

HOUSE No. 4860

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 20, 2020.

The committee on Ways and Means, to whom was referred the Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2820), reports recommending that the same ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4860; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*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.”; and

By striking out the title and inserting in place thereof the following title: “An Act relative to justice, equity and accountability in law enforcement in the Commonwealth.”.

For the committee,

AARON MICHLEWITZ.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 3 of the General Laws is hereby amended by adding the following
2 section:-

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

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

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

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

38 racial equity framework; (G) monitor executive and legislative action purported to eliminate
39 systemic racism for its impact on African Americans using a racial equity framework; and (H)
40 generally undertake activities designed to enable the commonwealth to realize the full benefit of
41 the skills, talents and cultural heritage of African Americans in the commonwealth.

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

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

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

57 (h) The commission may accept and solicit funds, including any gifts, donations, grants
58 or bequests or any federal funds for any of the purposes of this section. The commission shall
59 receive settlement funds payable to the commonwealth related to matters involving racial

60 discrimination or other bias toward African Americans; provided, however, that the commission
61 shall not receive more than \$2,000,000 in settlement funds in any single fiscal year or
62 cumulatively more than \$2,500,000 in settlement funds in any period of 5 fiscal years. Funds
63 received under this subsection shall be deposited in a separate account with the state treasurer,
64 received by the treasurer on behalf of the commonwealth and expended by the commission in
65 accordance with law.

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

69 SECTION 2 Clause twenty-sixth of section 7 of chapter 4 of the General Laws is hereby
70 amended by striking out subclause (c), as appearing in the 2018 Official Edition, and inserting in
71 place thereof the following subclause:-

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

76 SECTION 3. Section 17 of chapter 6 of the General Laws, as appearing in the 2018
77 Official Edition, is hereby amended by striking out, in lines 15 and 16, the words “, the
78 municipal police training committee”.

79 SECTION 4. Said chapter 6 is hereby further amended by striking out section 116, as so
80 appearing, and inserting in place thereof the following section:-

81 Section 116. As used in sections 116 to 116E, inclusive, 116G and 116H the following
82 words shall, unless the context clearly requires otherwise, have the following meanings:-

83 “Committee on police training and certification” or “committee”, the committee on police
84 training and certification established in section 4 of chapter 6E.

85 “Law enforcement officer” or “officer”, as defined in section 1 of chapter 6E.

86 SECTION 5. The first paragraph of subsection (a) of section 116A of said chapter 6, as
87 so appearing, is hereby amended by striking out the first sentence and inserting in place thereof
88 the following sentence:-

89 The committee on police training and certification shall establish, within the recruit basic
90 training curriculum, a course for police schools, academies and programs for the training of law
91 enforcement officers in the commonwealth in the handling of domestic violence and sexual
92 violence complaints and shall develop guidelines for law enforcement response to domestic
93 violence and sexual violence.

94 SECTION 6. The second paragraph of said subsection (a) of said section 116A of said
95 chapter 6, as so appearing, is hereby amended by striking out the first sentence.

96 SECTION 7. Said section 116A of said chapter 6, as so appearing, is hereby amended by
97 striking out, in lines 95 and 98, the words “municipal police training committee” and inserting in
98 place thereof, in each instance, the following words:- committee on police training and
99 certification.

100 SECTION 8. Section 116B of said chapter 6, as so appearing, is hereby amended by
101 striking out, in lines 1 and 4, the words “municipal police training committee” and inserting in

102 place thereof, in each instance, the following words:- committee on police training and
103 certification.

104 SECTION 9. Said section 116B of said chapter 6, as so appearing, is hereby further
105 amended by striking out, in line 6, the words “police academies” and inserting in place thereof
106 the following words:- police schools, academies and programs.

107 SECTION 10. Section 116C of said chapter 6, as so appearing, is hereby amended by
108 striking out subsection (a) and inserting in place thereof the following subsection:-

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

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

117 SECTION 12. Said section 116C of said chapter 6, as so appearing, is hereby further
118 amended by striking out, in lines 31 and 37, the words “municipal police training committee”
119 and inserting in place thereof, in each instance, the following words:- committee on police
120 training and certification.

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

124 SECTION 14. Section 116D of said chapter 6, as so appearing, is hereby amended by
125 striking out, in line 1, the words “municipal police training committee” and inserting in place
126 thereof the following words:- committee on police training and certification.

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

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

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

136 SECTION 17. Said section 116E of said chapter 6, as so appearing, is hereby further
137 amended by striking out, in lines 25 and 28, the words “municipal police training committee”
138 and inserting in place thereof, in each instance, the following words:- committee on police
139 training and certification.

140 SECTION 18. Section 116G of said chapter 6, as so appearing, is hereby amended by
141 striking out subsection (a) and inserting in place thereof the following subsection:-

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

144 SECTION 19. Said section 116G of said chapter 6, as so appearing, is hereby further
145 amended by striking out, in line 6, the words “municipal police training committee” and inserting
146 in place thereof the following words:- committee on police training and certification.

147 SECTION 20. Said section 116G of said chapter 6, as so appearing, is hereby further
148 amended by striking out, in lines 8 and 32, each time it appears, the word “local”.

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

151 SECTION 22. Said chapter 6, as so appearing, is hereby further amended by inserting
152 after section 116G the following section:-

153

154 Section 116H. (a) The committee on police training and certification, established in
155 section 4 of chapter 6E, shall establish and develop an in-service training program designed to
156 train school resource officers, as defined in section 37P of chapter 71. Such program shall
157 include training on: (i) the ways in which legal standards regarding police interaction and arrest
158 procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive
159 development, which shall include instruction on common child and adolescent behaviors, actions
160 and reactions as well as the impact of trauma, mental illness and developmental disabilities on
161 child and adolescent development and behavior; (iii) engagement and de-escalation tactics that

162 are specifically effective with youth; and (iv) strategies for resolving conflict and diverting youth
163 in lieu of making an arrest.

164 (b) The course of instruction, the learning and performance objectives and the standards
165 for training developed pursuant to this section shall be developed in consultation with experts on
166 child and adolescent development and child trauma and with educators and attorneys
167 experienced in juvenile and education law.

168 SECTION 23. Sections 117 and 118 of said chapter 6 are hereby repealed.

169 SECTION 24. Section 156 of said chapter 6, as appearing in the 2018 Official Edition, is
170 hereby amended by striking out, in lines 8 and 9, the words “executive director of the municipal
171 police training committee” and inserting in place thereof the following words:- training director
172 of the Massachusetts police standards and training commission.

173 SECTION 25. Said chapter 6 is hereby further amended by adding the following section:-

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

176 “Biometric surveillance system”, any computer software that performs facial recognition
177 or other remote biometric recognition.

178 “Facial recognition”, an automated or semi-automated process that assists in identifying
179 or verifying an individual or capturing information about an individual based on the physical
180 characteristics of an individual’s face, head or body, that uses characteristics of an individual’s
181 face, head or body to infer emotion, associations, activities or the location of an individual.

182 Facial recognition shall not include the use of search terms to sort images in a database.

183 “Law enforcement agency”, as defined in section 1 of chapter 6E.

184 “Other remote biometric recognition”, an automated or semi-automated process that
185 assists in identifying or verifying an individual or capturing information about an individual
186 based on an individual’s gait, voice or other biometric characteristic, or that uses such
187 characteristics to infer emotion, associations, activities or the location of an individual; provided,
188 however, that other remote biometric recognition shall not include the identification or
189 verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other
190 information derived from physical contact.

191 “Public agency”, any: (i) agency, executive office, department, board, commission,
192 bureau, division or authority of the commonwealth; (ii) political subdivision thereof; or (iii)
193 authority established by the general court to serve a public purpose.

