a political party.

- Not more than 7 commissioners shall be from the same political party.
- **The members of the commission shall be compensated for work performed for the commission at such rate as the secretary of administration and finance shall determine.**

(d) Each commissioner shall serve for a **term of 5 years** or until a successor is appointed and shall be eligible for reappointment; provided, however, that no commissioner shall serve more than 10 years.

The Governor **may** **remove a commissioner** if the commissioner:

(i) is guilty **of malfeasance in office**;

(ii) substantially **neglects the duties** of a commissioner;

(iii) is unable to discharge the powers and duties of the commissioner's office;

(iv) commits **gross misconduct**; or

(v) is **convicted of a felony**.

(e) **Seven (7) commissioners shall constitute a quorum** and the affirmative vote of a majority of commissioners present and voting shall be required for an action of the commission.



- **The commission shall meet monthly** and at other times as it shall deem necessary or upon the written request of 4 commissioners or the chair; provided, however, that notice of all meetings shall be given to each commissioner and to other persons who request such notice.
- The commission **shall adopt regulations** establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.

**(f) The commission shall annually elect 1 of the commissioners to serve as secretary and 1 of the commissioners to serve as treasurer.**

- The secretary shall keep a record of the proceedings of the commission and shall be the custodian and keeper of the records of all books, documents and papers filed by the commission and of its minute book.
- The secretary shall cause copies to be made of all minutes and other records and documents of the commission and shall certify that such copies are true copies, and all persons dealing with the commission may rely upon such certification.

**(g) The commission shall appoint an executive director, who shall not be a member of the commission.**

- The executive director shall serve at the pleasure of the commission, **shall receive such salary as may be determined by the commission**, and shall devote full time and attention to the duties of the office.
- The **executive director shall be a person with skill and experience in management**, shall be the executive and administrative head of the commission and shall be responsible for administering and enforcing the provisions of law relative to the commission and to each administrative unit thereof.

- **The executive director may, subject to the approval of the commission, employ other employees, consultants, agents and advisors, including legal counsel, and shall attend meetings of the commission.**
- In the case of an absence or vacancy in the office of the executive director or in the case of disability as determined by the commission, the commission may designate an acting executive director to serve as executive director until the vacancy is filled or the absence or disability ceases.
  - The acting executive director shall have all of the powers and duties of the executive director and shall have similar qualifications as the executive director.

**(h) The executive director may, subject to the approval of the commission, appoint such persons as the executive director shall consider necessary to perform the functions of the commission; provided,** however, that chapter 31 and section 9A of chapter 30 shall not apply to commission employees.

- If an employee serving in a position which is classified under said chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30 shall be appointed to a position within the commission which is not subject to said chapter 31, the employee shall, upon termination of service in such position, be restored to the position which the employee held immediately prior to such appointment; provided, however, that the employee's service in such position shall be determined by the civil service commission in accordance with the standards applied by that commission in administering said chapter 31. Such restoration shall be made without impairment of the employee's civil service status or tenure under said section 9A of said chapter 30 and without loss of seniority,

retirement or other rights to which uninterrupted service in such prior position would have entitled such employee.

- During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination for which such person would otherwise have been eligible.
- **The executive director and employees of the commission shall be classified as group One (1) pursuant to paragraph (g) of subdivision (2) of section 3 of chapter 32.**

**(i)** No employee of the **Division of Standards, established pursuant to section 8, or the [POST] executive director shall have previously been employed as a law enforcement officer, previously employed by a law enforcement agency or be a retired law enforcement officer or retired from a law enforcement agency**; provided, however, that such employee may have been a previous employee of or have retired from the division of standards.

**(j)** The commission shall be a commission for the purposes of section 3 of chapter 12.

**(k)** Any vacancy occurring on the commission shall be filled within 90 days by the original appointing authority. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member they succeed and shall be eligible for re-appointment.

### **Section 3: [(29) Powers of POST Commission]**

**(a)** The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- (1) act as the primary civil enforcement agency for violations of this chapter;**

- (2) **establish, jointly with the municipal police training committee established in section 116 of chapter 6, minimum officer certification standards pursuant to section 4; [See page 22]**
- (3) **certify** qualified applicants;
- (4) **deny** an application or **limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable;**
- (5) **receive complaints from any source** and preserve all complaints and reports filed with **the commission for the appropriate period of time;**
- (6) **establish, in consultation with the municipal police training committee established in section 116 of chapter 6, minimum agency certification standards pursuant to section 5;**
- (7) **certify qualified agencies;** (See page 51)
- (8) **withhold, suspend or revoke certification of agencies;**
- (9) **conduct audits and investigations** pursuant to section 8;
- (10) appoint officers and approve employees to be hired by the executive director;
- (11) establish and amend a **plan of organization** that it considers expedient;
- (12) execute all instruments necessary or convenient for accomplishing the purposes of this chapter;
- (13) enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;
- (14) appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(15) apply for and accept subventions, grants, loans, advances and contributions of money, property, labor or other things of value from any source, to be held, used and applied for its purposes;

(16) provide and pay for advisory services and technical assistance as may be necessary in its judgment to carry out this chapter and fix the compensation of persons providing such services or assistance;

(17) prepare, publish and distribute, with or without charge as the commission may determine, such studies, reports, bulletins and other materials as the commission considers appropriate;

(18) **gather facts and information applicable to the commission's obligation to issue, suspend or revoke certifications for:**

(i) a violation of this chapter or any regulation adopted by the commission;

(ii) a willful violation of an order of the commission;

(iii) **the conviction of a criminal offense;** or

(iv) the **violation of any other offense which would disqualify a person from being certified;**

(19) **conduct investigations into the qualifications of all applicants for certification;**

(20) request and receive from the state police, the department of criminal justice information services or other criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation and the federal Internal Revenue Service, such **criminal offender record information relating to the administration and enforcement of this chapter;**

(21) **demand access to and inspect, examine, photocopy and audit all papers, books and records of any law enforcement agency;**

(22) levy and collect assessments, fees and fines and impose penalties and sanctions for a violation of this chapter or any regulations promulgated by the commission;

(23) **restrict, suspend or revoke certifications issued under this chapter;**

(24) **conduct adjudicatory proceedings in accordance with chapter 30A;**

(25) **refer cases for criminal prosecution** to the appropriate federal, state or local authorities;

(26) **issue subpoenas and compel the attendance of witnesses at any place within the commonwealth,** administer oaths and require testimony under oath before the commission in the course of an investigation or hearing conducted under this chapter;

(27) **maintain an official internet website for the commission;**

(28) **adopt, amend or repeal regulations** in accordance with **chapter 30A** for the implementation, administration and enforcement of this chapter, including, but not limited to, regulations:

(i) governing the conduct of proceedings hereunder;

(ii) determining whether an **applicant has met the standards for certification;**

(iii) establishing **minimum standards for internal agency review of complaints of officer-involved injuries or deaths** and recommendations to the commission regarding retraining, suspension or revocation of officer certification to ensure consistency across agencies;

(iv) **establishing a physical and psychological fitness evaluation pursuant to section 4 that measures said fitness to ensure officers are able to perform essential job duties;**

and

(v) **Identifying patterns of unprofessional police conduct,** including, but not limited to, patterns of:

(A) **escalating behavior** that may lead to the use of excessive force or conduct that is **biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;**

(B) **an increase in the frequency of complaints regarding an individual officer or agency;** or

(C) **the number of complaints regarding an officer or agency that are at least One (1) STANDARD DEVIATION above the mean for similarly situated officers or agencies for a defined period;** and

[**Note:** The **standard deviation** is a measure that summarizes the amount by which every value within a dataset varies from the mean. Effectively it indicates how tightly the values in the dataset are bunched around the mean value. It is the most robust and widely used measure of dispersion since, unlike the range and inter-quartile range, it takes into account every variable in the dataset. When the values in a dataset are pretty tightly bunched together the standard deviation is small. When the values are spread apart the standard deviation will be relatively large. The standard deviation is usually presented in conjunction with the mean and is measured in the same units.]

(29) **refer patterns of racial profiling or the mishandling of complaints of unprofessional police conduct by a law enforcement agency for investigation and possible prosecution to the attorney general or the appropriate federal, state or local authorities;**

- provided, however, that if the attorney general has reasonable cause to believe that such a pattern exists based on information received from any other source, the **attorney general may bring a civil action for injunctive or other appropriate equitable and declaratory relief to eliminate the pattern or practice.**

**(b)** The commission shall have the power to issue a specialized certification for an individual acting, or intending to act, as a school resource officer [SRO], as defined in section 37P of chapter 71; provided, however, that a person shall not be appointed as a school resource officer, as defined in said section 37P of said chapter 71, unless specially certified as such by the POST Commission. [See page 127 / Must be Certified by POST by 12/31/2021]

#### **Section 4: [Division of Police Certification]**

**(a)(1)** There shall be within the POST Commission a **Division of Police Certification**.

- The purpose of the division of police certification shall be to establish uniform policies and standards for the certification of all law enforcement officers, subject to the approval of the commission.
- The head of the division shall be the **Certification Director**, who shall be appointed by the [POST] commission.

**(d)** No person shall be eligible for admission to police schools, programs or academies approved by the municipal police training committee pursuant to section 118 of chapter 6, or the training programs prescribed by chapter 22C, or for appointment as a law enforcement officer or for employment with an agency if they are listed in the national decertification index or the database of decertified law enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of section 13.

#### **Subsection (f)**

**(1)** The **division of police certification** and the **municipal police training committee** established in section 116 of chapter 6 shall jointly establish minimum certification



**standards for all officers [See Chapter 6E Section 1 on page 36] that shall include, but not be limited to:**

- (i) attaining the **age of 21**;
- (ii) successful completion of a **high school education** or equivalent, as **determined** by the commission;
- (iii) successful completion of the **basic training program** **approved** by the municipal police training committee;
- (iv) successful completion of a **physical and psychological fitness evaluation** **approved** by the commission;
- (v) successful completion of a **state and national background check**, including, but not limited to, **fingerprinting** and a full **employment history**; provided, that if the applicant has been previously employed in law enforcement in any state or United States territory or by the federal government, the applicant's full employment record, including complaints and discipline, shall be evaluated in the background check;
- (vi) **passage of an examination** **approved** by the commission;
- (vii) possession of **current first aid and cardiopulmonary resuscitation certificates** or equivalent, as **determined** by the commission;
- (viii) successful completion of an **oral interview** **administered** by the **commission**; and
- (ix) being of **good moral character and fit for employment in law enforcement, as determined by the commission.**

(2) The commission shall not issue a certificate to an applicant who:

(i) **does not meet the minimum standards enumerated in paragraph (1)** or the regulations of the commission;

(ii) has been **convicted of a felony** or whose **name is listed in the national decertification index** or the database of decertified law enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of section 13; or

(iii) **while previously employed in law enforcement in any state or United States territory or by the federal government, would have had their certification revoked by the commission if employed by an agency in the commonwealth.**

(3) The commission may issue a certificate to a qualified applicant consistent with the provisions of this chapter. The commission shall determine the form and manner of issuance of a certification. **A certification shall expire 3 years after the date of issuance.**

(4) An officer shall remain in compliance with the requirements of this chapter and all rules and regulations promulgated by the commission for the duration of their employment as an officer.

**(g) No agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the commission.**

**(h) [Database] The division of police certification, in consultation with the division of police standards, shall create and maintain a database containing records for each certified law enforcement officer, including, but not limited to:**

- (1) the **date of initial certification;**
- (2) the **date of any recertification;**

- (3) the records of completion of all training and all in-service trainings, including the dates and locations of said trainings, as provided by the municipal police training committee established in section 116 of chapter 6, and the department of state police;
- (4) the date of any written reprimand and the reason for said reprimand;
- (5) the date of any suspension and the reason for said suspension;
- (6) the date of any arrest and the charge or charges leading to said arrest;
- (7) the date of, and reason for, any internal affairs complaint;
- (8) the outcome of an internal affairs investigation based on an internal affairs complaint;
- (9) the date of any criminal conviction and crime for said conviction;
- (10) the date of any separation from employment with an agency and the nature of the separation, including, but not limited to, suspension, resignation, retirement or termination;
- (11) the reason for any separation from employment, including, but not limited to, whether the separation was based on misconduct or whether the separation occurred while the appointing agency was conducting an investigation of the certified individual for a violation of an appointing agency's rules, policies, procedures or for other misconduct or improper action;
- (12) the date of decertification, if any, and the reason for said decertification; and
- (13) any other information as may be required by the commission.

**(i)** Each certified law enforcement officer shall apply for renewal of certification prior to its date of expiration as prescribed by the commission. The commission shall not recertify any person as

a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of subsection (f).

(j) The commission shall promulgate regulations for the division of police certification to **maintain a publicly available and searchable database containing records for law enforcement officers**. In promulgating the regulations, the commission shall consider the health and safety of the officers.

### **Section 5: [Certification of Law Enforcement Agencies]**

**\*\*\*See DOJ Fact Sheet on Presidential Order on Safe Policing\*\*\***

(a) **All law enforcement agencies shall be certified by the POST Commission.**

(b) The **Division of Police Certification** *in consultation with* the **municipal police training committee** established in section 116 of chapter 6, **and subject to the approval of the POST Commission, shall establish minimum certification standards for all law enforcement agencies that shall include, but shall not be limited to, the establishment and implementation of agency policies** regarding:

(i) **use of force and reporting of use of force;**

(ii) **officer code of conduct;**

(iii) **officer response procedures;**

(iv) **criminal investigation procedures;**

(v) **juvenile operations;**

(vi) **internal affairs and officer complaint investigation procedures;**

(vii) **detainee transportation; and**

(viii) **collection and preservation of evidence.**

**(c)** An agency shall remain in compliance with the requirements of this chapter **and all rules and regulations promulgated by the commission.** [Yet to be determined]

### **Section 8: [Division of Police Standards]**

**(a)** There shall be within the commission a Division of Police Standards. The purpose of the division of police standards shall be to investigate officer misconduct and make disciplinary recommendations to the POST Commission.

**(b)(1)** The head of an [law enforcement] agency shall transmit any complaint received by said agency within two (2) business days to the division of police standards, in a form to be determined by the POST Commission;

- provided, that the form shall include, but shall not be limited to:
  - (i) **the name and commission certification identification** number of the subject officer
  - (ii) the **date and location of the incident;**
  - (iii) a **description of circumstances of the conduct** that is the subject of the complaint;
  - (iv) **whether the complaint alleges that the officer's conduct:**
    - (A) was **biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;**
    - (B) **was unprofessional;**
    - (C) **involved excessive, prohibited or deadly force;** or
    - (D) **resulted in serious bodily injury or death;** and

- (v) a copy of the original complaint submitted directly to the agency; provided, however, that the commission may establish a minimum threshold and streamlined process for the reporting or handling of minor complaints that do not involve the use of force or allegations of biased behavior.
- (2) Upon completion of the internal investigation of a complaint, the head of each [law enforcement] agency shall immediately transmit to the division of police standards an investigation report in a form to be determined by the commission;
  - provided, that the form shall include, but shall not be limited to:
    - (i) a description of the investigation and disposition of the complaint;
    - (ii) any disciplinary action recommended by internal affairs or the supervising officer; and
    - (iii) if the recommended disciplinary action included retraining, suspension or termination, a recommendation by the head of the agency for disciplinary action by the commission including, retraining or suspension or revocation of the officer's certification.
- (3) Upon final disposition of the complaint, the head of each agency shall immediately transmit to the division of police standards a final report in a form to be determined by the commission;
  - provided, that the form shall include, but shall not be limited to:
    - (i) any disciplinary action initially recommend by internal affairs or the supervising officer;
    - (ii) the final discipline imposed and a description of the adjudicatory process; and

- (iii) **if the disciplinary action recommended or imposed included retraining, suspension or termination, a recommendation by the head of the agency for disciplinary action by the commission including, retraining or suspension or revocation of the officer's certification.**
- (4) **If an officer resigns during an agency investigation**, prior to the conclusion of an agency investigation or prior to the imposition of agency discipline, up to and including termination, the head of said agency shall immediately transmit to the division of police standards a report in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to:
- (i) the officer's full employment history;
  - (ii) a description of the events or complaints surrounding the resignation; and
  - (iii) a recommendation by the head of the agency for disciplinary action by the commission, including retraining or suspension or revocation of the officer's certification.
- (5) **Notwithstanding any general or special law or collective bargaining agreement to the contrary, nothing shall limit the ability of the head of an agency to make a recommendation in their professional judgment to the commission relative to the certification status of an officer, after having followed the agency's internal affairs procedure and any appeal therefrom.**

**(c)(1) [Mandatory] The division of police standards shall initiate a preliminary inquiry into the conduct of a law enforcement officer if the commission receives a complaint, report or**

**other credible evidence that is deemed sufficient by the commission that the law enforcement officer:**

- (i) was involved in an **officer-involved injury or death**;
- (ii) **committed a felony or misdemeanor**, whether or not the officer has been arrested, indicted, charged or convicted;
- (iii) **engaged in conduct prohibited pursuant to section 14 {Use of Force}**;
- (iv) **engaged in conduct prohibited pursuant to section 15 {Failed to Intervene}**; or
- (v) **the commission receives an affirmative recommendation by the head of an appointing agency for disciplinary action by the commission, including retraining or suspension or revocation of the officer's certification.**

(2) **[Discretionary] The division of police standards may initiate a preliminary inquiry into the conduct of a law enforcement officer upon receipt of a complaint, report or other credible evidence that is deemed sufficient by the commission that the law enforcement officer may have engaged in prohibited conduct.**

- All proceedings and records relating to a preliminary inquiry or initial staff review used to determine whether to initiate an inquiry **shall be confidential**, except that the executive director may turn over to the attorney general, the United States Attorney or a district attorney of competent jurisdiction evidence which may be used in a criminal proceeding.

(3) **[30 Day Notification] The division of police standards shall notify any law enforcement officer who is the subject of the preliminary inquiry, the head of their collective bargaining unit and the head of their appointing agency of the existence of**



**such inquiry and the general nature of the alleged violation within 30 days of the commencement of the inquiry.**

**(d) [Audit] The division of police standards may audit all records related to the complaints, investigations and investigative reports of any agency related to complaints of officer misconduct or unprofessionalism, including, but not limited to, personnel records**

- The commission shall promulgate rules and regulations establishing an audit procedure; provided, however, that said rules and regulations shall not limit the ability of the division of police standards to **initiate an audit at any time and for any reason.**

**(e) The division of police standards shall create and maintain a database containing information related to an officer's:**

(i) receipt of complaints and related information, including, but not limited to: the officer's appointing agency, date, a description of circumstances of the conduct that is the subject of the complaint and whether the complaint alleges that the officer's conduct:

(A) **was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;**

(B) **was unprofessional;**

(C) **involved excessive, prohibited or deadly force;** or

(D) **resulted in serious bodily injury or death;**

(ii) allegations of **untruthfulness;**

(iii) **failure to follow commission training requirements;**

(iv) **decertification by the commission;**

- (v) **agency-imposed discipline;**
- (vi) **termination for cause;** and
- (vii) any other information the commission deems necessary or relevant.

**(f) The division of police standards shall actively monitor the database to identify patterns of unprofessional police conduct.** Upon identification of a pattern of unprofessional police conduct, the division of police standards may recommend the evidence in its possession for review in a preliminary inquiry.

**(g) The division of police standards shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of this chapter, including the power to receive intelligence on an applicant for certification or an officer certified under this chapter and to investigate any suspected violations of law.**

### **Section 9: [*Suspension* of an Officer's Certification]**

- (a)(1) **The commission shall immediately suspend the certification of any officer who is arrested, charged or indicted for a felony.**
- (2) **If, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8, the commission concludes by a preponderance of the evidence that a law enforcement officer has engaged in conduct that could constitute a felony and upon a vote to initiate an adjudicatory proceeding of said conduct, the commission SHALL immediately suspend an officer's certification.**
- (3) **The commission MAY, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8, suspend the certification of any officer who is arrested,**

**charged or indicted for a misdemeanor, if the commission determines by a preponderance of the evidence that the crime affects the fitness of the officer to serve as a law enforcement officer.**

(4) **The commission may, pending preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8, suspend the certification of any officer if the commission determines by a preponderance of the evidence that the suspension is in the best interest of the health, safety or welfare of the public.**

(5) **A suspension order of the commission issued pursuant to this subsection shall continue in effect until issuance of the final decision of the commission or until revoked by the commission.**

**(b) The commission shall administratively suspend the certification of an officer who fails to complete in-service training requirements of the commission within 90 days of the deadline imposed by the commission;**

- provided, however, that the commission **may promulgate reasonable exemptions** to this subsection, including, but not limited to, exemptions for:
  - (1) injury or physical disability;
  - (2) a leave of absence; or
  - (3) other documented hardship.
- The commission shall reinstate the certification of an officer suspended pursuant to this subsection upon completion of the in-service training requirements of the commission.

**(c) The commission shall administratively suspend the certification of an officer with a duty to report information to the commission pursuant to section 8 who fails to report such information.**

- The commission shall reinstate the certificate of an officer suspended pursuant to this subsection upon completion of said report.

**(d)** A law enforcement officer whose certification is suspended by the commission pursuant to subsection (a), (b) or (c) **shall be entitled to a hearing before a commissioner within 15 days.**

The terms of employment of a law enforcement officer whose certification is suspended by the commission pursuant to said subsection (a) (b) or (c) **shall continue to be subject to chapter 31 and any applicable collective bargaining agreement to which the law enforcement officer is a beneficiary.**

#### **Section 10: [*Revocation* of an Officer's Certification]**

**(a) The commission shall, after a hearing, REVOKE an officer's certification if the commission finds by clear and convincing evidence that:**

- (i) the officer is **convicted of a felony;**
- (ii) the certification was issued as a result of administrative error;
- (iii) the certification was obtained through **misrepresentation or fraud;**
- (iv) the officer **falsified any document** in order to obtain or renew certification;
- (v) the officer has had a certification or other authorization **revoked by another jurisdiction;**
- (vi) **the officer is terminated by their appointing agency, and**
  - **any appeal of said termination is completed,**
  - **based upon intentional conduct performed under the color of office to:**
  - **obtain false confessions;**
  - **make a false arrest;**

- create or use falsified evidence, including false testimony or
- destroying evidence to create a false impression;
- engage in conduct that would constitute a hate crime, as defined in section 32 of chapter 22C; or
- directly or indirectly receive a reward, gift or gratuity on account of their official services;

(vii) the officer has been **convicted** of **submitting false timesheets** in violation of section 85BB of chapter 231; [**See page 102**]

(viii) the officer knowingly **files a written police report containing a false statement or commits perjury**, as defined in section 1 of chapter 268;

(ix) the officer **tampers with a record** for use in an official proceeding, as defined in section 13E of chapter 268;

(x) **the officer used force in violation of section 14;**

(xi) **the officer used excessive use of force resulting in death or serious bodily injury;**

(xii) **the officer used a chokehold in violation of said section 14;**

(xiii) **the officer engaged in conduct that would constitute a hate crime**, as defined in section 32 of chapter 22C;

(xiv) **the officer engaged in the intimidation of a witness**, as defined in section 13B of chapter 268;

(xv) **the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including, but not limited to, excessive or prohibited force in violation of section 15;**

(xvi) the officer is not fit for duty as an officer and the officer is dangerous to the public, as determined by the commission.

**(b) The commission may, after a hearing, suspend or revoke an officer's certification if the commission finds by clear and convincing evidence that the officer:**

(i) has been convicted of any misdemeanor;

(ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct;

(iii) has a pattern of unprofessional police conduct that commission believes may escalate;

(iv) was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed; or

(v) has repeated sustained internal affairs complaints, for the same or different offenses.

**(c)** The commission may reinstate the certificate of an officer suspended pursuant to subsection (b) at the expiration of the suspension, if the commission finds that all conditions of the suspension were met.

**(d)** The commission may, after a hearing, order retraining for any officer if the commission finds substantial evidence that the officer:

(i) failed to comply with this chapter or commission regulations, reporting requirements or training requirements;

- (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct;
- (iii) used excessive force;
- (iv) failed to respond an incident according to established procedure;
- (v) has a pattern of unprofessional police conduct;
- (vi) was untruthful, except for a statement or action that mandates revocation pursuant to subsection (a);
- (vii) was suspended or terminated by their appointing agency for disciplinary reasons, except those reasons which mandate revocation pursuant to said subsection (a);
- (viii) fails to intervene to prevent another officer from engaging in prohibited conduct or behavior, except a failure to intervene in conduct that mandates revocation pursuant to said subsection (a); or
- (ix) would benefit in their job performance if retrained.

**(e) The commission shall immediately notify the officer and the head of the appointing agency of the officer who is decertified, suspended or ordered to undergo retraining of the order.**

**(f)** The commission shall conduct preliminary inquiries, revocation and suspension proceedings and hearings, and promulgate regulations for such proceedings and hearings, pursuant to sections 1, 8 and 10 to 14, inclusive, of chapter 30A. Any decision of the commission relative to a preliminary inquiry, revocation and suspension proceeding shall be appealable pursuant to chapter 30A. No adverse action taken against a certification by the commission pursuant to this section shall be appealable to the civil service commission established under chapter 31. No employment

action taken by an appointing authority that results from a revocation by the commission pursuant to subsection (a) shall be appealable to the civil service commission established under chapter 31.

**(g)** The commission shall publish any revocation order and findings. The commission shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer's certification has been revoked pursuant to this section.

**(h) An appointing agency shall complete an internal affairs investigation into officer misconduct and issue a final disposition within one year of receiving a complaint or notice from the commission of the complaint being filed. The commission may, upon a showing of good cause, extend the time to complete the investigation. The commission shall not institute a revocation or suspension hearing pursuant to this section until the officer's appointing agency has issued a final disposition or 1 year has elapsed since the incident was reported to the commission, whichever is sooner.**

If the officer notifies the commission that the officer wishes to suspend such hearing pending an appeal or arbitration of the appointing agency's final disposition, the commission shall suspend the hearing. Any such suspension of the hearing shall not exceed 1 year from the officer's notice to the commission; provided, however, that at any time during which the hearing is so suspended and upon a showing of good cause by the officer, the commission shall further suspend the hearing for a period of not less than 6 months and not more than the commission determines is reasonable; provided, however, that any delay in instituting a revocation or suspension hearing shall not exceed 1 year from the officer's request. If the officer notifies the commission that the officer wishes to suspend such hearing pending the resolution of criminal charges, the commission shall suspend the hearing; provided, however, that the officer's certification shall be suspended during the pendency of any delay in such hearing. This subsection shall not impact the commission's authority to suspend a certification pursuant to section 9.



### **Section 11:**

**Neither any agency, nor a sheriff, nor the executive office of public safety nor any entity thereunder shall employ a decertified officer in any capacity, including, but not limited to, as a consultant or independent contractor.**

### **Section 12:**

**No officer or employee of the commonwealth or of any county, city, town or district shall discharge an officer or employee, change their official rank, grade or compensation, deny a promotion or take any other adverse action against an officer or employee or threaten to take any such action for providing information to the commission or testifying in any commission proceeding.**

### **Section 13:**

**(a) The commission shall maintain a publicly available database of orders issued pursuant to section 10 on the commission's website,** including, but not limited to:

- (i) the names of all decertified officers, the date of decertification, the officer's last appointing agency and the reason for decertification;
- (ii) the names of all officers who have been suspended, the beginning and end dates of suspension, the officer's appointing agency and the reason for suspension; and
- (iii) the names of all officers ordered to undergo retraining, the date of the retraining order, the date the retraining was completed, the type of retraining ordered, the officer's appointing agency and the reason for the retraining order.

**(b) The commission shall cooperate with the national decertification index and other states and territories to ensure officers who are decertified by the commonwealth are not hired as**

**law enforcement officers in other jurisdictions, including by providing information requested by those entities.**

**Section 14. [Use of Force]**

**(a) [Effective December 1, 2021]**

A law enforcement officer:

- **shall not use physical force upon another person**
  - *unless de-escalation tactics have been attempted and failed*
- **or are not feasible based on the totality of the circumstances**
- **and such force is necessary to:**
  - (i) effect the **lawful arrest** or detention of a person;
  - (ii) **prevent the escape** from custody of a person; or
  - (iii) **prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm;**
- provided, however,
- that a **law enforcement officer may use necessary, proportionate and non-deadly force**
- in accordance **with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15. [POST + MPTC jointly promulgating CMRS on Use of Force]**

**[Subsections (b) – (e) Effective July 1, 2021]**

**(b) A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.**

**(c) A law enforcement officer shall not use a chokehold.** A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

**(d) A law enforcement officer shall not discharge any firearm into or at a fleeing motor vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person.**

**(e)** When a police department has advance knowledge of a **planned mass demonstration**, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.

- A law enforcement officer **shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:**

(i) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and

(ii) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.

- If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, **the law enforcement officer's appointing agency shall file a report with the commission detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.**
- The commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

**Section 15:** **[Duty to Intervene / Duty to Report]**

**[Subsections (a) – (c) Effective 7/1/21]**

**(a) An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the**

circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual.

**(b)** An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report

**(c)** A law enforcement agency shall develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation.

**(d)** [Effective September 1, 2021] The POST commission and the municipal police training committee established pursuant to section 116 of chapter 6 shall jointly promulgate rules and regulations for the use of force by law enforcement officers consistent with this section and section 14;

- provided, however, that such regulations may authorize the use of necessary, proportionate and non-deadly force for purposes not explicitly specified in this chapter where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances.

**Section 16: [Annual Report: Officer-Involved Injuries, Deaths,  
De-certifications, Suspensions, Retraining Orders]**

The commission shall annually report to the general court, the governor and the attorney general concerning:

- (1) **all officer-involved injuries or deaths** that occurred during the preceding fiscal year, including:
  - (i) the total number of officer-involved injuries or deaths;
  - (ii) the number of officer-involved injuries or deaths reported by each agency; and
  - (iii) any operational, policy, regulatory or legislative recommendations to reduce the number and seriousness of officer-involved injuries or deaths;
- (2) **all officers who were decertified during the preceding fiscal year**, including:
  - (i) the total number of officers who were decertified;
  - (ii) the reasons for revocation of the certificate and the frequency of each reason;
  - (iii) the average number of complaints an officer who was decertified received over the course of their tenure as an officer and on a per annum basis;
  - (iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;
  - (v) the frequency with which said complaints alleged use of excessive or prohibited force or officer-involved injuries or deaths;
  - (vi) the frequency with which an officer who was decertified failed to meet training requirements established by the commission and their appointing agency; and

(vii) the frequency with which an officer who was decertified was subject to discipline, including, but not limited to, retraining or suspension, by the commission and their appointing agency prior to decertification;

(3) **all suspensions that occurred during the preceding fiscal year, including:**

(i) the total number of suspensions;

(ii) the reasons for suspensions of the certificate and the frequency of each reason;

(iii) the average number of complaints an officer who was suspended received over the course of their tenure as an officer and on a per annum basis;

(iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;

(v) the frequency with which said complaints alleged use of excessive or prohibited force or officer-involved injuries or deaths;

(vi) the frequency with which an officer who was suspended failed to meet training requirements established by the commission and their appointing agency; and

(vii) the frequency with which an officer who was suspended was subject to discipline, including, but not limited to, retraining or previous suspension, by the commission and their appointing agency prior to suspension;

(4) **all retraining orders imposed by the commission that occurred during the preceding fiscal year, including:**

(i) the total number of retraining orders, by type of retraining ordered;

(ii) the reasons for retraining and the frequency of each reason, by type of retraining ordered;

(iii) the average number of complaints an officer who was subject to a retraining order, by type of retraining ordered, received over the course of their tenure as an officer and on a per annum basis;

(iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level, by type of retraining ordered;

(v) the frequency with which said complaints alleged use of excessive or prohibited force or officer-involved injuries or deaths, by type of retraining;

(vi) the frequency with which an officer who was subject to a retraining order, by type of retraining ordered, failed to meet training requirements established by the commission and their appointing agency; and

(vii) the frequency with which an officer who was subject to a retraining order was previously subject to discipline, by type of retraining ordered, including, but not limited to, retraining or suspension, by the commission and their appointing agency;

(5) **the total number of injuries or deaths of police officers**; and

(6) **any other action the commission has taken**. The commission shall make such further reports on matters within its jurisdiction as necessary.

**SECTION 37. [Effective July 1, 2021] [Civil Rights Violations]**

Chapter 12 of the General Laws is hereby amended by striking out section 11H, as appearing in the 2018 Official Edition, and inserting in place thereof the following section:-



**Section 11H. (a)(1)**

**Whenever any person or persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person whose conduct complained of resides or has his principal place of business.**

(2) If the attorney general prevails in an action under this section, the attorney general shall be entitled to: (i) an award of **compensatory damages** for any aggrieved person or entity; and (ii) litigation costs and reasonable **attorneys' fees** in an amount to be determined by the court. In a matter involving the interference or attempted interference with any right protected by the constitution of the United States or of the commonwealth, the court may also award civil penalties against each defendant in an amount not exceeding \$5,000 for each violation.

**(b) All persons shall have the right to bias-free professional policing.**

- **Any conduct taken in relation to an aggrieved person by a law enforcement officer acting under color of law that results in the decertification of said law enforcement officer by the Massachusetts peace officer standards and training commission pursuant to section 10 of chapter 6E shall constitute interference with said person's right to bias-free professional policing and shall be a prima facie violation of said**

**person's right to bias-free professional policing and a prima facie violation of subsection (a).**

- **No law enforcement officer shall be immune from civil liability for any conduct under color of law that violates a person's right to bias-free professional policing if said conduct results in the law enforcement officer's decertification by the Massachusetts peace officer standards and training commission pursuant to section 10 of chapter 6E:**
  - **provided, however, that nothing in this subsection shall be construed to grant immunity from civil liability to a law enforcement officer for interference by threat, intimidation or coercion, or attempted interference by threats, intimidation or coercion, with the exercise or enjoyment any right secured by the constitution or laws of the United States or the constitution or laws of the commonwealth if the conduct of said officer was knowingly unlawful or was not objectively reasonable.**

**SECTION 38. [Effective July 1, 2021]** Section 11J of said chapter 12, as so appearing, is hereby amended by striking out, in lines 1 and 2, 16 and 34 and 35, each time they appear, the words “section eleven H or eleven I” and inserting in place thereof, in each instance, the following words:- subsection (a) of section 11H or section 11I.

**SECTION 39. [Effective July 1, 2021]** Said section 11J of said chapter 12, as so appearing, is hereby further amended by striking out, in line 30, the words “section eleven H” and inserting in place thereof the following words:- subsection (a) of section 11H.

**SECTION 41.** Section 25 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word “police” and inserting in place thereof the following words:- responsive.

**SECTION 42.** [DMH Center for Police Training in Crisis Intervention]

Paragraph (1) of subsection (c) of said section 25 of said chapter 19, as so appearing, is hereby amended by striking out clauses (vi) and (vii) and inserting in place thereof the following 3 clauses:-

(vi) **assist municipal police departments to cover backfill costs incurred in sending staff to training; provided, however, that reimbursement shall not exceed the actual cost of the sending department's backfill;**

(vii) **promote the use and adequate resourcing of trained community-based crisis response resources to assist residents when an exclusive police response is not best suited to address the concerns raised or is inappropriate or unnecessary; and**

(viii) **stipulate that each municipal police department receiving reimbursement provide information necessary for the center to evaluate the goals described in paragraph (3), including the percentage of the municipality's police sergeants, lieutenants and other officers who directly oversee patrol officers who have received the center's recommended training and the percentage of the municipality's patrol officers who have received the center's recommended training.**

**SECTION 43.** [Mandated Training Classes] Center for police training in Crisis Intervention

Paragraph (2) of said subsection (c) of said section 25 of said chapter 19, as so appearing, is hereby amended by striking out clauses (v) and (vi) and inserting in place thereof the following 4 clauses:-

**From CJRA:** (2) Training shall include, but not be limited to, information on: (i) the signs and symptoms of mental illnesses and substance misuse; (ii) mental health treatment; (iii) co-occurring disorders; (iv) responding to a mental health or substance use crisis;

**New Language from “JEALE”:** Police Reform Act

(v) **best practices, including efforts to prioritize de-escalation tactics and techniques in crisis response situations;**

(vi) ***institutional and structural racism and implicit bias***;

(vii) **best practices for responding to mass gatherings or protests that shall emphasize de-escalation and minimizing the necessity for use of force;** and

(viii) **community policing principles.**

**SECTION 44. [Mass State Police Sections: 44 – 65]**



Section 3 of chapter 22C of the General Laws, as so appearing, is hereby amended by **striking out**, in lines 6 and 7, each time it appears, the word “**he**” and inserting in place thereof, in each instance, the following words:- **the colonel**.

**SECTION 45. [Appointment of Colonel]** Said section 3 of said chapter 22C, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

**The governor, upon the recommendation of the secretary of public safety and security, shall appoint the colonel, who shall be qualified by training and experience, to direct the work of the department.**

At the time of appointment, **the colonel shall have not less than 10 years of full-time experience as a sworn law enforcement officer and not less than 5 years of full-time experience in a senior administrative or supervisory position in a police force or a military body with law enforcement responsibilities.** The appointment shall constitute an appointment as a uniformed member of the department and shall qualify the colonel to exercise all powers granted to a uniformed member under this chapter. **The colonel shall serve at the pleasure of the governor and shall devote their full time during business hours to the duties of the office.**

**SECTION 46.** Section 10 of said chapter 22C, as so appearing, is hereby amended by **striking out**, in lines 3, 40, 52, 54, 61, 63 and 65, each time it appears, the word “**he**” and inserting in place thereof, in each instance, the following words:- **such officer.**

**SECTION 47.** Said section 10 of said chapter 22C, as so appearing, is hereby further amended by striking out, in line 27, the words “reached his twenty-first birthday” and inserting in place thereof the following words:- **attained the age of 21.**

**SECTION 48.** Said section 10 of said chapter 22C, as so appearing, is hereby further amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and inserting in place thereof the following words:- **the person has attained the age of 35.**

**SECTION 49.** Said section 10 of said chapter 22C, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

A person shall not be enlisted as a uniformed member of the state police except in accordance with this section and section 11; provided, however, that other than for an appointment made pursuant to section 3, **a person employed as a police officer for an agency other than the department of state police**, including, but not limited to, an agency of the commonwealth or any political subdivision of the commonwealth, **shall not be allowed to transfer into a position as a uniformed member of the state police**.

**SECTION 50.** Said section 10 of said chapter 22C, as so appearing, is hereby further amended by striking out, in lines 66 and 71, each time it appears, the word “**his**” and inserting in place thereof, in each instance, the following words:- **such officer’s**.

**SECTION 51.** [**MSP Cadet Program**] Said chapter 22C is hereby further amended by inserting after section 10 the following section:-

Section 10A. The **colonel may establish a cadet program** within the department and may admit as a state police cadet, for a period of full-time on the job training, a citizen resident in the commonwealth who: (i) is **not less than 19 years of age and not more than 25 years of age**; (ii) would otherwise be found suitable for appointment for initial enlistment as a uniformed member of the state police pursuant to sections 10, 11 and 14, with the exception of the physical fitness standards therein; (iii) has passed a qualifying physical fitness examination, as determined by the colonel; and (iv) has passed a qualifying examination, as determined by the colonel.

The qualifying examination shall be conducted under the direction of the colonel who shall, after consultation with the personnel administrator, determine its form, method and subject matter. The qualifying examination shall fairly test the applicant’s **knowledge, skills and abilities** that can be fairly and reliably measured and that are actually required to perform the primary or dominant duties of the position of state police cadet.

A person who has attained the age of 19 on or before the final date for the filing of applications for the state police cadet program shall be eligible to take the qualifying examination for the state police cadet program. A person who has attained the age of 26 on or before the final date for the filing of applications for the state police cadet program shall not be eligible to take the qualifying examination for the state police cadet program.

