

Acts (2020)

Chapter 253

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:

SECTION 1. 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. 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:-

(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 subclause shall not apply to records related to a law enforcement misconduct investigation.

NO SECTION 3.

SECTION 4. 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 within the executive office of public safety. Members of said committee shall be as follows: 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; 1 chief of police selected by the Massachusetts Chiefs of Police Association Incorporated; 1 police officer to be appointed by the governor from nominations submitted by the Massachusetts Police Association, Inc. executive board and the Massachusetts Police Training Officers Association, Inc. executive board; 2 sheriffs to be appointed by the governor; the chair of the Massachusetts Association of Minority Law Enforcement Officers, Inc.; the president of the Massachusetts Association of Women in Law Enforcement, Inc.; the commissioner of police of the city of Boston; the colonel of state police; the attorney general; and 1 person to be designated by the secretary of public safety and security; or their respective designees. 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 committee: 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 committee 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 committee shall set policies and standards for the training of the following, 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 committee shall set policies and standards for the screening of all applicants for admission to committee-certified academies. The committee 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.

The 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.

The 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.

The committee 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 committee shall provide records of completion of training to the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E.

The committee 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 committee shall identify training requirements and develop guidance for meeting those requirements through trainings provided by the committee or other independent educational entities.

The committee 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 committee may promulgate regulations pursuant to chapter 30A as necessary to implement sections 116 to 118, inclusive.

NO SECTION 5.

SECTION 6. 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.

NO SECTION 7.

NO SECTION 8.

SECTION 9. 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. 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 ninety-seven,”.

NO SECTION 12.

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.

NO SECTION 14.

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.

NO SECTION 17.

SECTION 18. 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:-

(a) As used in this section, “bias-free policing” shall have the same meaning as defined in section 1 of chapter 6E.

NO SECTION 19.

NO SECTION 20.

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. 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:-

(ii) practices and techniques for law enforcement officers in civilian interaction and to promote procedural justice, which shall emphasize de-escalation and disengagement tactics 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;

(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. 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, 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. 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. The municipal police training committee, in consultation with the executive office of public safety and security, 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) 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 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.

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

NO SECTION 24.

NO SECTION 25.

SECTION 26. 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) 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).

NO SECTION 27.

NO SECTION 28.

NO SECTION 29.

SECTION 30. The General Laws are hereby amended by inserting after chapter 6D the following chapter:-

CHAPTER 6E.

MASSACHUSETTS PEACE OFFICER STANDARDS AND
TRAINING COMMISSION.

Section 1. 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 commission.

“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”, the Massachusetts peace officer standards and training commission established pursuant to section 2.

“Commissioner”, a member of the commission.

“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 standards”, the division of police standards established pursuant to section 8.

“Division of certification”, the division of police certification established pursuant to section 4.

“Executive director”, the executive director of the commission appointed pursuant to subsection (g) of section 2.

“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, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a 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.

“Law enforcement officer” or “officer”, any officer of an agency, 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 commission or an employee of the commission; or (iv) during an internal affairs investigation, administrative investigation or disciplinary process.

Section 2. (a) There shall be a Massachusetts Peace Officer Standards and Training Commission consisting of 9 members: 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; 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 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.

(b) Other than as provided for in subsection (a), 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 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; 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 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 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 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. (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;

(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;

(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 1 standard deviation above the mean for similarly situated officers or agencies for a defined period; and

(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, 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 commission.

Section 4. (a)(1) There shall be within the 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 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.

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

Section 8. (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 commission.

(b)(1) The head of an agency shall transmit any complaint received by said agency within 2 business days to the division of police standards, in a form to be determined by the 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 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 judgement 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) 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;

(iv) engaged in conduct prohibited pursuant to section 15; 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) 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) 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) 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. (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. (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;

(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. (a) 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.

(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. (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) The 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. 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.

NO SECTION 31.

NO SECTION 32.

NO SECTION 33.

NO SECTION 34.

NO SECTION 35.

NO SECTION 36.

SECTION 37. 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. 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. 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.

NO SECTION 40.

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. 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. 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:- (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. 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. 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. 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. 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.

NO SECTION 55.

NO SECTION 56.

SECTION 57. 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.

NO SECTION 60.

NO SECTION 61.

NO SECTION 62.

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.

NO SECTION 66.

SECTION 67. 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 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. 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. 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. 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.

NO SECTION 71.

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. 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:- 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.

NO SECTION 74.

NO SECTION 75.

NO SECTION 76.

SECTION 77. 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. 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: (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 (v) for the purposes of filing a weapon report with the local chief of police pursuant to this section.

SECTION 79. 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 be 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. 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.

NO SECTION 81.

NO SECTION 82.

SECTION 83. 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:-

(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. 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.

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. 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. 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 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 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.

NO SECTION 88.

NO SECTION 89.

SECTION 90. 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.

SECTION 91. Chapter 265 of the General Laws is hereby amended by inserting after section 13H the following section:-

Section 13H¹/₂. (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 2¹/₂ 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 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 2¹/₂ 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.

NO SECTION 93.

SECTION 94. 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 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).

(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.

(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. 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. 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. 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. 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. (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.

(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 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. (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. (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 faceprint.

“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. (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. (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. (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. (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. 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. (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. (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. 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. 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. (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 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. (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. 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. 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.

NO SECTION 121.

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.

Approved, December 31, 2020.