194 “Public official”, any officer, employee, agent, contractor or subcontractor of any public
195 agency.

196 (b) Absent express authorization in a general or special law to the contrary, it shall be
197 unlawful for a public agency or public official to acquire, possess, access, use, assist with the use
198 of or provide resources for the development or use of any biometric surveillance system, or to
199 enter into a contract with or make a request to any third party for the purpose of acquiring,
200 possessing, accessing or using information derived from a biometric surveillance system.

201 Except in a judicial proceeding alleging a violation of this section, no information
202 obtained in violation of this section shall be admissible in any criminal, civil, administrative or
203 other proceeding.

204 (c)(1) Subsection (b) shall not apply to acquisition, possession or use of facial recognition
205 technology by the registrar of motor vehicles to verify an individual's identity when issuing
206 licenses, permits or other documents pursuant to chapter 90 and perform searches of its facial
207 recognition databases at the request of law enforcement agencies made pursuant to a warrant or
208 emergency as set forth in paragraph (2).

209 (2) Law enforcement agencies may request that the registrar of motor vehicles perform a
210 facial recognition search: (i) to execute a warrant duly authorized by a justice of the superior
211 court based on probable cause that the search will to lead to evidence of the commission of a
212 violent felony offense under the laws of the commonwealth; or (ii) without a warrant if the law
213 enforcement agency reasonably believes that an emergency involving immediate danger of death
214 or serious physical injury to any individual or group of people requires the performance of a
215 facial recognition search without delay; provided, that the request shall be made in writing and
216 narrowly tailored to address the emergency and shall document the factual basis for believing
217 that an emergency requires the performance of a facial recognition search without delay.

218 Not later than 48 hours after the law enforcement agency obtains access to records, the
219 agency shall file with the superior court in the relevant jurisdiction a signed, sworn statement
220 made by a supervisory official of a rank designated by the head of the agency setting forth the
221 grounds for the emergency search. Absent an order for delayed notice issued by a justice of the
222 superior court or the issuance of a subsequent warrant, all individuals identified by such a search
223 shall be provided notice that they were subject to a facial recognition search within 72 hours.
224 Any order for delayed notice shall, to the fullest extent possible without further endangering the
225 public, detail the ongoing nature of the emergency and the continuing and immediate threat to

226 public safety and shall not be valid for more than 72 hours without a further order for delayed
227 notice.

228 (3) The registrar of motor vehicles shall document, as a public record, each use of facial
229 recognition, except those authorized by clause (i) of paragraph (2). Such documentation shall
230 include: the name of the registry of motor vehicles employee who performed the search; the date
231 and time of the search; the number of matches returned, if any; the name and position of the
232 requesting individual and employing law enforcement agency; a copy of the warrant, or if no
233 warrant exists, a copy of the written emergency request; and data detailing the individual
234 characteristics included in the facial recognition request.

235 (4) Annually not later than March 31, the registrar of motor vehicles shall publish on its
236 website: (i) the total number of facial recognition searches performed at the request of law
237 enforcement agencies during the previous calendar year; (ii) the total number of facial
238 recognition searches conducted pursuant to a warrant; (iii) the total number of facial recognition
239 emergency searches conducted; and (iv) the number of facial recognition searches requested by
240 each law enforcement agency.

241 (d) Notwithstanding subsection (b), a public agency may: (i) acquire and possess personal
242 electronic devices, such as a cell phone or tablet, that utilizes facial recognition technology for
243 the sole purpose of user authentication; (ii) acquire, possess and use automated video or image
244 redaction software; provided, that such software does not have the capability of performing facial
245 recognition or other remote biometric recognition; and (iii) receive evidence related to the
246 investigation of a crime derived from a biometric surveillance system; provided, that such

247 evidence was not knowingly solicited by or obtained with the assistance of a public agency or
248 any public official in violation of subsection (b).

249 SECTION 26. Section 18 of chapter 6A of the General Laws, as so appearing, is hereby
250 amended by striking out, in line 4, the words “; the municipal police training committee”.

251 SECTION 27. Section 18½ of said chapter 6A, as so appearing, is hereby amended by
252 striking out, in lines 8 and 9, the words “, the municipal police training committee”.

253 SECTION 28. Section 18X of said chapter 6A, as so appearing, is hereby amended by
254 striking out, in line 16, the words “municipal police training committee” and inserting in place
255 thereof the following words:- committee on police training and certification.

256 SECTION 29. The General Laws are hereby amended by inserting after chapter 6D the
257 following chapter:-

258 CHAPTER 6E. Massachusetts Police Standards and Training Commission

259 Section 1. As used in this chapter, the following words shall, unless the context clearly
260 requires otherwise, have the following meanings:

261 “Agency”, a law enforcement agency.

262 “Appointing agency”, the agency appointing a law enforcement officer.

263 “Attorney general police standards division”, the division of police standards and
264 professional conduct in the office of the attorney general established pursuant to section 11O of
265 chapter 12.

266 “Bias-free policing”, policing decisions made by and conduct of law enforcement
267 officers that shall not consider a person’s race, ethnicity, sex, gender identity, sexual orientation,
268 religion, mental or physical disability, immigration status or socioeconomic or professional level.

269 “Chair”, the chair of the commission.

270 “Chokehold”, the use of a lateral vascular neck restraint, carotid restraint or other action
271 that involves the placement of any part of law enforcement officer’s body on or around a
272 person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or
273 with the result of causing bodily injury, unconsciousness or death.

274 “Commission”, the Massachusetts police standards and training commission established
275 pursuant to section 2.

276 “Commissioner”, a member of the commission.

277 “Committee”, the committee on police training and certification established pursuant to
278 section 4.

279 “Conviction”, an adjudication of a criminal matter resulting in any outcome except
280 wherein the matter is dismissed or the accused is found to be not guilty, including, but not
281 limited, to an adjudication of guilt with or without the imposition of a sentence, a plea of guilty,
282 a plea of nolo contendere, an admission to sufficient facts, a continuance without a finding or
283 probation.

284 “Deadly physical force”, physical force that can reasonably be expected to cause death or
285 serious physical injury.

286 “Decertified”, an officer whose certification is revoked by the commission pursuant to
287 section 10.

288 “De-escalation tactics”, proactive actions and approaches used by an officer to stabilize a
289 law enforcement situation so that more time, options and resources are available to gain a
290 person’s voluntary compliance and to reduce or eliminate the need to use force including, but not
291 limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a
292 person, creating distance between the officer and a threat and requesting additional resources to
293 resolve the incident, including, but not limited to, calling in medical or mental health
294 professionals to address a potential medical or mental health crisis.

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

296 “Division of training”, the division of police training and certification established
297 pursuant to section 4.

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

300 “Imminent harm”, serious physical injury or death that is likely to be caused by a person
301 with the present ability, opportunity and apparent intent to immediately cause serious physical
302 injury or death and is a risk that, based on the information available at the time, must be instantly
303 confronted and addressed to prevent serious physical injury or death; provided, however, that
304 imminent harm shall not include fear of future serious physical injury or death.

305 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
306 agency, including, but not limited to: a city, town or district police department, the office of

307 environmental law enforcement, the University of Massachusetts police department, the
308 department of the state police and the Massachusetts Bay Transportation Authority police
309 department; (ii) a sheriff's department; or (iii) a public or private college, university or other
310 educational institution or hospital police department.