**Admission as a state police cadet shall not be subject to the civil service law or rules and a state police cadet shall not be entitled to any benefits of such law or rules.** The colonel shall immediately report, in writing, any admission as a state police cadet made pursuant to this section to the secretary of public safety and security and the personnel administrator. Admission shall be for a term of service of not less than 12 months as determined by the department and may be terminated at any time. A state police cadet's term of service shall be terminated if the state police cadet fails to maintain a passing grade in any course of study required by the colonel. A state police cadet shall be required to meet the physical fitness standards required for appointment for initial enlistment as a uniformed member of the state police within 12 months of the state police cadet's admission to the state police cadet program. A state police cadet shall be an at-will employee. A state police cadet shall receive such compensation and such leave with pay as the colonel shall determine in consultation with the personnel administrator. The colonel shall establish requirements for successful completion of the state police cadet program.

The colonel shall determine the duties and responsibilities of state police cadets. **A state police cadet shall not carry arms and shall not have any power of arrest other than that of an ordinary citizen.** A state police cadet shall be considered an employee of the commonwealth for the purposes of workers' compensation.

While participating in the state police cadet program, a state police cadet shall not be subject to or entitled to the benefits of any retirement or pension law, nor shall any deduction be made from a state police cadet's compensation for the purpose thereof; provided, however, that a state police cadet who successfully completes the state police cadet program and is appointed to the department of state police pursuant to section 11 or is appointed as a police officer in a municipal police department, the Massachusetts bay transportation authority police force, the office of law enforcement within the executive office of energy and environmental affairs or the University of Massachusetts or becomes an employee, as defined in section 1 of chapter 32, shall have any state police cadet service considered as creditable service, as defined in said section 1 of said chapter 32, for purposes of retirement if the state police cadet pays into the annuity savings fund of the retirement system in 1 sum or in installments, upon such terms and conditions as the board may prescribe, not later than 1 year after appointment as described above, such amount as the retirement board determines equal to that which the state police cadet would have paid had the state police cadet been a member of the retirement system during the period of training as a state police cadet, together with buyback interest.

**SECTION 52.** Section 11 of said chapter 22C, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 19 and 20, each time it appears, the word "**his**", and inserting in place thereof, in each instance, the following words:- **the uniformed member's**.

**SECTION 53.** Said section 11 of said chapter 22C, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

Notwithstanding any provision of this section to the contrary, the colonel may appoint for initial enlistment as a uniformed member of the state police any person who has successfully



completed the state police cadet program pursuant to section 10A and who is willing to accept such appointment. Appointment for initial enlistment as a uniformed member of the state police under this paragraph shall terminate that person's admission as a state police cadet. **Not more than 1/3 of the total number of appointments to the state police in any single recruit training troop shall be made pursuant to this paragraph.** The colonel shall immediately report, in writing, any appointment made pursuant to this paragraph to the personnel administrator.

**SECTION 54. [Trooper Disciplinary Hearings]** Said chapter 22C is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. (a) A uniformed member of the state police who has served for at least 1 year and against whom charges have been preferred **shall be tried by a board to be appointed by the colonel or, at the request of the officer, a board consisting of the colonel.** A person aggrieved by the finding of the trial board under this subsection may appeal the decision of the trial board under sections 41 to 45, inclusive, of chapter 31. A uniformed officer of the state police who has been dismissed from the state police force after a trial under this subsection, or who resigns while charges to be tried by a trial board are pending against the uniformed officer, **shall not be reinstated by the colonel.**

(b) Notwithstanding subsection (a), the colonel may administratively suspend without pay a uniformed member who has served for at least 1 year if: (i) the uniformed member had a criminal complaint or indictment issued against them; (ii) the department has referred the uniformed member to a prosecutorial agency for review for prosecution; or (iii) there are reasonable grounds to believe that the uniformed member has engaged in misconduct in the performance of the uniformed member's duties that violates the public trust.

Prior to such administrative suspension, the department shall provide the uniformed member notice of, and the underlying factual basis for, the administrative suspension. After such notice, the colonel or the colonel's designee shall hold a departmental hearing at which the uniformed member shall have an opportunity to respond to the allegations. Following the departmental hearing and upon a finding that there are reasonable grounds for such administrative suspension without pay, the colonel may administratively suspend without pay such uniformed member immediately. The administrative suspension without pay shall not be appealable under sections 41 to 45, inclusive, of chapter 31; provided, however, that the administrative suspension without pay may be appealed as provided in section 43.

A uniformed member who is administratively suspended without pay pursuant to this section may seek a review by the colonel or the colonel's designee of the administrative suspension without pay after 1 year from the date of the administrative suspension and every year thereafter, or sooner if the uniformed member can demonstrate a material change in circumstances. The decision of the colonel or the colonel's designee after such review may be appealed under said sections 41 to 45, inclusive, of said chapter 31.

(c) Notwithstanding subsection (a), the colonel may impose on a uniformed member who has served at least 1 year any permanent discipline that does not involve a suspension of pay, loss of accrued vacation time, loss of rank or seniority or termination without provision for a trial by a trial board under said subsection (a). Prior to imposing such discipline, the department shall provide the uniformed member notice of, and the underlying factual basis for, the discipline. After such notice, the colonel or the colonel's designee shall hold a departmental hearing at which the uniformed member shall have an opportunity to respond to the allegations. Following the

departmental hearing and upon a finding that there are reasonable grounds for discipline, the colonel may impose such discipline immediately.

An order imposing discipline pursuant to this subsection shall not be appealable under sections 41 to 45, inclusive, of chapter 31; provided, however, that such order may be appealed as provided in section 43.

**SECTION 57. [Promotional Structure]** Said chapter 22C is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section:-

Section 26. (a) **The colonel may promote uniformed members of the state police who are deemed eligible for promotion by the colonel to the title of noncommissioned officer, lieutenant or captain.** A promotion shall be based on the uniformed member's total promotional score, which shall be based on the sum of scores earned on a competitive promotional examination calculated pursuant to subsection (b) and longevity calculated pursuant to subsection (e).

(b) For a uniformed member who is not a veteran, the uniformed member's competitive promotional examination score shall be based on the number of points awarded to the uniformed member for correct answers on such examination divided by the total number of possible points to be earned on the examination, multiplied by 75. For a uniformed member who is a veteran, the uniformed member's competitive promotional examination score shall be based on the number of points awarded to the member for correct answers on such examination divided by the total number of possible points to be earned on the examination, multiplied by 100, plus 2, multiplied by 0.75.

(c) A uniformed member shall not be eligible for promotion unless the uniformed member was awarded not less than **70 per cent of the total number of possible points to be earned on the competitive promotional examination.**

(d) Promotional examinations for: (i) the title of **noncommissioned officer** shall be open to a uniformed member who has completed not less than **5 years of service** as a uniformed member immediately before the final date for the filing of applications for such examination and who has completed, in the immediately preceding year, **1 full year of service in the next lower rank or title**; (ii) the title of **lieutenant** shall be open to a uniformed member who has completed at least 1 year of service in the next lower rank or title immediately before the final date for the filing of applications for such examination and who has completed **not less than 8 years of service** as a uniformed member prior to the final date for filing applications for such examination; or (iii) the title of **captain** shall be open to a uniformed member who has completed at least 1 year of service in the next lower rank or title immediately before the final date for the filing of applications for such examination and who has completed **not less than 12 years of service as a uniformed member** prior to the final date for filing applications for such examination.

(e) (1) A uniformed member shall be granted 1 longevity point for each full month of service since appointment to the department, up to a maximum of 120 months, computed as of the final date for the filing of applications for promotion to the title of noncommissioned officer. The member's longevity score shall be the total longevity points granted divided by 120, multiplied by 25.

(2) A uniformed member shall be granted 1 longevity point for each full month of service since appointment to the department, up to a maximum of 180 months, computed as of the final date for the filing of applications for promotion to the title of lieutenant. The member's longevity score shall be the total longevity points granted divided by 180, multiplied by 25.

(3) A uniformed member shall be granted 1 longevity point for each full month of service since appointment to the department, up to a maximum of 240 months, computed as of the final

date for the filing of applications for promotion to the title of captain. The member's longevity score shall be the total longevity points granted divided by 240, multiplied by 25.

(f) Prior to making any promotions in accordance with this section, the colonel shall publish and distribute in the orders of the department for each title in the department a list of the members who are eligible for promotion to each such title in the order in which each member shall be considered for such promotion; provided, however, that such order shall be based upon the final determination by the colonel in accordance with subsections (b) and (e). Each eligible list for promotion shall be used by the colonel to fill vacancies for a period of 2 years from the initial date of publication; provided, however, that, if a new eligible list has not been established after such 2-year period, each eligible list shall continue to be used by the colonel for promotions until a new eligible list is established. A promotion to a vacancy occurring in any title for which an examination is conducted in accordance with this section shall be made from the first 3 members on such list who are eligible for the promotion and who are willing to accept such promotion.

**SECTION 58.** Section 23 of said chapter 22C, as so appearing, is hereby amended by striking out, in line 8, the word "appointments" and inserting in place thereof the following words:- admissions, appointments.

**SECTION 59.** Said section 23 of said chapter 22C, as so appearing, is hereby further amended by striking out, in line 10, the word "uniformed" and inserting in place thereof the following words:- cadets, uniformed.

**SECTION 63.** Section 63 of said chapter 22C, as so appearing, is hereby amended by inserting after the word "skill", in line 17, the following words:- ; provided, however, that such officers shall

**remain subject to certification requirements of the Massachusetts peace officer standards and training commission established in chapter 6E.**

**SECTION 64.** Section 64 of said chapter 22C, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- **Such special state police officers** shall: (i) **serve for 1 year**, subject to removal by the colonel; (ii) receive such certification as the Massachusetts peace officer standards and training commission established in chapter 6E shall direct; and (iii) have the same power to make arrests as the state police of any criminal offense committed in or upon lands or structures **located in the town of Framingham** within the charge of said director.

**SECTION 65.** Section 68 of said chapter 22C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The colonel may, at the request of the director of the bureau of special investigations, with the approval of the fraudulent claims commission, **appoint as special state police officers employees of said bureau who have undergone certification as required by the Massachusetts peace officer standards and training commission established in chapter 6E.**

**SECTION 67.** **[Effective July 1, 2021]** **[Civil Service Jurisdiction on POST Decisions]**

**Section 2 of chapter 31** of the General Laws, as so appearing, is hereby amended by striking out, in line 49, the words “eight of chapter thirty-one A” and inserting in place thereof the following words:- 8 of chapter 31A; **provided, however, that the [Civil Service] commission shall not have jurisdiction to hear an appeal of a decision by the Massachusetts peace officer standards and training commission established pursuant to chapter 6E to take adverse action against a law enforcement officer under section 10 of said chapter 6E.**

**SECTION 68.** [Effective July 1, 2021] The first paragraph of **section 42 of said chapter 31**, as so appearing, is hereby amended by adding the following sentence:- **This section shall not apply to a person who is the subject of disciplinary action or other employment-related consequences by an appointing agency, as defined in section 1 of chapter 6E, that results from decertification under section 10 of said chapter 6E.**

**SECTION 69.** [Effective July 1, 2021] [Civil Service Hearings]

**Section 43 of said chapter 31**, as so appearing, is hereby amended by adding the following paragraph:-

**This section shall not apply to a person who is the subject of disciplinary action or employment-related consequences by an appointing agency, as defined in section 1 of chapter 6E, that results from *decertification* under section 10 of said chapter 6E.**

**SECTION 70.** [Effective July 1, 2021] Section 36C of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “members of municipal police departments, and all uniformed members of the state police shall” and inserting in place thereof the following words:- **law enforcement officers, as defined in section 1 of chapter 6E**, shall.

**SECTION 72.** Said section 36C of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 11 and 16, the word “police” and inserting in place thereof, in each instance, the following words:- law enforcement.

**SECTION 73. [Effective July 1, 2021] [Disqualification to serve as a Police Officer]**

Section 96A of chapter 41 of the General Laws, as so appearing, is hereby amended by inserting after the word “felony”, in line 1, the following words:-

[No person who has been convicted of any **felony** [...] shall be appointed as a police officer of a city, town or district.]

**or whose name is listed in the national decertification index or the database of decertified law enforcement officers maintained by the Massachusetts peace officer standards and training commission pursuant to chapter 6E.**

**SECTION 77. [Nondisclosure Agreements – Requested by Complainant only]**

Said chapter 41 is hereby further amended by inserting after section 98G the following section:-

Section 98H. **An agreement by a law enforcement agency, as defined in section 1 of chapter 6E, to settle a complaint of professional misconduct by a law enforcement officer, as defined in said section 1 of said chapter 6E, shall NOT include a nondisclosure, non-disparagement or other similar clause in a settlement agreement between the law enforcement agency and a complainant unless the complainant requests such provision in writing.**

**SECTION 78. [School Resource Officer Information Sharing]**

**Section 37L of chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-**

- School department personnel and school resource officers, as defined in section 37P, shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels, including, but not limited to, text, phone, email, database and in-person communication, or



submit to the department of state police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement, any information relating to a student or a student's family member from its databases and other recordkeeping systems including:

- (i) immigration status;
- (ii) citizenship;
- (iii) neighborhood of residence;
- (iv) religion;
- (v) national origin;
- (vi) ethnicity; or
- (vii) **suspected, alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.**

Nothing in this paragraph shall prohibit the sharing of information: **Exceptions**

- (i) for the purposes of completing a report pursuant to **section 51A** of chapter 119;
- (ii) upon the specific, informed **written consent** of the eligible student, parent or guardian;
- (iii) to comply with a **court order** or lawfully issued subpoena;
- (iv) in connection with a **health or safety emergency** pursuant to the provisions of 603 C.M.R. 23.07(4)(e)\*; or

\***Note:** "A school **may disclose** information regarding a student to appropriate parties in connection with a **health or safety emergency** if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, **disclosures to the local police**

**department** and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.”

(v) for the purposes of **filing a weapon report** with the local chief of police pursuant to this section.

**SECTION 79.** **[School Resource Officer MOU]**

**Said chapter 71 is hereby further amended by striking out section 37P, as so appearing, and inserting in place thereof the following section:-**

Section 37P. **(a)** As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

- “Chief of police”, the chief of police or the board or officer having control of the police department in a city or town.
- “Commission”, the model school resource officer memorandum of understanding review commission established in subsection (b).
- “Model memorandum of understanding”, the model school resource officer memorandum of understanding developed by the commission.
- “School resource officer”, a duly sworn municipal police officer with all necessary training, up-to-date certificates, including special school resource officer certification as required by subsection (b) of section 3 of chapter 6E or a special officer appointed by the chief of police charged with:
  - (i) providing law enforcement;
  - (ii) promoting school safety and security services to elementary and secondary public schools; and
  - (iii) maintaining a positive school climate for all students, families and staff. For the purpose of this section, a school resource officer shall be exempt pursuant to

subsection (j) of section 10 of chapter 269, while serving in the officer's official capacity.

**(b)** There shall be a model school resource officer memorandum of understanding review commission to develop and review the model memorandum of understanding and make recommendations for changes to the model memorandum of understanding as the commission deems appropriate.

- The commission shall include: the commissioner of elementary and secondary education and the secretary of the executive office of public safety and security, who shall serve as co-chairs; the attorney general or a designee; the child advocate or a designee; the chief justice of the juvenile court or a designee; the secretary of health and human services or a designee; the executive director of the Massachusetts Association of School Superintendents, Inc. or a designee ; **the president of the Massachusetts Chiefs of Police Association Incorporated or a designee;** **the president of the Massachusetts Major City Chiefs, Inc. or a designee;** the executive director of the municipal police training committee established in section 116 of chapter 6 or a designee; the certification director of the division of police certification established in section 4 of chapter 6E or a designee; the executive director of the mental health legal advisors committee established in section 34E of chapter 221 or a designee; the executive director of Citizens for Juvenile Justice, Inc. or a designee; the executive director of the Children's League of Massachusetts, Inc. or a designee; a Massachusetts public school superintendent, to be appointed by the senate president; a Massachusetts public school teacher, to appointed by the speaker of the house of representatives; a Massachusetts public school social worker, to be appointed by the minority leader of the senate; a parent or guardian of a child in a Massachusetts public

school, to be appointed by the minority leader of the house of representatives; and 4 members to be appointed by the governor: 1 of whom shall be a representative of the Massachusetts Association of School Committees, Inc., 1 of whom shall be a representative of Massachusetts School Counselors Association, Inc. and 2 of whom shall be representatives from Massachusetts youth organizations with proven records of supporting services and programs for high numbers of youths in order to ensure healthy development and social responsibility.

- The model memorandum of understanding shall be developed for schools and police departments as the minimum requirement for schools to formalize and clarify implementation of the partnership between the school and the school resource officer. In conducting such development and review, the commission shall determine the necessary provisions to achieve the district's educational and school safety goals and to help maintain a positive school environment for all students.
- The model memorandum of understanding shall, at minimum, describe: (i) the mission statement, goals and objectives of the school resource officer program; (ii) the roles and responsibilities of the school resource officer, the police department and the school; (iii) the process for selecting school resource officers; (iv) the mechanisms to incorporate school resource officers into the school environment, including school safety meetings; (v) information sharing between school resource officers, school staff and other partners; (vi) the organizational structure of the school resource officer program, including supervision of school resource officers and the lines of communication between the school district and police department; (vii) training for school resource officers, including, but not limited to, continuing professional development in child and adolescent development, conflict

resolution and diversion strategies, de-escalation tactics and any other training required by the municipal police training committee established in section 116 of chapter 6; and (viii) the manner and division of responsibility for collecting and reporting the school-based arrests, citations and court referrals of students to the department of elementary and secondary education in accordance with regulations promulgated by the department.

- The model memorandum of understanding shall expressly state that school resource officers shall not: (i) serve as school disciplinarians, enforcers of school regulations or in place of licensed school psychologists, psychiatrists or counselors; and (ii) use police powers to address traditional school discipline issues, including non-violent disruptive behavior.
- In carrying out its duties under this section, the commissioner of elementary and secondary education shall work with the executive office of public safety and security to provide the commission with any data and information they consider relevant to the commission's duties.
- The commission shall meet every 5 years for the purpose of developing and reviewing the model memorandum of understanding. The model memorandum of understanding shall be subject to final approval by the co-chairs of the commission and shall be made publicly available by the department of elementary and secondary education, distributed to school districts and filed with the clerks of the House of Representatives and senate.
- Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The commissioner of elementary and secondary education shall furnish reasonable staff and other support for the work of the commission. Prior to issuing its

recommendations, the commission shall provide the opportunity to seek public input across regions of the commonwealth. It shall not constitute a violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial impact on the district or municipality employing that person. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing those persons.

**(c)** The executive office of public safety and security, in consultation with the department of elementary and secondary education, shall make available to all communities the model memorandum of understanding, statements of operating procedures and advisories on how to establish said documents.

**(d)** For the purpose of fostering a safe and healthy environment for all students through strategic and appropriate use of law enforcement resources and to achieve positive outcomes for youth and public safety, a chief of police, at the request of the superintendent and subject to appropriation, shall assign at least 1 school resource officer to serve the city, town, commonwealth charter school, regional school district or county agricultural school. In the case of a regional school district, commonwealth charter school or county agriculture school, the chief of police of the city or town in which the school is located shall, at the request of the superintendent, assign the school resource officer who may be the same officer for all schools in the city or town. Annually, not later than August 1, the superintendent shall report to the department of elementary and secondary education and publicly present to the relevant school committee: (i) the cost to the school district of assigning a school resource officer; (ii) a description of the proposed budget for mental, social or emotional health support personnel for the school; and (iii) the number of school-based arrests, citations and

court referrals made in the previous year disaggregated as required by the department of elementary and secondary education.

- In assigning a school resource officer, the chief of police shall assign an officer that the chief believes would strive to foster an optimal learning environment and educational community that promotes a strong partnership between school and police personnel. The chief of police shall give preference to candidates who demonstrate the requisite personality and character to work effectively with children, youth and educators in a school environment with a demonstrated ability to work successfully with a population that has a similar racial and ethnic background as those prevalent in the student body, and who have received specialized training relating to working with adolescents and children, including cognitive development, de-escalation tactics, as defined in section 1 of chapter 6E and alternatives to arrest and diversion strategies. The appointment shall not be based solely on seniority. The performance of a school resource officer shall be reviewed annually by the superintendent and the chief of police.
- The superintendent and the chief of police shall adopt, at minimum, the model memorandum of understanding developed by the commission pursuant to subsection (b) and may add further provisions as they mutually deem fit; provided, however, that no further provision included in the memorandum of understanding adopted by said superintendent and said chief of police shall conflict with or omit any provisions of this section. The final memorandum of understanding adopted by the superintendent and the chief of police shall be made public and placed on file annually with the department of

elementary and secondary education and in the offices of the school superintendent and the chief of police.

- The chief of police, in consultation with the school superintendent, shall establish operating procedures to provide guidance to school resource officers about daily operations, policies and procedures. At a minimum, the operating procedures as established by the chief of police, shall describe the following for the school resource officer:
  - (i) the school resource officer uniform;
  - (ii) use of police force, arrest, citation and court referral on school property;
  - (iii) a statement and description of students' legal rights, including the process for searching and questioning students and circumstances requiring notification to and presence of parents and administrators;
  - (iv) chain of command, including delineating to whom the school resource officer reports and how school administrators and the school resource officer work together;
  - (v) performance evaluation standards, which shall incorporate monitoring compliance with the memorandum of understanding and use of arrest, citation and police force in school;
  - (vi) protocols for diverting and referring at-risk students to school and community-based supports and providers; and
  - (vii) information sharing between the school resource officer, school staff and parents or guardians.

**(e)** Each school shall annually file its final memorandum of understanding and operating procedures with the department of elementary and secondary education. The department of elementary and secondary education shall collect data on the number of mental and social



emotional health support personnel and the number of school resource officers employed by each local education agency and shall publish a report of the data on its website. The department shall promulgate rules or regulations necessary to carry out this section.

**(f)** Notwithstanding subsection (d), if the chief of police, in consultation with the superintendent, determines that there are not sufficient resources to assign a school resource officer to serve the city, town, regional school district or county agricultural school, the chief of police shall consult with the department of state police to ensure that a school resource officer is assigned, subject to appropriation, pursuant to the requirements of this section; provided, further, that if a state police officer is assigned to a city, town, regional school district or county agricultural school, said assignment shall not be based solely on seniority and a candidate shall be considered who would strive to foster an optimal learning environment and educational community; provided, further, that there shall be placed on file in the office of the superintendent and the department of state police the final memorandum of understanding clearly defining the roles and duties of the school resource officer.

**(g)** No public employer shall be liable for injury, loss of property, personal injury or death caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.

The department of elementary and secondary education shall collect and publish disaggregated data regarding school-based arrests, citations and court referrals of students to the department and shall make such report available for public review.

**SECTION 80. [Effective July 1, 2021] UMASS Appointee certified by POST**

The second paragraph of **section 32A of chapter 75** of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- **Every officer who receives an appointment to a position on a full-time basis in which that person may exercise police powers for any of the campuses of the University of Massachusetts, shall, prior to exercising those police powers, be certified pursuant to chapter 6E.**

**SECTION 83. [Racial Profiling] { See Chapter 90 Section 63 CPD Training Bulletin }**

**Section 63 of said chapter 90**, inserted by section 10 of chapter 122 of the acts of 2019, is hereby amended by adding the following subsection:- **[Amendment to Hands Free Law]**

(h) **A law enforcement agency, as defined in section 1 of chapter 6E, shall not engage in racial or other profiling.** The attorney general may bring a civil action in the superior court for injunctive or other equitable relief to enforce this subsection. For the purposes of this subsection, **“racial or other profiling” shall mean differential treatment by a law enforcement officer based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement action, whether intentional or evidenced by statistically-significant data showing disparate treatment;**

- **provided, however, that “racial or other profiling” shall not include the use of such characteristics, in combination with other factors, to apprehend a specific suspect based on a description that is individualized, timely and reliable.**

**SECTION 84. [Effective July 1, 2021] [State and Community Colleges]**

Section 2 of chapter 90C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following 2 paragraphs:-

Each police chief appointed by the trustees of the commonwealth's state universities and community colleges under section 22 of chapter 15A shall certify to the registrar, on or before January first of each year, that:

- (1) **the police officers appointed by the trustees at the state university or community college have been certified pursuant to chapter 6E;**
- (2) **said officers have completed the annual in-service training required by the municipal police training committee established in section 116 of chapter 6;**
- (3) **the state university or community college police department submits uniform crime reports to the Federal Bureau of Investigation;**
- (4) **a memorandum of understanding has been entered into with the police chief of the municipality wherein the state university or community college is located outlining the policies and procedures for utilizing the municipality's booking and lock-up facilities, fingerprinting and breathalyzer equipment if the state university or community college police department does not provide booking and lock-up facilities, fingerprinting or breathalyzer equipment;** and
- (5) **the state university or community college police department has policies and procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor vehicle law enforcement. [Important for MACLEA: Mini-certification]**

Nothing in this section, **except the previous paragraph**, shall limit the authority granted to the police chiefs and police officers at the state universities and community colleges under said section 22 of said chapter 15A or section 18 of chapter 73.

**SECTION 85. [Effective July 1, 2021] [Law enforcement-related injuries and deaths]**

Section 1 of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Inland waters” the following definition:-

- **“Law enforcement-related injuries and deaths”, injuries and deaths CAUSED by a law enforcement officer or correction officer, whether employed by the commonwealth, a county, a municipality or other public or private entity, and occupational fatalities of a law enforcement officer or correction officer.**

**SECTION 86. [Effective July 1, 2021] [Data Collection on Law Enforcement Deaths/Injuries]**

Said chapter 111 is hereby further amended by inserting after section 6D the following section:-

Section 6E. The department shall collect and report data on law enforcement-related injuries and deaths. **The [Public Health] commissioner shall promulgate regulations necessary to implement this section, including, but not limited to, protocols and procedures for the reporting of law enforcement-related injuries and deaths [“caused” by LE] to the department by physicians and other licensed health care professionals.**

**SECTION 87.** Section 8 of chapter 111B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “station”, in lines 3, 7, 13, 26, 28, 35, 36, 37, 43, 46 and 57, in each instance, the following words:- or the Dukes county sheriff’s office.

**SECTION 90. [Submission of False Time Sheets]**

**Chapter 231 of the General Laws is hereby amended by inserting after section 85AA the following section:-**

Section 85BB. (a) **A law enforcement officer, as defined in section 1 of chapter 6E, who knowingly submits to a state agency, state authority, city, town or agency, as defined in said section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and receives payment therefor or knowingly makes, uses or causes to be made or used a false record or statement material to a false or fraudulent claim of hours worked for payment that results in a law enforcement officer receiving payment therefor or any person who conspires to commit a violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages paid or by imprisonment for not more than 2 years. [See page 61]**

**Note: Subject to Decertification by POST by “clear and convincing evidence” standard.**

**SECTION 91. [Prisoner Right Violations – Indecent A&B]**

**Chapter 265 of the General Laws is hereby amended by inserting after section 13H the following section:-**

Section 13H½. (a) For the purposes of **this section “law enforcement officer” shall mean a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police officer in the employ of a public institution of higher education pursuant to section 5 of**

**chapter 15A, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a parole officer, an officer of the department of youth services, a constable, a campus police officer who holds authority as a special state police officer or a person impersonating one of the foregoing.**

**(b) A law enforcement officer who commits an indecent assault and battery on a person who has attained the age of 14 and who is in the custody or control of such law enforcement officer shall be punished by imprisonment in the state prison for not more than 5 years,** or by imprisonment for not more than 2½ years in a jail or house of correction. In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

**(c) A law enforcement officer who commits an indecent assault and battery on an elder (>=60) or person with a disability, as defined in section 13K, and who is in the custody or control of such law enforcement officer shall be punished by imprisonment in the state prison for not more than 10 years,** or by imprisonment in the house of correction for not more than 2½ years, and a law enforcement officer who commits a second or subsequent such offense shall be punished by imprisonment in the state prison for not more than 20 years. In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

**(d) A law enforcement officer who commits an indecent assault and battery on a person in their custody or control who is known to such law enforcement officer as having an intellectual disability** shall for the first offense be punished by imprisonment in the state prison for **not less than 5 years or not more than 10 years**; and for a second or subsequent offense shall be punished by imprisonment in the state prison for not less than 10 years. Except in the case of a

conviction for the first offense for violation of this subsection, the imposition or execution of the sentence shall not be suspended, and no probation or parole shall be granted until the minimum imprisonment herein provided for the offense shall have been served. In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

(e) A law enforcement officer who commits an **indecent assault and battery on a child under the age of 14** and who is in the custody or control of such law enforcement officer shall be punished by imprisonment in the state prison for not more than **10 years**, or by imprisonment in the house of correction for not more than 2 and one-half years. A prosecution commenced under this subsection shall neither be continued without a finding nor placed on file. In a prosecution commenced under this subsection, a child under the age of 14 shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

**SECTION 92. Section 22 of said chapter 265, as appearing in the 2018 Official Edition, is hereby amended by adding the following subsection:-**

(c) **A law enforcement officer who has sexual intercourse with a person in the custody** or control of the law enforcement officer **shall be found to be in violation of subsection (b),** provided, however, that for the purposes of this subsection, "sexual intercourse" shall include vaginal, oral or anal intercourse, including fellatio, cunnilingus or other intrusion of a part of a person's body or an object into the genital or anal opening of another person's body.

**In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to sexual intercourse with such law enforcement officer.**

For the purposes of this subsection, “law enforcement officer” shall mean a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police officer in the employ of a public institution of higher education pursuant to section 5 of chapter 15A, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a parole officer, an officer of the department of youth services, a constable, a campus police officer who holds authority as a special state police officer or a person impersonating any of the foregoing.

**SECTION 94.** [“No Knock” Warrants]

Chapter 276 of the General Laws is hereby amended by inserting after section 2C the following section:-

Section 2D. (a) A warrant that does not require a law enforcement officer to knock and announce their presence and purpose before forcibly entering a residence shall not be issued except by a JUDGE and only if the affidavit supporting the request for the warrant:

- (i) establishes probable cause that if the law enforcement officer announces their presence their life or the lives of others will be endangered; AND
- (ii) includes an attestation that the law enforcement officer filing the affidavit has no reason to believe that minor children (<18) or adults over the age of 65 are in the home, unless there is a credible risk of imminent harm to the minor or adult over the age of 65 in the home.

(b) A police officer executing a search warrant shall knock and announce their presence and purpose before forcibly entering a residence unless authorized by a warrant to enter pursuant to subsection (a). [above]



**(c) An officer shall not dispense with the requirements of subsections (a) and (b) except to prevent a credible risk of imminent harm as defined in section 1 of chapter 6E. [not defined]**

**(d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if a law enforcement officer violates this section.**

**SECTION 95.** Subsection (a) of section 100F of said chapter 276, as appearing in the 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A petitioner who has not more than 2 records as an adjudicated delinquent or adjudicated youthful offender may, on a form furnished by the commissioner and signed under the penalties of perjury, petition that the commissioner expunge the record or records; provided, however, that multiple offenses arising out of the same incident shall be considered a single offense for the purposes of this section.

**SECTION 96.** Subsection (a) of section 100G of said chapter 276, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A petitioner who has not more than 2 records of conviction may, on a form furnished by the commissioner and signed under the penalties of perjury, petition that the commissioner expunge the record or records; provided, however, that multiple offenses arising out of the same incident shall be considered a single offense for the purposes of this section.

**SECTION 97.** Subsection (a) of section 100H of said chapter 276, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A petitioner who has not more than 2 records that do not include an adjudication as a delinquent, an adjudication as a youthful offender or a conviction may, on a form furnished by the

commissioner and signed under the penalties of perjury, petition that the commissioner expunge the record or records; provided, however, that multiple offenses arising out of the same incident shall be considered a single offense for the purposes of this section.

**SECTION 98. [Probation – Petition for Expungement]**

Said chapter 276 is hereby further amended by striking out section 100I, as so appearing, and inserting in place thereof the following section:-

Section 100I. (a) The commissioner shall certify that a record or records that are the subject of the petition filed pursuant to section 100F, section 100G or section 100H are eligible for expungement provided that:

(1) any offense resulting in the record or records that are the subject of the petition is not a criminal offense included in section 100J;

(2) all offenses that are the subject of the petition to expunge the record or records occurred before the petitioner's twenty-first birthday;

(3) all offenses that are the subject of the petition to expunge the record or records, including any period of incarceration, custody or probation, occurred not less than 7 years before the date on which the petition was filed if the record or records that are the subject of the petition include a felony, and not less than 3 years before the date on which the petition was filed if the record or records that are the subject of the petition only include a misdemeanor or misdemeanors;

(4) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50 and the record or records that are the subject of the petition to expunge, the petitioner does not have any other criminal court appearances, juvenile court appearances or dispositions on file with the

commissioner; provided, however, multiple offenses arising out of the same incident shall be considered a single offense for the purposes of this section;

(5) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50, the petitioner does not have any criminal court appearances, juvenile court appearances or dispositions on file in any other state, United States possession or in a court of federal jurisdiction; and

(6) the petition includes a certification by the petitioner that, to the petitioner's knowledge, the petitioner is not currently the subject of an active criminal investigation by any criminal justice agency.

Any violation of section 7 of chapter 209A or section 9 of chapter 258E shall be treated as a felony for purposes of this section.

**SECTION 99. [Submission of Disciplinary Records to POST]**

**Notwithstanding any general or special law or collective bargaining agreement to the contrary, on or before September 30, 2021, every law enforcement agency, as defined in section 1 of chapter 6E of the General Laws, shall provide to the Massachusetts peace officer standards and training commission, in a form to be determined by the commission, a comprehensive disciplinary record for each law enforcement officer, as defined by said section 1 of said chapter 6E, employed by said agency, including, but not limited to:**

- (i) **every complaint of which the officer was the subject of during the course of their employment with the agency;** and
- (ii) **all disciplinary records of the officer, including the final disposition of a complaint, if any, and any discipline imposed.**

On or before **December 1, 2021**, the commission shall provide to each agency a list of each officer currently employed in the commonwealth, and each agency shall provide to the commission, in a form to be determined by the commission, **a comprehensive disciplinary record for each law enforcement officer previously employed by said agency** or a transferor agency for which the agency is the transferee agency, including, but not limited to:

- (i) every complaint of which the officer was the subject of during the course of their employment with the agency; and
- (ii) all disciplinary records of the officer, including the final disposition of a complaint, if any, and any discipline imposed.

**SECTION 100. [Appointment of POST Terms]**

Notwithstanding subsections (b), (c), and (d) of section 2 of chapter 6E of the General Laws, in making the initial appointments to the Massachusetts peace officer standards and training commission, **the governor shall appoint 3 commissioners for a 1-year term**; the attorney general shall appoint 3 commissioners for a 2-year term; and the governor and the attorney general shall jointly appoint 1 commissioner for a 3-year term, 1 commissioner for a 4-year term and 1 commissioner for a 5-year term. Thereafter, as the term of a commissioner expires, their successor shall be appointed for a 5-year term pursuant to said section 2 of said chapter 6E. A person appointed pursuant to this section for less than 5 years shall be eligible for re-appointment to the commission for 2 full 5-year terms.

**SECTION 101. [Effective April 1, 2021 = POST Appointments]**

**The initial appointments to the Massachusetts peace officer standards and training commission under section 2 of chapter 6E of the General Laws shall be made not later than April 1, 2021.** All subsequent appointments shall be made within 30 days of an expired term or, if the vacancy is due to something other than an expired term, within 90 days.

**SECTION 102. [Effective July 1, 2021] [Certifications, Waivers and Exemptions]**

**(a) Notwithstanding section 4 of chapter 6E of the General Laws, a law enforcement officer, as defined in section 1 of said chapter 6E, who has completed an academy or training program certified by the municipal police training committee or the training programs prescribed by chapter 22C of the General Laws on or before the effective date of this section and is appointed as a law enforcement officer as of the effective date of this section, shall be certified as of the effective date of this section.** Notwithstanding section 4 of chapter 6E of the General Laws or the preceding sentence, **a law enforcement officer**, as defined in section 1 of said chapter 6E, **who has completed an academy or training program certified by the municipal police training committee or the training programs prescribed by chapter 22C of the General Laws on or before December 1, 2021, and is appointed as a law enforcement officer as of December 1, 2021, shall be certified as of the effective date of this section.** **No officer who is certified pursuant to this section shall be required to complete or repeat a basic training program if such officer previously completed a basic training program provided or approved by the municipal police training committee or its predecessor, the criminal justice training council or received previous basic training that the municipal police training committee deems equivalent to Massachusetts training standards [Out of State].**

(b) All law enforcement officers who have completed a **reserve training program** on or before the effective date of this section shall be certified as of the effective date of this section. Prior to the expiration of that certification, **the officer shall complete additional training as required by the municipal police training committee.**

(c) **Any training waiver or [permanent] exemption granted by the municipal police training committee prior to the effective date of this section shall expire 6 months after the effective date of this section.** Any person who has not completed an academy or training program certified by the municipal police training committee or the training programs prescribed by said chapter 22C on or before the effective date of this section, and has been appointed to a law enforcement position as of the effective date of this section, shall not exercise police powers following the expiration of any training waiver or exemption under this section. **Prior to the expiration of this 6-month period, the person may obtain from the municipal police training committee a waiver or an extension of time necessary to complete training according to a work plan approved by the municipal police training committee.**

(d) The certification of a law enforcement officer who has graduated from an academy or training program certified by the municipal police training committee or the training programs prescribed by said chapter 22C who is certified as a result of this section and whose **Last Names** begin with:

- (i) **A to H, inclusive, shall expire 1 year after the effective date** of this section;
- (ii) **I to P, inclusive, shall expire 2 years after the effective date of this section;** and
- (iii) **Q to Z, inclusive, shall expire 3 years after the effective date of this section.**

**SECTION 103. [Commission on Corrections and Juvenile Detention Officers]**

**(a) There shall be a commission to review and make recommendations on: (i) improving, modernizing and developing comprehensive protocols for the training of state and county correction officers and juvenile detention officers;** (ii) establishing clear limitations on the use of physical force by state and county correction officers and juvenile detention officers; and (iii) requiring that an inmate and the inmate's legally designated representative have the right to obtain a copy of all records relating to any use of force incident involving the inmate including, but not limited to, written reports, investigations, video and audio recordings and photographs; (iv) making a public record, and to what extent, records relating to any use of force incident involving an inmate; and (v) creating an independent body with the power to certify, renew, revoke or otherwise modify the certification of state and county correction officers and juvenile detention officers and the power to receive, investigate and adjudicate complaints of officer misconduct.

(b) The commission shall consist of: a former judge appointed by the chief justice of the supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1 correctional officer who shall be appointed by the New England Police Benevolent Association, Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the commissioner of the department of youth services or a designee; 1 correction officer who shall be appointed by the president of the Massachusetts Correction Officers Federated Union; 1 member appointed by American Federation of State, County and Municipal Employees Council 93 who shall be an employee of the department of youth services and who shall have not less than 5 years of experience working in a department of youth services secure facility; the executive director of Citizens for Juvenile Justice, Inc. or a designee; the executive director of Prisoners' Legal Services or a designee; the president of the National Association for the Advancement of Colored People

New England Area Conference or a designee; the executive director of Lawyers for Civil Rights, Inc. or a designee; the president of the Massachusetts Bar Association or a designee; 2 members appointed by the Massachusetts Black and Latino legislative caucus who shall not be members of the caucus; 2 members appointed by the Massachusetts House Asian Caucus who shall not be members of the caucus; the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; and 2 members who shall be appointed by the governor, 1 of whom shall be a member of the LGBTQ community and 1 of whom shall be a formerly-incarcerated woman.

(c) In order to establish clear limitations on the use of physical force by correctional officers, the commission shall collect and analyze data on the use of force against inmates. The department of correction and sheriffs' departments shall provide the commission access to any and all reports written pursuant to 103 CMR 505.13 (1) and (2), or successor provisions. The commission shall ascertain whether the information provided is uniform, standardized and reasonably complete and, if not, shall recommend policies to increase uniformity, standardization and completeness.

(d) The commission shall report and file its findings and recommendations, including any legislation, with the clerks of the house of representatives and senate and the joint committee on public safety and security not later than December 31, 2021.

**SECTION 104.** [Commission on Body Worn Cameras] [July 31, 2022]

(a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Biometric data”, computerized data relating to the physical, physiological or behavioral characteristics of a natural person, which allow or confirm the unique identification of such person,



including, but not limited to, **facial recognition**, fingerprints, palm veins, deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

**“Body-worn camera”**, a portable electronic recording device worn on a law enforcement officer’s person that creates, generates, sends, receives, stores, displays and processes audiovisual recordings or records audio and video data of law enforcement-related encounters and activities.

“Facial recognition software”, a category of biometric software that maps an individual’s facial features mathematically and stores the data as a face print.

**“Law enforcement officer”, as defined in section 1 of chapter 6E of the General Laws.**

“Law enforcement-related activities”, activities by a law enforcement officer, including, but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control or non-community caretaking interactions with an individual while on patrol; provided, however, that “law enforcement-related activities” shall not include completion of paperwork alone or only in the presence of other law enforcement officers or civilian law enforcement personnel.

“Recording”, the process of capturing data or information stored on a recording medium.

(b) **The executive office of public safety and security, in collaboration with the executive office of technology services and security, shall establish the law enforcement body camera task force.** **The task force shall propose regulations establishing a uniform code for the procurement and use of body-worn cameras by law enforcement officers to provide consistency throughout the commonwealth.** The task force shall propose minimum requirements for the storage and transfer of audio and video recordings collected by body-worn cameras. The task force shall conduct not fewer than 5 public hearings in various parts of the commonwealth to hear testimony and comments from the public.

(c) **The task force shall consist of 25 members: the secretary of public safety and security or a designee;** the secretary of technology services and security or a designee; the attorney general or a designee; a member appointed by the committee for public counsel services; a district court judge appointed by the chief justice of the supreme judicial court; 2 members appointed by the Massachusetts Black and Latino legislative caucus who shall have expertise in constitutional or civil rights law; **1 member appointed by the chair of the Massachusetts Minority Law Enforcement Officers Association; 1 member appointed by the chair of the Massachusetts Minority State Police Officers Association, Inc.; 1 member appointed by the chair of the Massachusetts Latino Police Officers Association, Inc.; 1 member appointed by the chair of the Massachusetts Association of Women in Law Enforcement, Inc.;** 2 members appointed by the Massachusetts House Asian Caucus who shall have expertise in constitutional or civil rights law; **the president of the Massachusetts Sheriffs' Association or a designee; 1 member appointed by the Massachusetts Coalition of Police, Inc.; the colonel of state police or a designee;** the president of the Massachusetts District Attorneys Association or a designee; the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; the president of the National Association for the Advancement of Colored People New England Area Conference or a designee; the president of the Massachusetts Defense Lawyers Association, Inc., or a designee; and 5 members appointed by the governor, **1 of whom shall be a police chief in a municipality with a body camera pilot program and a population of not fewer than 100,000 people, 1 of whom shall be a police chief in a municipality with a body camera pilot program and a population of not more than 50,000 people,** 1 of whom shall be an expert on constitutional or privacy law who is employed by a law school in the commonwealth, 1 of whom shall be an

elected official in a municipality with a body camera pilot program and 1 of whom shall be a representative of a law enforcement labor organization.

(d) The task force shall elect a chair and vice-chair. A meeting of the task force may be called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of business shall consist of 7 members. All members of the task force shall serve without compensation. The executive agencies convening the task force shall assign administrative personnel to assist the work of the task force. The task force shall meet not less than 12 times. In addition to taking public testimony, the task force shall seek the advice of experts specializing in the fields of criminology, education, criminal or family law or other related fields, as appropriate.

(e) **On or before July 31, 2022, the task force shall, by majority vote, adopt recommended regulations for law enforcement agencies.** The regulations recommended by the task force shall include, but not be limited to: (i) standards for the procurement of body-worn cameras and vehicle dashboard cameras by law enforcement agencies, including a requirement that such cameras or associated processing software include technology for redacting the images and voices of victims and bystanders; (ii) standards regarding the use of facial recognition or other biometric-matching software or other technology to analyze recordings obtained through the use of such cameras; provided, however, that such standards may prohibit or allow such use subject to requirements based on best practices and protocols; (iii) standards for training law enforcement officers in the basic use of such cameras; (iv) standards for: (A) the types of law enforcement encounters and interactions that shall be recorded and what notice, if any, shall be given to those being recorded; and (B) when a camera should be activated and when to discontinue recording; (v) a requirement that a camera be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation; (vi) **a requirement preventing an officer from**

**accessing or viewing any recording of an incident involving the officer before the officer is required to make a statement about the incident;**

(vii) standards for the identification, retention, storage, maintenance and handling of recordings from body cameras, including a requirement that recordings be retained for not less than 180 days but not more than 30 months for a recording not relating to a court proceeding or ongoing criminal investigation or for the same period of time that evidence is retained in the normal course of the court's business for a recording related to a court proceeding; (viii) standards pertaining to the recordings of use of force, detention or arrest by a law enforcement officer or pertaining to ongoing investigations and prosecutions to assure that recordings are retained for a period sufficient to meet the needs of all parties with an interest in the recordings; (ix) standards for the security of facilities in which recordings are kept; (x) requirements for state procurement of contracts for body-worn cameras and for data storage through which qualified law enforcement agencies may purchase goods and services; (xi) best practice language for contracts with third-party vendors for data storage, which shall provide that recordings from such cameras are the property of the law enforcement agency, are not owned by the vendor and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the law enforcement agency; (xii) procedures for supervisory internal review and audit; (xiii) sanctions for improper use of cameras, including a requirement that a law enforcement officer who does not activate a body-worn camera in response to a call for assistance shall include that fact in their incident report and note in the case file or record the reason for not activating the camera; (xiv) sanctions for tampering with a camera or recordings and for improper destruction of recordings; (xv) regulations pertaining to handling requests for the release of information recorded by a body-worn camera to the public; (xvi) requirements for reporting by law enforcement agencies utilizing body-worn cameras; (xvii) a retention schedule for recordings to ensure that storage

policies and practices are in compliance with all relevant laws and adequately preserve evidentiary chains of custody and identify potential discovery issues; and (xviii) a process by which body camera footage may be included in a public record.

(f) **Not later than July 31, 2021, the task force shall file an interim report on its work product, including its proposed regulations under subsection (e) and any proposed legislation that is necessary to effectuate the regulations with the clerks of the house of representatives and the senate and the joint committee on public safety and homeland security.**

**SECTION 105.** [Commission on *Facial Recognition Technology*]

**(a) Notwithstanding any special or general law to the contrary, there shall be a special legislative commission established pursuant to section 2A of chapter 4 of the General Laws to conduct a study on government use of facial recognition technology in the commonwealth.**

**The commission shall consist of 22 members:** 2 of whom shall be the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs; 3 of whom shall be appointed by the president of the senate; 3 of whom shall be appointed by the speaker of the house of representatives; 1 of whom shall be the minority leader of the house of representatives or a designee; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom shall be the chief justice of the supreme judicial court or a designee; 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public safety and security or a designee; 1 of whom shall be the registrar of motor vehicles or a designee; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the chief counsel for the committee for public counsel services or a designee; 1 of whom shall be the president of the National Association for the Advancement of Colored People New

England Area Conference or a designee; 1 of whom shall be the chief legal counsel for the Massachusetts Bar Association or a designee; **1 of whom shall be the colonel of state police or a designee**; 1 of whom shall be the president of the Massachusetts District Attorneys Association or a designee; **1 of whom shall be the president of the Massachusetts Chiefs of Police Association Incorporated or a designee**; 1 of whom shall be an academic expert in: (i) data science, artificial intelligence and machine learning; (ii) social implications of artificial intelligence and technology; or (iii) information policy, technology and the law, to be appointed by the governor.

The commission shall evaluate government use of facial recognition technology in the commonwealth and make recommendations to the legislature regarding appropriate regulations, limits, standards and safeguards. The commission shall:

- (i) survey current government uses of facial recognition technology in the commonwealth;
- (ii) consult with academic experts in the fields of machine learning, algorithmic bias, criminal law, and human rights;
- (iii) examine research regarding the ability of facial recognition technology to accurately identify people of different races, genders and ages;
- (iv) examine and evaluate the facial recognition system operated by the registry of motor vehicles, make recommendations for regular independent bias testing and propose standards to ensure accuracy and equity of the system based on age, race, gender and religion;
- (v) examine access to the facial recognition system operated by the registry of motor vehicles and the management of information derived from it, including, but not limited to, data retention, data sharing and audit trails;

(vi) evaluate current access by federal agencies to databases maintained by the commonwealth that catalogue images of faces and examine which agencies have such access, and the authorization for, and terms of, such access;

(vii) evaluate a requirement for law enforcement agencies to obtain a probable cause warrant prior to performing facial recognition searches, including the merits of requiring enhanced standards to perform a search similar to those set forth in section 99 of chapter 272 of the General Laws;

(viii) examine whether, and under what circumstances, it is appropriate for law enforcement agencies to perform facial recognition searches without a warrant, and make recommendations for safeguards regarding due process, accountability, oversight, documentation and transparency for any such searches;

(ix) provide recommendations for any necessary due process protections for criminal defendants when facial recognition technology is used in a criminal investigation;

(x) provide recommendations to ensure privacy for the public, including, but not limited to, the use of facial recognition to conduct surveillance of people in public spaces; and

(xi) provide recommendations for adequate training and oversight on the use of facial recognition technology.

**For the purposes of this section, “facial recognition” shall mean an automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on the physical characteristics of an individual’s face, head or body, that uses characteristics of an individual’s face, head or body to infer emotion, associations, activities or the location of an individual; provided, however, that “facial recognition” shall not include the use of search terms to sort images in a database.**

(b) The executive office of public safety and security shall, at the request of the commission, provide to the commission timely access to all information to be published in the annual report pursuant to subsection (d) of section 220 of chapter 6 of the General Laws.

(c) **The commission shall convene beginning not later than February 15, 2021** and shall submit its findings and recommendations, including any proposed legislation, relative to the use of facial recognition technology by filing the same with the clerks of the House of Representatives and senate and the governor not later than December 31, 2021.

**SECTION 106.** [Commission on Emergency Hospitalizations – Section 12s]

**(a) There shall be, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission on emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of the General Laws.** The commission shall: (i) study how often emergency hospitalizations are used by law enforcement professionals; (ii) examine the impact of emergency hospitalizations on law enforcement resources; (iii) create best practices for coordination of services for hospitalized individuals by law enforcement and medical professionals; and (iv) determine how to reduce police interactions with individuals frequently subject to emergency hospitalization.

(b) **The commission shall consist of 11 members:** the commissioner of mental health or a designee; the secretary of public safety and security or a designee; the executive director of the mental health legal advisors committee established in section 34E of chapter 221 of the General Laws or a designee; **2 law enforcement officers**, as defined in section 1 of chapter 6E of the General Laws, **to be appointed by the speaker of the house of representatives, of whom at least 1 shall reside in a gateway municipality** as defined in section 3A of chapter 23A of the



General Laws; 2 clinical social workers to be appointed by the president of the senate, of whom at least 1 shall reside in a gateway municipality, as defined in said section 3A of said chapter 23A; the president of the Massachusetts Medical Society or a designee; the president of the Massachusetts Nurses Association or a designee; **the president of the Massachusetts Chiefs of Police Association Incorporated or a designee; and the president of the Massachusetts Coalition of Police, Inc. or a designee.**

(c) **The commission shall conduct a thorough review of the policies and procedures related to emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of the General Laws.** The goals of the special commission shall be to: (i) develop strategies that reduce the amount of police resources and police interactions with individuals hospitalized pursuant to said subsection (a) of said section 12 of said chapter 123; (ii) better determine how law enforcement and medical professionals can coordinate services to advance the shared goals of public safety and public health in the commonwealth; and (iii) make recommendations, including, but not limited to, policy or legislative changes, related to emergency hospitalizations.

(d) **The commission shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the House of Representatives and the senate not later than September 30, 2021.**

**SECTION 107.** [**Commission to Examine *Civil Service***]

**(a) Notwithstanding any general or special law to the contrary, there shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study and examine the civil service law, personnel administration rules, hiring procedures**

**and by-laws for municipalities not subject to the civil service law and state police hiring practices.**

(b) **The commission shall consist of 29 members**; 3 members appointed by the governor, 1 of whom shall be a **member of a police officers' union**, 1 of whom shall be a member of a firefighters' union and 1 of whom shall be a member of a correctional officers' union; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or the executive director's designee; 1 of whom shall be the president of the National Association for the Advancement of Colored People New England Area Conference or the president's designee; 1 of whom shall be the **chair of the Massachusetts Law Enforcement Policy Group**, Inc.; 1 of whom shall be the **president of the Massachusetts Chiefs of Police Association Incorporated or the president's designee**; 1 of whom shall be the president of the Fire Chiefs' Association of Massachusetts, Inc. or the president's designee; 1 of whom shall be the **chair of the Massachusetts Association of Minority Law Enforcement Officers, Inc.**; 1 of whom shall be the **colonel of state police** or the colonel's designee; 1 of whom shall be the chairman of the civil service commission or the chairman's designee; 1 of whom shall be the secretary of administration and finance or the secretary's designee; 1 of whom shall be the president of the Massachusetts Bar Association or the president's designee; 1 of whom shall be the secretary of public safety and security or the secretary's designee; 1 of whom shall be the president of the Mass. Veterans' Service Agents Association, Inc. or the president's designee; 1 of whom shall be the secretary of veterans' services or the secretary's designee; 1 of whom shall be the commander of the Disabled American Veterans, Department of Massachusetts, Inc., or the commander's designee; 1 of whom shall be the executive director of the Massachusetts Municipal Association, Inc. or the executive director's designee; 1 of whom shall be the chair of the Massachusetts Black and Latino Legislative

Caucus or the chair's designee; 1 of whom shall be the chair of the Massachusetts House Asian Caucus or the chair's designee; 4 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall be the house chair of the joint committee on public service or the chair's designee and 1 of whom shall be appointed by the minority leader of the house of representatives; 4 members of the senate, 2 of whom shall be appointed by the senate president, 1 of whom shall be the senate chair of the joint committee on public service or designee and 1 of whom shall be appointed by the minority leader of the senate; and the attorney general or the attorney general's designee. The speaker of the House of Representatives shall appoint 1 co-chair from the house appointees to the commission and the senate president shall appoint 1 co-chair from the senate appointees to the commission.

(c) The commission shall study the employment, promotion, performance evaluation and disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the statutory merit preference status and the hiring from those eligible lists; (iii) all current civil service examinations and the use of the examinations for hiring and promotions; (iv) collective bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to civil service employees; and (vi) **identifying any barriers that exist in hiring, recruiting or promoting civil service employees.**

(d) The commission shall study the employment, promotion, performance evaluation and disciplinary procedures of municipalities not subject to the civil service law, including, but not limited to: (i) the hiring and recruitment procedures and by-laws for municipalities; (ii) all examinations administered by municipalities and the use of the examinations for hiring and promotions; (iii) the use of minimum eligibility guidelines and hiring qualifications or preferences;

(iv) collective bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to municipal employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting municipal employees.

(e) The commission shall study employment, promotion, performance evaluation and disciplinary procedures of the department of state police, including, but not limited to: (i) hiring and recruitment laws and procedures; (ii) the requirements of chapter 22C of the General Laws; (iii) all examinations used by the state police for hiring and promotions; (iv) collective bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to officers of the Massachusetts state police; and (vi) identifying any barriers that exist in hiring, recruiting or promoting officers of the department of state police.

(f) **The commission shall evaluate the feasibility of creating a statewide diversity office within the executive office of administration and finance to establish affirmative action plans and guidelines for municipalities, oversee the implementation of these plans and guidelines and monitor noncompliance. The commission shall examine the feasibility and cost of hiring or appointing a diversity officer for every city or town with a municipal police or fire department.**

(g) **The commission shall make recommendations for changes to the civil service law to improve diversity,** transparency and representation of the community in recruitment, hiring and training of civil service employees, including, but not limited to, any changes to civil service exams, merit preference status, eligible lists and appointment from eligible lists by hiring authorities. The commission shall make recommendations to improve diversity, transparency and representation of the community in recruitment, hiring and training for municipalities not subject to the civil service law and for the department of state police.

(h) The commission shall hold its first meeting not later than 30 days after the effective date of this act and shall meet at least monthly thereafter. The commission shall submit a report of its study and any recommendations, together with any draft legislation necessary to carry those recommendations into effect, by filing the same with the governor, the speaker of the House of Representatives and the president of the senate and the clerks of the House of Representatives and senate on or before **September 30, 2021**.

**SECTION 108. [Commission on a Statewide Cadet Program]**

(a) **Notwithstanding any special or general law to the contrary, there shall be a special legislative commission established pursuant to section 2A of chapter 4 of the General Laws to study the establishment of a statewide law enforcement officer cadet program.** The commission shall consist of 21 members: 2 of whom shall be the chairs of the joint committee on public safety and homeland security or their designees, who shall serve as co-chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1 of whom shall be the chair of the Massachusetts Black and Latino Legislative Caucus or a designee; 1 of whom shall be the chair of the Massachusetts House Asian Caucus or a designee; 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public safety and security or a designee; **1 of whom shall be the colonel of state police or a designee**; 1 of whom shall be the commissioner of correction or a designee; 1 of whom shall be the **training director of the Massachusetts peace officer standards and training commission or a designee**; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the National Association for the Advancement of Colored People New England Area Conference or a designee; and 8 of whom shall be appointed

by the governor, **1 of whom shall be from the State Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the Massachusetts Police Association, Inc., 1 of whom shall be from the Massachusetts Coalition of Police, Inc., 1 of whom shall be from the Massachusetts Sheriffs Association, Inc., 1 of whom shall be from the Massachusetts Association of Minority Law Enforcement Officers, Inc.; 1 of whom shall be from the Massachusetts Association of Women in Law Enforcement, Inc. and 1 of whom shall be from the Association of Chiefs of Police - State Universities of Massachusetts.**

(b) The appointments made by the governor pursuant to subsection (a) shall include women and people of color in such proportion as these groups exist in the commonwealth's population as periodically determined by the state secretary as the commonwealth's chief census officer.

(c) The commission shall evaluate the establishment of a statewide law enforcement officer cadet program in the commonwealth through which all law enforcement agencies, as defined in section 1 of chapter 6E of the General Laws, may hire law enforcement officers and shall make recommendations to the legislature. The commission shall study the feasibility and benefits of establishing said cadet program, including, but not limited to: (i) impact on diversity within law enforcement agencies; (ii) impact on veteran preference hiring within law enforcement agencies; (iii) recommendations to ensure increased diversity across law enforcement agencies; (iv) proposed standards for admission to the statewide cadet program, including, but not limited to, age, education and physical, psychological and mental health; (v) proposed standards, including form, method and subject matter, for a qualifying examination which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably measured and that are actually required to perform the primary or dominant duties of a law enforcement cadet; (vi)

proposed standards for completion of the cadet program and enlistment as a uniformed law enforcement officer; (vii) recommended cadet compensation and benefits, including, but not limited to, insurance coverage, retirement and pension benefits; (viii) the feasibility of providing specialized training required for appointment to a particular agency or by a city or town; and (ix) any other information the commission deems relevant.

(d) The commission shall submit its findings and recommendations relative to the establishment of a statewide law enforcement cadet program by filing the same with the clerks of the House of Representatives and the senate and the governor not later than December 31, 2021.

**SECTION 109.** [SRO Certification]

**Notwithstanding any general or special law to the contrary, a person who is appointed as a school resource officer, as defined in section 37P of chapter 71 of the General Laws, as of the effective date of this act may continue in such appointment without receiving a certification to serve as such pursuant to subsection (b) of section 3 of chapter 6E of the General Laws; provided, however, that they receive said certification by December 31, 2021.**

**SECTION 110.** [Commission to study Structural Racism in Correctional Facilities]

(a) **There shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission on structural racism in correctional facilities of the commonwealth.** The commission shall investigate and study disparate treatment of persons of color incarcerated at state and county correctional facilities and determine the role of structural racism in those disparities.

(b) The special legislative commission shall consist of 17 members: 4 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of the senate to be appointed by the senate president; 2 of whom shall be appointed by the governor, 1 of whom shall be the secretary of public safety and security; 1 of whom shall be the president of the Massachusetts Sheriffs Association, Inc. or a designee; 1 of whom shall be the president of the Massachusetts Correction Officers Federated Union or a designee; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Urban League of Eastern Massachusetts, Inc. or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC, Inc. or a designee; 1 of whom shall be the executive director of Prisoners' Legal Services or a designee; 1 of whom shall be the executive director of GLBTQ Legal Advocates & Defenders, Inc. or a designee; 1 of whom shall be the executive director of Massachusetts Coalition for the Homeless, Inc. or a designee; and 1 of whom shall be the chair of the New England Chapter of the American Immigration Lawyers Association or a designee.

(c) The special commission shall conduct a thorough review of the policies and procedures in place at state and county correctional facilities, both as written and as implemented, to determine if there are disparities in the treatment of persons of color and if structural racism at these facilities is a cause of those disparities. The special commission shall also conduct a thorough review of the access to educational, vocational or other programming options for incarcerated inmates and if there are disparities in access for persons of color and if structural racism is a cause of those disparities. The special commission shall make recommendations to eliminate any disparities in



the treatment of persons of color found at state and county facilities including policy or legislative changes.

(d) The special commission shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the House of Representatives and the senate not later than September 30, 2021.

**SECTION 111.** [Commission to Study Structural Racism in the Parole Process]

(a) **There shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission on structural racism in the parole process.** The commission shall make an investigation and study into disparate treatment of persons of color in the parole process and determine the role of structural racism in those disparities.

(b) The special legislative commission shall consist of 13 members: 3 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of the senate to be appointed by the senate president; 2 of whom shall be appointed by the governor, 1 of whom shall be a member of the parole board; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the National Association for the Advancement of Colored People New England Area Conference or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts Coalition for the Homeless, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC, Inc. or a designee; and 1 of whom shall be the executive director of Prisoners' Legal Services or a designee.

(c) The special commission shall conduct a thorough review of the parole process to determine if there are disparities in the treatment of persons of color in the granting or denying of parole and if structural racism is a cause of those disparities. The special commission shall also conduct a thorough review of any disparities in conditions of release placed on persons of color and if structural racism is a cause of those disparities. The special commission shall make recommendations to eliminate any disparities in the treatment of persons of color found in the parole process including policy or legislative changes.

(d) The special commission shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the House of Representatives and the senate not later than September 30, 2021.

**SECTION 112.** (a) **There shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission on structural racism in the Massachusetts Probation Service, referred to in this section as the commission.** The commission shall make an investigation and study into disparate treatment of persons of color in the probation process and determine the role of structural racism in those disparities.

(b) The special legislative commission shall consist of 13 members: 3 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of the senate to be appointed by the president of the senate; 1 of whom shall be appointed by the governor; 1 of whom shall be the commissioner of probation; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the

president of the National Association for the Advancement of Colored People New England Area Conference or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts Coalition for the Homeless, Inc. or a designee; and 1 of whom shall be the chief counsel of the committee for public counsel services or a designee.

(c) The special commission shall conduct a thorough review of the probation process to determine if there are disparities in the treatment of persons of color in the probation system and if structural racism is a cause of those disparities. The special commission shall also conduct a thorough review of any disparities in conditions or revocation of probation for persons of color and if structural racism is a cause of those disparities. The special commission shall make recommendations to eliminate any disparities in the treatment of persons of color found in the parole process including policy or legislative changes.

(d) The special commission shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the House of Representatives and the senate not later than September 30, 2021.

**SECTION 113.** [Commission to Review Model MOU for SROs]

**The model school resource officer memorandum of understanding review commission established pursuant to section 37P of chapter 71 of the General Laws shall convene not later than March 31, 2021 and shall develop its first model memorandum of understanding not later than February 1, 2022 for implementation starting in the 2022 school year.**

**SECTION 114.** Notwithstanding section 75 of chapter 3 of the General Laws, the following initial members of the commission on the status on Black men and boys shall be appointed for the following terms:

(a) The speaker of the House of Representatives shall appoint, on or before May 1, 2021, 1 member for a term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

(b) The president of the senate shall appoint, on or before May 1, 2021, 1 member for a term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

(c) The Massachusetts Black and Latino Legislative Caucus or its successor organization shall appoint, on or before May 1, 2021, 1 member for a term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

**SECTION 115.** **[MPTC to Study the Costs associated with Consolidating Police Academies]**

**Notwithstanding any general or special law to the contrary, the municipal police training committee, shall investigate and study the benefits and costs of consolidating existing municipal police training committee training academies located in Boylston, Plymouth, Randolph, Reading and in Western Massachusetts and the 9 reserve or intermittent academies authorized by the municipal police training committee into a single, full time training institution with full time instructional staff.**

- As part of the study, the municipal police training committee shall identify feasible and appropriate locations for such a campus or facility within the commonwealth.
- The study, including any recommendations for legislation, shall be filed with the clerks of the house and senate, the house and senate committees on ways and means and the joint committee on public safety and homeland security not later than **December 31, 2021.**

**SECTION 116. [Commission to Study Qualified Immunity]**

(a) **There shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to investigate and study the impact to the administration of justice of the qualified immunity doctrine in the commonwealth.**

- Said investigation and study shall include, without limitation, an analysis of the origins of qualified immunity and its present interpretation by the courts of the commonwealth, and the legal and policy rationale for, and the legal and policy impact of, the qualified immunity doctrine in the commonwealth.

(b) The special legislative commission shall consist of 15 members: 2 of whom shall be the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs; 2 of whom shall be members of the house of representatives appointed by the speaker of the house; 1 of whom shall be a member of the house of representatives appointed by the minority leader; 2 of whom shall be members of the senate appointed by the president of the senate; 1 of whom shall be a member of the senate appointed by the minority leader; 3 of whom shall be appointed by the governor, **1 of whom shall be a member of a police officers' union, 1 of whom shall be a member of a firefighters' union** and 1 of whom shall be a retired justice of the appeals court; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Massachusetts Bar Association or a designee; 1 of whom shall be the executive director of the Massachusetts Municipal Association, Inc. or a designee; and 1 of whom shall be the president of the National Association for the Advancement of Colored People New England Area Conference or a designee.

(c) The special legislative commission shall submit a report of its study and recommendations, together with legislation, if any, to the clerks of the House of Representatives and the senate on or before **September 30, 2021**.

**SECTION 117. [The community policing and behavioral health advisory council]**

(a) **The community policing and behavioral health advisory council**, established in subsection (e) of section 25 of chapter 19 of the General Laws, **shall study and make recommendations for creating a crisis response and continuity of care system that delivers alternative emergency services and programs across the commonwealth that reflect specific regional, racial, ethnic and sexual orientation needs and differences in delivering such services.**

- The study shall include, but not be limited to:
  - (i) a comprehensive review and evaluation of existing crisis intervention, alternative emergency response and jail diversion models, services and programs in the commonwealth at the state, county and municipal level and models used effectively in other jurisdictions;
  - (ii) a method for evaluating the effectiveness of existing crisis intervention, alternative emergency response and jail diversion models, services and programs in diverting individuals from the criminal justice system and emergency departments to appropriate care;
  - (iii) recommendations for expanding effective crisis intervention and jail diversion models, services and programs identified in clause (ii) across the commonwealth;
  - (iv) identification of crisis response training programs and protocols for law enforcement officers and 911 telecommunicators that reflect best practices and a

plan for standardizing systems and aligning such programs and protocols across the commonwealth;

- (v) identification of outcome measurements and data collection procedures to be used to evaluate the effectiveness of the crisis response system and its components;
- (vi) an analysis of the federal Substance Abuse and Mental Health Services Administration national guidelines for behavioral health crisis care, including regional crisis call centers and mobile crisis teams; and
- (vii) an estimate of the additional costs or cost savings of implementing the council's recommendations under this section and possible sources of funding for delivering the crisis response and continuity of care system at the state, county and municipal levels. In developing recommendations for a crisis response and jail diversion system, the council, where appropriate, shall prioritize non-police community-based programs.

**(b)** The council may commission an independent research or academic organization with expertise in clinical social work, criminal justice, behavioral health jail diversion modalities and accessible analysis of quantitative and qualitative data and communication of study results to conduct the study. The council shall facilitate the collection of data needed to complete the study pursuant to a memoranda of understanding with the department of mental health, the executive office of public safety and security, the executive office of health and human services and relevant social service agencies.

**(c)** The study shall be designed in consultation with interested stakeholders, including, but not limited to, the president of the National Association for the Advancement of Colored People New England Area Conference, the American Civil Liberties Union of Massachusetts, Inc.; the National

Association of Social Workers, Inc.; the Massachusetts Association for Mental Health, Inc.; the Association for Behavioral Healthcare, Inc. and members of the general court.

**(d)** Not later than **July 1, 2022**, the council shall submit the study's findings to the clerks of the senate and house of representatives, the joint committee on mental health, substance use and recovery, the joint committee on public health, the joint committee on health care financing, the joint committee on public safety and homeland security and the center for responsive training in crisis intervention established pursuant to section 25 of chapter 19 of the General Laws. The study's findings shall be published on the department of mental health's website. Not later than 3 months after receiving the study's findings, the council shall solicit public comment and hold not less than 4 public hearings, 1 of which shall be held in Berkshire, Franklin, Hampshire or Hampden county and 1 of which shall be held in the Worcester area.

**(e)** The council shall report on existing and innovative crisis response models and recommend legislation or regulations to advance and strengthen non-police solutions to crisis response and jail diversion. The report shall incorporate the study's findings and issues raised in public comments and hearings. The report and recommendations shall be submitted to the clerks of the senate and House of Representatives and the joint committee on mental health, substance use and recovery not later than July 1, 2023.

**(f)** The center for responsive training in crisis intervention shall consider the council's recommendations for incorporation into regional training opportunities and training curricula.

**SECTION 118.** [**Critical Incident Stress Management Teams**]

**Notwithstanding any general or special law to the contrary, the municipal police training committee, in consultation with the executive office of public safety and security, shall promulgate regulations requiring law enforcement agencies to participate in critical incident**



**stress management and peer support programs to address police officer mental wellness and suicide prevention as well as critical incident stress and the effect on public safety.**

- **The programs shall be created internally within an agency or agencies may collaborate within a regional system.**
- **The programs shall include, but shall not be limited to, mental wellness and stress management pre-incident and post-incident education, peer support, availability and referral to professional resources and assistance.**
- **The municipal police training committee shall ensure that each officer is notified of the program during each 3-year certification cycle under this act.**

**SECTION 119.** [POST to issue guidance on De-escalation for minors]

**Notwithstanding any general or special law to the contrary, not later than June 30, 2021, the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E shall issue guidance on developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person's age, disability status, developmental status, mental health, linguistic limitations or other mental or physical condition.**

**SECTION 120.** Notwithstanding any general or special law to the contrary, section 100I of chapter 276 of the General Laws, as inserted by section 97, shall apply to any pending petition for expungement filed pursuant to sections 100F, 100G or 100H of said chapter 276 that was filed on or before the effective date of this act. Any petition for expungement filed pursuant to said sections

100F, 100G or 100H of said chapter 276 that was denied before the effective date of this act solely because the petitioner had more than 1 record as an adjudicated delinquent or adjudicated youthful offender or of a conviction may immediately refile the petition under said section 100I of said chapter 276.

# SENATE . . . . . No. 2963

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## The Commonwealth of Massachusetts

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

SENATE, December 1, 2020

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2820) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4886),-- reports, a "Bill relative to justice, equity and accountability in law enforcement in the Commonwealth." (Senate, No. 2963).

For the Committee:

William N. Brownsberger

Sonia Chang-Díaz

Claire D. Cronin

Carlos González

The Commonwealth of Massachusetts

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

An Act relative to justice, equity and accountability in law enforcement in the Commonwealth.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide justice, equity and accountability in law enforcement, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*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 3 of the General Laws is hereby amended by adding the following  
2 4 sections:-

3           Section 72. (a) There shall be a permanent commission on the status of African  
4 Americans. The commission shall consist of: 3 persons appointed by the governor from a list of  
5 not less than 5 nominees provided by the Massachusetts branches of the National Association for  
6 the Advancement of Colored People New England Area Conference; 3 persons appointed by the  
7 president of the senate; and 3 persons appointed by the speaker of the house of representatives.  
8 Members of the commission shall be residents of the commonwealth who have demonstrated a  
9 commitment to the African American community. Members shall be considered special state  
10 employees for purposes of chapter 268A.

11 (b) A member of the commission shall serve a term of 3 years and until a successor is  
12 appointed. Vacancies in the membership of the commission shall be filled by the original  
13 appointing authority for the balance of the unexpired term.

14 (c) The commission shall annually elect from among its members a chair, a vice chair, a  
15 treasurer and any other officers it considers necessary. The members of the commission shall  
16 receive no compensation for their services; provided, however, that members shall be reimbursed  
17 for any usual and customary expenses incurred in the performance of their duties.

18 (d) The commission shall be a resource to the commonwealth on issues affecting African  
19 Americans. It shall be a primary function of the commission to make policy recommendations,  
20 based on research and analysis, to the general court and executive agencies that: (i) ensure  
21 African Americans equitably benefit from and have access to government services in the same  
22 manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have  
23 benefited citizens of the commonwealth to the exclusion of African Americans; and (iii) promote  
24 solutions that address the impact of discrimination against African Americans. Further, the  
25 commission shall: (A) promote research and be a clearinghouse and source of information on  
26 issues pertaining to African Americans in the commonwealth; (B) inform the public and leaders  
27 of business, education, human services, health care, judiciary, state and local governments and  
28 the media of the historical and current implications of systemic racism on the African American  
29 community across the commonwealth and the unique cultural, social, ethnic, economic and  
30 educational issues affecting African Americans in the commonwealth; (C) serve as a liaison  
31 between government and private interest groups with regard to matters of unique interest and  
32 concern to African Americans in the commonwealth; (D) identify and recommend qualified  
33 African Americans for appointive positions at all levels of government, including boards and

34 commissions; (E) assess programs and practices in all state agencies as they affect African  
35 Americans using a racial equity framework; (F) advise executive agencies and the general court  
36 on the potential effect on African Americans of proposed legislation and regulations using a  
37 racial equity framework; (G) monitor executive and legislative action purported to eliminate  
38 systemic racism for its impact on African Americans using a racial equity framework; and (H)  
39 generally undertake activities designed to enable the commonwealth to realize the full benefit of  
40 the skills, talents and cultural heritage of African Americans in the commonwealth.

41 (e) Annually, not later than June 2, the commission shall report the results of its findings  
42 and activities of the preceding year and its recommendations to the governor and to the clerks of  
43 the house of representatives and senate.

44 (f) The powers of the commission shall include, but not be limited to: (i) directing a staff  
45 to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other  
46 public forums as necessary; (iii) using the voluntary and uncompensated services of private  
47 individuals, agencies and organizations that may from time to time be offered and needed,  
48 including provision of meeting places and refreshments; (iv) establishing and maintaining offices  
49 that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance;  
50 (vi) contracting or collaborating with academic institutions, private sector consultants or other  
51 professionals for research and analysis; and (vii) recommending policies and making  
52 recommendations to agencies and officers of the state and local subdivisions of government to  
53 effectuate the purposes of subsection (d).

54 (g) The commission may request information and assistance from state agencies as the  
55 commission requires.

56 (h) The commission may accept and solicit funds, including any gifts, donations, grants  
57 or bequests or any federal funds for any of the purposes of this section. The commission shall  
58 receive settlement funds payable to the commonwealth related to matters involving racial  
59 discrimination or other bias toward African Americans; provided, that the attorney general shall  
60 deposit any such settlement funds into the separate account with the state treasurer; provided,  
61 however, that the commission shall not receive more than \$2,000,000 in settlement funds in any  
62 single fiscal year or cumulatively more than \$2,500,000 in settlement funds in any period of 5  
63 fiscal years. Funds received under this subsection shall be deposited in a separate account with  
64 the state treasurer, received by the treasurer on behalf of the commonwealth and expended by the  
65 commission in accordance with law.

66 (i) The commission staff shall consist of an executive director, employees, consultants  
67 and unpaid volunteers who assist the commission in effectuating its statutory duties. The  
68 commission shall appoint the executive director for a term of 3 years.

69 Section 73. (a) There shall be a permanent commission on the status of Latinos and  
70 Latinas. The commission shall consist of: 3 persons appointed by the governor from a list of not  
71 less than 5 nominees provided by gateway municipalities as defined in section 3A of chapter  
72 23A where 40 per cent or more of the population are Latinos and Latinas; 3 persons appointed by  
73 the president of the senate; and 3 persons appointed by the speaker of the house of  
74 representatives from a list of not less than 5 nominees provided by the Massachusetts Black and  
75 Latino Legislative Caucus. Members of the commission shall be residents of the commonwealth  
76 who have demonstrated a commitment to the Latino and Latina community. Members shall be  
77 considered special state employees for purposes of chapter 268A.

78 (b) A member of the commission shall serve a term of 3 years and until a successor is  
79 appointed. Vacancies in the membership of the commission shall be filled by the original  
80 appointing authority for the balance of the unexpired term.

81 (c) The commission shall annually elect from among its members a chair, a vice chair, a  
82 treasurer and any other officers it considers necessary. The members of the commission shall  
83 receive no compensation for their services; provided however, that members shall be reimbursed  
84 for any usual and customary expenses incurred in the performance of their duties.

85 (d) The commission shall be a resource to the commonwealth on issues affecting Latinos  
86 and Latinas. It shall be a primary function of the commission to make policy recommendations,  
87 based on research and analysis, to the general court and executive agencies that: (i) ensure  
88 Latinos and Latinas equitably benefit from and have access to government services in the same  
89 manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have  
90 benefited citizens of the commonwealth to the exclusion of Latinos and Latinas; and (iii)  
91 promote solutions that address the impact of discrimination against Latinos and Latinas. Further,  
92 the commission shall: (A) promote research and be a clearinghouse and source of information on  
93 issues pertaining to Latinos and Latinas in the commonwealth; (B) inform the public and leaders  
94 of business, education, human services, health care, judiciary, state and local governments and  
95 the media of the historical and current implications of systemic racism on the Latino and Latina  
96 community across the commonwealth and the unique cultural, social, ethnic, economic and  
97 educational issues affecting Latinos and Latinas in the commonwealth; (C) serve as a liaison  
98 between government and private interest groups with regard to matters of unique interest and  
99 concern to Latinos and Latinas in the commonwealth; (D) identify and recommend qualified  
100 Latinos and Latinas for appointive positions at all levels of government, including boards and



101 commissions; (E) assess programs and practices in all state agencies as they affect Latinos and  
102 Latinas using a racial equity framework; (F) advise executive agencies and the general court on  
103 the potential effect on Latinos and Latinas of proposed legislation and regulations using a racial  
104 equity framework; (G) monitor executive and legislative action purported to eliminate systemic  
105 racism for its impact on Latinos and Latinas using a racial equity framework; and (H) generally  
106 undertake activities designed to enable the commonwealth to realize the full benefit of the skills,  
107 talents and cultural heritage of Latinos and Latinas in the commonwealth.

108 (e) Annually, not later than June 2, the commission shall report the results of its findings  
109 and activities of the preceding year and its recommendations to the governor and to the clerks of  
110 the house of representatives and senate .

111 (f) The powers of the commission shall include, but not be limited to: (i) directing a staff  
112 to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other  
113 public forums as necessary; (iii) using the voluntary and uncompensated services of private  
114 individuals, agencies and organizations that may from time to time be offered and needed,  
115 including provision of meeting places and refreshments; (iv) establishing and maintaining offices  
116 that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance;  
117 (vi) contracting or collaborating with academic institutions, private sector consultants or other  
118 professionals for research and analysis; and (vii) recommending policies and making  
119 recommendations to agencies and officers of the state and local subdivisions of government to  
120 effectuate the purposes of subsection (d).