311 "Law enforcement officer" or "officer", any officer of an agency, including the head of
312 the agency; a deputy, special or reserve sheriff; a county correction officer; a special state police
313 officer appointed pursuant to section 63 of chapter 22C; a special sheriff appointed pursuant to
314 section 4 of chapter 37; a constable executing an arrest for any reason; or any other special,
315 reserve or intermittent police officer.

316 "Necessary", required due to a lack of an available, effective alternative that was known
317 or should have been known to a reasonable person in the circumstances.

318 "Officer-involved injury or death", any event during which an officer: (i) discharges a
319 firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death
320 to another; (ii) discharges any stun gun as defined in said section 121 of said chapter 140,
321 actually or proximately causing injury or death to another; (iii) uses a chokehold, actually or
322 proximately causing injury or death of another; (iv) discharges tear gas or other chemical
323 weapon, actually or proximately causing injury or death of another; (v) discharges rubber pellets
324 from a propulsion device, actually or proximately causing injury or death of another; (vi) attacks
325 a person using a dog, actually or proximately causing injury or death of another; (vii) uses deadly
326 force, actually or proximately causing injury or death of another; (viii) fails to intervene, as
327 required by section 15, to prevent the use of excessive or prohibited force by another officer who

328 actually or proximately causes injury or death of another; or (ix) engages in a physical altercation
329 with a person who sustains serious bodily injury or requests or receives medical care as a result.

330 “Serious bodily injury”, bodily injury that results in: (i) permanent disfigurement; (ii)
331 protracted loss or impairment of a bodily function, limb or organ; or (iii) a substantial risk of
332 death.

333 “Totality of the circumstances”, the entire duration of an interaction between a law
334 enforcement officer and a person, from the first contact through the conclusion of the incident,
335 including consideration of contextual factors the law enforcement officer knew or should have
336 known during such interaction.

337 “Training director”, the training director appointed by the committee pursuant to section
338 4.

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

344 Section 2. (a) There shall be a Massachusetts police standards and training commission
345 consisting of 7 members, 2 of whom shall be appointed by the governor, 2 of whom shall be
346 appointed by the attorney general and 3 of whom shall be appointed jointly by the governor and
347 the attorney general; provided, however, that of the 3 members jointly appointed by the governor
348 and the attorney general, 1 shall be a chair of the Massachusetts Law Enforcement Policy Group,
349 Inc. and 1 shall be selected from a list of 3 persons submitted by the Massachusetts Coalition of

350 Police, Inc. The governor shall designate the chair of the commission. The commission shall
351 include people of color and women, at least in such proportion as these groups exist in the
352 commonwealth's population as periodically determined by the state secretary as the
353 commonwealth's chief census officer. The members of the commission shall represent diverse
354 geographic areas of the commonwealth, including urban, rural and suburban areas.

355 (b) Other than as provided for in subsection (a), all commissioners shall be civilians and
356 no commissioner shall have previously been employed as a law enforcement officer, previously
357 been employed by a law enforcement agency or be a retired law enforcement officer or retired
358 from a law enforcement agency. Each commissioner shall be a resident of the commonwealth
359 within 90 days of appointment and, while serving on the commission, shall not: (i) hold, or be a
360 candidate for, federal, state or local elected office; (ii) hold an appointed office in a federal, state,
361 or local government; or (iii) serve as an official in a political party. Not more than 5
362 commissioners shall be from the same political party. Members of the commission shall serve
363 without compensation but may be reimbursed for their necessary expenses incurred in the
364 discharge of their official committee duties.

365 (c) Each commissioner shall serve for a term of 5 years or until a successor is appointed
366 and shall be eligible for reappointment; provided, however, that no commissioner shall serve
367 more than 10 years. The governor may remove a commissioner if the commissioner: (i) is guilty
368 of malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to
369 discharge the powers and duties of the commissioner's office; (iv) commits gross misconduct; or
370 (v) is convicted of a felony.

371 (d) Three commissioners shall constitute a quorum and the affirmative vote of 4
372 commissioners shall be required for an action of the commission. The commission shall meet
373 monthly and at other times as it shall deem necessary or upon the written request of 4 members
374 or the chair; provided, however, that notice of all meetings shall be given to each commissioner
375 and to other persons who request such notice. The commission shall adopt regulations
376 establishing procedures, which may include electronic communications, by which a request to
377 receive notice shall be made and the method by which timely notice may be given.

378 (e) The commission shall annually elect 1 of its members to serve as secretary and 1 of its
379 members to serve as treasurer. The secretary shall keep a record of the proceedings of the
380 commission and shall be the custodian and keeper of the records of all books, documents and
381 papers filed by the commission and of its minute book. The secretary shall cause copies to be
382 made of all minutes and other records and documents of the commission and shall certify that
383 such copies are true copies, and all persons dealing with the commission may rely upon such
384 certification.

385 (f) The commission shall appoint an executive director, who shall not be a member of the
386 commission. The executive director shall serve at the pleasure of the commission, shall receive
387 such salary as may be determined by the commission, and shall devote full time and attention to
388 the duties of the office. The executive director shall be a person with skill and experience in
389 management and shall be the executive and administrative head of the commission and shall be
390 responsible for administering and enforcing the provisions of law relative to the commission and
391 to each administrative unit thereof. The executive director may, subject to the approval of the
392 commission, employ other employees, consultants, agents and advisors, including legal counsel,
393 and shall attend meetings of the commission. In the case of an absence or vacancy in the office

394 of the executive director or in the case of disability as determined by the commission, the
395 commission may designate an acting executive director to serve as executive director until the
396 vacancy is filled or the absence or disability ceases. The acting executive director shall have all
397 of the powers and duties of the executive director and shall have similar qualifications as the
398 executive director.

399 (g) The executive director may, subject to the approval of the commission, appoint such
400 persons as the executive director shall consider necessary to perform the functions of the
401 commission; provided, however, that chapter 31 and section 9A of chapter 30 shall not apply to
402 commission employees. If an employee serving in a position which is classified under said
403 chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30
404 shall be appointed to a position within the commission which is not subject to said chapter 31,
405 the employee shall, upon termination of service in such position, be restored to the position
406 which the employee held immediately prior to such appointment; provided, however, that the
407 employee's service in such position shall be determined by the civil service commission in
408 accordance with the standards applied by that commission in administering said chapter 31. Such
409 restoration shall be made without impairment of the employee's civil service status or tenure
410 under said section 9A of said chapter 30 and without loss of seniority, retirement or other rights
411 to which uninterrupted service in such prior position would have entitled such employee. During
412 the period of such appointment, each person so appointed from a position in the classified civil
413 service shall be eligible to take any competitive promotional examination for which such person
414 would otherwise have been eligible. The executive director and employees of the commission
415 shall be classified as group 1 pursuant to paragraph (g) of subdivision (2) of section 3 of chapter
416 32.

417 (h) No employee of the division of standards, established pursuant to section 8, or the
418 executive director shall have previously been employed as a law enforcement officer, previously
419 employed by a law enforcement agency or be a retired law enforcement officer or retired from a
420 law enforcement agency; provided, however, that such employee may have been a previous
421 employee of or have retired from the division of standards.