121 (g) The commission may request information and assistance from state agencies as the  
122 commission requires.

123 (h) The commission may accept and solicit funds, including any gifts, donations, grants  
124 or bequests or any federal funds for any of the purposes of this section. The commission shall  
125 receive settlement funds payable to the commonwealth related to matters involving racial  
126 discrimination or other bias toward Latinos and Latinas; provided, that the attorney general shall  
127 deposit any such settlement funds into the separate account with the state treasurer; provided,  
128 however, that the commission shall not receive more than \$2,000,000 in settlement funds in any  
129 single fiscal year or cumulatively more than \$2,500,000 in settlement funds in any period of 5  
130 fiscal years. Funds received under this subsection shall be deposited in a separate account with  
131 the state treasurer, received by the treasurer on behalf of the commonwealth and expended by the  
132 commission in accordance with law.

133 (i) The commission staff shall consist of an executive director, employees and consultants  
134 and unpaid volunteers who assist the commission in effectuating its statutory duties. The  
135 commission shall appoint the executive director for a term of 3 years.

136 Section 74. (a) There shall be a permanent commission on the status of persons with  
137 disabilities. The commission shall consist of: 3 persons appointed by the president of the senate;  
138 3 persons appointed by the speaker of the house of representatives; 1 person appointed by the  
139 minority leader of the senate; 1 person appointed by the minority leader of the house of  
140 representatives; 7 persons appointed by the governor; the attorney general or their designee; the  
141 state treasurer or their designee; the state secretary or their designee; the executive director of the  
142 disabled persons protection commission or their designee; 1 person from the University of  
143 Massachusetts medical school Work Without Limits program; 1 person from the Massachusetts  
144 Disability Policy Consortium; 1 person from the Association of Developmental Disabilities  
145 Providers, Inc.; and 1 person from the Massachusetts Developmental Disabilities Council.

146 (b) Members of the commission shall be drawn from diverse racial, ethnic, religious, age,  
147 disability, sexual orientation, gender identity and expression and socio-economic backgrounds,  
148 and should have personal experience, professional background or demonstrated interest on issues  
149 relating to persons with disabilities. It shall be the goal of the commission to include  
150 representation from a broad spectrum of disabilities, as well as perspectives of family members,  
151 disability advocacy organizations, human service agencies, regional employment collaboratives  
152 and business and labor organizations throughout the commonwealth.

153 (c) The commission shall be an independent agency of the commonwealth and shall not  
154 be subject to the control of any other department or agency. Members of the commission shall be  
155 subject to the provisions of chapter 268A as they apply to special state employees.

156 (d)(1) A member of the commission shall serve a term of 3 years and until a successor is  
157 appointed, or the member is reappointed by their appointing or nominating authority.

158 (2) Vacancies in the membership of the commission shall be filled by the original  
159 appointing or nominating authority for the balance of the unexpired term. If the position was  
160 filled by a nominating body, the replacement member shall be selected from solicited  
161 nominations. If the nominating body or appointing authority does not fill a position, the existing  
162 members of the commission shall fill the vacancy from a pool of qualified applicants pursuant to  
163 subsection (b).

164 (3) Nominations for vacancies in the membership shall be solicited through an open  
165 application process using a uniform and accessible application, which accommodates candidates  
166 of all abilities. Appointments shall be announced not later than April 1 of each year.

167 (4) The commission shall elect from among its members a chair, a vice-chair, a clerk, a  
168 treasurer and any other officers it deems necessary to carry out its mission.

169 (5) The members of the commission shall receive no compensation for their services, but  
170 shall be reimbursed for any usual and customary expenses incurred in the performance of their  
171 duties.

172 (e) An executive director shall be selected by the commission and may hire staff. The  
173 executive director shall be qualified by his or her experience working on issues relating to  
174 persons with disabilities, organizing research and reports, advocacy and communication skills  
175 and demonstrated leadership abilities. The executive director shall not simultaneously serve as a  
176 member of the commission.

177 (f) The commission shall work to advance the cause of all persons with disabilities in the  
178 commonwealth. The commission shall be empowered to (i) study, review, advise and report on:  
179 (A) any disparities across service or geographical areas concerning the range of available options  
180 within state disability services; (B) the status of transportation for persons with disabilities  
181 including access to employment opportunities; (C) the effect of public assistance for persons  
182 with disabilities as it pertains to earning limits and eligibility for subsidies for food, housing,  
183 child care and other benefits; (D) establishing school-to-work activities for transition aged youth  
184 with disabilities that establish a bridge to self-sufficiency and engage school supports, family  
185 members and employers; (E) the status of the strategic plan to make the commonwealth a model  
186 employer by seeking to increase the number of people with disabilities employed by the  
187 executive branch; (F) the enhanced enforcement of state requirements that promote diversity in  
188 state government employment; and (G) the number of persons with disabilities who apply for

189 state disability services and are unsuccessful in receiving services; (ii) facilitate and promote  
190 public awareness to encourage inclusion of persons with disabilities as employees and vendors  
191 within the private and public sector workforce, including under-represented business sectors of  
192 all sizes; (iii) assess programs and practices in all state agencies as they affect persons with  
193 disabilities, as the commission deems necessary and appropriate; (iv) advise executive and  
194 legislative bodies regarding the impact of proposed legislation on persons with disabilities; and  
195 (v) promote and facilitate collaboration among local disability commissions, disability rights  
196 advocacy organizations and disability employment service providers.

197 (g) The commission shall annually, not later than October 31, report the results of its  
198 findings and activities of the preceding fiscal year and its recommendations, which may include  
199 draft legislation, to the governor, the house and senate committees on ways and means, the clerks  
200 of the house of representatives and the senate, the joint committee on children, families and  
201 persons with disabilities and the joint committee on labor and workforce development.

202 (h) The powers of the commission shall include, but not be limited to: (i) using voluntary  
203 and uncompensated services of private individuals, agencies and organizations as may from time  
204 to time be offered and needed; (ii) reviewing policies and legislation and make recommendations  
205 to agencies and officers of the state and local subdivisions of government to effectuate the  
206 purposes of subsections (f) and (g); (iii) selecting an executive director and to acquire adequate  
207 staff to perform its duties; (iv) establishing and maintain such offices as it may deem necessary;  
208 (v) enacting by-laws for its own governance; (vi) establishing subcommittees or regional  
209 chapters of the commission as it deems necessary; and (vii) holding regular, public meetings and  
210 fact-finding hearings and other public forums as it may deem necessary.

211 (i) Public meetings should be held in a manner accessible to and welcoming of persons of  
212 all abilities with necessary accommodations to ensure broad participation. Notices of meetings  
213 and other information shall be posted to a publicly accessible website that also accommodates  
214 persons who are visually impaired.

215 (j) The commission may request from all state agencies such information and assistance  
216 as the commission may require.

217 (k) The commission may accept and solicit funds, including any gifts, donations, grants  
218 or bequests or any federal funds, for any of the purposes of this section. Such funds shall be  
219 deposited in a separate account with the state treasurer, be received by the state treasurer on  
220 behalf of the commonwealth and be expended by the commission in accordance with  
221 commission by-laws and state and federal law.

222 Section 75. (a) There shall be a permanent commission on the social status of Black men  
223 and boys to study and examine issues which disproportionately have a negative impact on Black  
224 men and boys in the commonwealth. The commission shall: (i) signal that the issues facing the  
225 Black male population are a national priority; (ii) develop solutions to these issues and (iii) help  
226 eliminate the obstacles facing Black men and boys. The commission should work to improve  
227 economic, education, criminal justice, public safety, housing, health and wellness, father-hood  
228 and mentorship outcomes of Black men and boys in the commonwealth.

229 (b) The commission shall consist of 21 members: 2 persons appointed by the speaker of  
230 the house of representatives, 2 persons appointed by the president of the senate, the  
231 commissioner of public health or their designee; the commissioner of social services or their  
232 designee; the commissioner of education or their designee; 1 additional member from the

233 department of education appointed by the commissioner of education; the commissioner of youth  
234 services or their designee; the commissioner of correction or their designee; the secretary of  
235 labor and workforce development or their designee; 3 additional persons appointed by the  
236 speaker of the house of representatives, none of whom shall be members of the general court; 3  
237 additional persons appointed by the president of the senate, none of whom shall be members of  
238 the general court; and 3 persons appointed by the Massachusetts Black and Latino Legislative  
239 Caucus or its successor organization, none of whom shall be a member of the general court.

240 Members of the commission shall be selected from diverse religious, age, sexual  
241 orientation, socio-economic and geographical backgrounds from throughout the commonwealth  
242 and shall have a sincere desire or experience in working toward the improvement of the social  
243 status of black men and boys. Members shall be subject to the provisions of chapter 268A as they  
244 apply to special state employees.

245 (c) Members shall serve terms of 3 years and until their successors are appointed.  
246 Members may be reappointed in the same manner in which they were originally appointed.

247 Vacancies in the membership of the commission shall be filled by the original appointing  
248 authority for the balance of the unexpired term.

249 The commission shall elect from among its members a chair, a vice chair, a treasurer and  
250 any other officers it deems necessary.

251 The members of the commission shall receive no compensation for their services, but  
252 shall be reimbursed for any usual and customary expenses incurred in the performance of their  
253 duties.

254 (d) The commission shall conduct an ongoing study of all matters concerning the social  
255 status of Black men and boys in the commonwealth. In furtherance of that responsibility, the  
256 commission shall: (i) study, review and report on the social status of Black men and boys in the  
257 commonwealth; (ii) inform leaders of business, education, health care, state and local  
258 governments and the media of issues pertaining to Black men and boys, (iii) serve as a liaison  
259 between government and private interest groups concerned with issues affecting Black men and  
260 boys; (iv) serve as a clearinghouse for information on issues pertaining to Black men and boys;  
261 (v) identify and recommend policies and programs to be implemented by state departments,  
262 agencies, commissions, and boards that will lead to the improved social status of Black men and  
263 boys, as the commission deems necessary and appropriate; and (vi) promote and facilitate  
264 collaboration among local agencies, including community-based organizations in the state, as the  
265 commission deems necessary and appropriate.

266 The commission shall annually, not later than August 31, report the results of its findings  
267 and activities of the preceding year and its recommendations to the governor and to the clerks of  
268 the house of representatives and senate.

269 (e) The powers of the commission shall include, but not be limited to: (i) using such  
270 voluntary and uncompensated services of private individuals, agencies and organizations as may  
271 from time to time be offered and needed; and (ii) recommending policies and making  
272 recommendations to agencies and officers of the state and local subdivisions of government to  
273 effectuate the purposes of this section.

274 (f) The powers of the commission shall include: (i) selecting an executive director and  
275 acquiring adequate staff to perform its duties, subject to appropriation, provided that said persons



276 are not members of said commission; (ii) establishing and maintaining such offices as it may  
277 deem necessary, subject to appropriation; (iii) enacting by-laws for its own governance; and (iv)  
278 holding regular, public meetings and to hold fact finding hearings and other public forums as it  
279 may deem necessary.

280 (g) The commission shall set its own meeting schedule.

281 (h) The commission may request from all state agencies such information and assistance  
282 as the commission may require. Each state agency shall cooperate with requests from the  
283 commission and shall provide such information and assistance requested, as permitted under the  
284 state law.

285 The commission may accept and solicit funds, including any gifts, donations, grants or  
286 bequests or any federal funds for any of the purposes of this section. Such funds shall be  
287 deposited in a separate account with the state treasurer, be received by the state treasurer on  
288 behalf of the commonwealth and be expended by the commission in accordance with law.

289 SECTION 2. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws is hereby  
290 amended by striking out subclause (c), as appearing in the 2018 Official Edition, and inserting in  
291 place thereof the following subclause:-

292 (c) personnel and medical files or information and any other materials or data relating to  
293 a specifically named individual, the disclosure of which may constitute an unwarranted invasion  
294 of personal privacy; provided, however, that this subclause shall not apply to records related to a  
295 law enforcement misconduct investigation.

296 SECTION 3. Section 17 of chapter 6 of the General Laws, as so appearing, is hereby  
297 amended by striking out, in lines 15 and 16, the words “, the municipal police training  
298 committee”.

299 SECTION 4. Said chapter 6 is hereby further amended by striking out section 116, as so  
300 appearing, and inserting in place thereof the following section:-

301 Section 116. As used in sections 116 to 116E, inclusive, and 116G to 116J, inclusive, the  
302 following words shall, unless the context clearly requires otherwise, have the following  
303 meanings:-

304 “Committee on police training and certification” or “committee”, the committee on police  
305 training and certification established in section 4 of chapter 6E.

306 “Law enforcement officer” or “officer”, as defined in section 1 of chapter 6E.

307 SECTION 5. The first paragraph of subsection (a) of section 116A of said chapter 6, as  
308 so appearing, is hereby amended by striking out the first sentence and inserting in place thereof  
309 the following sentence:-

310 The committee on police training and certification shall establish, within the recruit basic  
311 training curriculum, a course for police schools, academies and programs for the training of law  
312 enforcement officers in the commonwealth in the handling of domestic violence and sexual  
313 violence complaints and shall develop guidelines for law enforcement response to domestic  
314 violence and sexual violence.

315 SECTION 6. The second paragraph of said subsection (a) of said section 116A of said  
316 chapter 6, as so appearing, is hereby amended by striking out the first sentence.

317 SECTION 7. Said section 116A of said chapter 6, as so appearing, is hereby further  
318 amended by striking out, in lines 95 and 98, the words “municipal police training committee”  
319 and inserting in place thereof, in each instance, the following words:- committee on police  
320 training and certification.

321 SECTION 8. Section 116B of said chapter 6, as so appearing, is hereby amended by  
322 striking out, in lines 1 and 4, the words “municipal police training committee” and inserting in  
323 place thereof, in each instance, the following words:- committee on police training and  
324 certification.

325 SECTION 9. Said section 116B of said chapter 6, as so appearing, is hereby further  
326 amended by striking out, in line 6, the words “police academies” and inserting in place thereof  
327 the following words:- police schools, academies and programs.

328 SECTION 10. Section 116C of said chapter 6, as so appearing, is hereby amended by  
329 striking out subsection (a) and inserting in place thereof the following subsection:-

330 (a) The committee on police training and certification shall develop and establish within  
331 the recruit basic training curriculum a course for police training schools, academies and  
332 programs for the training of law enforcement officers in the commonwealth in law enforcement  
333 and related public safety technology. The course of instruction shall stress the use and  
334 application of technology to increase public safety.

335 SECTION 11. Said section 116C of said chapter 6, as so appearing, is hereby further  
336 amended by striking out, in lines 13 and 14, the words “, no later than January first, nineteen  
337 hundred and ninety-seven.”.

338 SECTION 12. Said section 116C of said chapter 6, as so appearing, is hereby further  
339 amended by striking out, in lines 31 and 37, the words “municipal police training committee”  
340 and inserting in place thereof, in each instance, the following words:- committee on police  
341 training and certification.

342 SECTION 13. Said section 116C of said chapter 6, as so appearing, is hereby further  
343 amended by striking out, in line 40, the words “one to six” and inserting in place thereof the  
344 following words:- 1 to 5.

345 SECTION 14. Section 116D of said chapter 6, as so appearing, is hereby amended by  
346 striking out, in line 1, the words “municipal police training committee” and inserting in place  
347 thereof the following words:- committee on police training and certification.

348 SECTION 15. Said section 116D of said chapter 6, as so appearing, is hereby further  
349 amended by striking out, in lines 6 and 7, the words “student officers’ course of study” and  
350 inserting in place thereof the following words:- recruit basic training curriculum.

351 SECTION 16. Section 116E of said chapter 6, as so appearing, is hereby amended by  
352 striking out subsection (a) and inserting in place thereof the following subsection:-

353 (a) The committee on police training and certification shall develop and establish within  
354 the recruit basic training curriculum a course for police training schools, academies and  
355 programs for the training of law enforcement officers in bicycle safety enforcement and develop  
356 guidelines for traffic enforcement for bicyclist safety.

357 SECTION 17. Said section 116E of said chapter 6, as so appearing, is hereby further  
358 amended by striking out, in lines 25 and 28, the words “municipal police training committee”

359 and inserting in place thereof, in each instance, the following words:- committee on police  
360 training and certification.

361 SECTION 18. Section 116G of said chapter 6, as so appearing, is hereby amended by  
362 striking out subsection (a) and inserting in place thereof the following subsection:-

363 (a) As used in this section, “bias-free policing” shall have the same meaning as defined in  
364 section 1 of chapter 6E.

365 SECTION 19. Said section 116G of said chapter 6, as so appearing, is hereby further  
366 amended by striking out, in line 6, the words “municipal police training committee” and inserting  
367 in place thereof the following words:- committee on police training and certification.

368 SECTION 20. Said section 116G of said chapter 6, as so appearing, is hereby further  
369 amended by striking out, in lines 8 and 32, each time it appears, the word “local”.

370 SECTION 21. Said section 116G of said chapter 6, as so appearing, is hereby further  
371 amended by inserting after the word “enforcement”, in line 9, the following words:- officers and.

372 SECTION 22. Subsection (b) of section 116G of said chapter 6, as so appearing, is  
373 hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 4  
374 clauses:-

375 (ii) practices and techniques for law enforcement officers in civilian interaction and to  
376 promote procedural justice, which shall emphasize de-escalation and disengagement tactics and  
377 techniques and procedures, including developmentally appropriate de-escalation and  
378 disengagement tactics, techniques and procedures and other alternatives to the use of force for  
379 minor children, that build community trust and maintain community confidence;

380 (iii) handling emergencies and complaints, including, but not limited to, those involving  
381 victims, witnesses or suspects with mental illness, substance use disorder, trauma history or  
382 developmental or intellectual disabilities, which shall include training related to common  
383 behavior and actions exhibited by such individuals, strategies law enforcement officers may use  
384 for reducing or preventing the risk of harm and strategies that involve the least intrusive means  
385 of addressing such incidences and individuals while protecting the safety of the law enforcement  
386 officer and other persons; provided, however, that training presenters shall include certified  
387 mental health practitioners with expertise in the delivery of direct services to individuals,  
388 including victims, witnesses or suspects with mental illness, substance use disorder, trauma  
389 history or developmental or intellectual disabilities in emergency situations;

390 (iv) practices and techniques related to responding to mass gatherings or protests that  
391 shall emphasize de-escalation and minimizing the necessity for use of force; and

392 (v) cultural competency.

393 SECTION 23. Said chapter 6 is hereby further amended by inserting after section 116G  
394 the following 3 sections:-

395 Section 116H. (a) The committee on police training and certification, established in  
396 section 4 of chapter 6E, shall establish and develop an in-service training program designed to  
397 train school resource officers, as defined in section 37P of chapter 71. Such program shall  
398 include training on: (i) the ways in which legal standards regarding police interaction and arrest  
399 procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive  
400 development, which shall include instruction on common child and adolescent behaviors, actions  
401 and reactions as well as the impact of trauma, mental illness, behavioral addictions, such as

402 gaming and gambling disorder, and developmental disabilities on child and adolescent  
403 development and behavior; (iii) engagement and de-escalation tactics that are specifically  
404 effective with youth; and (iv) strategies for resolving conflict and diverting youth in lieu of  
405 making an arrest. Such program shall also include training related to: (i) hate crime identification  
406 and prevention training curriculum including acquisition of practical skills to prevent, respond to  
407 and investigate hate crimes and hate incidents and their impacts on victim communities; (ii) anti-  
408 bias, anti-racism and anti-harassment strategies; (iii) bullying and cyberbullying; and (iv)  
409 comprehensive training to help school resource officers interact effectively with school  
410 personnel, victim communities and build public confidence with cooperation with law  
411 enforcement agencies.

412 (b) The course of instruction, the learning and performance objectives and the curriculum  
413 and standards for training developed pursuant to this section shall be developed in consultation  
414 with experts on child and adolescent development and child trauma and with educators and  
415 attorneys experienced in juvenile and education law and preventing and addressing youth hate  
416 crimes.

417 Section 116I. The committee on police training and certification, established in section 4  
418 of chapter 6E, shall establish and develop within the recruit basic training curriculum a program  
419 for regional and municipal police training schools for the training of law enforcement officers in  
420 the commonwealth in appropriate interactions with persons on the autism spectrum and those  
421 with other intellectual and developmental disabilities. The program shall include training for law  
422 enforcement response to individuals on the autism spectrum and those with other intellectual and  
423 developmental disabilities who are victims or witnesses to a crime or suspected or convicted of a  
424 crime.

425           Section 116J. The committee on police training and certification, in consultation with the  
426 executive office of public safety and security, and subject to the approval of the Massachusetts  
427 peace officer standards and training commission, shall establish and develop basic and in-service  
428 training programs designed to train officers on the regulation of physical force under section 14  
429 of chapter 6E. Such programs shall be included in basic and in-service training for all law  
430 enforcement officers.

431           SECTION 24. Sections 117 and 118 of said chapter 6 are hereby repealed.

432           SECTION 25. Section 156 of said chapter 6, as appearing in the 2018 Official Edition, is  
433 hereby amended by striking out, in lines 8 and 9, the words “executive director of the municipal  
434 police training committee” and inserting in place thereof the following words:- training director  
435 of the Massachusetts peace officer standards and training commission.

436           SECTION 26. Said chapter 6 is hereby further amended by adding the following section:-

437           Section 220. (a) As used in this section, the following words shall, unless the context  
438 clearly requires otherwise, have the following meanings:

439           “Biometric surveillance system”, any computer software that performs facial recognition  
440 or other remote biometric recognition.

441           “Facial recognition”, an automated or semi-automated process that assists in identifying  
442 or verifying an individual or capturing information about an individual based on the physical  
443 characteristics of an individual’s face, head or body, that uses characteristics of an individual’s  
444 face, head or body to infer emotion, associations, activities or the location of an individual;



445 provided, however, that “facial recognition” shall not include the use of search terms to sort  
446 images in a database.

447 “Law enforcement agency”, as defined in section 1 of chapter 6E.

448 “Other remote biometric recognition”, an automated or semi-automated process that  
449 assists in identifying or verifying an individual or capturing information about an individual  
450 based on an individual’s gait, voice or other biometric characteristic or that uses such  
451 characteristics to infer emotion, associations, activities or the location of an individual; provided,  
452 however, that “other remote biometric recognition” shall not include the identification or  
453 verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other  
454 information derived from physical contact.

455 “Public agency”, any: (i) agency, executive office, department, board, commission,  
456 bureau, division or authority of the commonwealth; (ii) political subdivision thereof; or (iii)  
457 authority established by the general court to serve a public purpose.

458 “Public official”, any officer, employee, agent, contractor or subcontractor of any public  
459 agency.

460 (b) Absent express authorization in a general or special law to the contrary, it shall be  
461 unlawful for a public agency or public official to acquire, possess, access, use, assist with the use  
462 of or provide resources for the development or use of any biometric surveillance system, or to  
463 enter into a contract with or make a request to any third party for the purpose of acquiring,  
464 possessing, accessing or using information derived from a biometric surveillance system.

465           Except in a judicial proceeding alleging a violation of this section, no information  
466 obtained in violation of this section shall be admissible in any criminal, civil, administrative or  
467 other proceeding.

468           (c)(1) Subsection (b) shall not apply to acquisition, possession or use of facial recognition  
469 technology by the registrar of motor vehicles to verify an individual's identity when issuing  
470 licenses, permits or other documents pursuant to chapter 90 and perform searches of its facial  
471 recognition databases at the request of law enforcement agencies made pursuant to a warrant or  
472 emergency as set forth in paragraph (2).

473           (2) Law enforcement agencies may request that the registrar of motor vehicles perform a  
474 facial recognition search: (i) to execute a warrant duly authorized by a justice of the superior  
475 court based on probable cause that the search will to lead to evidence of the commission of a  
476 violent felony offense under the laws of the commonwealth; or (ii) without a warrant if the law  
477 enforcement agency reasonably believes that an emergency involving immediate danger of death  
478 or serious physical injury to any individual or group of people requires the performance of a  
479 facial recognition search without delay; provided, that the request shall be made in writing and  
480 narrowly tailored to address the emergency and shall document the factual basis for believing  
481 that an emergency requires the performance of a facial recognition search without delay.

482           Not later than 48 hours after the law enforcement agency obtains access to records, the  
483 agency shall file with the superior court in the relevant jurisdiction a signed, sworn statement  
484 made by a supervisory official of a rank designated by the head of the agency setting forth the  
485 grounds for the emergency search. Absent an order for delayed notice issued by a justice of the  
486 superior court or the issuance of a subsequent warrant, all individuals identified by such a search

487 shall be provided notice that they were subject to a facial recognition search within 72 hours.  
488 Any order for delayed notice shall, to the fullest extent possible without further endangering the  
489 public, detail the ongoing nature of the emergency and the continuing and immediate threat to  
490 public safety and shall not be valid for more than 72 hours without a further order for delayed  
491 notice.

492 (3) The registrar of motor vehicles shall document, as a public record, each use of facial  
493 recognition, except those authorized by clause (i) of paragraph (2). Such documentation shall  
494 include: the name of the registry of motor vehicles employee who performed the search; the date  
495 and time of the search; the number of matches returned, if any; the name and position of the  
496 requesting individual and employing law enforcement agency; a copy of the warrant, or if no  
497 warrant exists, a copy of the written emergency request; and data detailing the individual  
498 characteristics included in the facial recognition request.

499 (4) Annually, not later than March 31, the registrar of motor vehicles shall publish on its  
500 website: (i) the total number of facial recognition searches performed at the request of law  
501 enforcement agencies during the previous calendar year; (ii) the total number of facial  
502 recognition searches conducted pursuant to a warrant; (iii) the total number of facial recognition  
503 emergency searches conducted; and (iv) the number of facial recognition searches requested by  
504 each law enforcement agency.

505 (d) Notwithstanding subsection (b), a public agency may: (i) acquire and possess personal  
506 electronic devices, such as a cell phone or tablet, that utilizes facial recognition technology for  
507 the sole purpose of user authentication; (ii) acquire, possess and use automated video or image  
508 redaction software; provided, that such software does not have the capability of performing facial

509 recognition or other remote biometric recognition; and (iii) receive evidence related to the  
510 investigation of a crime derived from a biometric surveillance system; provided, that such  
511 evidence was not knowingly solicited by or obtained with the assistance of a public agency or  
512 any public official in violation of subsection (b).

513 SECTION 27. Section 18 of chapter 6A of the General Laws, as appearing in the 2018  
514 Official Edition, is hereby amended by striking out, in line 4, the words “; the municipal police  
515 training committee”.

516 SECTION 28. Section 18½ of said chapter 6A, as so appearing, is hereby amended by  
517 striking out, in lines 8 and 9, the words “, the municipal police training committee,”.

518 SECTION 29. Section 18X of said chapter 6A, as so appearing, is hereby amended by  
519 striking out, in line 16, the words “municipal police training committee” and inserting in place  
520 thereof the following words:- committee on police training and certification.

521 SECTION 30. The General Laws are hereby amended by inserting after chapter 6D the  
522 following chapter:-

523 CHAPTER 6E.

524 MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION.

525 Section 1. As used in this chapter, the following words shall, unless the context clearly  
526 requires otherwise, have the following meanings:

527 “Agency”, a law enforcement agency.

528 “Appointing agency”, the agency appointing a law enforcement officer.

529 “Bias-free policing”, policing decisions made by and conduct of law enforcement  
530 officers that shall not consider a person’s race, ethnicity, sex, gender identity, sexual orientation,  
531 religion, mental or physical disability, immigration status or socioeconomic or professional level.

532 “Chair”, the chair of the commission.

533 “Chokehold”, the use of a lateral vascular neck restraint, carotid restraint or other action  
534 that involves the placement of any part of law enforcement officer’s body on or around a  
535 person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or  
536 with the result of causing bodily injury, unconsciousness or death.

537 “Commission”, the Massachusetts peace officer standards and training commission  
538 established pursuant to section 2.

539 “Commissioner”, a member of the commission.

540 “Committee”, the committee on police training and certification established pursuant to  
541 section 4.

542 “Conviction”, an adjudication of a criminal matter resulting in any outcome except  
543 wherein the matter is dismissed or the accused is found to be not guilty, including, but not  
544 limited, to an adjudication of guilt with or without the imposition of a sentence, a plea of guilty,  
545 a plea of nolo contendere, an admission to sufficient facts, a continuance without a finding or  
546 probation.

547 “Deadly force”, physical force that can reasonably be expected to cause death or serious  
548 physical injury.

549           “Decertified”, an officer whose certification is revoked by the commission pursuant to  
550 section 10.

551           “De-escalation tactics”, proactive actions and approaches used by an officer to stabilize a  
552 law enforcement situation so that more time, options and resources are available to gain a  
553 person’s voluntary compliance and to reduce or eliminate the need to use force including, but not  
554 limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a  
555 person, creating distance between the officer and a threat and requesting additional resources to  
556 resolve the incident, including, but not limited to, calling in medical or licensed mental health  
557 professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential  
558 medical or mental health crisis.

559           “Division of standards”, the division of police standards established pursuant to section 8.

560           “Division of training”, the division of police training and certification established  
561 pursuant to section 4.

562           “Executive director”, the executive director of the commission appointed pursuant to  
563 subsection (g) of section 2.

564           “Imminent harm”, serious physical injury or death that is likely to be caused by a person  
565 with the present ability, opportunity and apparent intent to immediately cause serious physical  
566 injury or death and is a risk that, based on the information available at the time, must be instantly  
567 confronted and addressed to prevent serious physical injury or death; provided, however, that  
568 “imminent harm” shall not include fear of future serious physical injury or death.

569 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement  
570 agency, including, but not limited to: a city, town or district police department, the office of  
571 environmental law enforcement, the University of Massachusetts police department, the  
572 department of the state police, the Massachusetts Port Authority police department, also known  
573 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation  
574 Authority police department; (ii) a sheriff’s department in its performance of police duties and  
575 functions; or (iii) a public or private college, university or other educational institution or  
576 hospital police department.

577 “Law enforcement officer” or “officer”, any officer of an agency, including the head of  
578 the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter  
579 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and  
580 functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police  
581 duties and functions; a constable executing an arrest for any reason; or any other special, reserve  
582 or intermittent police officer.

583 “Necessary”, required due to a lack of an available, effective alternative that was known  
584 or should have been known to a reasonable person in the circumstances.

585 “Officer-involved injury or death”, any event during which an officer: (i) discharges a  
586 firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death  
587 to another; (ii) discharges any stun gun as defined in said section 121 of said chapter 140,  
588 actually or proximately causing injury or death to another; (iii) uses a chokehold, actually or  
589 proximately causing injury or death of another; (iv) discharges tear gas or other chemical  
590 weapon, actually or proximately causing injury or death of another; (v) discharges rubber pellets

591 from a propulsion device, actually or proximately causing injury or death of another; (vi) deploys  
592 a dog, actually or proximately causing injury or death of another; (vii) uses deadly force, actually  
593 or proximately causing injury or death of another; (viii) fails to intervene, as required by section  
594 15, to prevent the use of excessive or prohibited force by another officer who actually or  
595 proximately causes injury or death of another; or (ix) engages in a physical altercation with a  
596 person who sustains serious bodily injury or requests or receives medical care as a result.

597 “Serious bodily injury”, bodily injury that results in: (i) permanent disfigurement; (ii)  
598 protracted loss or impairment of a bodily function, limb or organ; or (iii) a substantial risk of  
599 death.

600 “Totality of the circumstances”, the entire duration of an interaction between a law  
601 enforcement officer and a person, from the first contact through the conclusion of the incident,  
602 including consideration of contextual factors the law enforcement officer knew or should have  
603 known during such interaction.

604 “Training director”, the training director appointed by the committee pursuant to section  
605 4.

606 “Untruthful” or “untruthfulness”, knowingly making an untruthful statement concerning a  
607 material fact or knowingly omitting a material fact: (i) on an official criminal justice record,  
608 including, but not limited to, a police report; (ii) while testifying under oath; (iii) to the  
609 commission or an employee of the commission; or (iv) during an internal affairs investigation,  
610 administrative investigation or disciplinary process.

611 Section 2. (a) There shall be a Massachusetts Peace Officer Standards and Training Commission  
612 consisting of 9 members: 3 of whom shall be appointed by the governor, 1 of whom shall be a



613 police chief, 1 of whom shall be a retired justice of the superior court and 1 of whom shall be a  
614 social worker appointed from a list of 5 nominations submitted by the National Association of  
615 Social Workers, Inc., Massachusetts chapter; 3 of whom shall be appointed by the attorney  
616 general, 1 of whom shall be a law enforcement officer below the rank of sergeant, 1 of whom  
617 shall be a law enforcement officer appointed from a list of 5 nominations submitted by the  
618 Massachusetts Association of Minority Law Enforcement Officers, Inc. and 1 of whom shall be  
619 an attorney licensed to practice law in the commonwealth appointed from a list of 5 nominations  
620 submitted by the civil rights and social justice section council of the Massachusetts Bar  
621 Association; and 3 of whom shall be appointed jointly by the governor and attorney general, 1 of  
622 whom shall be appointed from a list of 5 nominations submitted by the Massachusetts  
623 commission against discrimination.

624 (b) Other than as provided for in subsection (a), all commissioners shall be civilians and  
625 no commissioner shall have been previously employed as a law enforcement officer or be a  
626 retired law enforcement officer. The civilian commissioners shall have experience or expertise  
627 in law enforcement practice and training, criminal law, civil rights law, the criminal justice  
628 system, mental health, post-traumatic stress disorder, crisis intervention, de-escalation techniques  
629 or social science fields related to race or bias. The governor shall designate the chair of the  
630 commission. The commission shall include people of color and women, at least in such  
631 proportion as these groups exist in the commonwealth's population as periodically determined by  
632 the state secretary as the commonwealth's chief census officer. The members of the commission  
633 shall represent diverse geographic areas of the commonwealth, including urban, rural and  
634 suburban areas.

635           The commissioners shall take an oath to faithfully and impartially execute their duties as  
636 commissioners.

637           (c) Each commissioner shall be a resident of the commonwealth within 90 days of  
638 appointment and, while serving on the commission, shall not: (i) hold, or be a candidate for,  
639 federal, state or local elected office; (ii) hold an appointed office in a federal, state, or local  
640 government; or (iii) serve as an official in a political party. Not more than 7 commissioners shall  
641 be from the same political party. The members of the commission shall be compensated for work  
642 performed for the commission at such rate as the secretary of administration and finance shall  
643 determine.

644           (d) Each commissioner shall serve for a term of 5 years or until a successor is appointed  
645 and shall be eligible for reappointment; provided, however, that no commissioner shall serve  
646 more than 10 years. The governor may remove a commissioner if the commissioner: (i) is guilty  
647 of malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to  
648 discharge the powers and duties of the commissioner's office; (iv) commits gross misconduct; or  
649 (v) is convicted of a felony.

650           (e) Seven commissioners shall constitute a quorum and the affirmative vote of a majority  
651 of commissioners present and voting shall be required for an action of the commission. The  
652 commission shall meet monthly and at other times as it shall deem necessary or upon the written  
653 request of 4 commissioners or the chair; provided, however, that notice of all meetings shall be  
654 given to each commissioner and to other persons who request such notice. The commission shall  
655 adopt regulations establishing procedures, which may include electronic communications, by

656 which a request to receive notice shall be made and the method by which timely notice may be  
657 given.

658 (f) The commission shall annually elect 1 of the commissioners to serve as secretary and  
659 1 of the commissioners to serve as treasurer. The secretary shall keep a record of the proceedings  
660 of the commission and shall be the custodian and keeper of the records of all books, documents  
661 and papers filed by the commission and of its minute book. The secretary shall cause copies to be  
662 made of all minutes and other records and documents of the commission and shall certify that  
663 such copies are true copies, and all persons dealing with the commission may rely upon such  
664 certification.

665 (g) The commission shall appoint an executive director, who shall not be a member of the  
666 commission. The executive director shall serve at the pleasure of the commission, shall receive  
667 such salary as may be determined by the commission, and shall devote full time and attention to  
668 the duties of the office. The executive director shall be a person with skill and experience in  
669 management, shall be the executive and administrative head of the commission and shall be  
670 responsible for administering and enforcing the provisions of law relative to the commission and  
671 to each administrative unit thereof. The executive director may, subject to the approval of the  
672 commission, employ other employees, consultants, agents and advisors, including legal counsel,  
673 and shall attend meetings of the commission. In the case of an absence or vacancy in the office  
674 of the executive director or in the case of disability as determined by the commission, the  
675 commission may designate an acting executive director to serve as executive director until the  
676 vacancy is filled or the absence or disability ceases. The acting executive director shall have all  
677 of the powers and duties of the executive director and shall have similar qualifications as the  
678 executive director.

679 (h) The executive director may, subject to the approval of the commission, appoint such  
680 persons as the executive director shall consider necessary to perform the functions of the  
681 commission; provided, however, that chapter 31 and section 9A of chapter 30 shall not apply to  
682 commission employees. If an employee serving in a position which is classified under said  
683 chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30  
684 shall be appointed to a position within the commission which is not subject to said chapter 31,  
685 the employee shall, upon termination of service in such position, be restored to the position  
686 which the employee held immediately prior to such appointment; provided, however, that the  
687 employee's service in such position shall be determined by the civil service commission in  
688 accordance with the standards applied by that commission in administering said chapter 31. Such  
689 restoration shall be made without impairment of the employee's civil service status or tenure  
690 under said section 9A of said chapter 30 and without loss of seniority, retirement or other rights  
691 to which uninterrupted service in such prior position would have entitled such employee. During  
692 the period of such appointment, each person so appointed from a position in the classified civil  
693 service shall be eligible to take any competitive promotional examination for which such person  
694 would otherwise have been eligible. The executive director and employees of the commission  
695 shall be classified as group 1 pursuant to paragraph (g) of subdivision (2) of section 3 of chapter  
696 32.

697 (i) No employee of the division of standards, established pursuant to section 8, or the  
698 executive director shall have previously been employed as a law enforcement officer, previously  
699 employed by a law enforcement agency or be a retired law enforcement officer or retired from a  
700 law enforcement agency; provided, however, that such employee may have been a previous  
701 employee of or have retired from the division of standards.

702 (j) The commission shall be a commission for the purposes of section 3 of chapter 12.

703 (k) Any vacancy occurring on the commission shall be filled within 90 days by the  
704 original appointing authority. A person appointed to fill a vacancy occurring other than by  
705 expiration of a term of office shall be appointed for the unexpired term of the member they  
706 succeed and shall be eligible for re-appointment.

707 Section 3. (a) The commission shall have all powers necessary or convenient to carry out  
708 and effectuate its purposes, including, but not limited to, the power to:

709 (1) act as the primary civil enforcement agency for violations of this chapter;

710 (2) establish minimum officer certification standards pursuant to section 4;

711 (3) certify qualified applicants;

712 (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or  
713 fine a person certified for any cause that the commission deems reasonable;

714 (5) receive complaints from any source and preserve all complaints and reports filed with  
715 the commission for the appropriate period of time;

716 (6) establish minimum agency certification standards pursuant to section 5;

717 (7) certify qualified agencies;

718 (8) withhold, suspend or revoke certification of agencies;

719 (9) conduct audits and investigations pursuant to section 8;

720 (10) appoint officers and approve employees to be hired by the executive director;

721 (11) establish and amend a plan of organization that it considers expedient;

722 (12) execute all instruments necessary or convenient for accomplishing the purposes of  
723 this chapter;

724 (13) enter into agreements or other transactions with a person, including, but not limited  
725 to, a public entity or other governmental instrumentality or authority in connection with its  
726 powers and duties under this chapter;

727 (14) appear on its own behalf before boards, commissions, departments or other agencies  
728 of municipal, state or federal government;

729 (15) apply for and accept subventions, grants, loans, advances and contributions of  
730 money, property, labor or other things of value from any source, to be held, used and applied for  
731 its purposes;

732 (16) provide and pay for advisory services and technical assistance as may be necessary  
733 in its judgment to carry out this chapter and fix the compensation of persons providing such  
734 services or assistance;

735 (17) prepare, publish and distribute, with or without charge as the commission may  
736 determine, such studies, reports, bulletins and other materials as the commission considers  
737 appropriate;

738 (18) gather facts and information applicable to the commission's obligation to issue,  
739 suspend or revoke certifications for: (i) a violation of this chapter or any regulation adopted by  
740 the commission; (ii) a willful violation of an order of the commission; (iii) the conviction of a

741 criminal offense; or (iv) the violation of any other offense which would disqualify a person from  
742 being certified;

743 (19) conduct investigations into the qualifications of all applicants for certification;

744 (20) request and receive from the state police, the department of criminal justice  
745 information services or other criminal justice agencies, including, but not limited to, the Federal  
746 Bureau of Investigation and the federal Internal Revenue Service, such criminal offender record  
747 information relating to the administration and enforcement of this chapter;

748 (21) demand access to and inspect, examine, photocopy and audit all papers, books and  
749 records of any law enforcement agency;

750 (22) levy and collect assessments, fees and fines and impose penalties and sanctions for a  
751 violation of this chapter or any regulations promulgated by the commission;

752 (23) restrict, suspend or revoke certifications issued under this chapter;

753 (24) conduct adjudicatory proceedings in accordance with chapter 30A;

754 (25) refer cases for criminal prosecution to the appropriate federal, state or local  
755 authorities;

756 (26) issue subpoenas and compel the attendance of witnesses at any place within the  
757 commonwealth, administer oaths and require testimony under oath before the commission in the  
758 course of an investigation or hearing conducted under this chapter;

759 (27) maintain an official internet website for the commission;

760 (28) adopt, amend or repeal regulations in accordance with chapter 30A for the  
761 implementation, administration and enforcement of this chapter, including, but not limited to,  
762 regulations: (i) governing the conduct of proceedings hereunder; (ii) determining whether an  
763 applicant has met the standards for certification; (iii) establishing minimum standards for internal  
764 agency review of complaints of officer-involved injuries or deaths and recommendations to the  
765 commission regarding retraining, suspension or revocation of officer certification to ensure  
766 consistency across agencies; (iv) establishing a physical and psychological fitness evaluation  
767 pursuant to section 4 that measures said fitness to ensure officers are able to perform essential  
768 job duties; and (v) identifying patterns of unprofessional police conduct, including, but not  
769 limited to, patterns of: (A) escalating behavior that may lead to the use of excessive force or  
770 conduct that is biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
771 religion, mental or physical disability, immigration status or socioeconomic or professional level;  
772 (B) an increase in the frequency of complaints regarding an individual officer or agency; or (C)  
773 the number of complaints regarding an officer or agency that are at least 1 standard deviation  
774 above the mean for similarly situated officers or agencies for a defined period; and

775 (29) refer patterns of racial profiling or the mishandling of complaints of unprofessional  
776 police conduct by a law enforcement agency for investigation and possible prosecution to the  
777 attorney general or the appropriate federal, state or local authorities; provided, however, that if  
778 the attorney general has reasonable cause to believe that such a pattern exists based on  
779 information received from any other source, the attorney general may bring a civil action for  
780 injunctive or other appropriate equitable and declaratory relief to eliminate the pattern or  
781 practice.



782 (b) The commission shall have the power to issue a specialized certification for an  
783 individual acting, or intending to act, as a school resource officer, as defined in section 37P of  
784 chapter 71; provided, however, that a person shall not be appointed as a school resource officer,  
785 as defined in said section 37P of said chapter 71, unless specially certified as such by the  
786 commission.

787 Section 4. (a)(1) There shall be within the commission a division of police training and  
788 certification. The purpose of the division of police training and certification shall be to establish  
789 uniform policies and standards for the training and certification of all law enforcement officers  
790 including a basic recruit training curriculum and an in-service training curriculum for law  
791 enforcement officers, subject to the approval of the commission. The head of the division shall  
792 be the training director, who shall be appointed by the committee on police training and  
793 certification.

794 (2) To ensure the specific training and educational needs of each agency are met, the  
795 division of police training and certification may create specialized basic and in-service training  
796 programs, subject to the approval of the commission, for: (i) officers of the department of the  
797 state police; (ii) deputy sheriffs; (iii) municipal officers; (iv) special, intermittent and reserve  
798 officers; and (v) any other class of officers, as the division of police training and certification  
799 determines is necessary.

800 (b) The division of police training and certification shall be under the management and  
801 control of a committee on police training and certification. The committee shall consist of: 5  
802 chiefs of police to be appointed by the governor from nominations submitted by the  
803 Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the western

804 Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom  
805 shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern  
806 Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation  
807 Authority; 1 chief of police selected by the Massachusetts Chiefs of Police Association  
808 Incorporated; 1 police officer to be appointed by the governor from nominations submitted by  
809 the Massachusetts Police Association, Inc. executive board and the Massachusetts Police  
810 Training Officers Association, Inc. executive board; the chair of the Massachusetts Association  
811 of Minority Law Enforcement Officers, Inc.; the president of the Massachusetts Association of  
812 Women in Law Enforcement, Inc.; the commissioner of police of the city of Boston or a  
813 designee; the colonel of state police or a designee; 2 sheriffs appointed by the governor; the  
814 attorney general or a designee; and 1 person to be appointed by the secretary of public safety and  
815 security. All such appointments shall be for terms of 3 years with successors appointed in a like  
816 manner.

817 (c) The following persons, or their designees, shall be advisory, nonvoting members of  
818 the committee: the personnel administrator; the commissioner of correction; the commissioner of  
819 youth services; the commissioner of probation; the chair of the parole board; the executive  
820 director of the committee on criminal justice; the chief justice of the trial court of the  
821 commonwealth; the chief justice of the district court department; the secretary of education; the  
822 chair of the criminal justice section council of the Massachusetts Bar Association; and the special  
823 agent in charge of the Boston field office of the Federal Bureau of Investigation, if consent is  
824 given by the director of the bureau. The governor shall appoint 7 additional advisory, nonvoting  
825 members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom  
826 shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public

827 counsel services, 1 of whom shall be a social worker, 1 of whom shall be a mental health  
828 clinician, 1 of whom shall be a sheriff of a county or a former county and 1 of whom shall be a  
829 district attorney of a district, or their respective designees.

830 (d) No person shall be eligible for admission to committee-certified police schools,  
831 programs or academies or for appointment as a law enforcement officer or for employment with  
832 an agency if they are listed in the national decertification index or the database of decertified law  
833 enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of  
834 section 13. The committee, subject to the approval of the commission, shall set policies and  
835 standards for the screening of all applicants for admission to committee-certified academies and  
836 shall set policies and standards for the screening for all applicants for certification and  
837 recertification as law enforcement officers, including, but not limited to, standards on  
838 background investigations for all applicants.

839 (e)(1) The committee, subject to the approval of the commission, shall set policies and  
840 standards for the training of all law enforcement officers, including, but not limited to, the  
841 training mandated by sections 116A to 116E, inclusive, and sections 116G to 116J, inclusive, of  
842 chapter 6, chapter 22C, section 36C of chapter 40, sections 96B and 97B of chapter 41 and  
843 section 24M of chapter 90.

844 (2) The committee shall coordinate with the center for responsive training in crisis  
845 intervention established pursuant to section 25 of chapter 19 on all behavioral health-related  
846 training.

847 (f)(1) The committee shall, subject to approval of the commission, establish minimum  
848 certification standards for all officers that shall include, but not be limited to: (i) attaining the age

849 of 21; (ii) successful completion of a high school education or equivalent, as determined by the  
850 commission; (iii) successful completion of the basic training program designed by the committee  
851 and approved by the commission; (iv) successful completion of a physical and psychological  
852 fitness evaluation approved by the commission; (v) successful completion of a state and national  
853 background check, including, but not limited to, fingerprinting and a full employment history;  
854 provided, that if the applicant has been previously employed in law enforcement in any state or  
855 United States territory or by the federal government, the applicant's full employment record,  
856 including complaints and discipline, shall be evaluated in the background check; (vi) passage of  
857 an examination administered by the committee and approved by the commission; (vii) possession  
858 of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by  
859 the commission; (viii) successful completion of an oral interview; and (ix) being of good moral  
860 character and fit for employment in law enforcement, as determined by the commission.

861 (2) The commission shall not issue a certificate to an applicant who: (i) does not meet the  
862 minimum standards enumerated in paragraph (1) or the regulations of the commission; (ii) has  
863 been convicted of a felony or whose name is listed in the national decertification index or the  
864 database of decertified law enforcement officers maintained by the commission pursuant to  
865 clause (i) of subsection (a) of section 13; or (iii) while previously employed in law enforcement  
866 in any state or United States territory or by the federal government, would have had their  
867 certification revoked by the commission if employed by an agency in the commonwealth.

868 (3) The commission may issue a certificate to a qualified applicant consistent with the  
869 provisions of this chapter. The commission shall determine the form and manner of issuance of a  
870 certification. A certification shall expire 3 years after the date of issuance.

871 (4) An officer shall remain in compliance with the requirements of this chapter and all  
872 rules and regulations promulgated by the commission for the duration of their employment as an  
873 officer.

874 (g) No agency shall appoint or employ a person as a law enforcement officer unless the  
875 person is certified by the commission.

876 (h) The committee, in consultation with the division of police standards, shall create and  
877 maintain a database containing records for each certified law enforcement officer, including, but  
878 not limited to:

879 (1) the date of initial certification;

880 (2) the date of any recertification;

881 (3) the records of completion of all training and all in-service trainings, including the  
882 dates and locations of said trainings;

883 (4) the date of any written reprimand and the reason for said reprimand;

884 (5) the date of any suspension and the reason for said suspension;

885 (6) the date of any arrest and the charge or charges leading to said arrest;

886 (7) the date of, and reason for, any internal affairs complaint;

887 (8) the outcome of an internal affairs investigation based on an internal affairs complaint;

888 (9) the date of any criminal conviction and crime for said conviction;

889 (10) the date of any separation from employment with an agency and the nature of the  
890 separation, including, but not limited to, suspension, resignation, retirement or termination;

891 (11) the reason for any separation from employment, including, but not limited to,  
892 whether the separation was based on misconduct or whether the separation occurred while the  
893 appointing agency was conducting an investigation of the certified individual for a violation of  
894 an appointing agency's rules, policies, procedures or for other misconduct or improper action;

895 (12) the date of decertification, if any, and the reason for said decertification; and

896 (13) any other information as may be required by the commission.

897 (i) Each certified law enforcement officer shall apply for renewal of certification prior to  
898 its date of expiration as prescribed by the commission. The commission shall not recertify any  
899 person as a law enforcement officer unless the commission certifies that the applicant for  
900 recertification continues to satisfy the requirements of subsection (f).

901 (j) The commission shall promulgate regulations for the committee to maintain a publicly  
902 available and searchable database containing records for law enforcement officers. In  
903 promulgating the regulations, the commission shall consider the health and safety of the officers.

904 Section 5. (a) All law enforcement agencies shall be certified by the commission.

905 (b) The committee, subject to the approval of the commission, shall establish minimum  
906 certification standards for all law enforcement agencies that shall include, but shall not be limited  
907 to, the establishment and implementation of agency policies regarding: (i) use of force and  
908 reporting of use of force; (ii) officer code of conduct; (iii) officer response procedures; (iv)  
909 criminal investigation procedures; (v) juvenile operations; (vi) internal affairs and officer

910 complaint investigation procedures; (vii) detainee transportation; and (viii) collection and  
911 preservation of evidence.

912 (c) An agency shall remain in compliance with the requirements of this chapter and all  
913 rules and regulations promulgated by the commission.

914 Section 6. (a) The committee on police training and certification shall approve and may  
915 revoke the approval of police training schools, academies and programs and shall promulgate  
916 rules and regulations, subject to the approval of the commission, establishing reasonable  
917 standards pertaining to approval and revocation of the approval of said schools, academies and  
918 programs and relating to courses of study, attendance requirements, equipment and facilities and  
919 qualifications of instructors. No police training school, academy or program shall be approved  
920 unless it provides for the training of officers to serve in a rape prevention and prosecution unit.  
921 The committee shall conduct periodic evaluations and inspections of training schools, academies  
922 and programs.

923 (b) The committee on police training and certification may establish a course within the  
924 recruit basic training curriculum for police training schools, academies and programs to train  
925 officers on the application of section 34A of chapter 94C and section 12FF of chapter 112 and  
926 the procedures for response to calls for assistance for drug-related overdoses. The committee  
927 may periodically include within its in-service training curriculum a course of instruction on the  
928 application of said section 34A of said chapter 94C and the procedures for response to calls for  
929 assistance for drug-related overdoses. Upon request of the committee, the executive office of  
930 public safety and security, in collaboration with the department of public health, shall facilitate

931 the collection and sharing of resources regarding the application of said section 34A of said  
932 chapter 94C.

933 Section 7. (a) The committee on police training and certification shall develop and  
934 establish, within its recruit basic training curriculum and its in-service training curriculum  
935 available to in-service trainees, a course for police training schools, academies and programs for  
936 the training of law enforcement officers on mental wellness and suicide prevention. The course,  
937 which shall consist of 2 hours of total instruction annually, shall teach law enforcement officers  
938 how to: (i) utilize healthy coping skills to manage the stress and trauma of policing; (ii)  
939 recognize the symptoms of post-traumatic stress disorder within themselves and other officers;  
940 and (iii) recognize the signs of suicidal behavior within themselves and other officers.

941 (b) The course shall include information on the mental health resources available to help  
942 law enforcement officers and shall be designed to reduce and eliminate the stigma associated  
943 with law enforcement officers receiving mental health services.

944 (c) The course of instruction shall be developed by the committee on police training and  
945 certification in consultation with appropriate groups and individuals having an interest and  
946 expertise in law enforcement mental health and suicide prevention.

947 (d) All law enforcement officers shall annually attend and complete a course on mental  
948 wellness and suicide prevention.

949 Section 8. (a) There shall be within the commission a division of police standards. The  
950 purpose of the division of police standards shall be to investigate officer misconduct and make  
951 disciplinary recommendations to the commission.



952 (b)(1) The head of an agency shall transmit any complaint received by said agency within  
953 2 business days to the division of police standards, in a form to be determined by the  
954 commission; provided, that the form shall include, but shall not be limited to: (i) the name and  
955 commission certification identification number of the subject officer; (ii) the date and location of  
956 the incident; (iii) a description of circumstances of the conduct that is the subject of the  
957 complaint; (iv) whether the complaint alleges that the officer's conduct: (A) was biased on the  
958 basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical  
959 disability, immigration status or socioeconomic or professional level; (B) was unprofessional;  
960 (C) involved excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or  
961 death; and (v) a copy of the original complaint submitted directly to the agency; provided,  
962 however, that the commission may establish a minimum threshold and streamlined process for  
963 the reporting or handling of minor complaints that do not involve the use of force or allegations  
964 of biased behavior.

965 (2) Upon completion of the internal investigation of a complaint, the head of each agency  
966 shall immediately transmit to the division of police standards an investigation report in a form to  
967 be determined by the commission; provided, that the form shall include, but shall not be limited  
968 to: (i) a description of the investigation and disposition of the complaint; (ii) any disciplinary  
969 action recommended by internal affairs or the supervising officer; and (iii) if the recommended  
970 disciplinary action included retraining, suspension or termination, a recommendation by the head  
971 of the agency for disciplinary action by the commission including, retraining or suspension or  
972 revocation of the officer's certification.

973 (3) Upon final disposition of the complaint, the head of each agency shall immediately  
974 transmit to the division of police standards a final report in a form to be determined by the

975 commission; provided, that the form shall include, but shall not be limited to: (i) any disciplinary  
976 action initially recommend by internal affairs or the supervising officer; (ii) the final discipline  
977 imposed and a description of the adjudicatory process; and (iii) if the disciplinary action  
978 recommended or imposed included retraining, suspension or termination, a recommendation by  
979 the head of the agency for disciplinary action by the commission including, retraining or  
980 suspension or revocation of the officer's certification.

981 (4) If an officer resigns during an agency investigation, prior to the conclusion of an  
982 agency investigation or prior to the imposition of agency discipline, up to and including  
983 termination, the head of said agency shall immediately transmit to the division of police  
984 standards a report in a form to be determined by the commission; provided, that the form shall  
985 include, but shall not be limited to: (i) the officer's full employment history; (ii) a description of  
986 the events or complaints surrounding the resignation; and (iii) a recommendation by the head of  
987 the agency for disciplinary action by the commission, including retraining or suspension or  
988 revocation of the officer's certification.

989 (5) Notwithstanding any general or special law or collective bargaining agreement to the  
990 contrary, nothing shall limit the ability of the head of an agency to make a recommendation in  
991 their professional judgement to the commission relative to the certification status of an officer,  
992 after having followed the agency's internal affairs procedure and any appeal therefrom.

993 (c)(1) The division of police standards shall initiate a preliminary inquiry into the conduct  
994 of a law enforcement officer if the commission receives a complaint, report or other credible  
995 evidence that is deemed sufficient by the commission that the law enforcement officer:

996 (i) was involved an officer-involved injury or death;

997 (ii) committed a felony or misdemeanor, whether or not the officer has been arrested,  
998 indicted, charged or convicted;

999 (iii) engaged in conduct prohibited pursuant to section 14;

1000 (iv) engaged in conduct prohibited pursuant to section 15; or

1001 (v) the commission receives an affirmative recommendation by the head of an appointing  
1002 agency for disciplinary action by the commission, including retraining or suspension or  
1003 revocation of the officer's certification.

1004 (2) The division of police standards may initiate a preliminary inquiry into the conduct of  
1005 a law enforcement officer upon receipt of a complaint, report or other credible evidence that is  
1006 deemed sufficient by the commission that the law enforcement officer may have engaged in  
1007 prohibited conduct. All proceedings and records relating to a preliminary inquiry or initial staff  
1008 review used to determine whether to initiate an inquiry shall be confidential, except that the  
1009 executive director may turn over to the attorney general, the United States Attorney or a district  
1010 attorney of competent jurisdiction evidence which may be used in a criminal proceeding.

1011 (3) The division of police standards shall notify any law enforcement officer who is the  
1012 subject of the preliminary inquiry, the head of their collective bargaining unit and the head of  
1013 their appointing agency of the existence of such inquiry and the general nature of the alleged  
1014 violation within 30 days of the commencement of the inquiry.

1015 (d) The division of police standards may audit all records related to the complaints,  
1016 investigations and investigative reports of any agency related to complaints of officer misconduct  
1017 or unprofessionalism, including, but not limited to, personnel records The commission shall

1018 promulgate rules and regulations establishing an audit procedure; provided, however, that said  
1019 rules and regulations shall not limit the ability of the division of police standards to initiate an  
1020 audit at any time and for any reason.

1021 (e) The division of police standards shall create and maintain a database containing  
1022 information related to an officer's: (i) receipt of complaints and related information, including,  
1023 but not limited to: the officer's appointing agency, date, a description of circumstances of the  
1024 conduct that is the subject of the complaint and whether the complaint alleges that the officer's  
1025 conduct: (A) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
1026 religion, mental or physical disability, immigration status or socioeconomic or professional level;  
1027 (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in  
1028 serious bodily injury or death; (ii) allegations of untruthfulness; (iii) failure to follow  
1029 commission training requirements; (iv) decertification by the commission; (v) agency-imposed  
1030 discipline; (vi) termination for cause; and (vii) any other information the commission deems  
1031 necessary or relevant.

1032 (f) The division of police standards shall actively monitor the database to identify  
1033 patterns of unprofessional police conduct. Upon identification of a pattern of unprofessional  
1034 police conduct, the division of police standards may recommend the evidence in its possession  
1035 for review in a preliminary inquiry.

1036 (g) The division of police standards shall be a law enforcement agency and its employees  
1037 shall have such law enforcement powers as necessary to effectuate the purposes of this chapter,  
1038 including the power to receive intelligence on an applicant for certification or an officer certified  
1039 under this chapter and to investigate any suspected violations of law.

1040 Section 9. (a)(1) The commission shall immediately suspend the certification of any  
1041 officer who is arrested, charged or indicted for a felony.

1042 (2) If, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8,  
1043 the commission concludes by a preponderance of the evidence that a law enforcement officer has  
1044 engaged in conduct that could constitute a felony and upon a vote to initiate an adjudicatory  
1045 proceeding of said conduct, the commission shall immediately suspend an officer's certification.

1046 (3) The commission may, after a preliminary inquiry pursuant to paragraph (1) of  
1047 subsection (c) of section 8, suspend the certification of any officer who is arrested, charged or  
1048 indicted for a misdemeanor, if the commission determines by a preponderance of the evidence  
1049 that the crime affects the fitness of the officer to serve as a law enforcement officer.

1050 (4) The commission may, pending preliminary inquiry pursuant to paragraph (1) of  
1051 subsection (c) of section 8, suspend the certification of any officer if the commission determines  
1052 by a preponderance of the evidence that the suspension is in the best interest of the health, safety  
1053 or welfare of the public.

1054 (5) A suspension order of the commission issued pursuant to this subsection shall  
1055 continue in effect until issuance of the final decision of the commission or until revoked by the  
1056 commission.

1057 (b) The commission shall administratively suspend the certification of an officer who  
1058 fails to complete in-service training requirements of the commission within 90 days of the  
1059 deadline imposed by the commission; provided, however, that the commission may promulgate  
1060 reasonable exemptions to this subsection, including, but not limited to, exemptions for: (1) injury  
1061 or physical disability; (2) a leave of absence; or (3) other documented hardship. The commission

1062 shall reinstate the certification of an officer suspended pursuant to this subsection upon  
1063 completion of the in-service training requirements of the commission.

1064 (c) The commission shall administratively suspend the certification of an officer with a  
1065 duty to report information to the commission pursuant to section 8 who fails to report such  
1066 information. The commission shall reinstate the certificate of an officer suspended pursuant to  
1067 this subsection upon completion of said report.

1068 (d) A law enforcement officer whose certification is suspended by the commission  
1069 pursuant to subsection (a), (b) or (c) shall be entitled to a hearing before a commissioner within  
1070 15 days. The terms of employment of a law enforcement officer whose certification is suspended  
1071 by the commission pursuant to said subsection (a) (b) or (c) shall continue to be subject to  
1072 chapter 31 and any applicable collective bargaining agreement to which the law enforcement  
1073 officer is a beneficiary.

1074 Section 10. (a) The commission shall, after a hearing, revoke an officer's certification if  
1075 the commission finds by clear and convincing evidence that:

1076 (i) the officer is convicted of a felony;

1077 (ii) the certification was issued as a result of administrative error;

1078 (iii) the certification was obtained through misrepresentation or fraud;

1079 (iv) the officer falsified any document in order to obtain or renew certification;

1080 (v) the officer has had a certification or other authorization revoked by another  
1081 jurisdiction;

1082 (vi) the officer is terminated by their appointing agency, and any appeal of said  
1083 termination is completed, based upon intentional conduct performed under the color of office to:  
1084 obtain false confessions; make a false arrest; create or use falsified evidence, including false  
1085 testimony or destroying evidence to create a false impression; engage in conduct that would  
1086 constitute a hate crime, as defined in section 32 of chapter 22C; or directly or indirectly receive a  
1087 reward, gift or gratuity on account of their official services;

1088 (vii) the officer has been convicted of submitting false timesheets in violation of section  
1089 85BB of chapter 231;

1090 (viii) the officer knowingly files a written police report containing a false statement or  
1091 commits perjury, as defined in section 1 of chapter 268;

1092 (ix) the officer tampers with a record for use in an official proceeding, as defined in  
1093 section 13E of chapter 268;

1094 (x) the officer used force in violation of section 14;

1095 (xi) the officer used excessive use of force resulting in death or serious bodily injury;

1096 (xii) the officer used a chokehold in violation of said section 14;

1097 (xiii) the officer engaged in conduct that would constitute a hate crime, as defined in  
1098 section 32 of chapter 22C;

1099 (xiv) the officer engaged in the intimidation of a witness, as defined in section 13B of  
1100 chapter 268;

1101 (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer  
1102 from engaging in prohibited conduct or behavior, including, but not limited to, excessive or  
1103 prohibited force in violation of section 15;

1104 (xvi) the officer is not fit for duty as an officer and the officer is dangerous to the public,  
1105 as determined by the commission.

1106 (b) The commission may, after a hearing, suspend or revoke an officer's certification if  
1107 the commission finds by clear and convincing evidence that the officer:

1108 (i) has been convicted of any misdemeanor;

1109 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
1110 religion, mental or physical disability, immigration status or socioeconomic or professional level  
1111 in their conduct;

1112 (iii) has a pattern of unprofessional police conduct that commission believes may  
1113 escalate;

1114 (iv) was suspended or terminated by their appointing agency for disciplinary reasons, and  
1115 any appeal of said suspension or termination is completed; or

1116 (v) has repeated sustained internal affairs complaints, for the same or different offenses.

1117 (c) The commission may reinstate the certificate of an officer suspended pursuant to  
1118 subsection (b) at the expiration of the suspension, if the commission finds that all conditions of  
1119 the suspension were met.



1120 (d) The commission may, after a hearing, order retraining for any officer if the  
1121 commission finds substantial evidence that the officer:

1122 (i) failed to comply with this chapter or commission regulations, reporting requirements  
1123 or training requirements;

1124 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
1125 religion, mental or physical disability, immigration status or socioeconomic or professional level  
1126 in their conduct;

1127 (iii) used excessive force;

1128 (iv) failed to respond an incident according to established procedure;

1129 (v) has a pattern of unprofessional police conduct;

1130 (vi) was untruthful, except for a statement or action that mandates revocation pursuant to  
1131 subsection (a);

1132 (vii) was suspended or terminated by their appointing agency for disciplinary reasons,  
1133 except those reasons which mandate revocation pursuant to said subsection (a);

1134 (viii) fails to intervene to prevent another officer from engaging in prohibited conduct or  
1135 behavior, except a failure to intervene in conduct that mandates revocation pursuant to said  
1136 subsection (a); or

1137 (ix) would benefit in their job performance if retrained.

1138 (e) The commission shall immediately notify the officer and the head of the appointing  
1139 agency of the officer who is decertified, suspended or ordered to undergo retraining of the order.

1140 (f) The commission shall conduct preliminary inquiries, revocation and suspension  
1141 proceedings and hearings, and promulgate regulations for such proceedings and hearings,  
1142 pursuant to sections 1, 8 and 10 to 14, inclusive, of chapter 30A. Any decision of the commission  
1143 relative to a preliminary inquiry, revocation and suspension proceeding shall be appealable  
1144 pursuant to chapter 30A. No adverse action taken against a certification by the commission  
1145 pursuant to this section shall be appealable to the civil service commission established under  
1146 chapter 31. No employment action taken by an appointing authority that results from a  
1147 revocation by the commission pursuant to subsection (a) shall be appealable to the civil service  
1148 commission established under chapter 31.

1149 (g) The committee shall publish any revocation order and findings. The committee shall  
1150 provide all revocation information to the national decertification index. No officer may apply for  
1151 certification after that officer's certification has been revoked pursuant to this section.

1152 (h) The commission shall not institute a revocation or suspension hearing pursuant to this  
1153 section until the officer's appointing agency has issued a final disposition or 1 year has elapsed  
1154 since the incident was reported to the commission, whichever is sooner. If the officer notifies the  
1155 commission that the officer wishes to suspend such hearing pending an appeal or arbitration of  
1156 the appointing agency's final disposition, the commission shall suspend the hearing; provided,  
1157 however, that any delay in instituting a revocation or suspension hearing shall not exceed 1 year  
1158 from the officer's request. If the officer notifies the commission that the officer wishes to  
1159 suspend such hearing pending the resolution of criminal charges, the commission shall suspend  
1160 the hearing; provided, however, that the officer's certification shall be suspended during the  
1161 pendency of any delay in such hearing. This subsection shall not impact the commission's  
1162 authority to suspend a certification pursuant to section 9.

1163           Section 11. Neither any agency, nor a sheriff, nor the executive office of public safety nor  
1164 any entity thereunder shall employ a decertified officer in any capacity, including, but not limited  
1165 to, as a consultant or independent contractor.

1166           Section 12. No officer or employee of the commonwealth or of any county, city, town or  
1167 district shall discharge an officer or employee, change their official rank, grade or compensation,  
1168 deny a promotion or take any other adverse action against an officer or employee or threaten to  
1169 take any such action for providing information to the commission or testifying in any  
1170 commission proceeding.

1171           Section 13. (a) The commission shall maintain a publicly available database of orders  
1172 issued pursuant to section 10 on the commission's website, including, but not limited to: (i) the  
1173 names of all decertified officers, the date of decertification, the officer's last appointing agency  
1174 and the reason for decertification; (ii) the names of all officers who have been suspended, the  
1175 beginning and end dates of suspension, the officer's appointing agency and the reason for  
1176 suspension; and (iii) the names of all officers ordered to undergo retraining, the date of the  
1177 retraining order, the date the retraining was completed, the type of retraining ordered, the  
1178 officer's appointing agency and the reason for the retraining order.

1179           (b) The commission shall cooperate with the national decertification index and other  
1180 states and territories to ensure officers who are decertified by the commonwealth are not hired as  
1181 law enforcement officers in other jurisdictions, including by providing information requested by  
1182 those entities.

1183           Section 14. (a) A law enforcement officer shall not use physical force upon another  
1184 person unless de-escalation tactics have been attempted and failed or are not feasible based on

1185 the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest or  
1186 detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent  
1187 harm and the amount of force used is proportionate to the threat of imminent harm; provided,  
1188 however, that a law enforcement officer may use necessary, proportionate and non-deadly force  
1189 in accordance with the regulations promulgated by the committee on police training and  
1190 certification pursuant to subsection (d) of section 15.

1191 (b) A law enforcement officer shall not use deadly force upon a person unless de-  
1192 escalation tactics have been attempted and failed or are not feasible based on the totality of the  
1193 circumstances and such force is necessary to prevent imminent harm to a person and the amount  
1194 of force used is proportionate to the threat of imminent harm.

1195 (c) A law enforcement officer shall not use a chokehold. A law enforcement officer shall  
1196 not be trained to use a lateral vascular neck restraint, carotid restraint or other action that  
1197 involves the placement of any part of law enforcement officer's body on or around a person's  
1198 neck in a manner that limits the person's breathing or blood flow.

1199 (d) A law enforcement officer shall not discharge any firearm into or at a fleeing motor  
1200 vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent  
1201 imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a  
1202 person.

1203 (e) When a police department has advance knowledge of a planned mass demonstration,  
1204 it shall attempt in good faith to communicate with organizers of the event to discuss logistical  
1205 plans, strategies to avoid conflict and potential communication needs between police and event  
1206 participants. The department shall make plans to avoid and de-escalate potential conflicts and

1207 designate an officer in charge of de-escalation planning and communication about the plans  
1208 within the department. A law enforcement officer shall not discharge or order the discharge of  
1209 tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a  
1210 propulsion device or release or order the release of a dog to control or influence a person's  
1211 behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based  
1212 on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent  
1213 harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets  
1214 or dog is proportionate to the threat of imminent harm. If a law enforcement officer utilizes or  
1215 orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd,  
1216 the law enforcement officer's appointing agency shall file a report with the commission detailing  
1217 all measures that were taken in advance of the event to reduce the probability of disorder and all  
1218 de-escalation tactics and other measures that were taken at the time of the event to de-escalate  
1219 tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or  
1220 dog. The commission shall review the report and may make any additional investigation. After  
1221 such review and investigation, the commission shall, if applicable, make a finding as to whether  
1222 the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or  
1223 order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

1224           Section 15. (a) An officer present and observing another officer using physical force,  
1225 including deadly force, beyond that which is necessary or objectively reasonable based on the  
1226 totality of the circumstances, shall intervene to prevent the use of unreasonable force unless  
1227 intervening would result in imminent harm to the officer or another identifiable individual.

1228           (b) An officer who observes another officer using physical force, including deadly force,  
1229 beyond that which is necessary or objectively reasonable based on the totality of the

1230 circumstances shall report the incident to an appropriate supervisor as soon as reasonably  
1231 possible but not later than the end of the officer's shift. The officer shall prepare a detailed  
1232 written statement describing the incident consistent with uniform protocols. The officer's written  
1233 statement shall be included in the supervisor's report

1234 (c) A law enforcement agency shall develop and implement a policy and procedure for  
1235 law enforcement personnel to report abuse by other law enforcement personnel without fear of  
1236 retaliation or actual retaliation.

1237 (d) The committee on police training and certification shall promulgate rules and  
1238 regulations, subject to the approval of the commission, for the administration and enforcement of  
1239 this section and section 14; provided, however, that such regulations may authorize the use of  
1240 necessary, proportionate and non-deadly force for purposes not explicitly specified in this  
1241 chapter where de-escalation tactics have been attempted and failed or are not feasible based on  
1242 the totality of the circumstances.

1243 Section 16. The commission shall annually report to the general court, the governor and  
1244 the attorney general concerning: (1) all officer-involved injuries or deaths that occurred during  
1245 the preceding fiscal year, including: (i) the total number of officer-involved injuries or deaths;  
1246 (ii) the number of officer-involved injuries or deaths reported by each agency; and (iii) any  
1247 operational, policy, regulatory or legislative recommendations to reduce the number and  
1248 seriousness of officer-involved injuries or deaths; (2) all officers who were decertified during the  
1249 preceding fiscal year, including: (i) the total number of officers who were decertified; (ii) the  
1250 reasons for revocation of the certificate and the frequency of each reason; (iii) the average  
1251 number of complaints an officer who was decertified received over the course of their tenure as

1252 an officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias  
1253 on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or  
1254 physical disability, immigration status or socioeconomic or professional level; (v) the frequency  
1255 with which said complaints alleged use of excessive or prohibited force or officer-involved  
1256 injuries or deaths; (vi) the frequency with which an officer who was decertified failed to meet  
1257 training requirements established by the commission and their appointing agency; and (vii) the  
1258 frequency with which an officer who was decertified was subject to discipline, including, but not  
1259 limited to, retraining or suspension, by the commission and their appointing agency prior to  
1260 decertification; (3) all suspensions that occurred during the preceding fiscal year, including: (i)  
1261 the total number of suspensions; (ii) the reasons for suspensions of the certificate and the  
1262 frequency of each reason; (iii) the average number of complaints an officer who was suspended  
1263 received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency  
1264 with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity,  
1265 sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or  
1266 professional level; (v) the frequency with which said complaints alleged use of excessive or  
1267 prohibited force or officer-involved injuries or deaths; (vi) the frequency with which an officer  
1268 who was suspended failed to meet training requirements established by the commission and their  
1269 appointing agency; and (vii) the frequency with which an officer who was suspended was subject  
1270 to discipline, including, but not limited to, retraining or previous suspension, by the commission  
1271 and their appointing agency prior to suspension; (4) all retraining orders imposed by the  
1272 commission that occurred during the preceding fiscal year, including: (i) the total number of  
1273 retraining orders, by type of retraining ordered; (ii) the reasons for retraining and the frequency  
1274 of each reason, by type of retraining ordered; (iii) the average number of complaints an officer

1275 who was subject to a retraining order, by type of retraining ordered, received over the course of  
1276 their tenure as an officer and on a per annum basis; (iv) the frequency with which said  
1277 complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation,  
1278 religion, mental or physical disability, immigration status or socioeconomic or professional level,  
1279 by type of retraining ordered; (v) the frequency with which said complaints alleged use of  
1280 excessive or prohibited force or officer-involved injuries or deaths, by type of retraining; (vi) the  
1281 frequency with which an officer who was subject to a retraining order, by type of retraining  
1282 ordered, failed to meet training requirements established by the commission and their appointing  
1283 agency; and (vii) the frequency with which an officer who was subject to a retraining order was  
1284 previously subject to discipline, by type of retraining ordered, including, but not limited to,  
1285 retraining or suspension, by the commission and their appointing agency; (5) the total number of  
1286 injuries or deaths of police officers; and (6) any other action the commission has taken. The  
1287 commission shall make such further reports on matters within its jurisdiction as necessary.

1288 SECTION 31. Section 35EEE of chapter 10 of the General Laws, inserted by section 14  
1289 of chapter 69 of the acts of 2018, is hereby amended by striking out the words “There shall be a  
1290 Municipal Police Training Fund which shall consist of amounts credited to the fund in  
1291 accordance with this section” and inserting in place thereof the following words:- There shall be  
1292 a Police Training Fund which shall consist of amounts credited to the fund in accordance with  
1293 this section.

1294 SECTION 32 Subsection (b) of said section 35EEE of said chapter 10, as appearing in  
1295 said section 14 of said chapter 69, is hereby amended by striking out the words “municipal police  
1296 training committee” and inserting in place thereof the following words:- committee on police  
1297 training and certification.



1298 SECTION 33. Said section 35EEE of said chapter 10 is hereby further amended by  
1299 striking out subsection (c), as appearing in said section 14 of said chapter 69, and inserting in  
1300 place thereof the following subsection:-

1301 (c) Expenditures from the fund shall be made to provide funding for: (i) the operating  
1302 expenses of the committee on police training and certification established by section 4 of chapter  
1303 6E; (ii) basic recruit training for new law enforcement officers; (iii) mandatory in-service  
1304 training for veteran law enforcement officers; (iv) specialized training for veteran law  
1305 enforcement officers and reserve and intermittent law enforcement officers; and (v) the basic  
1306 training program for reserve and intermittent law enforcement officers.

1307 SECTION 34. Subsection (d) of said section 35EEE of said chapter 10, inserted by  
1308 section 2 of chapter 153 of the acts of 2018, is hereby amended by striking out the words  
1309 “municipal police training committee” and inserting in place thereof, in each instance, the  
1310 following words:- Massachusetts peace officer standards and training commission

1311 SECTION 35. Said subsection (d) of said section 35EEE of said chapter 10, inserted by  
1312 said section 2 of said chapter 153, is hereby further amended by striking out the words “The  
1313 executive office of public safety and security” and inserting in place thereof the following  
1314 words:- The Massachusetts peace officer standards and training commission established in  
1315 section 2 of chapter 6E.

1316 SECTION 36. Clause (xi) of said subsection (d) of said section 35EEE of said chapter 10,  
1317 as appearing in section 2 of said chapter 153, is hereby amended by striking out the word  
1318 “municipality” and inserting in place thereof the following word:- agency

1319 SECTION 37. Chapter 12 of the General Laws is hereby amended by striking out section  
1320 11H, as appearing in the 2018 Official Edition, and inserting in place thereof the following  
1321 section:-

1322 Section 11H. (a)(1) Whenever any person or persons, whether or not acting under color  
1323 of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats,  
1324 intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights  
1325 secured by the constitution or laws of the United States, or of rights secured by the constitution  
1326 or laws of the commonwealth, the attorney general may bring a civil action for injunctive or  
1327 other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the  
1328 right or rights secured. Said civil action shall be brought in the name of the commonwealth and  
1329 shall be instituted either in the superior court for the county in which the conduct complained of  
1330 occurred or in the superior court for the county in which the person whose conduct complained  
1331 of resides or has his principal place of business.

1332 (2) If the attorney general prevails in an action under this section, the attorney general  
1333 shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity;  
1334 and (ii) litigation costs and reasonable attorneys' fees in an amount to be determined by the  
1335 court. In a matter involving the interference or attempted interference with any right protected by  
1336 the constitution of the United States or of the commonwealth, the court may also award civil  
1337 penalties against each defendant in an amount not exceeding \$5,000 for each violation.