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

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

427 Section 3. (a) The commission shall have all powers necessary or convenient to carry out
428 and effectuate its purposes, including, but not limited to, the power to:

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

430 (2) establish minimum officer certification standards pursuant to section 4;

431 (3) certify qualified applicants;

432 (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or
433 fine a person certified for any cause that the commission deems reasonable;

434 (5) preserve all complaints and reports filed with the commission for the appropriate
435 period of time;

436 (6) establish minimum agency certification standards pursuant to section 5;

- 437 (7) certify qualified agencies;
- 438 (8) withhold, suspend or revoke certification of agencies;
- 439 (9) conduct audits and investigations pursuant to section 8;
- 440 (10) appoint officers and approve employees to be hired by the executive director;
- 441 (11) establish and amend a plan of organization that it considers expedient;
- 442 (12) execute all instruments necessary or convenient for accomplishing the purposes of
443 this chapter;
- 444 (13) enter into agreements or other transactions with a person, including, but not limited
445 to, a public entity or other governmental instrumentality or authority in connection with its
446 powers and duties under this chapter;
- 447 (14) appear on its own behalf before boards, commissions, departments or other agencies
448 of municipal, state or federal government;
- 449 (15) apply for and accept subventions, grants, loans, advances and contributions of
450 money, property, labor or other things of value from any source, to be held, used and applied for
451 its purposes;
- 452 (16) provide and pay for advisory services and technical assistance as may be necessary
453 in its judgment to carry out this chapter and fix the compensation of persons providing such
454 services or assistance;

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

458 (18) gather facts and information applicable to the commission's obligation to issue,
459 suspend or revoke certifications for: (i) a violation of this chapter or any regulation adopted by
460 the commission; (ii) a willful violation of an order of the commission; (iii) the conviction of a
461 criminal offense; or (iv) the violation of any other offense which would disqualify a person from
462 being certified;

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

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

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

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

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

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

474 (25) hear appeals of suspension or revocation of a certification by the division of
475 standards;

476 (26) refer cases for criminal prosecution to the appropriate federal, state or local
477 authorities;

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

481 (28) ensure that there is no duplication of duties and responsibilities between the
482 commission and attorney general police standards division; provided, however, that the
483 commission shall not place any restriction upon the attorney general police standards division's
484 ability to investigate or prosecute violations of this chapter or the regulations adopted by the
485 commission;

486 (29) maintain an official internet website for the commission; and

487 (30) adopt, amend or repeal regulations in accordance with chapter 30A for the
488 implementation, administration and enforcement of this chapter, including, but not limited to,
489 regulations: (i) governing the conduct of proceedings hereunder; (ii) determining whether an
490 applicant has met the standards for certification; (iii) establishing minimum standards for internal
491 agency review of complaints of officer-involved injuries or deaths and recommendations to the
492 commission regarding retraining, suspension or revocation of officer certification to ensure
493 consistency across agencies; (iv) establishing a physical and psychological fitness evaluation
494 pursuant to section 4 that measures said fitness to ensure officers are able to perform essential
495 job duties; and (v) identifying patterns of unprofessional police conduct, including, but not
496 limited to, patterns of: (A) escalating behavior that may lead to the use of excessive force or
497 conduct that is biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,

498 religion, mental or physical disability, immigration status or socioeconomic or professional level;
499 (B) an increase in the frequency of complaints regarding an individual officer or agency; or (C)
500 the number of complaints regarding an officer or agency that are at least 1 standard deviation
501 above the mean for similarly situated officers or agencies for a defined period.

502 (b) The commission shall have the power to issue an specialized certification for an
503 individual acting, or intending to act, as a school resource officer, as defined in section 37P of
504 chapter 71; provided, however, that a person shall not be appointed as a school resource officer,
505 as defined in section 37P of chapter 71, unless specially certified as such by the commission.

506 Section 4. (a)(1) There shall be established within the commission a division of police
507 training and certification. The purpose of the division of police training and certification shall be
508 to establish uniform policies and standards for the training and certification of all law
509 enforcement officers including a basic recruit training curriculum and an in-service training
510 curriculum for law enforcement officers, subject to the approval of the commission. The head of
511 the division shall be the training director, who shall be appointed by the committee on police
512 training and certification.

513 (2) To ensure the specific training and educational needs of each agency are met, the
514 division of police training and certification may create specialized basic and in-service training
515 programs, subject to the approval of the commission, for: (i) officers of the department of the
516 state police; (ii) deputy sheriffs; (iii) municipal officers; (iv) special, intermittent and reserve
517 officers; and (v) any other class of officers, as the division of police training and certification
518 determines is necessary.

519 (b) The division of police training and certification shall be under the management and
520 control of a committee on police training and certification. The committee shall consist of: 5
521 chiefs of police to be appointed by the governor from nominations submitted by the
522 Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the western
523 Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom
524 shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern
525 Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation
526 Authority; 1 chief of police selected by the Massachusetts Chiefs of Police Association
527 Incorporated; 1 police officer to be appointed by the governor from nominations submitted by
528 the Massachusetts Police Association, Inc. executive board and the Massachusetts Police
529 Training Officers Association, Inc. executive board; the commissioner of police of the city of
530 Boston; the colonel of state police or a designee; 2 sheriffs appointed by the governor; the
531 attorney general or a designee; and 1 person to be appointed by the secretary of public safety and
532 security. All such appointments shall be for terms of 3 years with successors appointed in a like
533 manner.

534 (c) The following persons shall be advisory, nonvoting members of the committee: the
535 personnel administrator, the commissioner of correction, the commissioner of youth services, the
536 commissioner of probation, the chair of the parole board, the executive director of the committee
537 on criminal justice, the chief justice of the trial court, the chief justice of the district court
538 department, the secretary of education, the chair of the criminal justice section council of the
539 Massachusetts Bar Association, or their respective designees, and the special agent in charge of
540 the Boston field office of the Federal Bureau of Investigation, if consent is given by the director
541 of said bureau, or a designee. The governor shall appoint 5 additional advisory, nonvoting

542 members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom
543 shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public
544 counsel services, 1 of whom shall be a sheriff of a county or a former county and 1 of whom
545 shall be a district attorney of a district, or their respective designees.

546 (d) No person shall be eligible for admission to committee-certified police schools,
547 programs or academies or for appointment as a law enforcement officer or for employment with
548 an agency if they are listed in the national decertification index or the database of decertified law
549 enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of
550 section 13. The committee, subject to the approval of the commission, shall set policies and
551 standards for the screening of all applicants for admission to committee-certified academies and
552 shall set policies and standards for the screening for all applicants for certification and
553 recertification as law enforcement officers, including, but not limited to, standards on
554 background investigations for all applicants.

555 (e)(1) The committee, subject to the approval of the commission, shall set policies and
556 standards for the training of all law enforcement officers, including, but not limited to, the
557 training mandated by sections 116A to 116E, inclusive, of chapter 6, sections 116G and 116H of
558 chapter 6, chapter 22C, section 36C of chapter 40, sections 96B and 97B of chapter 41 and
559 section 24M of chapter 90.

560 (2) The committee shall coordinate with the center for police training in crises
561 intervention established pursuant to section 25 of chapter 19 on all behavioral health-related
562 training.

563 (f)(1) The committee shall, subject to approval of the commission, establish minimum
564 certification standards for all officers that shall include, but not be limited to: (i) attaining the age
565 of 21; (ii) successful completion of a high school education or equivalent, as determined by the
566 commission; (iii) successful completion of the basic training program designed by the committee
567 and approved by the commission; (iv) successful completion of a physical and psychological
568 fitness evaluation approved by the commission; (v) successful completion of a state and national
569 background check, including, but not limited to, fingerprinting and a full employment history;
570 provided, that if the applicant has been previously employed in law enforcement in any state or
571 United States territory or by the federal government, the applicant's full employment record,
572 including complaints and discipline, shall be evaluated in the background check; (vi) passage of
573 an examination administered by the committee and approved by the commission; (vii) possession
574 of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by
575 the commission; (viii) successful completion of an oral interview; and (ix) being of good moral
576 character and fit for employment in law enforcement, as determined by the commission.