1338 (b) All persons shall have the right to bias-free professional policing. Any conduct taken  
1339 in relation to an aggrieved person by a law enforcement officer acting under color of law that  
1340 results in the decertification of said law enforcement officer by the Massachusetts peace officer

1341 standards and training commission pursuant to section 10 of chapter 6E shall constitute  
1342 interference with said person’s right to bias-free professional policing and shall be a prima facie  
1343 violation of said person’s right to bias-free professional policing and a prima facie violation of  
1344 subsection (a). No law enforcement officer shall be immune from civil liability for any conduct  
1345 under color of law that violates a person’s right to bias-free professional policing if said conduct  
1346 results in the law enforcement officer’s decertification by the Massachusetts peace officer  
1347 standards and training commission pursuant to section 10 of chapter 6E; provided, however, that  
1348 nothing in this subsection shall be construed to grant immunity from civil liability to a law  
1349 enforcement officer for interference by threat, intimidation or coercion, or attempted interference  
1350 by threats, intimidation or coercion, with the exercise or enjoyment any right secured by the  
1351 constitution or laws of the United States or the constitution or laws of the commonwealth if the  
1352 conduct of said officer was knowingly unlawful or was not objectively reasonable.

1353 SECTION 38. Section 11J of said chapter 12, as so appearing, is hereby amended by  
1354 striking out, in lines 1 and 2, 16 and 34 and 35, each time they appear, the words “section eleven  
1355 H or eleven I” and inserting in place thereof, in each instance, the following words:- subsection  
1356 (a) of section 11H or section 11I.

1357 SECTION 39. Said section 11J of said chapter 12, as so appearing, is hereby further  
1358 amended by striking out, in line 30, the words “section eleven H” and inserting in place thereof  
1359 the following words:- subsection (a) of section 11H.

1360 SECTION 40. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby  
1361 amended by striking out, in lines 88 and 89, the words “executive director of the municipal

1362 police training committee” and inserting in place thereof the following words:- training director  
1363 of the Massachusetts peace officer standards and training commission.

1364 SECTION 41. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby  
1365 amended by striking out, in line 2, the word “police” and inserting in place thereof the following  
1366 words:- responsive.

1367 SECTION 42. Paragraph (1) of subsection (c) of said section 25 of said chapter 19, as so  
1368 appearing, is hereby amended by striking out clauses (vi) and (vii) and inserting in place thereof  
1369 the following 3 clauses:- (vi) assist municipal police departments to cover backfill costs incurred  
1370 in sending staff to training; provided, however, that reimbursement shall not exceed the actual  
1371 cost of the sending department's backfill; (vii) promote the use and adequate resourcing of  
1372 trained community-based crisis response resources to assist residents when an exclusive police  
1373 response is not best suited to address the concerns raised or is inappropriate or unnecessary; and  
1374 (viii) stipulate that each municipal police department receiving reimbursement provide  
1375 information necessary for the center to evaluate the goals described in paragraph (3), including  
1376 the percentage of the municipality's police sergeants, lieutenants and other officers who directly  
1377 oversee patrol officers who have received the center's recommended training and the percentage  
1378 of the municipality's patrol officers who have received the center's recommended training.

1379 SECTION 43. Paragraph (2) of said subsection (c) of said section 25 of said chapter 19,  
1380 as so appearing, is hereby amended by striking out clauses (v) and (vi) and inserting in place  
1381 thereof the following 4 clauses:- (v) best practices, including efforts to prioritize de-escalation  
1382 tactics and techniques in crisis response situations; (vi) institutional and structural racism and  
1383 implicit bias; (vii) best practices for responding to mass gatherings or protests that shall

1384 emphasize de-escalation and minimizing the necessity for use of force; and (viii) community  
1385 policing principles.

1386 SECTION 44. Section 3 of chapter 22C of the General Laws, as so appearing, is hereby  
1387 amended by striking out, in lines 6 and 7, each time it appears, the word “he” and inserting in  
1388 place thereof, in each instance, the following words:- the colonel.

1389 SECTION 45. Said section 3 of said chapter 22C, as so appearing, is hereby further  
1390 amended by striking out the second paragraph and inserting in place thereof the following  
1391 paragraph:-

1392 The governor, upon the recommendation of the secretary of public safety and security,  
1393 shall appoint the colonel, who shall be qualified by training and experience, to direct the work of  
1394 the department. At the time of appointment, the colonel shall have not less than 10 years of full-  
1395 time experience as a sworn law enforcement officer and not less than 5 years of full-time  
1396 experience in a senior administrative or supervisory position in a police force or a military body  
1397 with law enforcement responsibilities. The appointment shall constitute an appointment as a  
1398 uniformed member of the department and shall qualify the colonel to exercise all powers granted  
1399 to a uniformed member under this chapter. The colonel shall serve at the pleasure of the  
1400 governor and shall devote their full time during business hours to the duties of the office.

1401 SECTION 46. Section 10 of said chapter 22C, as so appearing, is hereby amended by  
1402 striking out, in lines 3, 40, 52, 54, 61, 63 and 65, each time it appears, the word “he” and  
1403 inserting in place thereof, in each instance, the following words:- such officer.

1404 SECTION 47. Said section 10 of said chapter 22C, as so appearing, is hereby further  
1405 amended by striking out, in line 27, the words “reached his twenty-first birthday” and inserting  
1406 in place thereof the following words:- attained the age of 21.

1407 SECTION 48. Said section 10 of said chapter 22C, as so appearing, is hereby further  
1408 amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and  
1409 inserting in place thereof the following words:- the person has attained the age of 35.

1410 SECTION 49. Said section 10 of said chapter 22C, as so appearing, is hereby further  
1411 amended by striking out the third paragraph and inserting in place thereof the following  
1412 paragraph:-

1413 A person shall not be enlisted as a uniformed member of the state police except in  
1414 accordance with this section and section 11; provided, however, that other than for an  
1415 appointment made pursuant to section 3, a person employed as a police officer for an agency  
1416 other than the department of state police, including, but not limited to, an agency of the  
1417 commonwealth or any political subdivision of the commonwealth, shall not be allowed to  
1418 transfer into a position as a uniformed member of the state police.

1419 SECTION 50. Said section 10 of said chapter 22C, as so appearing, is hereby further  
1420 amended by striking out, in lines 66 and 71, each time it appears, the word “his” and inserting in  
1421 place thereof, in each instance, the following words:- such officer’s.

1422 SECTION 51. Said chapter 22C is hereby further amended by inserting after section 10  
1423 the following section:-

1424           Section 10A. The colonel may establish a cadet program within the department and may  
1425 admit as a state police cadet, for a period of full-time on the job training, a citizen resident in the  
1426 commonwealth who: (i) is not less than 19 years of age and not more than 25 years of age; (ii)  
1427 would otherwise be found suitable for appointment for initial enlistment as a uniformed member  
1428 of the state police pursuant to sections 10, 11 and 14, with the exception of the physical fitness  
1429 standards therein; (iii) has passed a qualifying physical fitness examination, as determined by the  
1430 colonel; and (iv) has passed a qualifying examination, as determined by the colonel.

1431           The qualifying examination shall be conducted under the direction of the colonel who  
1432 shall, after consultation with the personnel administrator, determine its form, method and subject  
1433 matter. The qualifying examination shall fairly test the applicant's knowledge, skills and abilities  
1434 that can be fairly and reliably measured and that are actually required to perform the primary or  
1435 dominant duties of the position of state police cadet.

1436           A person who has attained the age of 19 on or before the final date for the filing of  
1437 applications for the state police cadet program shall be eligible to take the qualifying  
1438 examination for the state police cadet program. A person who has attained the age of 26 on or  
1439 before the final date for the filing of applications for the state police cadet program shall not be  
1440 eligible to take the qualifying examination for the state police cadet program.

1441           Admission as a state police cadet shall not be subject to the civil service law or rules and  
1442 a state police cadet shall not be entitled to any benefits of such law or rules. The colonel shall  
1443 immediately report, in writing, any admission as a state police cadet made pursuant to this  
1444 section to the secretary of public safety and security and the personnel administrator. Admission  
1445 shall be for a term of service of not less than 12 months as determined by the department and

1446 may be terminated at any time. A state police cadet's term of service shall be terminated if the  
1447 state police cadet fails to maintain a passing grade in any course of study required by the colonel.  
1448 A state police cadet shall be required to meet the physical fitness standards required for  
1449 appointment for initial enlistment as a uniformed member of the state police within 12 months of  
1450 the state police cadet's admission to the state police cadet program. A state police cadet shall be  
1451 an at-will employee. A state police cadet shall receive such compensation and such leave with  
1452 pay as the colonel shall determine in consultation with the personnel administrator. The colonel  
1453 shall establish requirements for successful completion of the state police cadet program.

1454         The colonel shall determine the duties and responsibilities of state police cadets. A state  
1455 police cadet shall not carry arms and shall not have any power of arrest other than that of an  
1456 ordinary citizen. A state police cadet shall be considered an employee of the commonwealth for  
1457 the purposes of workers' compensation.

1458         While participating in the state police cadet program, a state police cadet shall not be  
1459 subject to or entitled to the benefits of any retirement or pension law, nor shall any deduction be  
1460 made from a state police cadet's compensation for the purpose thereof; provided, however, that a  
1461 state police cadet who successfully completes the state police cadet program and is appointed to  
1462 the department of state police pursuant to section 11 or is appointed as a police officer in a  
1463 municipal police department, the Massachusetts bay transportation authority police force, the  
1464 office of law enforcement within the executive office of energy and environmental affairs or the  
1465 University of Massachusetts or becomes an employee, as defined in section 1 of chapter 32, shall  
1466 have any state police cadet service considered as creditable service, as defined in said section 1  
1467 of said chapter 32, for purposes of retirement if the state police cadet pays into the annuity  
1468 savings fund of the retirement system in 1 sum or in installments, upon such terms and



1469 conditions as the board may prescribe, not later than 1 year after appointment as described  
1470 above, such amount as the retirement board determines equal to that which the state police cadet  
1471 would have paid had the state police cadet been a member of the retirement system during the  
1472 period of training as a state police cadet, together with buyback interest.

1473 SECTION 52. Section 11 of said chapter 22C, as appearing in the 2018 Official Edition,  
1474 is hereby amended by striking out, in lines 19 and 20, each time it appears, the word “his”, and  
1475 inserting in place thereof, in each instance, the following words:- the uniformed member’s.

1476 SECTION 53. Said section 11 of said chapter 22C, as so appearing, is hereby further  
1477 amended by inserting after the third paragraph the following paragraph:-

1478 Notwithstanding any provision of this section to the contrary, the colonel may appoint for  
1479 initial enlistment as a uniformed member of the state police any person who has successfully  
1480 completed the state police cadet program pursuant to section 10A and who is willing to accept  
1481 such appointment. Appointment for initial enlistment as a uniformed member of the state police  
1482 under this paragraph shall terminate that person’s admission as a state police cadet. Not more  
1483 than 1/3 of the total number of appointments to the state police in any single recruit training  
1484 troop shall be made pursuant to this paragraph. The colonel shall immediately report, in writing,  
1485 any appointment made pursuant to this paragraph to the personnel administrator.

1486 SECTION 54. Said chapter 22C is hereby further amended by striking out section 13, as  
1487 so appearing, and inserting in place thereof the following section:-

1488 Section 13. (a) A uniformed member of the state police who has served for at least 1 year  
1489 and against whom charges have been referred shall be tried by a board to be appointed by the  
1490 colonel or, at the request of the officer, a board consisting of the colonel. A person aggrieved by

1491 the finding of the trial board under this subsection may appeal the decision of the trial board  
1492 under sections 41 to 45, inclusive, of chapter 31. A uniformed officer of the state police who has  
1493 been dismissed from the state police force after a trial under this subsection, or who resigns  
1494 while charges to be tried by a trial board are pending against the uniformed officer, shall not be  
1495 reinstated by the colonel.

1496 (b) Notwithstanding subsection (a), the colonel may administratively suspend without  
1497 pay a uniformed member who has served for at least 1 year if: (i) the uniformed member had a  
1498 criminal complaint or indictment issued against them; (ii) the department has referred the  
1499 uniformed member to a prosecutorial agency for review for prosecution; or (iii) there are  
1500 reasonable grounds to believe that the uniformed member has engaged in misconduct in the  
1501 performance of the uniformed member's duties that violates the public trust.

1502 Prior to such administrative suspension, the department shall provide the uniformed  
1503 member notice of, and the underlying factual basis for, the administrative suspension. After such  
1504 notice, the colonel or the colonel's designee shall hold a departmental hearing at which the  
1505 uniformed member shall have an opportunity to respond to the allegations. Following the  
1506 departmental hearing and upon a finding that there are reasonable grounds for such  
1507 administrative suspension without pay, the colonel may administratively suspend without pay  
1508 such uniformed member immediately. The administrative suspension without pay shall not be  
1509 appealable under sections 41 to 45, inclusive, of chapter 31; provided, however, that the  
1510 administrative suspension without pay may be appealed as provided in section 43.

1511 A uniformed member who is administratively suspended without pay pursuant to this  
1512 section may seek a review by the colonel or the colonel's designee of the administrative

1513 suspension without pay after 1 year from the date of the administrative suspension and every  
1514 year thereafter, or sooner if the uniformed member can demonstrate a material change in  
1515 circumstances. The decision of the colonel or the colonel's designee after such review may be  
1516 appealed under said sections 41 to 45, inclusive, of said chapter 31.

1517 (c) Notwithstanding subsection (a), the colonel may impose on a uniformed member who  
1518 has served at least 1 year any permanent discipline that does not involve a suspension of pay,  
1519 loss of accrued vacation time, loss of rank or seniority or termination without provision for a trial  
1520 by a trial board under said subsection (a). Prior to imposing such discipline, the department shall  
1521 provide the uniformed member notice of, and the underlying factual basis for, the discipline.  
1522 After such notice, the colonel or the colonel's designee shall hold a departmental hearing at  
1523 which the uniformed member shall have an opportunity to respond to the allegations. Following  
1524 the departmental hearing and upon a finding that there are reasonable grounds for discipline, the  
1525 colonel may impose such discipline immediately.

1526 An order imposing discipline pursuant to this subsection shall not be appealable under  
1527 sections 41 to 45, inclusive, of chapter 31; provided, however, that such order may be appealed  
1528 as provided in section 43.

1529 SECTION 55. Section 20 of said chapter 22C, as so appearing, is hereby amended by  
1530 inserting after the word "shall", in lines 1 and 5, the following words:- , subject to the approval  
1531 of the committee on police training and certification established in chapter 6E,.

1532 SECTION 56. Section 21 of said chapter 22C, as so appearing, is hereby amended by  
1533 striking out the first and second sentences and inserting in place thereof the following 2  
1534 sentences:- The colonel may, subject to the approval of the committee on police training and

1535 certification established in chapter 6E, conduct programs for training police officers of the cities  
1536 and towns of the commonwealth and for those employees who are authorized to exercise police  
1537 powers in the various state departments or agencies and the colonel shall appoint necessary  
1538 instructors. Said programs shall be conducted and instructors appointed in accordance with said  
1539 chapter 6E.

1540 SECTION 57. Said chapter 22C is hereby further amended by striking out section 26, as  
1541 so appearing, and inserting in place thereof the following section:-

1542 Section 26. (a) The colonel may promote uniformed members of the state police who are  
1543 deemed eligible for promotion by the colonel to the title of noncommissioned officer, lieutenant  
1544 or captain. A promotion shall be based on the uniformed member's total promotional score,  
1545 which shall be based on the sum of scores earned on a competitive promotional examination  
1546 calculated pursuant to subsection (b) and longevity calculated pursuant to subsection (e).

1547 (b) For a uniformed member who is not a veteran, the uniformed member's competitive  
1548 promotional examination score shall be based on the number of points awarded to the uniformed  
1549 member for correct answers on such examination divided by the total number of possible points  
1550 to be earned on the examination, multiplied by 75. For a uniformed member who is a veteran, the  
1551 uniformed member's competitive promotional examination score shall be based on the number  
1552 of points awarded to the member for correct answers on such examination divided by the total  
1553 number of possible points to be earned on the examination, multiplied by 100, plus 2, multiplied  
1554 by 0.75.

1555 (c) A uniformed member shall not be eligible for promotion unless the uniformed  
1556 member was awarded not less than 70 per cent of the total number of possible points to be earned  
1557 on the competitive promotional examination.

1558 (d) Promotional examinations shall be open to a uniformed member who is a: (i)  
1559 noncommissioned officer who has completed not less than 5 years of service as a uniformed  
1560 member immediately before the final date for the filing of applications for such examination and  
1561 who has completed, in the immediately preceding year, 1 full year of service in the next lower  
1562 rank or title; (ii) lieutenant who has completed at least 1 year of service in the next lower rank or  
1563 title immediately before the final date for the filing of applications for such examination and who  
1564 has completed not less than 8 years of service as a uniformed member prior to the final date for  
1565 filing applications for such examination; or (iii) a captain who has completed at least 1 year of  
1566 service in the next lower rank or title immediately before the final date for the filing of  
1567 applications for such examination and who has completed not less than 12 years of service as a  
1568 uniformed member prior to the final date for filing applications for such examination.

1569 (e) (1) A noncommissioned officer shall be granted 1 longevity point for each full month  
1570 of service since appointment to the department, up to a maximum of 120 months, computed as of  
1571 the final date for the filing of applications for such promotion. The member's longevity score  
1572 shall be the total longevity points granted divided by 120, multiplied by 25.

1573 (2) A lieutenant shall be granted 1 longevity point for each full month of service since  
1574 appointment to the department, up to a maximum of 180 months, computed as of the final date  
1575 for the filing of applications for such promotion. The member's longevity score shall be the total  
1576 longevity points granted divided by 180, multiplied by 25.

1577           (3) A captain shall be granted 1 longevity point for each full month of service since  
1578 appointment to the department, up to a maximum of 240 months, computed as of the final date  
1579 for the filing of applications for such promotion. The member's longevity score shall be the total  
1580 longevity points granted divided by 240, multiplied by 25.

1581           (f) Prior to making any promotions in accordance with this section, the colonel shall  
1582 publish and distribute in the orders of the department for each title in the department a list of the  
1583 members who are eligible for promotion to each such title in the order in which each member  
1584 shall be considered for such promotion; provided, however, that such order shall be based upon  
1585 the final determination by the colonel in accordance with subsections (b) and (e). Each eligible  
1586 list for promotion shall be used by the colonel to fill vacancies for a period of 2 years from the  
1587 initial date of publication; provided, however, that, if a new eligible list has not been established  
1588 after such 2-year period, each eligible list shall continue to be used by the colonel for promotions  
1589 until a new eligible list is established. A promotion to a vacancy occurring in any title for which  
1590 an examination is conducted in accordance with this section shall be made from the first 3  
1591 members on such list who are eligible for the promotion and who are willing to accept such  
1592 promotion.

1593           SECTION 58. Section 23 of said chapter 22C, as so appearing, is hereby amended by  
1594 striking out, in line 8, the word "appointments" and inserting in place thereof the following  
1595 words:- admissions, appointments.

1596           SECTION 59. Said section 23 of said chapter 22C, as so appearing, is hereby further  
1597 amended by striking out, in line 10, the word "uniformed" and inserting in place thereof the  
1598 following words:- cadets, uniformed.

1599 SECTION 60. Subsection (a) of section 24A of said chapter 22C, as so appearing, is  
1600 hereby amended by striking out the second sentence and inserting in place thereof the following  
1601 sentence:- If the member seeking to return to work in the position of a sworn member of said  
1602 department exceeds a 1-year in break of service, the colonel shall not allow the member to return  
1603 to such position if the member fails, as determined by the colonel, to successfully pass a  
1604 background investigation, drug testing, applicable physical fitness testing, psychological testing  
1605 and complete retraining approved by the committee on police training and certification  
1606 established in chapter 6E.

1607 SECTION 61. Said section 24A of said chapter 22C, as so appearing, is hereby further  
1608 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

1609 (d) Any member, retired for disability for more than 3 years shall not return to active  
1610 service for the department if such member fails to meet the requirements set forth in paragraph  
1611 (a) and fails to complete the police training approved by the committee on police training and  
1612 certification established in chapter 6E.

1613 SECTION 62. Section 40 of said chapter 22C, as so appearing, is hereby amended by  
1614 striking out, in line 4, the words “and to” and inserting in place thereof the following words:-  
1615 and, subject to the approval of the committee on police training and certification established in  
1616 chapter 6E, to.

1617 SECTION 63. Section 63 of said chapter 22C, as so appearing, is hereby amended by  
1618 inserting after the word “skill”, in line 17, the following words:- ; provided, however, that such  
1619 officers shall remain subject to certification and training requirements of the Massachusetts  
1620 peace officer standards and training commission established in chapter 6E.

1621 SECTION 64. Section 64 of said chapter 22C, as so appearing, is hereby amended by  
1622 striking out the second sentence and inserting in place thereof the following sentence:- Such  
1623 special state police officers shall: (i) serve for 1 year, subject to removal by the colonel; (ii)  
1624 receive such training and certification as the Massachusetts peace officer standards and training  
1625 commission established in chapter 6E shall direct; and (iii) have the same power to make arrests  
1626 as the state police of any criminal offense committed in or upon lands or structures located in the  
1627 town of Framingham within the charge of said director.

1628 SECTION 65. Section 68 of said chapter 22C, as so appearing, is hereby amended by  
1629 striking out the first sentence and inserting in place thereof the following sentence:- The colonel  
1630 may, at the request of the director of the bureau of special investigations, with the approval of the  
1631 fraudulent claims commission, appoint as special state police officers employees of said bureau  
1632 who have undergone training and certification as required by the Massachusetts peace officer  
1633 standards and training commission established in chapter 6E.

1634 SECTION 66. Section 2JJJJ of chapter 29 of the General Laws, as so appearing, is hereby  
1635 amended by striking out, in lines 6 and 7, the words “municipal police training committee, under  
1636 section 116 of chapter 6” and inserting in place thereof the following words:- committee on  
1637 police training and certification established pursuant to section 4 of chapter 6E.

1638 SECTION 67. Section 2 of chapter 31 of the General Laws, as so appearing, is hereby  
1639 amended by striking out, in line 49, the words “eight of chapter thirty-one A” and inserting in  
1640 place thereof the following words:- 8 of chapter 31A; provided, however, that the commission  
1641 shall not have jurisdiction to hear an appeal of a decision by the Massachusetts peace officer



1642 standards and training commission established pursuant to chapter 6E to take adverse action  
1643 against a law enforcement officer under section 10 of said chapter 6E.

1644 SECTION 68. The first paragraph of section 42 of said chapter 31, as so appearing, is  
1645 hereby amended by adding the following sentence:- This section shall not apply to a person who  
1646 is the subject of disciplinary action or other employment-related consequences by an appointing  
1647 agency, as defined in section 1 of chapter 6E, that results from decertification under section 10 of  
1648 said chapter 6E.

1649 SECTION 69. Section 43 of said chapter 31, as so appearing, is hereby amended by  
1650 adding the following paragraph:-

1651 This section shall not apply to a person who is the subject of disciplinary action or  
1652 employment-related consequences by an appointing agency, as defined in section 1 of chapter  
1653 6E, that results from decertification under section 10 of said chapter 6E.

1654 SECTION 70. Section 36C of chapter 40 of the General Laws, as so appearing, is hereby  
1655 amended by striking out, in lines 1 and 2, the words “members of municipal police departments,  
1656 and all uniformed members of the state police shall” and inserting in place thereof the following  
1657 words:- law enforcement officers, as defined in section 1 of chapter 6E, shall.

1658 SECTION 71. The first paragraph of said section 36C of said chapter 40, as so appearing,  
1659 is hereby amended by striking out the third sentence and inserting in place thereof the following  
1660 sentence:- Said training shall be approved and coordinated by the committee on police training  
1661 and certification, and shall be included in the curriculum of all police training schools, academies  
1662 and programs.

1663 SECTION 72. Said section 36C of said chapter 40, as so appearing, is hereby further  
1664 amended by striking out, in lines 11 and 16, the word “police” and inserting in place thereof, in  
1665 each instance, the following words:- law enforcement.

1666 SECTION 73. Section 96A of chapter 41 of the General Laws, as so appearing, is hereby  
1667 amended by inserting after the word “felony”, in line 1, the following words:- or whose name is  
1668 listed in the national decertification index or the database of decertified law enforcement officers  
1669 maintained by the Massachusetts peace officer standards and training commission pursuant to  
1670 chapter 6E.

1671 SECTION 74. Said chapter 41 is hereby further amended by striking out section 96B, as  
1672 so appearing, and inserting in place thereof the following section:-

1673 Section 96B. Every person who receives an appointment to a position in which they will  
1674 exercise police powers in a law enforcement agency, as defined in section 1 of chapter 6E, shall,  
1675 prior to exercising police powers, be assigned to and satisfactorily complete a prescribed course  
1676 of study approved by the committee on police training and certification, established in section 4  
1677 of said chapter 6E. Chapter 31 and any collective bargaining agreement notwithstanding, any  
1678 person so attending such a school, academy or program shall be deemed to be a student officer  
1679 and shall be exempted from said chapter 31 and any collective bargaining agreement for that  
1680 period during which they are assigned to a police training school, academy or program; provided,  
1681 however, that such person shall be paid the regular wages provided for the position to which they  
1682 were appointed and such reasonable expenses as may be determined by the appointing authority  
1683 and shall be subject to chapter 152.

1684           Every law enforcement officer, as defined in section 1 of chapter 6E, appointed to a  
1685 position in any such agency, shall be assigned to and shall attend a prescribed course of study  
1686 approved by the committee on police training and certification for in-service officers training at  
1687 such intervals and for such periods as said committee, subject to approval of the Massachusetts  
1688 peace officer standards and training commission established in section 2 of said chapter 6E, may  
1689 determine. Any such police officer who receives an appointment to a position of higher rank  
1690 shall also complete such other courses of supervisory training as the committee, subject to  
1691 approval of the commission, may determine. While attending such school, academy or program  
1692 or completing such courses, such persons shall be paid their regular wages as a law enforcement  
1693 officer and shall receive such reasonable expenses as may be determined by the appointing  
1694 authority.

1695           Failure of an appointed person to comply with this section prior to exercising police  
1696 powers shall result in the appointed person's removal by the appointing authority. Failure of an  
1697 appointed person to satisfactorily complete the prescribed course of study shall prevent the  
1698 Massachusetts peace officer standards and training commission from issuing a certification to  
1699 said person.

1700           SECTION 75. Section 97B of said chapter 41, as so appearing, is hereby amended by  
1701 striking out, in lines 9 and 10, the words "municipal police training committee established by  
1702 section one hundred and sixteen of chapter six" and inserting in place thereof the following  
1703 words:- the division of police training and certification established pursuant to section 4 of  
1704 chapter 6E.

1705 SECTION 76. Said section 97B of said chapter 41, as so appearing, is hereby further  
1706 amended by striking out, in lines 21 and 22, the words “municipal police training committee”  
1707 and inserting in place thereof the following words:- the committee on police training and  
1708 certification established in section 4 of chapter 6E.

1709 SECTION 77. Said chapter 41 is hereby further amended by inserting after section 98G  
1710 the following section:-

1711 Section 98H. An agreement by a law enforcement agency, as defined in section 1 of  
1712 chapter 6E, to settle a complaint of professional misconduct by a law enforcement officer, as  
1713 defined in said section 1 of said chapter 6E, shall not include a nondisclosure, non-disparagement  
1714 or other similar clause in a settlement agreement between the law enforcement agency and a  
1715 complainant unless the complainant requests such provision in writing.

1716 SECTION 78. Section 37L of chapter 71 of the General Laws, as appearing in the 2018  
1717 Official Edition, is hereby amended by inserting after the third paragraph the following  
1718 paragraph:-

1719 School department personnel and school resource officers, as defined in section 37P,  
1720 shall not disclose to a law enforcement officer or agency, including local, municipal, regional,  
1721 county, state and federal law enforcement, through an official report or unofficial channels,  
1722 including, but not limited to, text, phone, email, database and in-person communication, or  
1723 submit to the department of state police’s Commonwealth Fusion Center, the Boston Regional  
1724 Intelligence Center or any other database or system designed to track gang affiliation or  
1725 involvement, any information relating to a student or a student’s family member from its  
1726 databases and other recordkeeping systems including: (i) immigration status; (ii) citizenship; (iii)

1727 neighborhood of residence; (iv) religion; (v) national origin; (vi) ethnicity; or (vii) suspected,  
1728 alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a  
1729 specific prospect of unlawful activity the school is otherwise required to report. Nothing in this  
1730 paragraph shall prohibit the sharing of information: (i) for the purposes of completing a report  
1731 pursuant to section 51A of chapter 119; (ii) upon the specific, informed written consent of the  
1732 eligible student, parent or guardian; (iii) to comply with a court order or lawfully issued  
1733 subpoena; (iv) in connection with a health or safety emergency pursuant to the provisions of 603  
1734 C.M.R. 23.07(4)(e); or (v) for the purposes of filing a weapon report with the local chief of  
1735 police pursuant to this section.

1736 SECTION 79. Said chapter 71 is hereby further amended by striking out section 37P, as  
1737 so appearing, and inserting in place thereof the following section:-

1738 Section 37P. (a) As used in this section the following words shall, unless the context  
1739 clearly requires otherwise, have the following meanings:

1740 “Chief of police”, the chief of police or the board or officer having control of the police  
1741 department in a city or town.

1742 “Commission”, the model school resource officer memorandum of understanding review  
1743 commission established in subsection (b).

1744 “Model memorandum of understanding”, the model school resource officer memorandum  
1745 of understanding developed by the commission.

1746 “School resource officer”, a duly sworn municipal police officer with all necessary  
1747 training, up-to-date certificates, including special school resource officer certification as required

1748 by subsection (b) of section 3 of chapter 6E or a special officer appointed by the chief of police  
1749 charged with: (i) providing law enforcement; (ii) promoting school safety and security services  
1750 to elementary and secondary public schools; and (iii) maintaining a positive school climate for  
1751 all students, families and staff. For the purpose of this section, a school resource officer shall be  
1752 exempt pursuant to subsection (j) of section 10 of chapter 269, while serving in the officer's  
1753 official capacity.

1754 (b) There shall be a model school resource officer memorandum of understanding review  
1755 commission to develop and review the model memorandum of understanding and make  
1756 recommendations for changes to the model memorandum of understanding as the commission  
1757 deems appropriate.

1758 The commission shall include: the commissioner of elementary and secondary education  
1759 and the secretary of the executive office of public safety and security, who shall serve as co-  
1760 chairs; the attorney general or a designee; the child advocate or a designee; the chief justice of  
1761 the juvenile court or a designee; the secretary of health and human services or a designee; the  
1762 executive director of the Massachusetts Association of School Superintendents, Inc. or a  
1763 designee ; the president of the Massachusetts Chiefs of Police Association Incorporated or a  
1764 designee; the president of the Massachusetts Major City Chiefs, Inc. or a designee; the training  
1765 director of the committee on police training and certification established in section 4 of chapter  
1766 6E or a designee; the executive director of the mental health legal advisors committee established  
1767 in section 34E of chapter 221 or a designee; the executive director of Citizens for Juvenile  
1768 Justice, Inc. or a designee; the executive director of the Children's League of Massachusetts, Inc.  
1769 or a designee; a Massachusetts public school superintendent, to be appointed by the senate  
1770 president; a Massachusetts public school teacher, to appointed by the speaker of the house of

1771 representatives; a Massachusetts public school social worker, to be appointed by the minority  
1772 leader of the senate; a parent or guardian of a child in a Massachusetts public school, to be  
1773 appointed by the minority leader of the house of representatives; and 4 members to be appointed  
1774 by the governor: 1 of whom shall be a representative of the Massachusetts Association of School  
1775 Committees, Inc., 1 of whom shall be a representative of Massachusetts School Counselors  
1776 Association, Inc. and 2 of whom shall be representatives from Massachusetts youth organizations  
1777 with proven records of supporting services and programs for high numbers of youths in order to  
1778 ensure healthy development and social responsibility.

1779           The model memorandum of understanding shall be developed for schools and police  
1780 departments as the minimum requirement for schools to formalize and clarify implementation of  
1781 the partnership between the school and the school resource officer. In conducting such  
1782 development and review, the commission shall determine the necessary provisions to achieve the  
1783 district's educational and school safety goals and to help maintain a positive school environment  
1784 for all students.

1785           The model memorandum of understanding shall, at minimum, describe: (i) the mission  
1786 statement, goals and objectives of the school resource officer program; (ii) the roles and  
1787 responsibilities of the school resource officer, the police department and the school; (iii) the  
1788 process for selecting school resource officers; (iv) the mechanisms to incorporate school resource  
1789 officers into the school environment, including school safety meetings; (v) information sharing  
1790 between school resource officers, school staff and other partners; (vi) the organizational structure  
1791 of the school resource officer program, including supervision of school resource officers and the  
1792 lines of communication between the school district and police department; (vii) training for  
1793 school resource officers, including, but not limited to, continuing professional development in

1794 child and adolescent development, conflict resolution and diversion strategies, de-escalation  
1795 tactics and any other training required by the Massachusetts peace officer standards and training  
1796 commission established in section 2 of chapter 6E; and (viii) the manner and division of  
1797 responsibility for collecting and reporting the school-based arrests, citations and court referrals  
1798 of students to the department of elementary and secondary education in accordance with  
1799 regulations promulgated by the department.

1800           The model memorandum of understanding shall expressly state that school resource  
1801 officers shall not: (i) serve as school disciplinarians, enforcers of school regulations or in place of  
1802 licensed school psychologists, psychiatrists or counselors; and (ii) use police powers to address  
1803 traditional school discipline issues, including non-violent disruptive behavior.

1804           In carrying out its duties under this section, the commissioner of elementary and  
1805 secondary education shall work with the executive office of public safety and security to provide  
1806 the commission with any data and information they consider relevant to the commission's duties.

1807           The commission shall meet every 5 years for the purpose of developing and reviewing  
1808 the model memorandum of understanding. The model memorandum of understanding shall be  
1809 subject to final approval by the co-chairs of the commission and shall be made publicly available  
1810 by the department of elementary and secondary education, distributed to school districts and filed  
1811 with the clerks of the house of representatives and senate.

1812           Members shall not receive compensation for their services but may receive  
1813 reimbursement for the reasonable expenses incurred in carrying out their responsibilities as  
1814 members of the commission. The commissioner of elementary and secondary education shall  
1815 furnish reasonable staff and other support for the work of the commission. Prior to issuing its



1816 recommendations, the commission shall provide the opportunity to seek public input across  
1817 regions of the commonwealth. It shall not constitute a violation of chapter 268A for a person  
1818 employed by a school district to serve on the commission or to participate in commission  
1819 deliberations that may have a financial impact on the district or municipality employing that  
1820 person. The commission may establish procedures to ensure that no such person participates in  
1821 commission deliberations that may directly affect the school districts employing those persons.

1822 (c) The executive office of public safety and security, in consultation with the department  
1823 of elementary and secondary education, shall make available to all communities the model  
1824 memorandum of understanding, statements of operating procedures and advisories on how to  
1825 establish said documents.

1826 (d) For the purpose of fostering a safe and healthy environment for all students through  
1827 strategic and appropriate use of law enforcement resources and to achieve positive outcomes for  
1828 youth and public safety, a chief of police, at the request of the superintendent and subject to  
1829 appropriation, shall assign at least 1 school resource officer to serve the city, town,  
1830 commonwealth charter school, regional school district or county agricultural school. In the case  
1831 of a regional school district, commonwealth charter school or county agriculture school, the chief  
1832 of police of the city or town in which the school is located shall, at the request of the  
1833 superintendent, assign the school resource officer who may be the same officer for all schools in  
1834 the city or town. Annually, not later than August 1, the superintendent shall report to the  
1835 department of elementary and secondary education and publicly present to the relevant school  
1836 committee: (i) the cost to the school district of assigning a school resource officer; (ii) a  
1837 description of the proposed budget for mental, social or emotional health support personnel for  
1838 the school; and (iii) the number of school-based arrests, citations and court referrals made in the

1839 previous year disaggregated as required by the department of elementary and secondary  
1840 education.

1841 In assigning a school resource officer, the chief of police shall assign an officer that the  
1842 chief believes would strive to foster an optimal learning environment and educational community  
1843 that promotes a strong partnership between school and police personnel. The chief of police shall  
1844 give preference to candidates who demonstrate the requisite personality and character to work  
1845 effectively with children, youth and educators in a school environment with a demonstrated  
1846 ability to work successfully with a population that has a similar racial and ethnic background as  
1847 those prevalent in the student body, and who have received specialized training relating to  
1848 working with adolescents and children, including cognitive development, de-escalation tactics,  
1849 as defined in section 1 of chapter 6E and alternatives to arrest and diversion strategies. The  
1850 appointment shall not be based solely on seniority. The performance of a school resource officer  
1851 shall be reviewed annually by the superintendent and the chief of police.

1852 The superintendent and the chief of police shall adopt, at minimum, the model  
1853 memorandum of understanding developed by the commission pursuant to subsection (b) and may  
1854 add further provisions as they mutually deem fit; provided, however, that no further provision  
1855 included in the memorandum of understanding adopted by said superintendent and said chief of  
1856 police shall conflict with or omit any provisions of this section. The final memorandum of  
1857 understanding adopted by the superintendent and the chief of police shall be made public and  
1858 placed on file annually with the department of elementary and secondary education and in the  
1859 offices of the school superintendent and the chief of police.

1860           The chief of police, in consultation with the school superintendent, shall establish  
1861 operating procedures to provide guidance to school resource officers about daily operations,  
1862 policies and procedures. At a minimum, the operating procedures as established by the chief of  
1863 police, shall describe the following for the school resource officer:

1864           (i) the school resource officer uniform;

1865           (ii) use of police force, arrest, citation and court referral on school property;

1866           (iii) a statement and description of students' legal rights, including the process for  
1867 searching and questioning students and circumstances requiring notification to and presence of  
1868 parents and administrators;

1869           (iv) chain of command, including delineating to whom the school resource officer reports  
1870 and how school administrators and the school resource officer work together;

1871           (v) performance evaluation standards, which shall incorporate monitoring compliance  
1872 with the memorandum of understanding and use of arrest, citation and police force in school;

1873           (vi) protocols for diverting and referring at-risk students to school and community-based  
1874 supports and providers; and

1875           (vii) information sharing between the school resource officer, school staff and parents or  
1876 guardians.

1877           (e) Each school shall annually file its final memorandum of understanding and operating  
1878 procedures with the department of elementary and secondary education. The department of  
1879 elementary and secondary education shall collect data on the number of mental and social

1880 emotional health support personnel and the number of school resource officers employed by each  
1881 local education agency and shall publish a report of the data on its website. The department shall  
1882 promulgate rules or regulations necessary to carry out this section.

1883 (f) Notwithstanding subsection (d), if the chief of police, in consultation with the  
1884 superintendent, determines that there are not sufficient resources to assign a school resource  
1885 officer to serve the city, town, regional school district or county agricultural school, the chief of  
1886 police shall consult with the department of state police to ensure that a school resource officer is  
1887 assigned, subject to appropriation, pursuant to the requirements of this section; provided, further,  
1888 that if a state police officer is assigned to a city, town, regional school district or county  
1889 agricultural school, said assignment shall not be based solely on seniority and a candidate shall  
1890 be considered who would strive to foster an optimal learning environment and educational  
1891 community; provided, further, that there shall be placed on file in the office of the superintendent  
1892 and the department of state police the final memorandum of understanding clearly defining the  
1893 roles and duties of the school resource officer.

1894 (g) No public employer shall be liable for injury, loss of property, personal injury or  
1895 death caused by an act or omission of a public employee while acting in the scope of the public  
1896 employee's employment and arising out of the implementation of this section. This section shall  
1897 not be construed as creating or imposing a specific duty of care.

1898 The department of elementary and secondary education shall collect and publish  
1899 disaggregated data regarding school-based arrests, citations and court referrals of students to the  
1900 department and shall make such report available for public review.

1901 SECTION 80. The second paragraph of section 32A of chapter 75 of the General Laws,  
1902 as so appearing, is hereby amended by striking out the third sentence and inserting in place  
1903 thereof the following sentence:- Every officer who receives an appointment to a position on a  
1904 full-time basis in which that person may exercise police powers for any of the campuses of the  
1905 University of Massachusetts, shall, prior to exercising those police powers, be certified pursuant  
1906 to chapter 6E.

1907 SECTION 81. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby  
1908 amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

1909 (1) The committee on police training and certification established in section 4 of chapter  
1910 6E shall provide training, including, but not limited to alcohol education concerning the  
1911 aforesaid sections, to all law enforcement personnel throughout the commonwealth.

1912 SECTION 82. Section 32E7/8 of said chapter 90, as so appearing, is hereby amended by  
1913 striking out, in line 5, the word “Municipal”.

1914 SECTION 83. Section 63 of said chapter 90, inserted by section 10 of chapter 122 of the  
1915 acts of 2019, is hereby amended by adding the following subsection:-

1916 (h) A law enforcement agency, as defined in section 1 of chapter 6E, shall not engage in  
1917 racial or other profiling. The attorney general may bring a civil action in the superior court for  
1918 injunctive or other equitable relief to enforce this subsection. For the purposes of this subsection,  
1919 “racial or other profiling” shall mean differential treatment by a law enforcement officer based  
1920 on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status,  
1921 religion, gender, gender identity or sexual orientation in conducting a law enforcement action,  
1922 whether intentional or evidenced by statistically-significant data showing disparate treatment;

1923 provided, however, that “racial or other profiling” shall not include the use of such  
1924 characteristics, in combination with other factors, to apprehend a specific suspect based on a  
1925 description that is individualized, timely and reliable.

1926 SECTION 84. Section 2 of chapter 90C of the General Laws, as appearing in the 2018  
1927 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting  
1928 in place thereof the following 2 paragraphs:-

1929 Each police chief appointed by the trustees of the commonwealth’s state universities and  
1930 community colleges under section 22 of chapter 15A shall certify to the registrar, on or before  
1931 January first of each year, that:

1932 (1) the police officers appointed by the trustees at the state university or community  
1933 college have been certified pursuant to chapter 6E;

1934 (2) said officers have completed the annual in-service training required by the committee  
1935 on police training and certification established in said chapter 6E;

1936 (3) the state university or community college police department submits uniform crime  
1937 reports to the Federal Bureau of Investigation;

1938 (4) a memorandum of understanding has been entered into with the police chief of the  
1939 municipality wherein the state university or community college is located outlining the policies  
1940 and procedures for utilizing the municipality’s booking and lock-up facilities, fingerprinting and  
1941 breathalyzer equipment if the state university or community college police department does not  
1942 provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

1943 (5) the state university or community college police department has policies and  
1944 procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor  
1945 vehicle law enforcement.

1946 Nothing in this section, except the previous paragraph, shall limit the authority granted to  
1947 the police chiefs and police officers at the state universities and community colleges under said  
1948 section 22 of said chapter 15A or section 18 of chapter 73.

1949 SECTION 85. Section 1 of chapter 111 of the General Laws, as so appearing, is hereby  
1950 amended by inserting after the definition of “Inland waters” the following definition:-

1951 “Law enforcement-related injuries and deaths”, injuries and deaths caused by a law  
1952 enforcement officer or correction officer, whether employed by the commonwealth, a county, a  
1953 municipality or other public or private entity, and occupational fatalities of a law enforcement  
1954 officer or correction officer.

1955 SECTION 86. Said chapter 111 is hereby further amended by inserting after section 6D  
1956 the following section:-

1957 Section 6E. The department shall collect and report data on law enforcement-related  
1958 injuries and deaths. The commissioner shall promulgate regulations necessary to implement this  
1959 section, including, but not limited to, protocols and procedures for the reporting of law  
1960 enforcement-related injuries and deaths to the department by physicians and other licensed health  
1961 care professionals.

1962 SECTION 87. Section 8 of chapter 111B of the General Laws, as appearing in the 2018  
1963 Official Edition, is hereby amended by inserting after the word “station”, in lines 3, 7, 13, 26, 28,

1964 35, 36, 37, 43, 46 and 57, in each instance, the following words:- or the Dukes county sheriff's  
1965 office.

1966 SECTION 88. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby  
1967 amended by striking out, in lines 597 and 598, the words "municipal police training committee"  
1968 and inserting in place thereof the following words:- committee on police training and  
1969 certification.

1970 SECTION 89. Section 31 of chapter 147 of the General Laws, as so appearing, is hereby  
1971 amended by striking out, in lines 3 and 4 and lines 6 and 7, the words "municipal police training  
1972 committee" and inserting in place thereof, in each instance, the following words:- Massachusetts  
1973 peace officer standards and training commission.

1974 SECTION 90. Chapter 231 of the General Laws is hereby amended by inserting after  
1975 section 85AA the following section:-

1976 Section 85BB. (a) A law enforcement officer, as defined in section 1 of chapter 6E, who  
1977 knowingly submits to a state agency, state authority, city, town or agency, as defined in said  
1978 section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and  
1979 receives payment therefor or knowingly makes, uses or causes to be made or used a false record  
1980 or statement material to a false or fraudulent claim of hours worked for payment that results in a  
1981 law enforcement officer receiving payment therefor or any person who conspires to commit a  
1982 violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages  
1983 paid or by imprisonment for not more than 2 years.

1984 SECTION 91. Chapter 265 of the General Laws is hereby amended by inserting after  
1985 section 13H the following section:-



1986           Section 13H½. (a) For the purposes of this section “law enforcement officer” shall mean  
1987 a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police  
1988 officer in the employ of a public institution of higher education pursuant to section 5 of chapter  
1989 15A, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff,  
1990 a correction officer, a court officer, a probation officer, a parole officer, an officer of the  
1991 department of youth services, a constable, a campus police officer who holds authority as a  
1992 special state police officer or a person impersonating one of the foregoing.

1993           (b) A law enforcement officer who commits an indecent assault and battery on a person  
1994 who has attained the age of 14 and who is in the custody or control of such law enforcement  
1995 officer shall be punished by imprisonment in the state prison for not more than 5 years, or by  
1996 imprisonment for not more than 2½ years in a jail or house of correction. In a prosecution  
1997 commenced under this subsection, a person shall be deemed incapable of consent to contact of a  
1998 sexual nature with a law enforcement officer.

1999           (c) A law enforcement officer who commits an indecent assault and battery on an elder or  
2000 person with a disability, as defined in section 13K, and who is in the custody or control of such  
2001 law enforcement officer shall be punished by imprisonment in the state prison for not more than  
2002 10 years, or by imprisonment in the house of correction for not more than 2½ years, and a law  
2003 enforcement officer who commits a second or subsequent such offense shall be punished by  
2004 imprisonment in the state prison for not more than 20 years. In a prosecution commenced under  
2005 this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with  
2006 a law enforcement officer.

2007 (d) A law enforcement officer who commits an indecent assault and battery on a person  
2008 in their custody or control who is known to such law enforcement officer as having an  
2009 intellectual disability shall for the first offense be punished by imprisonment in the state prison  
2010 for not less than 5 years or not more than 10 years; and for a second or subsequent offense shall  
2011 be punished by imprisonment in the state prison for not less than 10 years. Except in the case of a  
2012 conviction for the first offense for violation of this subsection, the imposition or execution of the  
2013 sentence shall not be suspended, and no probation or parole shall be granted until the minimum  
2014 imprisonment herein provided for the offense shall have been served. In a prosecution  
2015 commenced under this subsection, a person shall be deemed incapable of consent to contact of a  
2016 sexual nature with a law enforcement officer.

2017 (e) A law enforcement officer who commits an indecent assault and battery on a child  
2018 under the age of 14 and who is in the custody or control of such law enforcement officer shall be  
2019 punished by imprisonment in the state prison for not more than 10 years, or by imprisonment in  
2020 the house of correction for not more than 2 and one-half years. A prosecution commenced under  
2021 this subsection shall neither be continued without a finding nor placed on file. In a prosecution  
2022 commenced under this subsection, a child under the age of 14 shall be deemed incapable of  
2023 consent to contact of a sexual nature with a law enforcement officer.

2024 SECTION 92. Section 22 of said chapter 265, as appearing in the 2018 Official Edition,  
2025 is hereby amended by adding the following subsection:-

2026 (c) A law enforcement officer who has sexual intercourse with a person in the custody or  
2027 control of the law enforcement officer shall be found to be in violation of subsection (b),  
2028 provided, however, that for the purposes of this subsection, "sexual intercourse" shall include

2029 vaginal, oral or anal intercourse, including fellatio, cunnilingus or other intrusion of a part of a  
2030 person's body or an object into the genital or anal opening of another person's body. In a  
2031 prosecution commenced under this subsection, a person shall be deemed incapable of consent to  
2032 sexual intercourse with such law enforcement officer. For the purposes of this subsection, "law  
2033 enforcement officer" shall mean a police officer, an auxiliary, intermittent, special, part-time or  
2034 reserve police officer, a police officer in the employ of a public institution of higher education  
2035 pursuant to section 5 of chapter 15A, a public prosecutor, a municipal or public emergency  
2036 medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a  
2037 parole officer, an officer of the department of youth services, a constable, a campus police officer  
2038 who holds authority as a special state police officer or a person impersonating any of the  
2039 foregoing.

2040 SECTION 93. Section 10A of chapter 269 of the General Laws, as so appearing, is  
2041 hereby amended by striking out, in lines 2 and 3 and lines 17 and 18, the words "municipal  
2042 police training committee" and inserting in place thereof, in each instance, the following words:-  
2043 committee on police training and certification.

2044 SECTION 94. Chapter 276 of the General Laws is hereby amended by inserting after  
2045 section 2C the following section:-

2046 Section 2D. (a) A warrant that does not require a law enforcement officer to knock and  
2047 announce their presence and purpose before forcibly entering a residence shall not be issued  
2048 except by a judge and only if the affidavit supporting the request for the warrant: (i) establishes  
2049 probable cause that if the law enforcement officer announces their presence their life or the lives  
2050 of others will be endangered; and (ii) includes an attestation that the law enforcement officer

2051 filing the affidavit has no reason to believe that minor children or adults over the age of 65 are in  
2052 the home.

2053 (b) A police officer executing a search warrant shall knock and announce their presence  
2054 and purpose before forcibly entering a residence unless authorized by a warrant to enter pursuant  
2055 to subsection (a).

2056 (c) An officer shall not dispense with the requirements of subsections (a) and (b) except  
2057 to prevent a credible risk of imminent harm as defined in section 1 of chapter 6E.

2058 (d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if  
2059 a law enforcement officer violates this section.

2060 SECTION 95. Subsection (a) of section 100F of said chapter 276, as appearing in the  
2061 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
2062 thereof the following sentence:- A petitioner who has not more than 2 records as an adjudicated  
2063 delinquent or adjudicated youthful offender may, on a form furnished by the commissioner and  
2064 signed under the penalties of perjury, petition that the commissioner expunge the record or  
2065 records; provided, however, that multiple offenses arising out of the same incident shall be  
2066 considered a single offense for the purposes of this section.

2067 SECTION 96. Subsection (a) of section 100G of said chapter 276, as so appearing, is  
2068 hereby amended by striking out the first sentence and inserting in place thereof the following  
2069 sentence:- A petitioner who has not more than 2 records of conviction may, on a form furnished  
2070 by the commissioner and signed under the penalties of perjury, petition that the commissioner  
2071 expunge the record or records; provided, however, that multiple offenses arising out of the same  
2072 incident shall be considered a single offense for the purposes of this section.

2073 SECTION 97. Subsection (a) of section 100H of said chapter 276, as so appearing, is  
2074 hereby amended by striking out the first sentence and inserting in place thereof the following  
2075 sentence:- A petitioner who has not more than 2 records that do not include an adjudication as a  
2076 delinquent, an adjudication as a youthful offender or a conviction may, on a form furnished by  
2077 the commissioner and signed under the penalties of perjury, petition that the commissioner  
2078 expunge the record or records; provided, however, that multiple offenses arising out of the same  
2079 incident shall be considered a single offense for the purposes of this section.

2080 SECTION 98. Said chapter 276 is hereby further amended by striking out section 100I, as  
2081 so appearing, and inserting in place thereof the following section:-

2082 Section 100I. (a) The commissioner shall certify that a record or records that are the  
2083 subject of the petition filed pursuant to section 100F, section 100G or section 100H are eligible  
2084 for expungement provided that:

2085 (1) any offense resulting in the record or records that are the subject of the petition is not  
2086 a criminal offense included in section 100J;

2087 (2) all offenses that are the subject of the petition to expunge the record or records  
2088 occurred before the petitioner's twenty-first birthday;

2089 (3) all offenses that are the subject of the petition to expunge the record or records,  
2090 including any period of incarceration, custody or probation, occurred not less than 7 years before  
2091 the date on which the petition was filed if the record or records that are the subject of the petition  
2092 include a felony, and not less than 3 years before the date on which the petition was filed if the  
2093 record or records that are the subject of the petition only include a misdemeanor or  
2094 misdemeanors;

2095 (4) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50  
2096 and the record or records that are the subject of the petition to expunge, the petitioner does not  
2097 have any other criminal court appearances, juvenile court appearances or dispositions on file  
2098 with the commissioner; provided, however, multiple offenses arising out of the same incident  
2099 shall be considered a single offense for the purposes of this section;

2100 (5) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50,  
2101 the petitioner does not have any criminal court appearances, juvenile court appearances or  
2102 dispositions on file in any other state, United States possession or in a court of federal  
2103 jurisdiction; and

2104 (6) the petition includes a certification by the petitioner that, to the petitioner's  
2105 knowledge, the petitioner is not currently the subject of an active criminal investigation by any  
2106 criminal justice agency.

2107 Any violation of section 7 of chapter 209A or section 9 of chapter 258E shall be treated as a  
2108 felony for purposes of this section.

2109 SECTION 99. Notwithstanding any general or special law or collective bargaining  
2110 agreement to the contrary, on or before June 30, 2021, every law enforcement agency, as defined  
2111 in section 1 of chapter 6E of the General Laws, shall provide to the Massachusetts peace officer  
2112 standards and training commission, in a form to be determined by the commission, a  
2113 comprehensive disciplinary record for each law enforcement officer, as defined by said section 1  
2114 of said chapter 6E, employed by said agency, including, but not limited to: (i) every complaint of  
2115 which the officer was the subject of during the course of their employment with the agency; and  
2116 (ii) all disciplinary records of the officer, including the final disposition of a complaint, if any,

2117 and any discipline imposed. On or before December 1, 2021, the commission shall provide to  
2118 each agency a list of each officer currently employed in the commonwealth, and each agency  
2119 shall provide to the commission, in a form to be determined by the commission, a comprehensive  
2120 disciplinary record for each law enforcement officer previously employed by said agency or a  
2121 transferor agency for which the agency is the transferee agency, including, but not limited to: (i)  
2122 every complaint of which the officer was the subject of during the course of their employment  
2123 with the agency; and (ii) all disciplinary records of the officer, including the final disposition of a  
2124 complaint, if any, and any discipline imposed.

2125 SECTION 100. Notwithstanding subsections (b), (c), and (d) of section 2 of chapter 6E  
2126 of the General Laws, in making the initial appointments to the Massachusetts peace officer  
2127 standards and training commission, the governor shall appoint 3 commissioners for a 1-year  
2128 term; the attorney general shall appoint 3 commissioners for a 2-year term; and the governor and  
2129 the attorney general shall jointly appoint 1 commissioner for a 3-year term, 1 commissioner for a  
2130 4-year term and 1 commissioner for a 5-year term. Thereafter, as the term of a commissioner  
2131 expires, their successor shall be appointed for a 5-year term pursuant to said section 2 of said  
2132 chapter 6E. A person appointed pursuant to this section for less than 5 years shall be eligible for  
2133 re-appointment to the commission for 2 full 5-year terms.

2134 SECTION 101. The initial appointments to the Massachusetts peace officer standards and  
2135 training commission under section 2 of chapter 6E of the General Laws shall be made not later  
2136 than April 1, 2021. All subsequent appointments shall be made within 30 days of an expired term  
2137 or, if the vacancy is due to something other than an expired term, within 90 days.

2138 SECTION 102. (a) Notwithstanding section 4 of chapter 6E of the General Laws, a law  
2139 enforcement officer, as defined in section 1 of said chapter 6E, who has completed an academy  
2140 or training program certified by the municipal police training committee or the training programs  
2141 prescribed by chapter 22C of the General Laws on or before the effective date of this section and  
2142 is appointed as a law enforcement officer as of the effective date of this section, shall be certified  
2143 as of the effective date of this section. No officer who is certified pursuant to this section shall be  
2144 required to complete or repeat a basic training program if such officer previously completed a  
2145 basic training program provided or approved by the municipal police training committee or its  
2146 predecessor, the criminal justice training council or received previous basic training that the  
2147 Massachusetts peace officer standards and training commission deems equivalent to  
2148 Massachusetts training standards.

2149 (b) All law enforcement officers who have completed a reserve training program on or  
2150 before the effective date of this section shall be certified as of the effective date of this section.  
2151 Prior to the expiration of that certification, the officer shall complete additional training as  
2152 required by the committee on police training and certification.

2153 (c) Any training waiver or exemption granted by the municipal police training committee  
2154 prior to the effective date of this section shall expire 6 months after the effective date of this  
2155 section. Any person who has not completed an academy or training program certified by the  
2156 municipal police training committee or the training programs prescribed by said chapter 22C on  
2157 or before the effective date of this section, and has been appointed to a law enforcement position  
2158 as of the effective date of this section, shall not exercise police powers following the expiration  
2159 of any training waiver or exemption under this section. Prior to the expiration of this 6-month  
2160 period, the person may obtain from the committee on police training and certification a waiver or



2161 an extension of time necessary to complete training according to a work plan approved by the  
2162 committee on police training and certification.

2163 (d) The certification of a law enforcement officer who has graduated from an academy or  
2164 training program certified by the municipal police training committee or the training programs  
2165 prescribed by said chapter 22C who is certified as a result of this section and whose last names  
2166 begin with: (i) A to H, inclusive, shall expire 1 year after the effective date of this section; (ii) I  
2167 to P, inclusive, shall expire 2 years after the effective date of this section; and (iii) Q to Z,  
2168 inclusive, shall expire 3 years after the effective date of this section.

2169 SECTION 103. (a) There shall be a commission to review and make recommendations  
2170 on: (i) improving, modernizing and developing comprehensive protocols for the training of state  
2171 and county correction officers and juvenile detention officers; (ii) establishing clear limitations  
2172 on the use of physical force by state and county correction officers and juvenile detention  
2173 officers; and (iii) requiring that an inmate and the inmate's legally designated representative have  
2174 the right to obtain a copy of all records relating to any use of force incident involving the inmate  
2175 including, but not limited to, written reports, investigations, video and audio recordings and  
2176 photographs; (iv) making a public record, and to what extent, records relating to any use of force  
2177 incident involving an inmate; and (v) creating an independent body with the power to certify,  
2178 renew, revoke or otherwise modify the certification of state and county correction officers and  
2179 juvenile detention officers and the power to receive, investigate and adjudicate complaints of  
2180 officer misconduct.

2181 (b) The commission shall consist of: a former judge appointed by the chief justice of the  
2182 supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1

2183 correctional officer who shall be appointed by the New England Police Benevolent Association,  
2184 Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the  
2185 commissioner of the department of youth services or a designee; 1 correction officer who shall  
2186 be appointed by the president of the Massachusetts Correction Officers Federated Union; 1  
2187 member appointed by American Federation of State, County and Municipal Employees Council  
2188 93 who shall be an employee of the department of youth services and who shall have not less  
2189 than 5 years of experience working in a department of youth services secure facility; the  
2190 executive director of Citizens for Juvenile Justice, Inc. or a designee; the executive director of  
2191 Prisoners' Legal Services or a designee; the president of the Boston branch of the National  
2192 Association for the Advancement of Colored People New England Area Conference or a  
2193 designee; the executive director of Lawyers for Civil Rights, Inc. or a designee; the president of  
2194 the Massachusetts Bar Association or a designee; 2 members appointed by the Massachusetts  
2195 Black and Latino legislative caucus who shall not be members of the caucus; 2 members  
2196 appointed by the Massachusetts House Asian Caucus who shall not be members of the caucus;  
2197 the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a  
2198 designee; and 2 members who shall be appointed by the governor, 1 of whom shall be a member  
2199 of the LGBTQ community and 1 of whom shall be a formerly-incarcerated woman.

2200 (c) In order to establish clear limitations on the use of physical force by correctional  
2201 officers, the commission shall collect and analyze data on the use of force against inmates. The  
2202 department of correction and sheriffs' departments shall provide the commission access to any  
2203 and all reports written pursuant to 103 CMR 505.13 (1) and (2), or successor provisions. The  
2204 commission shall ascertain whether the information provided is uniform, standardized and

2205 reasonably complete and, if not, shall recommend policies to increase uniformity, standardization  
2206 and completeness.

2207 (d) The commission shall report and file its findings and recommendations, including any  
2208 legislation, with the clerks of the house of representatives and senate and the joint committee on  
2209 public safety and security not later than December 31, 2021.

2210 SECTION 104. (a) As used in this section, the following words shall, unless the context  
2211 clearly requires otherwise, have the following meanings:

2212 “Biometric data”, computerized data relating to the physical, physiological or behavioral  
2213 characteristics of a natural person, which allow or confirm the unique identification of such  
2214 person, including, but not limited to, facial recognition, fingerprints, palm veins,  
2215 deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

2216 “Body-worn camera”, a portable electronic recording device worn on a law enforcement  
2217 officer’s person that creates, generates, sends, receives, stores, displays and processes  
2218 audiovisual recordings or records audio and video data of law enforcement-related encounters  
2219 and activities.

2220 “Facial recognition software”, a category of biometric software that maps an individual’s  
2221 facial features mathematically and stores the data as a faceprint.

2222 “Law enforcement officer”, as defined in section 1 of chapter 6E of the General Laws.

2223 “Law enforcement-related activities”, activities by a law enforcement officer, including,  
2224 but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations,  
2225 pursuits, crowd control, traffic control or non-community caretaking interactions with an

2226 individual while on patrol; provided, however, that “law enforcement-related activities” shall not  
2227 include completion of paperwork alone or only in the presence of other law enforcement officers  
2228 or civilian law enforcement personnel.

2229 “Recording”, the process of capturing data or information stored on a recording medium.

2230 (b) The executive office of public safety and security, in collaboration with the executive  
2231 office of technology services and security, shall establish the law enforcement body camera task  
2232 force. The task force shall propose regulations establishing a uniform code for the procurement  
2233 and use of body-worn cameras by law enforcement officers to provide consistency throughout  
2234 the commonwealth. The task force shall propose minimum requirements for the storage and  
2235 transfer of audio and video recordings collected by body-worn cameras. The task force shall  
2236 conduct not fewer than 5 public hearings in various parts of the commonwealth to hear testimony  
2237 and comments from the public.

2238 (c) The task force shall consist of 25 members: the secretary of public safety and security  
2239 or a designee; the secretary of technology services and security or a designee; the attorney  
2240 general or a designee; a member appointed by the committee for public counsel services; a  
2241 district court judge appointed by the chief justice of the supreme judicial court; 2 members  
2242 appointed by the Massachusetts Black and Latino legislative caucus who shall have expertise in  
2243 constitutional or civil rights law; 1 member appointed by the chair of the Massachusetts Minority  
2244 Law Enforcement Officers Association; 1 member appointed by the chair of the Massachusetts  
2245 Minority State Police Officers Association, Inc.; 1 member appointed by the chair of the  
2246 Massachusetts Latino Police Officers Association, Inc.; 1 member appointed by the chair of the  
2247 Massachusetts Association of Women in Law Enforcement, Inc.; 2 members appointed by the

2248 Massachusetts House Asian Caucus who shall have expertise in constitutional or civil rights law;  
2249 the president of the Massachusetts Sheriffs' Association or a designee; 1 member appointed by  
2250 the Massachusetts Coalition of Police, Inc.; the colonel of state police or a designee; the  
2251 president of the Massachusetts District Attorneys Association or a designee; the executive  
2252 director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; the president  
2253 of the Boston branch of the National Association for the Advancement of Colored People New  
2254 England Area Conference or a designee; the president of the Massachusetts Defense Lawyers  
2255 Association, Inc., or a designee; and 5 members appointed by the governor, 1 of whom shall be a  
2256 police chief in a municipality with a body camera pilot program and a population of not fewer  
2257 than 100,000 people, 1 of whom shall be a police chief in a municipality with a body camera  
2258 pilot program and a population of not more than 50,000 people, 1 of whom shall be an expert on  
2259 constitutional or privacy law who is employed by a law school in the commonwealth, 1 of whom  
2260 shall be an elected official in a municipality with a body camera pilot program and 1 of whom  
2261 shall be a representative of a law enforcement labor organization.

2262 (d) The task force shall elect a chair and vice-chair. A meeting of the task force may be  
2263 called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of  
2264 business shall consist of 7 members. All members of the task force shall serve without  
2265 compensation. The executive agencies convening the task force shall assign administrative  
2266 personnel to assist the work of the task force. The task force shall meet not less than 12 times. In  
2267 addition to taking public testimony, the task force shall seek the advice of experts specializing in  
2268 the fields of criminology, education, criminal or family law or other related fields, as appropriate.

2269 (e) On or before July 31, 2022, the task force shall, by majority vote, adopt recommended  
2270 regulations for law enforcement agencies. The regulations recommended by the task force shall

2271 include, but not be limited to: (i) standards for the procurement of body-worn cameras and  
2272 vehicle dashboard cameras by law enforcement agencies, including a requirement that such  
2273 cameras or associated processing software include technology for redacting the images and  
2274 voices of victims and bystanders; (ii) standards regarding the use of facial recognition or other  
2275 biometric-matching software or other technology to analyze recordings obtained through the use  
2276 of such cameras; provided, however, that such standards may prohibit or allow such use subject  
2277 to requirements based on best practices and protocols; (iii) standards for training law  
2278 enforcement officers in the basic use of such cameras; (iv) standards for: (A) the types of law  
2279 enforcement encounters and interactions that shall be recorded and what notice, if any, shall be  
2280 given to those being recorded; and (B) when a camera should be activated and when to  
2281 discontinue recording; (v) a requirement that a camera be equipped with pre-event recording,  
2282 capable of recording at least the 30 seconds prior to camera activation; (vi) a requirement  
2283 preventing an officer from accessing or viewing any recording of an incident involving the  
2284 officer before the officer is required to make a statement about the incident; (vii) standards for  
2285 the identification, retention, storage, maintenance and handling of recordings from body  
2286 cameras, including a requirement that recordings be retained for not less than 180 days but not  
2287 more than 30 months for a recording not relating to a court proceeding or ongoing criminal  
2288 investigation or for the same period of time that evidence is retained in the normal course of the  
2289 court's business for a recording related to a court proceeding; (viii) standards pertaining to the  
2290 recordings of use of force, detention or arrest by a law enforcement officer or pertaining to  
2291 ongoing investigations and prosecutions to assure that recordings are retained for a period  
2292 sufficient to meet the needs of all parties with an interest in the recordings; (ix) standards for the  
2293 security of facilities in which recordings are kept; (x) requirements for state procurement of

2294 contracts for body-worn cameras and for data storage through which qualified law enforcement  
2295 agencies may purchase goods and services; (xi) best practice language for contracts with third-  
2296 party vendors for data storage, which shall provide that recordings from such cameras are the  
2297 property of the law enforcement agency, are not owned by the vendor and cannot be used by the  
2298 vendor for any purpose inconsistent with the policies and procedures of the law enforcement  
2299 agency; (xii) procedures for supervisory internal review and audit; (xiii) sanctions for improper  
2300 use of cameras, including a requirement that a law enforcement officer who does not activate a  
2301 body-worn camera in response to a call for assistance shall include that fact in their incident  
2302 report and note in the case file or record the reason for not activating the camera; (xiv) sanctions  
2303 for tampering with a camera or recordings and for improper destruction of recordings; (xv)  
2304 regulations pertaining to handling requests for the release of information recorded by a body-  
2305 worn camera to the public; (xvi) requirements for reporting by law enforcement agencies  
2306 utilizing body-worn cameras; (xvii) a retention schedule for recordings to ensure that storage  
2307 policies and practices are in compliance with all relevant laws and adequately preserve  
2308 evidentiary chains of custody and identify potential discovery issues; and (xviii) a process by  
2309 which body camera footage may be included in a public record.

2310 (f) Not later than July 31, 2021, the task force shall file an interim report on its work  
2311 product, including its proposed regulations under subsection (e) and any proposed legislation that  
2312 is necessary to effectuate the regulations with the clerks of the house of representatives and the  
2313 senate and the joint committee on public safety and homeland security.

2314 SECTION 105. (a) Notwithstanding any special or general law to the contrary, there  
2315 shall be a special legislative commission established pursuant to section 2A of chapter 4 of the  
2316 General Laws to conduct a study on the use of facial recognition technology by the

2317 Massachusetts Department of Transportation. The commission shall consist of 15 members: 2 of  
2318 whom shall be the chairs of the joint committee on the judiciary or their designees, who shall  
2319 serve as co-chairs; 1 of whom shall be the minority leader of the house of representatives or a  
2320 designee; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom shall be  
2321 the chief justice of the supreme judicial court or a designee; 1 of whom shall be the attorney  
2322 general or a designee; 1 of whom shall be the secretary of public safety and security or a  
2323 designee; 1 of whom shall be the state auditor or a designee; 1 of whom shall be the registrar of  
2324 motor vehicles or a designee; 1 of whom shall be the colonel of state police or a designee; 1 of  
2325 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,  
2326 Inc. or a designee; 1 of whom shall be the chief counsel for the committee for public counsel  
2327 services or a designee; 1 of whom shall be the president of the Massachusetts Sheriffs'  
2328 Association or a designee; 1 of whom shall be the president of the Massachusetts District  
2329 Attorneys Association or a designee; and 1 of whom shall be the executive director of the  
2330 Massachusetts Technology Collaborative or a designee.

2331           The commission shall evaluate the use of facial recognition technology in the  
2332 commonwealth and make recommendations to the legislature. The commission shall: (i) examine  
2333 and evaluate the facial recognition system operated by the registry of motor vehicles and provide  
2334 recommendations for regular independent bias testing; (ii) propose standards to ensure accuracy  
2335 and equity of the system based on age, race, gender and religion; (iii) examine access to the  
2336 facial recognition system and the management of information derived from it, including, but not  
2337 limited to, data retention, data sharing and audit trails; (iv) identify which federal agencies, if  
2338 any, have access to databases maintained by the commonwealth that catalogue images of faces  
2339 and the authorization for, and terms of, such access; (v) evaluate the requirement for a warrant by



2340 law enforcement agencies to perform facial recognition searches, including, but not limited to,  
2341 enhanced requirements to perform a search similar to those set forth in section 99 of chapter 272  
2342 of the General Laws; (vi) provide recommendations for due process protections of criminal  
2343 defendants when facial recognition technology is used in any part of an investigation; (vii)  
2344 provide recommendations to ensure privacy for the public; and (viii) provide recommendations  
2345 for adequate training and oversight on the use of facial recognition technology.

2346 For the purposes of this section, “facial recognition” shall mean an automated or semi-  
2347 automated process that assists in identifying or verifying an individual or capturing information  
2348 about an individual based on the physical characteristics of an individual’s face, head or body,  
2349 that uses characteristics of an individual’s face, head or body to infer emotion, associations,  
2350 activities or the location of an individual; provided, however, that “facial recognition” shall not  
2351 include the use of search terms to sort images in a database.

2352 (b) The commission shall submit its findings and recommendations relative to the use of  
2353 facial recognition technology by filing the same with the clerks of the house of representatives  
2354 and senate and the governor not later than December 31, 2021.

2355 SECTION 106. (a) There shall be, pursuant to section 2A of chapter 4 of the General  
2356 Laws, a special legislative commission on emergency hospitalizations pursuant to subsection (a)  
2357 of section 12 of chapter 123 of the General Laws. The commission shall: (i) study how often  
2358 emergency hospitalizations are used by law enforcement professionals; (ii) examine the impact  
2359 of emergency hospitalizations on law enforcement resources; (iii) create best practices for  
2360 coordination of services for hospitalized individuals by law enforcement and medical

2361 professionals; and (iv) determine how to reduce police interactions with individuals frequently  
2362 subject to emergency hospitalization.

2363 (b) The commission shall consist of 11 members: the commissioner of mental health or a  
2364 designee; the secretary of public safety and security or a designee; the executive director of the  
2365 mental health legal advisors committee established in section 34E of chapter 221 of the General  
2366 Laws or a designee; 2 law enforcement officers, as defined in section 1 of chapter 6E of the  
2367 General Laws, to be appointed by the speaker of the house of representatives, of whom at least 1  
2368 shall reside in a gateway municipality as defined in section 3A of chapter 23A of the General  
2369 Laws; 2 clinical social workers to be appointed by the president of the senate, of whom at least 1  
2370 shall reside in a gateway municipality, as defined in said section 3A of said chapter 23A; the  
2371 president of the Massachusetts Medical Society or a designee; the president of the Massachusetts  
2372 Nurses Association or a designee; the president of the Massachusetts Chiefs of Police  
2373 Association Incorporated or a designee; and the president of the Massachusetts Coalition of  
2374 Police, Inc. or a designee.

2375 (c) The commission shall conduct a thorough review of the policies and procedures  
2376 related to emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of  
2377 the General Laws. The goals of the special commission shall be to: (i) develop strategies that  
2378 reduce the amount of police resources and police interactions with individuals hospitalized  
2379 pursuant to said subsection (a) of said section 12 of said chapter 123; (ii) better determine how  
2380 law enforcement and medical professionals can coordinate services to advance the shared goals  
2381 of public safety and public health in the commonwealth; and (iii) make recommendations,  
2382 including, but not limited to, policy or legislative changes, related to emergency hospitalizations.

2383 (d) The commission shall submit its report and recommendations, together with drafts of  
2384 legislation to carry its recommendations into effect, by filing the same with the clerks of the  
2385 house of representatives and the senate not later than September 30, 2021.

2386 SECTION 107. (a) Notwithstanding any general or special law to the contrary, there shall  
2387 be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative  
2388 commission to study and examine the civil service law, personnel administration rules, hiring  
2389 procedures and by-laws for municipalities not subject to the civil service law and state police  
2390 hiring practices.

2391 (b) The commission shall consist of 29 members; 3 members appointed by the governor,  
2392 1 of whom shall be a member of a police officers' union, 1 of whom shall be a member of a  
2393 firefighters' union and 1 of whom shall be a member of a correctional officers' union; 1 of whom  
2394 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or  
2395 the executive director's designee; 1 of whom shall be the president of the Boston branch of the  
2396 National Association for the Advancement of Colored People New England Area Conference or  
2397 the president's designee; 1 of whom shall be the chair of the Massachusetts Law Enforcement  
2398 Policy Group, Inc.; 1 of whom shall be the president of the Massachusetts Chiefs of Police  
2399 Association Incorporated or the president's designee; 1 of whom shall be the president of the  
2400 Fire Chiefs' Association of Massachusetts, Inc. or the president's designee; 1 of whom shall be  
2401 the chair of the Massachusetts Association of Minority Law Enforcement Officers, Inc. ; 1 of  
2402 whom shall be the colonel of state police or the colonel's designee; 1 of whom shall be the  
2403 chairman of the civil service commission or the chairman's designee; 1 of whom shall be the  
2404 secretary of administration and finance or the secretary's designee; 1 of whom shall be the  
2405 president of the Massachusetts Bar Association or the president's designee; 1 of whom shall be

2406 the secretary of public safety and security or the secretary's designee; 1 of whom shall be the  
2407 president of the Mass. Veterans' Service Agents Association, Inc. or the president's designee; 1  
2408 of whom shall be the secretary of veterans' services or the secretary's designee; 1 of whom shall  
2409 be the commander of the Disabled American Veterans, Department of Massachusetts, Inc., or the  
2410 commander's designee; 1 of whom shall be the executive director of the Massachusetts  
2411 Municipal Association, Inc. or the executive director's designee; 1 of whom shall be the chair of  
2412 the Massachusetts Black and Latino Legislative Caucus or the chair's designee; 1 of whom shall  
2413 be the chair of the Massachusetts House Asian Caucus or the chair's designee; 4 members of the  
2414 house of representatives, 2 of whom shall be appointed by the speaker of the house of  
2415 representatives, 1 of whom shall be the house chair of the joint committee on public service or  
2416 the chair's designee and 1 of whom shall be appointed by the minority leader of the house of  
2417 representatives; 4 members of the senate, 2 of whom shall be appointed by the senate president, 1  
2418 of whom shall be the senate chair of the joint committee on public service or designee and 1 of  
2419 whom shall be appointed by the minority leader of the senate; and the attorney general or the  
2420 attorney general's designee. The speaker of the house of representatives shall appoint 1 co-chair  
2421 from the house appointees to the commission and the senate president shall appoint 1 co-chair  
2422 from the senate appointees to the commission.

2423 (c) The commission shall study the employment, promotion, performance evaluation and  
2424 disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring  
2425 and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the  
2426 statutory merit preference status and the hiring from those eligible lists; (iii) all current civil  
2427 service examinations and the use of the examinations for hiring and promotions; (iv) collective  
2428 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to civil

2429 service employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting  
2430 civil service employees.

2431 (d) The commission shall study the employment, promotion, performance evaluation and  
2432 disciplinary procedures of municipalities not subject to the civil service law, including, but not  
2433 limited to: (i) the hiring and recruitment procedures and by-laws for municipalities; (ii) all  
2434 examinations administered by municipalities and the use of the examinations for hiring and  
2435 promotions; (iii) the use of minimum eligibility guidelines and hiring qualifications or  
2436 preferences; (iv) collective bargaining agreements by unions; (v) the disciplinary and appeal  
2437 procedures as applied to municipal employees; and (vi) identifying any barriers that exist in  
2438 hiring, recruiting or promoting municipal employees.

2439 (e) The commission shall study employment, promotion, performance evaluation and  
2440 disciplinary procedures of the department of state police, including, but not limited to: (i) hiring  
2441 and recruitment laws and procedures; (ii) the requirements of chapter 22C of the General Laws;  
2442 (iii) all examinations used by the state police for hiring and promotions; (iv) collective  
2443 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to  
2444 officers of the Massachusetts state police; and (vi) identifying any barriers that exist in hiring,  
2445 recruiting or promoting officers of the department of state police.

2446 (f) The commission shall evaluate the feasibility of creating a statewide diversity office  
2447 within the executive office of administration and finance to establish affirmative action plans and  
2448 guidelines for municipalities, oversee the implementation of these plans and guidelines and  
2449 monitor noncompliance. The commission shall examine the feasibility and cost of hiring or  
2450 appointing a diversity officer for every city or town with a municipal police or fire department.

2451 (g) The commission shall make recommendations for changes to the civil service law to  
2452 improve diversity, transparency and representation of the community in recruitment, hiring and  
2453 training of civil service employees, including, but not limited to, any changes to civil service  
2454 exams, merit preference status, eligible lists and appointment from eligible lists by hiring  
2455 authorities. The commission shall make recommendations to improve diversity, transparency and  
2456 representation of the community in recruitment, hiring and training for municipalities not subject  
2457 to the civil service law and for the department of state police.

2458 (h) The commission shall hold its first meeting not later than 30 days after the effective  
2459 date of this act and shall meet at least monthly thereafter. The commission shall submit a report  
2460 of its study and any recommendations, together with any draft legislation necessary to carry  
2461 those recommendations into effect, by filing the same with the governor, the speaker of the  
2462 house of representatives and the president of the senate and the clerks of the house of  
2463 representatives and senate on or before September 30, 2021.