577 (2) The commission shall not issue a certificate to an applicant who: (i) does not meet the
578 minimum standards enumerated in paragraph (1) or the regulations of the commission; (ii) has
579 been convicted of a felony or whose name is listed in the national decertification index or the
580 database of decertified law enforcement officers maintained by the commission pursuant to
581 clause (i) of subsection (a) of section 13; or (iii) while previously employed in law enforcement
582 in any state or United States territory or by the federal government, would have had their
583 certification revoked by the commission if employed by an agency in the commonwealth.

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

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

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

592 (h) The committee, in consultation with the division of police standards, shall create and
593 maintain a database containing records for each certified law enforcement officer, including, but
594 not limited to:

595 (1) the date of initial certification;

596 (2) the date of any recertification;

597 (3) the records of completion of all training and all in-service trainings, including the
598 dates and locations of said trainings;

599 (4) the date of any written reprimand and the reason for said reprimand;

600 (5) the date of any suspension and the reason for said suspension;

601 (6) the date of any arrest and the charge or charges leading to said arrest;

602 (7) the date of, and reason for, any internal affairs complaint;

603 (8) the outcome of an internal affairs investigation based on an internal affairs complaint;

604 (9) the date of any criminal conviction and crime for said conviction;

605 (10) the date of any separation from employment with an agency and the nature of the
606 separation, including, but not limited to, suspension, resignation, retirement or termination;

607 (11) the reason for any separation from employment, including, but not limited to,
608 whether the separation was based on misconduct or whether the separation occurred while the
609 appointing agency was conducting an investigation of the certified individual for a violation of
610 an appointing agency's rules, policies, procedures or for other misconduct or improper action;

611 (12) the date of decertification, if any, and the reason for said decertification; and

612 (13) any other information as may be required by the commission.

613 (i) Each certified law enforcement officer shall apply for renewal of certification prior to
614 its date of expiration as prescribed by the commission. The commission shall not recertify any
615 person as a law enforcement officer unless the commission certifies that the applicant for
616 recertification continues to satisfy the requirements of subsection (f).

617 Section 5. (a) All law enforcement agencies shall be certified by the commission.

618 (b) The committee, subject to the approval of the commission, shall establish minimum
619 certification standards for all law enforcement agencies that shall include, but shall not be limited
620 to, the establishment and implementation of agency policies regarding: (i) use of force and
621 reporting of use of force; (ii) officer code of conduct; (iii) officer response procedures; (iv)
622 criminal investigation procedures; (v) juvenile operations; (vi) internal affairs and officer

623 complaint investigation procedures; (vii) detainee transportation; and (viii) collection and
624 preservation of evidence.

625 (c) An agency shall remain in compliance with the requirements of this chapter and all
626 rules and regulations promulgated by the commission.

627 Section 6. (a) The committee on police training and certification shall approve and may
628 revoke the approval of police training schools, academies and programs and shall promulgate
629 rules and regulations, subject to the approval of the commission, establishing reasonable
630 standards pertaining to approval and revocation of said schools, academies and programs and
631 relating to courses of study, attendance requirements, equipment and facilities and qualifications
632 of instructors. No police training school, academy or program shall be approved unless it
633 provides for the training of officers to serve in a rape prevention and prosecution unit established
634 pursuant to section 97B of chapter 41. The committee shall conduct periodic evaluations and
635 inspections of training schools, academies and programs.

636 (b) The committee on police training and certification may establish a course within the
637 recruit basic training curriculum for police training schools, academies and programs to train
638 officers on the application of section 34A of chapter 94C and section 12FF of chapter 112 and
639 the procedures for response to calls for assistance for drug-related overdoses. The committee
640 may periodically include within its in-service training curriculum a course of instruction on the
641 application of said section 34A of said chapter 94C and the procedures for response to calls for
642 assistance for drug-related overdoses. Upon request of the committee, the executive office of
643 public safety and security, in collaboration with the department of public health, shall facilitate

644 the collection and sharing of resources regarding the application of said section 34A of said
645 chapter 94C.

646 Section 7. (a) The committee on police training and certification shall develop and
647 establish, within its recruit basic training curriculum and its in-service training curriculum
648 available to in-service trainees, a course for police training schools, academies and programs for
649 the training of law enforcement officers on mental wellness and suicide prevention. The course,
650 which shall consist of 2 hours of total instruction annually, shall teach law enforcement officers
651 how to: (i) utilize healthy coping skills to manage the stress and trauma of policing; (ii)
652 recognize the symptoms of post-traumatic stress disorder within themselves and other officers;
653 and (iii) recognize the signs of suicidal behavior within themselves and other officers.

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

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

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

662 Section 8. (a) There is hereby established within the commission a division of police
663 standards. The purpose of the division of police standards shall be to investigate officer
664 misconduct and make disciplinary recommendations to the commission.

665 (b)(1) The head of an agency shall immediately transmit any complaint received by said
666 agency to the division of police standards, in a form to be determined by the commission;
667 provided, that the form shall include, but shall not be limited to: (i) the name and commission
668 certification identification number of the subject officer; (ii) the date and location of the incident;
669 (iii) a description of circumstances of the conduct that is the subject of the complaint; (iv)
670 whether the complaint alleges that the officer's conduct: (A) was biased on the basis of race,
671 ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability,
672 immigration status or socioeconomic or professional level; (B) was unprofessional; (C) involved
673 excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or death; and (v) a
674 copy of the original complaint submitted directly to the agency.

675 (2) Upon completion of the internal investigation of a complaint, the head of each agency
676 shall immediately transmit to the division of police standards an investigation report in a form to
677 be determined by the commission; provided, that the form shall include, but shall not be limited
678 to: (i) a description of the investigation and disposition of the complaint; (ii) any disciplinary
679 action recommended by internal affairs or the supervising officer; and (iii) if the recommended
680 disciplinary action included retraining, suspension or termination, a recommendation by the head
681 of the agency for disciplinary action by the commission including, retraining or suspension or
682 revocation of the officer's certification.

683 (3) Upon final disposition of the complaint, the head of each agency shall immediately
684 transmit to the division of police standards a final report in a form to be determined by the
685 commission; provided, that the form shall include, but shall not be limited to: (i) any disciplinary
686 action initially recommend by internal affairs or the supervising officer; (ii) the final discipline
687 imposed and a description of the adjudicatory process; and (iii) if the disciplinary action

688 recommended or imposed included retraining, suspension or termination, a recommendation by
689 the head of the agency for disciplinary action by the commission including, retraining or
690 suspension or revocation of the officer's certification.

691 (4) If an officer resigns during an agency investigation, prior to the conclusion of an
692 agency investigation or prior to the imposition of agency discipline, up to and including
693 termination, the head of said agency shall immediately transmit to the division of police
694 standards, a report in a form to be determined by the commission; provided, that the form shall
695 include, but shall not be limited to: (i) the officer's full employment history; (ii) a description of
696 the events or complaints surrounding the resignation; and (iii) a recommendation by the head of
697 the agency for disciplinary action by the commission, including retraining or suspension or
698 revocation of the officer's certification.

699 (5) Notwithstanding any general or special law or collective bargaining agreement to the
700 contrary, nothing shall limit the ability of the head of an agency to make a recommendation in
701 their professional judgement to the commission relative to the certification status of an officer.