2464 SECTION 108. (a) Notwithstanding any special or general law to the contrary, there shall  
2465 be a special legislative commission established pursuant to section 2A of chapter 4 of the  
2466 General Laws to study the establishment of a statewide law enforcement officer cadet program.  
2467 The commission shall consist of 21 members: 2 of whom shall be the chairs of the joint  
2468 committee on public safety and homeland security or their designees, who shall serve as co-  
2469 chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1  
2470 of whom shall be the chair of the Massachusetts Black and Latino Legislative Caucus or a  
2471 designee; 1 of whom shall be the chair of the Massachusetts House Asian Caucus or a designee;  
2472 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public  
2473 safety and security or a designee; 1 of whom shall be the colonel of state police or a designee; 1

2474 of whom shall be the commissioner of correction or a designee; 1 of whom shall be the training  
2475 director of the Massachusetts peace officer standards and training commission or a designee; 1 of  
2476 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,  
2477 Inc. or a designee; 1 of whom shall be the president of the Boston branch of the National  
2478 Association for the Advancement of Colored People New England Area Conference or a  
2479 designee; and 8 of whom shall be appointed by the governor, 1 of whom shall be from the State  
2480 Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of  
2481 Police Association Incorporated, 1 of whom shall be from the Massachusetts Police Association,  
2482 Inc., 1 of whom shall be from the Massachusetts Coalition of Police, Inc., 1 of whom shall be  
2483 from the Massachusetts Sheriffs Association, Inc., 1 of whom shall be from the Massachusetts  
2484 Association of Minority Law Enforcement Officers, Inc.; 1 of whom shall be from the  
2485 Massachusetts Association of Women in Law Enforcement, Inc. and 1 of whom shall be from  
2486 the Association of Chiefs of Police - State Universities of Massachusetts.

2487 (b) The appointments made by the governor pursuant to subsection (a) shall include  
2488 women and people of color in such proportion as these groups exist in the commonwealth's  
2489 population as periodically determined by the state secretary as the commonwealth's chief census  
2490 officer.

2491 (c) The commission shall evaluate the establishment of a statewide law enforcement  
2492 officer cadet program in the commonwealth through which all law enforcement agencies, as  
2493 defined in section 1 of chapter 6E of the General Laws, may hire law enforcement officers and  
2494 shall make recommendations to the legislature. The commission shall study the feasibility and  
2495 benefits of establishing said cadet program, including, but not limited to: (i) impact on diversity  
2496 within law enforcement agencies; (ii) impact on veteran preference hiring within law

2497 enforcement agencies; (iii) recommendations to ensure increased diversity across law  
2498 enforcement agencies; (iv) proposed standards for admission to the statewide cadet program,  
2499 including, but not limited to, age, education and physical, psychological and mental health; (v)  
2500 proposed standards, including form, method and subject matter, for a qualifying examination  
2501 which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably  
2502 measured and that are actually required to perform the primary or dominant duties of a law  
2503 enforcement cadet; (vi) proposed standards for completion of the cadet program and enlistment  
2504 as a uniformed law enforcement officer; (vii) recommended cadet compensation and benefits,  
2505 including, but not limited to, insurance coverage, retirement and pension benefits; (viii) the  
2506 feasibility of providing specialized training required for appointment to a particular agency or by  
2507 a city or town; and (ix) any other information the commission deems relevant.

2508 (d) The commission shall submit its findings and recommendations relative to the  
2509 establishment of a statewide law enforcement cadet program by filing the same with the clerks of  
2510 the house of representatives and the senate and the governor not later than December 31, 2021.

2511 SECTION 109. Notwithstanding any general or special law to the contrary, a person who  
2512 is appointed as a school resource officer, as defined in section 37P of chapter 71 of the General  
2513 Laws, as of the effective date of this act may continue in such appointment without receiving a  
2514 certification to serve as such pursuant to subsection (b) of section 3 of chapter 6E of the General  
2515 Laws; provided, however, that they receive said certification by December 31, 2021.

2516 SECTION 110. (a) There shall be established, pursuant to section 2A of chapter 4 of the  
2517 General Laws, a special legislative commission on structural racism in correctional facilities of  
2518 the commonwealth. The commission shall investigate and study disparate treatment of persons of



2519 color incarcerated at state and county correctional facilities and determine the role of structural  
2520 racism in those disparities.

2521 (b) The special legislative commission shall consist of 17 members: 4 of whom shall be  
2522 members of the house of representatives to be appointed by the speaker of the house, 1 of whom  
2523 shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom  
2524 shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of  
2525 the senate to be appointed by the senate president; 2 of whom shall be appointed by the governor,  
2526 1 of whom shall be the secretary of public safety and security; 1 of whom shall be the president  
2527 of the Massachusetts Sheriffs Association, Inc. or a designee; 1 of whom shall be the president of  
2528 the Massachusetts Correction Officers Federated Union or a designee; 1 of whom shall be the  
2529 executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1  
2530 of whom shall be the president of the Urban League of Eastern Massachusetts, Inc. or a designee;  
2531 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the  
2532 chief executive officer of UTEC, Inc. or a designee; 1 of whom shall be the executive director of  
2533 Prisoners' Legal Services or a designee; 1 of whom shall be the executive director of GLBTQ  
2534 Legal Advocates & Defenders, Inc. or a designee; 1 of whom shall be the executive director of  
2535 Massachusetts Coalition for the Homeless, Inc. or a designee; and 1 of whom shall be the chair  
2536 of the New England Chapter of the American Immigration Lawyers Association or a designee.

2537 (c) The special commission shall conduct a thorough review of the policies and  
2538 procedures in place at state and county correctional facilities, both as written and as  
2539 implemented, to determine if there are disparities in the treatment of persons of color and if  
2540 structural racism at these facilities is a cause of those disparities. The special commission shall  
2541 also conduct a thorough review of the access to educational, vocational or other programming

2542 options for incarcerated inmates and if there are disparities in access for persons of color and if  
2543 structural racism is a cause of those disparities. The special commission shall make  
2544 recommendations to eliminate any disparities in the treatment of persons of color found at state  
2545 and county facilities including policy or legislative changes.

2546 (d) The special commission shall submit its report and recommendations, together with  
2547 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of  
2548 the house of representatives and the senate not later than September 30, 2021.

2549 SECTION 111. (a) There shall be established, pursuant to section 2A of chapter 4 of the  
2550 General Laws, a special legislative commission on structural racism in the parole process. The  
2551 commission shall make an investigation and study into disparate treatment of persons of color in  
2552 the parole process and determine the role of structural racism in those disparities.

2553 (b) The special legislative commission shall consist of 13 members: 3 of whom shall be  
2554 members of the house of representatives to be appointed by the speaker of the house, 1 of whom  
2555 shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom  
2556 shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of  
2557 the senate to be appointed by the senate president; 2 of whom shall be appointed by the governor,  
2558 1 of whom shall be a member of the parole board; 1 of whom shall be the executive director of  
2559 the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the  
2560 president of the Boston branch of the National Association for the Advancement of Colored  
2561 People New England Area Conference or a designee; 1 of whom shall be the executive director  
2562 of Roca, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts  
2563 Coalition for the Homeless, Inc. or a designee; 1 of whom shall be the chief executive officer of

2564 UTEC, Inc. or a designee; and 1 of whom shall be the executive director of Prisoners' Legal  
2565 Services or a designee.

2566 (c) The special commission shall conduct a thorough review of the parole process to  
2567 determine if there are disparities in the treatment of persons of color in the granting or denying of  
2568 parole and if structural racism is a cause of those disparities. The special commission shall also  
2569 conduct a thorough review of any disparities in conditions of release placed on persons of color  
2570 and if structural racism is a cause of those disparities. The special commission shall make  
2571 recommendations to eliminate any disparities in the treatment of persons of color found in the  
2572 parole process including policy or legislative changes.

2573 (d) The special commission shall submit its report and recommendations, together with  
2574 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of  
2575 the house of representatives and the senate not later than September 30, 2021.

2576 SECTION 112. (a) There shall be established, pursuant to section 2A of chapter 4 of the  
2577 General Laws, a special legislative commission on structural racism in the Massachusetts  
2578 probation service, referred to in this section as the commission. The commission shall make an  
2579 investigation and study into disparate treatment of persons of color in the probation process and  
2580 determine the role of structural racism in those disparities.

2581 (b) The special legislative commission shall consist of 13 members: 3 of whom shall be  
2582 members of the house of representatives to be appointed by the speaker of the house, 1 of whom  
2583 shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom  
2584 shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of  
2585 the senate to be appointed by the president of the senate; 1 of whom shall be appointed by the

2586 governor; 1 of whom shall be the commissioner of probation; 1 of whom shall be the executive  
2587 director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom  
2588 shall be the president of the Boston branch of the National Association for the Advancement of  
2589 Colored People New England Area Conference or a designee; 1 of whom shall be the executive  
2590 director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC, Inc.  
2591 or a designee; 1 of whom shall be the executive director of the Massachusetts Coalition for the  
2592 Homeless, Inc. or a designee; and 1 of whom shall be the chief counsel of the committee for  
2593 public counsel services or a designee.

2594 (c) The special commission shall conduct a thorough review of the probation process to  
2595 determine if there are disparities in the treatment of persons of color in the probation system and  
2596 if structural racism is a cause of those disparities. The special commission shall also conduct a  
2597 thorough review of any disparities in conditions or revocation of probation for persons of color  
2598 and if structural racism is a cause of those disparities. The special commission shall make  
2599 recommendations to eliminate any disparities in the treatment of persons of color found in the  
2600 parole process including policy or legislative changes.

2601 (d) The special commission shall submit its report and recommendations, together with  
2602 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of  
2603 the house of representatives and the senate not later than September 30, 2021.

2604 SECTION 113. The model school resource officer memorandum of understanding review  
2605 commission established pursuant to section 37P of chapter 71 of the General Laws shall convene  
2606 not later than March 31, 2021 and shall develop its first model memorandum of understanding  
2607 not later than February 1, 2022 for implementation starting in the 2022 school year.

2608 SECTION 114. Notwithstanding section 75 of chapter 3 of the General Laws, the  
2609 following initial members of the commission on the status on Black men and boys shall be  
2610 appointed for the following terms:

2611 (a) The speaker of the house of representatives shall appoint, on or before May 1, 2021, 1  
2612 member for a term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

2613 (b) The president of the senate shall appoint, on or before May 1, 2021, 1 member for a  
2614 term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

2615 (c) The Massachusetts Black and Latino Legislative Caucus or its successor organization  
2616 shall appoint, on or before May 1, 2021, 1 member for a term of 1 year, 1 member for a term of 2  
2617 years and 1 member for a term of 3 years.

2618 SECTION 115. Notwithstanding any general or special law to the contrary, the  
2619 committee on police training and certification, established in section 4 of chapter 6E of the  
2620 General Laws, shall investigate and study the benefits and costs of consolidating existing  
2621 municipal police training committee training academies located in Boylston, Plymouth,  
2622 Randolph, Reading and in Western Massachusetts and the 9 reserve or intermittent academies  
2623 authorized by the municipal police training committee into a single, full time training institution  
2624 with full time instructional staff. As part of the study, the committee on police training and  
2625 certification shall identify feasible and appropriate locations for such a campus or facility within  
2626 the commonwealth. The study, including any recommendations for legislation, shall be filed with  
2627 the clerks of the house and senate, the house and senate committees on ways and means and the  
2628 joint committee on public safety and homeland security not later than December 31, 2021.

2629           SECTION 116. (a) There shall be established, pursuant to section 2A of chapter 4 of the  
2630 General Laws, a special legislative commission to investigate and study the impact to the  
2631 administration of justice of the qualified immunity doctrine in the commonwealth. Said  
2632 investigation and study shall include, without limitation, an analysis of the origins of qualified  
2633 immunity and its present interpretation by the courts of the commonwealth, and the legal and  
2634 policy rationale for, and the legal and policy impact of, the qualified immunity doctrine in the  
2635 commonwealth.

2636           (b) The special legislative commission shall consist of 15 members: 2 of whom shall be  
2637 the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs;  
2638 2 of whom shall be members of the house of representatives appointed by the speaker of the  
2639 house; 1 of whom shall be a member of the house of representatives appointed by the minority  
2640 leader; 2 of whom shall be members of the senate appointed by the president of the senate; 1 of  
2641 whom shall be a member of the senate appointed by the minority leader; 3 of whom shall be  
2642 appointed by the governor, 1 of whom shall be a member of a police officers' union, 1 of whom  
2643 shall be a member of a firefighters' union and 1 of whom shall be a retired justice of the appeals  
2644 court; 1 of whom shall be the executive director of the American Civil Liberties Union of  
2645 Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Massachusetts Bar  
2646 Association or a designee; 1 of whom shall be the executive director of the Massachusetts  
2647 Municipal Association, Inc. or a designee; and 1 of whom shall be the president of the Boston  
2648 branch of the National Association for the Advancement of Colored People New England Area  
2649 Conference or a designee.

2650 (c) The special legislative commission shall submit a report of its study and  
2651 recommendations, together with legislation, if any, to the clerks of the house of representatives  
2652 and the senate on or before September 30, 2021.

2653 SECTION 117. (a) The community policing and behavioral health advisory council,  
2654 established in subsection (e) of section 25 of chapter 19 of the General Laws, shall study and  
2655 make recommendations for creating a crisis response and continuity of care system that delivers  
2656 alternative emergency services and programs across the commonwealth that reflect specific  
2657 regional, racial, ethnic and sexual orientation needs and differences in delivering such services.  
2658 The study shall include, but not be limited to: (i) a comprehensive review and evaluation of  
2659 existing crisis intervention, alternative emergency response and jail diversion models, services  
2660 and programs in the commonwealth at the state, county and municipal level and models used  
2661 effectively in other jurisdictions; (ii) a method for evaluating the effectiveness of existing crisis  
2662 intervention, alternative emergency response and jail diversion models, services and programs in  
2663 diverting individuals from the criminal justice system and emergency departments to appropriate  
2664 care; (iii) recommendations for expanding effective crisis intervention and jail diversion models,  
2665 services and programs identified in clause (ii) across the commonwealth; (iv) identification of  
2666 crisis response training programs and protocols for law enforcement officers and 911  
2667 telecommunicators that reflect best practices and a plan for standardizing systems and aligning  
2668 such programs and protocols across the commonwealth; (v) identification of outcome  
2669 measurements and data collection procedures to be used to evaluate the effectiveness of the crisis  
2670 response system and its components; (vi) an analysis of the federal Substance Abuse and Mental  
2671 Health Services Administration national guidelines for behavioral health crisis care, including  
2672 regional crisis call centers and mobile crisis teams; and (vii) an estimate of the additional costs or

2673 cost savings of implementing the council’s recommendations under this section and possible  
2674 sources of funding for delivering the crisis response and continuity of care system at the state,  
2675 county and municipal levels. In developing recommendations for a crisis response and jail  
2676 diversion system, the council, where appropriate, shall prioritize non-police community-based  
2677 programs.

2678 (b) The council may commission an independent research or academic organization with  
2679 expertise in clinical social work, criminal justice, behavioral health jail diversion modalities and  
2680 accessible analysis of quantitative and qualitative data and communication of study results to  
2681 conduct the study. The council shall facilitate the collection of data needed to complete the study  
2682 pursuant to a memoranda of understanding with the department of mental health, the executive  
2683 office of public safety and security, the executive office of health and human services and  
2684 relevant social service agencies.

2685 (c) The study shall be designed in consultation with interested stakeholders, including,  
2686 but not limited to, the president of the National Association for the Advancement of Colored  
2687 People New England Area Conference, the American Civil Liberties Union of Massachusetts,  
2688 Inc.; the National Association of Social Workers, Inc.; the Massachusetts Association for Mental  
2689 Health, Inc.; the Association for Behavioral Healthcare, Inc. and members of the general court.

2690 (d) Not later than July 1, 2022, the council shall submit the study’s findings to the clerks  
2691 of the senate and house of representatives, the joint committee on mental health, substance use  
2692 and recovery, the joint committee on public health, the joint committee on health care financing,  
2693 the joint committee on public safety and homeland security and the center for responsive training  
2694 in crisis intervention established pursuant to section 25 of chapter 19 of the General Laws. The



2695 study's findings shall be published on the department of mental health's website. Not later than 3  
2696 months after receiving the study's findings, the council shall solicit public comment and hold not  
2697 less than 4 public hearings, 1 of which shall be held in Berkshire, Franklin, Hampshire or  
2698 Hampden county and 1 of which shall be held in the Worcester area.

2699 (e) The council shall report on existing and innovative crisis response models and  
2700 recommend legislation or regulations to advance and strengthen non-police solutions to crisis  
2701 response and jail diversion. The report shall incorporate the study's findings and issues raised in  
2702 public comments and hearings. The report and recommendations shall be submitted to the clerks  
2703 of the senate and house of representatives and the joint committee on mental health, substance  
2704 use and recovery not later than July 1, 2023.

2705 (f) The center for responsive training in crisis intervention shall consider the council's  
2706 recommendations for incorporation into regional training opportunities and training curricula.

2707 SECTION 118. Notwithstanding any general or special law to the contrary, the  
2708 committee on police training and certification, in consultation with the executive office of public  
2709 safety and security, shall promulgate regulations requiring law enforcement agencies to  
2710 participate in critical incident stress management and peer support programs to address police  
2711 officer mental wellness and suicide prevention as well as critical incident stress and the effect on  
2712 public safety. The programs shall be created internally within an agency or agencies may  
2713 collaborate within a regional system. The programs shall include, but shall not be limited to,  
2714 mental wellness and stress management pre-incident and post-incident education, peer support,  
2715 availability and referral to professional resources and assistance. The committee shall ensure that  
2716 each officer is notified of the program during each 3-year certification cycle under this act.

2717 SECTION 119. Notwithstanding any general or special law to the contrary, not later than  
2718 June 30, 2021, the committee on police training and certification shall issue guidance on  
2719 developmentally appropriate de-escalation and disengagement tactics, techniques and procedures  
2720 and other alternatives to the use of force for minor children that may take into account contextual  
2721 factors including, but not limited to, the person's age, disability status, developmental status,  
2722 mental health, linguistic limitations or other mental or physical condition.

2723 SECTION 120. Notwithstanding any general or special law to the contrary, section 100I  
2724 of chapter 276 of the General Laws, as inserted by section 97, shall apply to any pending petition  
2725 for expungement filed pursuant to sections 100F, 100G or 100H of said chapter 276 that was  
2726 filed on or before the effective date of this act. Any petition for expungement filed pursuant to  
2727 said sections 100F, 100G or 100H of said chapter 276 that was denied before the effective date  
2728 of this act solely because the petitioner had more than 1 record as an adjudicated delinquent or  
2729 adjudicated youthful offender or of a conviction may immediately refile the petition under said  
2730 section 100I of said chapter 276.

2731 SECTION 121. (a) Notwithstanding any general or special law to the contrary, the  
2732 Massachusetts peace officer standards and training commission, established in section 2 of  
2733 chapter 6E of the General Laws, shall authorize the transfer of each employee of the municipal  
2734 police training committee employed prior to the effective date of this act to become an employee  
2735 of the Massachusetts peace officer standards and training commission, subject to said chapter 6E  
2736 of the General Laws.

2737 (b) All employees of the municipal police training committee transferred to the service of  
2738 the commission shall be transferred without impairment of seniority, retirement or other statutory

2739 rights of employees, without loss of accrued rights to holidays, sick leave, vacation and other  
2740 benefits, and without change in union representation or certified collective bargaining unit as  
2741 certified by the state labor relations commission or in local union representation or affiliation,  
2742 except as otherwise provided in this act. Terms of service of employees of the program shall not  
2743 be deemed to be interrupted by virtue of transfer to the commission.

2744 (c) Nothing in this section shall be construed to confer upon any employee of the  
2745 municipal police training program any right not held immediately before the date of said transfer  
2746 to the commission or to prohibit any reduction of salary grade, transfer, reassignment,  
2747 suspension, discharge, layoff or abolition of position not prohibited before such date.

2748 (d) The terms and conditions of any collective bargaining agreement that is in effect upon  
2749 such transfers authorized by this section shall continue in effect until the stated expiration date of  
2750 such agreement, at which point the agreement shall expire; provided, however, that all such  
2751 employees shall continue to retain their right to collectively bargain under chapter 150E of the  
2752 General Laws and shall be considered employees of the Massachusetts peace officer standards  
2753 and training commission established pursuant to chapter 6E of the General Laws for the purposes  
2754 of said chapter 150E.

2755 SECTION 122. Subsection (a) of section 14 of chapter 6E shall take effect on December  
2756 1, 2021.

2757 SECTION 123. Subsection (d) of section 15 of chapter 6E shall take effect on September  
2758 1, 2021.

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## What You Need to Know About The New Massachusetts Police Reform Law

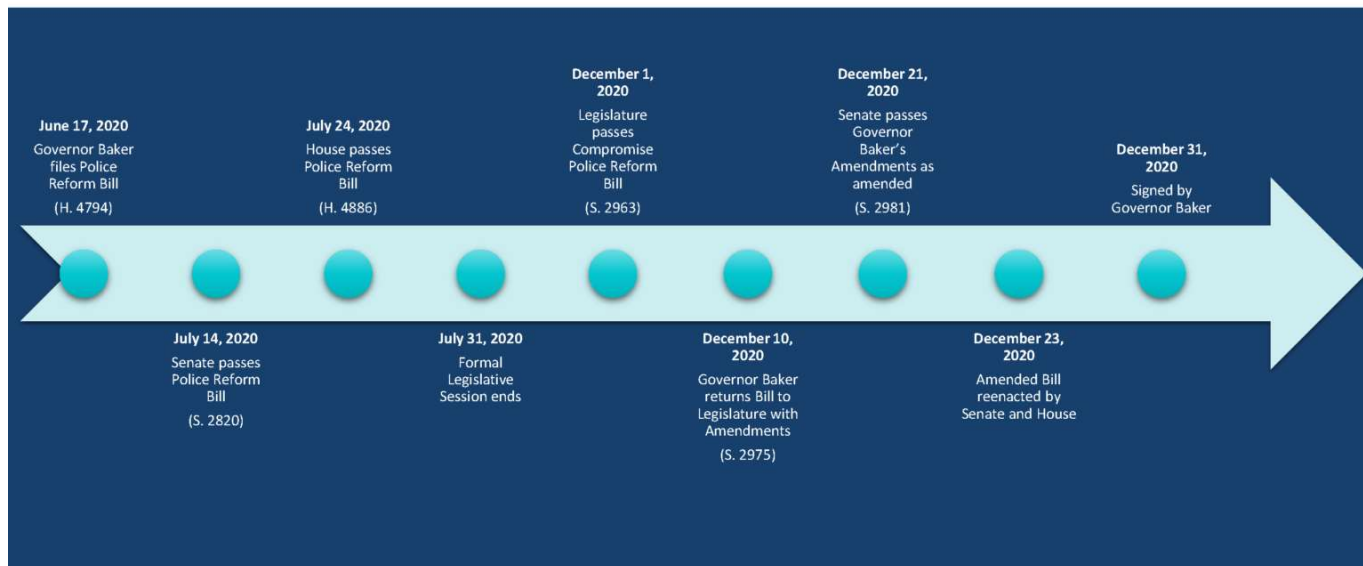
### **Police Reform in Massachusetts – An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth (Chapter 253 of the Acts of 2020)**

Over the summer and in the wake of the murders of George Floyd and Breonna Taylor, and nationwide protests against police abuse and brutality, police reform received renewed attention on Beacon Hill. On June 7, Governor Baker unveiled a Police Reform Bill. In late July slightly differing versions of police reform bills passed in both branches. With only days to go until the formal legislative session ended on July 31, the bills headed to the House-Senate conference committee for resolution. Ultimately there was not enough time to get something done by the end of July. However, after months of behind-the-scenes negotiations, a compromise bill was unveiled and on December 1, 2020, the 128-page bill passed both houses and was sent to the Governor for review. After several days of speculation and uncertainty, Governor Baker responded with 13 pages of amendments which he stated outright needed to be accepted or he would not sign the Bill. A copy of the letter is available [here](#). With a few modifications, the Governor's amendments were accepted, and the resulting Bill was signed into law on, as I mentioned, on December 31, 2020.

The core of the new law is the creation of the Massachusetts Peace Officer Standards and Training (POST) Commission, an independent state entity – comprised mostly of civilians – which would oversee the certification and decertification of police officers, and investigations into police misconduct.

Police unions across the Commonwealth opposed and criticized the bill. Advocates of reform were disappointed by the limited changes made to qualified immunity and compromises made around the use of facial recognition software. Attorney General Maura Healey's Office raised concerns about the compromise bill's approach to no-knock warrants and

# TIMELINE



in the final version changes were made to allow some additional flexibility.

The final version of the legislation is available here. The key provisions of the law are summarized below:

Creates a new Commission to Certify Massachusetts Police Officers

The bill creates the 9-member Peace Officer Standards and Training (POST) Commission to establish the minimum certification and decertification protocols for law enforcement agencies and officers. Commission members would be appointed by the Governor and Attorney General (3 appointed by Governor, 3 appointed by the AG and 3 jointly appointed by the Governor and AG), and consist of mostly civilians to include an attorney, a social worker, and a retired judge. Commissioners shall include people of color and women, “at least in such proportion as these groups exist in the commonwealth’s population as periodically determined by the state secretary...” The governor shall designate the chair of the Commission; the Commission would appoint an executive director.

The bill establishes two divisions within the Commission, the Division of Police Certification and the Division of Police Standards. The Division of Certification would be responsible for developing training standards and standardizing the certification process for law enforcement agencies and officers, while the Division of Police Standards would primarily investigate and adjudicate complaints of officer misconduct.

The Commission would serve as a civil enforcement agency responsible for certifying, restricting, revoking, or suspending certifications for law enforcement officers, agencies, and training academies. It would also maintain a public database of decertified officers, officers whose certification has been suspended and officer retraining.

- Division of Certification

The Division of Training and Certification is responsible for establishing uniform policies for certification of all law enforcement officers. Massachusetts is currently one of only a handful of states that does not have a certification or licensing process for police.

The Commission will be responsible for certifying all law enforcement agencies within the Commonwealth, and no law enforcement agency would be able to appoint or employ a law enforcement officer, unless the officer is certified.

Officers who have already completed training at a law enforcement academy and have been appointed as of the effective date of the bill, will be deemed to be certified. However, going forward officers will have to periodically recertify.

The law prohibits certification of any officer who fails to meet the minimum certification standards or who is listed in the national decertification index or the database of decertified officers as maintained by the Commission.

It also establishes minimum certification standards for all law enforcement agencies and provides for the creation of agency policies regarding: use of force and use of force reporting, officer codes of conduct, officer response procedures, criminal investigation procedures, juvenile operations, internal affairs and officer complaint procedures, detainees, and collection and preservation of evidence.

*NOTE: As amended, the POST Commission is NOT responsible for overseeing Police Training; the Executive Office of Public Safety and Security (EOPSS) retains its responsibility for training. This was one of the areas that Governor Baker was not willing to compromise on and was amended from the Initial Compromise Bill.*

- Division of Police Standards

The Division of Police Standards is charged with investigating officer misconduct and making disciplinary recommendations to law enforcement agencies. This part of the Commission is responsible for establishing and maintaining a database for complaints about officer misconduct, and regularly monitoring the data to identify patterns of unprofessional police conduct. The database shall include information relating to an officer's certification or decertification, arrests or convictions, disposition of internal affairs complaints and investigations, and any information relating to an officer's prior separation from a law enforcement agency. **The law amended the Public Records law so that records related to law enforcement misconduct investigations ARE NOT subject to the public records law.**

Under the new law, law enforcement agencies will be required to submit copies of complaints alleging officer misconduct and other information relating to the complaint to the Commission within 2 business days of receipt. And then, upon completion of its investigation of the complaint, a law enforcement agency must report the disposition of the investigation along with any recommended disciplinary action to the Commission.

The Commission may independently initiate preliminary inquiries into the conduct of law enforcement officers upon receipt of a complaint or other credible evidence in certain situations including involvement in an officer-involved injury or death, or commission of a felony or misdemeanor, regardless of whether the officer has been arrested, charged, indicted, or convicted.

Within 30 days of initiating a preliminary inquiry, the Commission must notify the officer, the head of officer's collective bargaining unit, and the head of an officer's appointing agency of the inquiry.

The Commission may immediately suspend the certification of an officer who is arrested, charged, or indicted for a felony, and may also immediately suspend an officer's certification, if it determines that the officer engaged in conduct that constitutes a felony following a preliminary inquiry.

Similarly, the Commission may, after a preliminary inquiry, suspend an officer's certification if he is arrested or charged with a misdemeanor if it determines that the crime affects fitness to serve as a law enforcement officer. During the pendency of an inquiry, the Commission may suspend the certification of any officer if it determines that the suspension is in the best interest of the health and safety of the public.

The Commission is required to provide a hearing to an officer whose certification is suspended within 15 days. The Commission shall not institute a revocation or suspension hearing until the officer's appointing agency has issued a final disposition, provided, however, the delay shall not exceed 1 year. At the officer's request, such hearings may be

suspended up to a year pending the appeal or arbitration of an appointing authority's decision. Revocation or suspension proceedings or hearings, and the regulations promulgated for such proceedings and hearings shall be pursuant to chapter 30A. Any suspension issued by the Commission will remain in effect until the final decision of the Commission.

The Commission shall have the authority to revoke or suspend an officer's certification after finding by **clear and convincing evidence** that the officer engaged in misconduct. The Commission also has the authority to order an officer to undergo retraining. The Commission must immediately notify the head of the agency of an officer who is decertified, suspended or ordered to undergo retraining.

Any appeal relating to the Commission's decision to suspend or revoke a certification may be appealed pursuant to chapter 30A. However, adverse employment actions resulting from a Commission's decision to revoke a certification may not be appealed to the Civil Service Commission.

### Limited Qualified Immunity Reform

One of the more contentious areas of debate around police reform, the new law stops short of limiting Qualified Immunity for certified officers, but a police officer decertified by the Commission would lose his or her immunity. The bill would also create a special legislative commission to study the impacts of the qualified immunity doctrine on the administration of justice, including the legal and policy rationales for the doctrine.

The proposed bill creates a right to bias-free professional policing, which means decisions without consideration of a person's race, ethnicity, sex, gender, national origin, immigration status, or other characteristics. However in the final version the definition of bias free policing was amended to allow for consideration of a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level if relevant to the crime. The bill would not extend immunity to an officer who violates a person's right to bias-free professional policing, while acting under color of law, by engaging in any conduct that would result in the officer's decertification. There is some concern regarding the wording of the bill which states only officers who violate a person's right to "bias-free policing" **and** are decertified lose their qualified immunity protections.

Reform advocates are disappointed that the bill does not remove or amend existing language in the state's civil rights law that makes it difficult to sue a police officer for civil rights violations unless an officer interferes or attempts to interfere in an individual's enjoyment of any state of federal law by threat, intimidation or coercion. Officers shall not be entitled to immunity from civil liability if the officer's conduct is knowingly unlawful or objectively unreasonable, however, there is concern that an officer would have to explicitly threaten or intimidate someone for the immunity not to apply.

### Use of Force, Duty to Intervene, and Mass Demonstrations

The proposed bill creates stronger use of force policies, prohibits certain actions, and requires the use of de-escalation tactics. An officer may use deadly force only if de-escalation tactics have been unsuccessful or are not feasible based on the totality of the circumstances. **Use of chokehold restraints is expressly prohibited**, and the bill restricts officers from firing at or into fleeing motor vehicles unless necessary to prevent imminent harm, and creates rules around the use of tear gas, dogs, and rubber bullets. **The bill also creates an explicit duty to intervene and report a fellow officer if an officer witnesses a colleague using of excessive force.**

- Physical Force. The proposed bill restricts an officer's use of physical force, unless de-escalation tactics have been unsuccessful or are not feasible based on the totality of circumstances, and physical force is necessary to: effect a lawful arrest or detention, prevent escape from custody, or prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm.

- Deadly Force. An officer may only use deadly force if de-escalation tactics have been unsuccessful or are not feasible based on the totality of the circumstances, and deadly force is necessary to prevent imminent harm to a person.
- Chokehold Restraints. The bill expressly prohibits the use of chokehold restraints by law enforcement officers and the discharge of firearms at or into fleeing motor vehicles, unless the discharge is necessary to prevent imminent harm and is proportional to the imminent threat.
- Duty to Intervene. Requires an officer to intervene if he or she witnesses another officer using physical force beyond that necessary or objectively reasonable in the situation based on the totality of the circumstances, unless intervening would result in harm to the officer or another identifiable person.

Mandates that an officer who witnesses the use of excessive force report it to his or her supervisor as soon as possible, but not later than the end of an officer's shift. Law enforcement agencies must develop and implement policies for officers to report another officer's use of excessive force without retaliation or fear of retaliation within the department.

- Mass Demonstrations. Prohibits the discharge of tear gas, use of rubber bullets, or deployment of dogs/K-9 officers to influence, control or subdue a person, unless de-escalation tactics have failed or are not feasible based on the totality of the circumstances and the use of such measures are necessary to prevent imminent harm and are proportional to the imminent threat. If any of these measures are used during crowd control, the head of the law enforcement agency is required to file a report with the Commission.

Imposes a requirement that police departments attempt in good faith to communicate with the organizers of a planned mass demonstration or protest, when the police have advance knowledge of the event. The bill requires that departments plan to avoid and de-escalate any potential conflicts stemming from the event and specifically designate an officer in charge for such plans.

#### No-Knock Warrants

The bill requires that no-knock warrants be issued by a judge and only upon a showing of probable cause that the officers' lives or the lives of others would be endangered if officers were required to knock and announce before executing a warrant, and an attestation that there is no reason to believe that minor children or adults over 65 are in the home unless there is incredible risk of imminent harm to a child or person over the age of 65 (i.e., kidnapping or hostage situation of a child or person over 65).

#### Civil Service System Review

The Civil Service system is the system that most departments across the state use to hire and promote police officers. The proposed bill establishes a special legislative commission to study and examine civil service laws, personnel administration rules, hiring procedures and bylaws for municipalities not subject to civil service laws, and state police hiring practices. The commission is tasked making recommendations to improve diversity, transparency, and representation of the community in the recruitment, hiring, and training for civil service employees, municipalities not subject to civil service, and the Massachusetts State Police.

The bill also calls for the legislative commission to study the feasibility of creating a statewide diversity office and diversity officers for each municipality with a police or fire department.

#### Body Worn Camera Task Force

Directs the Executive Office of Public Safety and Security to establish a body camera task force. The task force will propose regulations to establish a uniform code for procurement and use of body cameras for law enforcement agencies in the Commonwealth.



The task force, which will consist of 25 members, must file a report and adopt draft regulations for law enforcement agencies on or before July 31, 2022. The draft regulations must include: training on use of body cameras; standards for the types of encounters and situations when a body camera will be activated and when recording may be discontinued, and requirements for retention and storage of body camera footage.

### Facial Recognition

Another area of significant debate was the use of Facial Recognition Technology. The initial version of the bill essentially banned use of this technology in the Commonwealth except for by the Registry of Motor Vehicles and set up a process whereby law enforcement agencies could request and receive access to the use of this technology through the RMV. The final version of the Bill maintains some limited on the use of this technology but expands the use and allows law enforcement agencies to work with the state police and FBI, as well as the RMV. The new law also creates a commission to study the use of this technology in the state.

The Governor and Attorney General Maura Healey's offices had expressed concern regarding the ban on the use of facial recognition software by the government, and in his amendments the Governor instead advocated for the creation of a special commission to study the use of such technology prior to implementing any ban. Boston already bans the use of facial recognition technology. The Boston City Council voted to ban its use this summer, making it the second largest community in the world to do so (San Francisco is the largest). Several other Massachusetts communities also have a ban including: Somerville, Brookline, Northampton, Springfield and Cambridge.

### School Resource Officers (SROs)

Authorizes the Commission to issue a specialized certification for officers acting as SROs.

The bill establishes a special commission to review and recommend changes, as appropriate, to the model school resource officer memorandum of understanding. The model memorandum must include: the mission statement, goals and objectives of the SRO program, roles and responsibilities of the SRO, police department and school; process for selecting school resource officers; procedures for incorporating SRO's into the school environment; information sharing between SRO's and school staff; training for SRO's; and the organizational structure of the SRO program, including supervision of SROs.

Directs the chief of police, in consultation with the school superintendent, to establish operating procedures for the SRO with respect to the following: use of force, arrest and citation authority on school property; chain of command for the SRO; performance evaluation standards; and a statement and description of students' legal rights relating to searching and questioning of students.

Allows the superintendent to make a request to the chief of police for the appointment of an SRO, rather than mandating that a municipality or school district employ an SRO.

Forbids SROs and school department personnel from disclosing certain student information to law enforcement officials, except where written consent is obtained from the student, parent or guardian, or to comply with a court order or subpoena. The restrictions on information sharing also do not apply for the purposes of the mandatory reporting of abuse or neglect pursuant to M.G.L. c. 119, § 51A.

### Ban on Racial Profiling

The bill outlaws a law enforcement agency from engaging in racial profiling and authorizes the Attorney General to enforce this ban by seeking injunctive or other equitable relief.

### Submitting False Timesheets

Any officer who knowingly submits a fraudulent timesheet, may be punished by a fine of three times the amount of the fraudulent wages received or up to 2 years of imprisonment.

### Massachusetts State Police Reform

The bill includes changes to the state police incited by the overtime fraud scandal, including the provisions on submitting false timesheets and requiring the training for state police be approved by the POST Commission and a requirement that state police officers be certified by the Massachusetts POST Commission. In addition the bill would allow the appointment of a colonel of the state police from outside the state police, and authorizes the colonel of the state police to establish a cadet program.

### Expungement

Expands eligibility for record expungement from one criminal or juvenile record to two. Also allows multiple charges stemming from the same situation to be treated as one offense for purposes of expungement.

### Other

The bill also prohibits sexual intercourse with a person in custody (making it a violation of the rape statute), addresses data collection of law enforcement related injuries and deaths and provides that records related to law enforcement misconduct are subject to the public records law.

### SPECIAL COMMISSIONS CREATED BY BILL

Body Camera Taskforce

Community Policing and Behavioral Health Advisory Council

Permanent commission of the status of African Americans

Permanent commission of the status of Latinos and Latinas

Permanent commission on the status of people with disabilities

Permanent commission on the status of Black men and boys

Commission to study the feasibility of establishing a statewide law enforcement officer cadet program

Commission on corrections officer training and certification

Commission to investigate and study the benefits and costs of consolidating existing municipal police training committee training academies

Commission on emergency hospitalizations

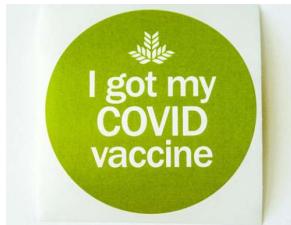
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2022 Town Meeting Request – Positions Reclassification

**1. By reclassifying the following positions**

A. Administrative Assistant – Planning and C.D. AFSCME OA6 to ATP4 Planning and Community Development	FTE 1	\$1,644
B. Principal Clerk - COA AFSCME OA4 to ATP4 Council On Aging/Health and Human Services	FTE 1	\$1,839
C. Energy and Project Manager MTP8 to MTP11 Planning and Community Development	FTE 1	
D. HVAC Technician AFSCME ATP4 to ATP7 Facilities	FTE 1	
E. Watchman/Laborer MC1 to MC4 Public Works	FTE 1	
F. Recycling Coordinator – MTP5 to MTP7 Public Works	FTE .8571	\$897
G. Assistant Director of Human Resources MTP8 to MTP9 Human Resources	FTE 1	\$2,847
H. Park Maintenance Supervisor SEIU7 to SEIU8 Public Works	FTE 1	\$2,769
I. Electrician MC8 to ATP5 Facilities	FTE 2	
J. Plumber MC8 to ATP5 Facilities	FTE 1	

**2. By adding the following positions:**

- A. Office Manager – Planning and C. D. AFSCME ATP4  
Planning and Community Development
- B. Office Manager – COA OA4 to AFCSME ATP4  
Council on Aging
- C. Sustainability Manager MTP11  
Planning and Community Development
- D. Lead HVAC Technician AFSCME ATP7  
Facilities



G. Delete Office Manager –Treasurer (Data Input) AFSCME ATP5  
Treasurer & Collector

H. Systems Analyst/Director of GIS MTP12  
Information Technology

I. Medical Reserve Coordinator MTP6  
Health and Human Services

J. L1 Adult Services/Tech Services Librarian  
Libraries

K. Delete Assistant Director – Recreation MTP9  
Recreation