702 (c)(1) The division of police standards shall initiate a preliminary inquiry into the conduct
703 of a law enforcement officer upon:

704 (i) receipt of report, or other evidence which is deemed sufficient by the commission, of
705 an officer-involved injury or death;

706 (ii) receipt of report, or other evidence which is deemed sufficient by the commission, of
707 the commission of a felony or misdemeanor by an officer, whether or not the officer has been
708 arrested, indicted, charged or convicted;

709 (iii) receipt of report, or other evidence which is deemed sufficient by the commission, of
710 the use of force by an officer in violation of section 14;

711 (iv) receipt of report, or other evidence which is deemed sufficient by the commission, of
712 the failure to intervene in use of force by an officer in violation of section 15; or

713 (v) receipt of an affirmative recommendation by the head of an appointing agency for
714 disciplinary action by the commission, including retraining or suspension or revocation of the
715 officer's certification.

716 (2) The division of police standards may initiate a preliminary inquiry into the conduct of
717 a law enforcement officer upon receipt of any complaint, report or evidence that is deemed
718 sufficient by the commission. All proceedings and records relating to a preliminary inquiry or
719 initial staff review used to determine whether to initiate an inquiry shall be confidential;
720 provided, however that the executive director may turn over to the attorney general, the United
721 States Attorney or a district attorney of competent jurisdiction evidence which may be used in a
722 criminal proceeding.

723 (3) The division of police standards shall notify any law enforcement officer who is the
724 subject of the preliminary inquiry and the head of their appointing agency of the existence of
725 such inquiry and the general nature of the alleged violation within 30 days of the commencement
726 of the inquiry.

727 (d) The division of police standards may audit all records related to the complaints,
728 investigations and investigative reports of any agency related to officer misconduct or
729 unprofessionalism, including, but not limited to, personnel records. The commission shall
730 promulgate rules and regulations establishing an audit procedure; provided, that said rules and

731 regulations shall not limit the ability of the division of police standards to initiate an audit at any
732 time and for any reason.

733 (e) If the division of police standards discovers evidence of the commission of a crime by
734 an officer, the division of police standards shall immediately refer the matter to the attorney
735 general police standards division.

736 (f) The division of police standards shall create and maintain a database containing
737 information related an officer's: (i) receipt of complaints and related information, including, but
738 not limited to: the officer's appointing agency, date, a description of circumstances of the
739 conduct that is the subject of the complaint and whether the complaint alleges that the officer's
740 conduct: (A) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
741 religion, mental or physical disability, immigration status or socioeconomic or professional level;
742 (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in
743 serious bodily injury or death; (ii) allegations of untruthfulness; (iii) failure to follow
744 commission training requirements; (iv) decertification by the commission; (v) agency-imposed
745 discipline; (vi) termination for cause; and (vii) any other information the commission deems
746 necessary or relevant.

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

751 (h) The division of police standards shall be a law enforcement agency and its employees
752 shall have such law enforcement powers as necessary to effectuate the purposes of this chapter,

753 including the power to receive intelligence on an applicant for certification or an officer certified
754 under this chapter and to investigate any suspected violations of law.

755 Section 9. (a)(1) The commission shall immediately suspend the certification of any
756 officer (i) who is arrested, charged or indicted for a felony; or (ii) if a preliminary inquiry
757 indicates reasonable cause for belief that the officer has engaged in a felony and the commission
758 votes to initiate an adjudicatory proceeding.

759 (2) The commission may suspend the certification of any officer (i) who is arrested,
760 charged or indicted for a misdemeanor, if the commission determines that the crime affects the
761 fitness of the officer to serve as a law enforcement office; or (ii) pending preliminary inquiry, if
762 the commission determines that the suspension is in the best interest of the health, safety or
763 welfare of the public.

764 (3) An emergency suspension order of the commission issued pursuant to this subsection
765 shall continue in effect until issuance of the final decision of the commission or until revoked by
766 the commission.

767 (b) The commission shall administratively suspend the certification of an officer who
768 fails to complete in-service training requirements of the commission within 90 days of the
769 deadline imposed by the commission; provided, that the commission may promulgate reasonable
770 exemptions to this subsection, including, but not limited to, exemptions for: (i) injury or physical
771 disability; (ii) a leave of absence; or (iii) other documented hardship. The commission shall
772 reinstate the certification of an officer suspended pursuant to this subsection upon completion of
773 the in-service training requirements of the commission.

774 (c) The commission shall administratively suspend the certification of an officer with a
775 duty to report information to the commission pursuant to section 8 who fails to report such
776 information. The commission shall reinstate the certificate of an officer suspended pursuant to
777 this subsection upon completion of said report.

778 Section 10. (a) The commission shall revoke an officer's certification if the commission
779 finds by clear and convincing evidence that:

- 780 (i) the officer has been convicted of a felony;
- 781 (ii) the certification was issued as a result of administrative error;
- 782 (iii) the certification was obtained through misrepresentation or fraud;
- 783 (iv) the officer falsified any document in order to obtain or renew certification;
- 784 (v) the officer has had a certification or other authorization revoked by another
785 jurisdiction;
- 786 (vi) the officer has been terminated by their appointing agency based upon intentional
787 conduct performed under the color of office to obtain false confessions; make a false arrest;
788 create or use falsified evidence, including, but not limited to, false testimony or destroying
789 evidence to create a false impression; engage in conduct that would constitute a hate crime, as
790 defined in section 32 of chapter 22C; or directly or indirectly receive a reward, gift or gratuity on
791 account of their official services;
- 792 (vii) the officer submitted false timesheets in violation of section 85BB of chapter 231;

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

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

797 (x) the officer used prohibited force;

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

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

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

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

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

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

809 (b) The commission may suspend or revoke an officer's certification if the commission
810 finds by clear and convincing evidence that the officer:

811 (i) has been convicted of any misdemeanor;

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

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

817 (iv) was suspended or discharged by their appointing agency for disciplinary reasons; or

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

819 (c) The commission may reinstate the certification of an officer suspended pursuant to
820 subsection (b) at the expiration of the suspension, if the commission finds that all conditions of
821 the suspension have been met.

822 (d) The commission may order retraining for any officer if the commission finds
823 substantial evidence that the officer:

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

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

829 (iii) used excessive force;

830 (iv) failed to respond an incident according to established procedure;

831 (v) has had a pattern of unprofessional police conduct;

832 (vi) was untruthful, except for a statement or action that mandates revocation pursuant to
833 subsection (a);

834 (vii) was suspended or terminated by their appointing agency for disciplinary reasons,
835 except for those reasons that mandate revocation pursuant to subsection (a);

836 (viii) failed to intervene to prevent another officer from engaging in prohibited conduct or
837 behavior, except for a failure to intervene that mandates revocation pursuant to subsection (a); or

838 (ix) would benefit in their job performance if retrained.

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

842 (f) The commission shall conduct preliminary inquiries, revocation and suspension
843 proceedings and hearings, and promulgate regulations for such proceedings and hearings,
844 pursuant to chapter 30A. Any decision of the commission relative to a preliminary inquiry,
845 revocation and suspension proceeding shall be appealable pursuant to chapter 30A. No adverse
846 action taken against a certification by the commission pursuant to this section shall be appealable
847 to the civil service commission established under chapter 31. No employment action taken by an
848 appointing authority that results from a revocation by the commission pursuant to subsection (a)
849 shall be appealable to the civil service commission established under chapter 31.

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

853 Section 11. No agency shall employ a decertified officer in any capacity, including, but
854 not limited to, as a consultant or independent contractor.

855 Section 12. No officer or employee of the commonwealth or of any county, city, town or
856 district shall discharge an officer or employee, change their official rank, grade or compensation,
857 deny a promotion or take any other adverse action against an officer or employee or threaten to
858 take any such action for providing information to the commission or testifying in any
859 commission proceeding.

860 Section 13. (a) The commission shall maintain a publically available database of orders
861 issued pursuant to section 10 on the commission's website, including, but not limited to: (i) the
862 names of all decertified officers, the date of decertification, the officer's last appointing agency
863 and the reason for decertification; (ii) the names of all officers who have been suspended, the
864 beginning and end dates of suspension, the officer's appointing agency and the reason for
865 suspension; and (iii) the names of all officers ordered to undergo retraining, the date of the
866 retraining order, the date the retraining was completed, the type of retraining ordered, the
867 officer's appointing agency and the reason for the retraining order.

868 (b) The commission shall cooperate with the national decertification index and other
869 states and territories to ensure officers who are decertified by the commonwealth are not hired as
870 law enforcement officers in other jurisdictions, including by providing information requested by
871 those entities.

872 Section 14. (a) A law enforcement officer shall not use physical force upon another
873 person unless de-escalation tactics have been attempted and failed or are not feasible based on
874 the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest of a

875 person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the
876 amount of force used is proportional to the threat of imminent harm.

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

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

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

889 (e) A law enforcement officer shall not discharge tear gas or any other chemical weapon,
890 discharge rubber pellets from a propulsion device or release a dog to control or influence a
891 person's behavior unless: (i) de-escalation tactics have been attempted and failed or are not
892 feasible based on the totality of the circumstances; and (ii) the measures used are necessary to
893 prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical
894 weapon, rubber pellets or dog is proportionate to the threat of imminent harm. If a law
895 enforcement officer utilizes tear gas or any other chemical weapon, rubber pellets or a dog
896 against a crowd, the law enforcement officer's appointing agency shall file a report with the

897 commission detailing all measures that were taken in advance of the event to reduce the
898 probability of disorder and all de-escalation tactics and other measures that were taken at the
899 time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other
900 chemical weapon, rubber pellets or dog. The commission shall review the report and may make
901 any additional investigation. After such review and investigation the commission shall, if
902 applicable, make a finding as to whether the pre-event and contemporaneous de-escalation
903 tactics were adequate and whether the use of such tear gas or other chemical weapon, rubber
904 pellets or dog was justified.

905 Section 15. (a) An officer present and observing another officer using physical force,
906 including deadly physical force, beyond that which is necessary or objectively reasonable based
907 on the totality of the circumstances, shall intervene to prevent the use of unreasonable force
908 unless intervening would result in imminent harm to the officer or another identifiable
909 individual.

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

916 (c) The commission shall promulgate rules and regulations for the administration and
917 enforcement of sections 14 and 15.

918 Section 16. The commission shall annually report to the general court, the governor and
919 the attorney general concerning: (1) all officer-involved injuries or deaths that occurred during
920 the preceding fiscal year, including: (i) the total number of officer-involved injuries or deaths;
921 (ii) the number of officer-involved injuries or deaths reported by each agency; and (iii) any
922 operational, policy, regulatory or legislative recommendations to reduce the number and
923 seriousness of officer-involved injuries or deaths; (2) all officers who were decertified during the
924 preceding fiscal year, including: (i) the total number of officers who were decertified; (ii) the
925 reasons for revocation of the certificate and the frequency of each reason; (iii) the average
926 number of complaints an officer who was decertified received over the course of their tenure as
927 an officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias
928 on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or
929 physical disability, immigration status or socioeconomic or professional level; (v) the frequency
930 with which said complaints alleged use of excessive or prohibited force or officer-involved
931 injuries or deaths; (vi) the frequency with which an officer who was decertified failed to meet
932 training requirements established by the commission and their appointing agency; and (vii) the
933 frequency with which an officer who was decertified was subject to discipline, including, but not
934 limited to, retraining or suspension, by the commission and their appointing agency prior to
935 decertification; (3) all suspensions that occurred during the preceding fiscal year, including: (i)
936 the total number of suspensions; (ii) the reasons for suspensions of the certificate and the
937 frequency of each reason; (iii) the average number of complaints an officer who was suspended
938 received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency
939 with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity,
940 sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or

941 professional level; (v) the frequency with which said complaints alleged use of excessive or
942 prohibited force or officer-involved injuries or deaths; (vi) the frequency with which an officer
943 who was suspended failed to meet training requirements established by the commission and their
944 appointing agency; and (vii) the frequency with which an officer who was suspended was subject
945 to discipline, including, but not limited to, retraining or previous suspension, by the commission
946 and their appointing agency prior to suspension; (4) all retraining orders imposed by the
947 commission that occurred during the preceding fiscal year, including: (i) the total number of
948 retraining orders, by type of retraining ordered; (ii) the reasons for retraining and the frequency
949 of each reason, by type of retraining ordered; (iii) the average number of complaints an officer
950 who was subject to a retraining order, by type of retraining ordered, received over the course of
951 their tenure as an officer and on a per annum basis; (iv) the frequency with which said
952 complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation,
953 religion, mental or physical disability, immigration status or socioeconomic or professional level,
954 by type of retraining ordered; (v) the frequency with which said complaints alleged use of
955 excessive or prohibited force or officer-involved injuries or deaths, by type of retraining; (vi) the
956 frequency with which an officer who was subject to a retraining order, by type of retraining
957 ordered, failed to meet training requirements established by the commission and their appointing
958 agency; and (vii) the frequency with which an officer who was subject to a retraining order was
959 previously subject to discipline, by type of retraining ordered, including, but not limited to,
960 retraining or suspension, by the commission and their appointing agency; and (5) any other
961 action the commission has taken. The commission shall make such further reports on matters
962 within its jurisdiction as necessary.

963 SECTION 30. Chapter 10 of the General Laws is hereby amended by striking out section
964 35EEE, inserted by section 14 of chapter 69 of the acts of 2018.

965 SECTION 31. Said chapter 10 is hereby further amended by inserting after section
966 35NNN, inserted by section 1 of chapter 132 of the acts of 2019, the following section:-

967 Section 35OOO. (a) There shall be a Police Training Fund which shall consist of amounts
968 credited to the fund in accordance with this section. The fund shall be administered by the state
969 treasurer and held in trust exclusively for the purposes of this section. The state treasurer shall be
970 treasurer-custodian of the fund and shall have the custody of its monies and securities.

971 (b) The fund shall consist of: (i) funds transferred from the Marijuana Regulation Fund
972 established in section 14 of chapter 94G; (ii) revenue from appropriations or other money
973 authorized by the general court and specifically designated to be credited to the fund; (iii)
974 interest earned on money in the fund; (iv) funds from private sources, including, but not limited
975 to, gifts, grants and donations received by the commonwealth that are specifically designated to
976 be credited to the fund; (v) revenues, not more than \$10,000,000 in a calendar year, collected
977 from the surcharge imposed by section 32E⁷/₈ of chapter 90; and (vi) funds transferred from the
978 Public Safety Training Fund for the committee on police training and certification, pursuant to
979 section 2JJJJ of chapter 29. Amounts credited to the fund shall not be subject to further
980 appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to
981 the General Fund. The state treasurer shall annually, not later than December 31, report on the
982 activity of the fund to the clerks of the house of representatives and the senate and the house and
983 senate committees on ways and means.

984 (c) Expenditures from the fund shall be made to provide funding for: (i) the operating
985 expenses of the committee on police training and certification established by section 4 of chapter
986 6E; (ii) basic recruit training for new law enforcement officers; (iii) mandatory in-service
987 training for veteran law enforcement officers; (iv) specialized training for veteran law
988 enforcement officers and reserve and intermittent law enforcement officers; and (v) the basic
989 training program for reserve and intermittent law enforcement officers.

990 (d) The Massachusetts police standards and training commission established in section 2
991 of chapter 6E shall, annually, not later than December 1, file a report with the house and senate
992 committees on ways and means detailing the following: (i) the full cost of operating the
993 Massachusetts police standards and training commission; (ii) the total number of staff employed
994 by the Massachusetts police standards and training commission; (iii) the revenue generated in the
995 prior fiscal year from the police training surcharge imposed by section 32E⁷/₈ of chapter 90; (iv)
996 the total funds transferred from the Marijuana Regulation Fund; (v) the total funds transferred
997 from the Public Safety Training Fund; (vi) the total fees paid to the Massachusetts police
998 standards and training commission by each municipality; (vii) any funds paid to the
999 Massachusetts police standards and training commission by private sources; (viii) any funds
1000 remaining in the fund at the end of each fiscal year; (ix) participation rates for each training
1001 program offered by the Massachusetts police standards and training commission, broken down
1002 by types of trainees; (x) average cost for each trainee to participate in a training; (xi) the number
1003 of trainees per agency; and (xii) recommendations to promote efficiency in the management of
1004 annual total revenue received by the Massachusetts police standards and training commission,
1005 including funds received by the Public Safety Training Fund from the surcharge imposed by
1006 section 12 of chapter 89 and section 20 of chapter 90.

1007 SECTION 32. Chapter 12 of the General Laws is hereby amended by striking out section
1008 11H, as appearing in the 2018 Official Edition, and inserting in place thereof the following
1009 section:-

1010 Section 11H. (a)(1) Whenever any person or persons, whether or not acting under color
1011 of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats,
1012 intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights
1013 secured by the constitution or laws of the United States, or of rights secured by the constitution
1014 or laws of the commonwealth, the attorney general may bring a civil action for injunctive or
1015 other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the
1016 right or rights secured. Said civil action shall be brought in the name of the commonwealth and
1017 shall be instituted either in the superior court for the county in which the conduct complained of
1018 occurred or in the superior court for the county in which the person whose conduct complained
1019 of resides or has his principal place of business.

1020 (2) If the attorney general prevails in an action under this section, the attorney general
1021 shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity;
1022 and (ii) litigation costs and reasonable attorneys' fees in an amount to be determined by the
1023 court. In a matter involving the interference or attempted interference with any right protected by
1024 the constitution of the United States or of the commonwealth, the court may also award civil
1025 penalties against each defendant in an amount not exceeding \$5,000 for each violation.

1026 (b) All persons shall have the right to bias-free professional policing. Any conduct taken
1027 in relation to an aggrieved person by a law enforcement officer acting under color of law that
1028 results in the decertification of said law enforcement officer by the Massachusetts police

1029 standards and training commission pursuant to section 10 of chapter 6E shall constitute
1030 interference with said person’s right to bias-free professional policing and shall be a prima facie
1031 violation of said person’s right to bias-free professional policing and a prima facie violation of
1032 subsection (a). No law enforcement officer shall be immune from civil liability for any conduct
1033 under color of law that violates a person’s right to bias-free professional policing if said conduct
1034 results in the law enforcement officer’s decertification by the Massachusetts police standards and
1035 training commission pursuant to section 10 of chapter 6E; provided, however, that nothing in this
1036 subsection shall be construed to grant immunity from civil liability to a law enforcement officer
1037 for interference by threat, intimidation or coercion, or attempted interference by threats,
1038 intimidation or coercion, with the exercise or enjoyment any right secured by the constitution or
1039 laws of the United States or the constitution or laws of the commonwealth if the conduct of said
1040 officer was knowingly unlawful or was not objectively reasonable.

1041 SECTION 33. Section 11J of said chapter 12, as so appearing, is hereby amended by
1042 striking out, in lines 1 and 2, 16 and 34 and 35, each time they appear, the words “section eleven
1043 H or eleven I” and inserting in place thereof, in each instance, the words:- subsection (a) of
1044 section 11H or section 11I.

1045 SECTION 34. Said section 11J of said chapter 12, as so appearing, is hereby further
1046 amended by striking out, in line 30, the words “section eleven H” and inserting in place thereof
1047 the following words:- subsection (a) of section 11H.

1048 SECTION 35. Said chapter 12 of the General Laws is hereby further amended by
1049 inserting after section 11N , as so appearing, the following section:-

1050 Section 11O. (a) As used in this section the following words shall, unless the context
1051 clearly requires otherwise, have the following meanings:-

1052 “Commission”, the Massachusetts police standards and training commission established
1053 in section 2 of chapter 6E.

1054 “Division”, the division of police standards and professional conduct enforcement
1055 established in subsection (b).

1056 “Officer”, as defined in section 1 of chapter 6E.

1057 (b) There shall be in the department of the attorney general a division of police standards
1058 and professional conduct enforcement. The attorney general shall designate an assistant attorney
1059 general as the director of police standards and professional conduct enforcement. The director
1060 may appoint and remove, subject to the approval of the attorney general, such expert,
1061 investigative, clerical or other assistants as the work of the division may require.

1062 (c) The division shall enforce criminal offenses committed by officers which shall
1063 include, but not be limited to: (i) investigating and prosecuting allegations of criminal offenses
1064 committed by officers; (ii) investigating and prosecuting any and all instances arising from the
1065 actions of an officer resulting in the death or serious bodily injury of another; (iii) receiving and
1066 taking appropriate action on referrals for criminal prosecution from the commission or any other
1067 law enforcement body; (iv) providing assistance, upon request, to the commission in the
1068 consideration and promulgation of rules and regulations; (v) providing assistance and
1069 recommendation, upon request, to the commission in the consideration and investigation of
1070 officer misconduct that would be grounds for revocation or suspension of the officer’s

1071 certification pursuant to chapter 6E; and (vi) ensuring that there shall be no duplication of duties
1072 and responsibilities between the division and the commission.

1073 SECTION 36. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby
1074 amended by striking out, in lines 88 and 89, the words “executive director of the municipal
1075 police training committee” and inserting in place thereof the following words:- training director
1076 of the Massachusetts police standards and training commission.

1077 SECTION 37. Section 3 of chapter 22C of the General Laws, as so appearing, is hereby
1078 amended by striking out, in lines 6 and 7, each time it appears, the word “he” and inserting in
1079 place thereof, in each instance, the following words:- the colonel.

1080 SECTION 38. Said section 3 of said chapter 22C, as so appearing, is hereby further
1081 amended by striking out the second paragraph and inserting in place thereof the following
1082 paragraph:-

1083 The governor, upon the recommendation of the secretary of public safety and security,
1084 shall appoint the colonel, who shall be qualified by training and experience, to direct the work of
1085 the department. At the time of appointment, the colonel shall have not less than 10 years of full-
1086 time experience as a sworn law enforcement officer and not less than 5 years of full-time
1087 experience in a senior administrative or supervisory position in a police force or a military body
1088 with law enforcement responsibilities. The appointment shall constitute an appointment as a
1089 uniformed member of the department and shall qualify the colonel to exercise all powers granted
1090 to a uniformed member under this chapter. The colonel shall serve at the pleasure of the
1091 governor and shall devote their full time during business hours to the duties of the office.

1092 SECTION 39. Section 10 of said chapter 22C, as so appearing, is hereby amended by
1093 striking out, in lines 3, 40, 52, 54, 61, 63 and 65, each time it appears, the word “he” and
1094 inserting in place thereof, in each instance, the following words:- such officer.

1095 SECTION 40. Said section 10 of said chapter 22C, as so appearing, is hereby further
1096 amended by striking out, in line 27, the words “reached his twenty-first birthday” and inserting
1097 in place thereof the following words:- attained the age of 21.

1098 SECTION 41. Said section 10 of said chapter 22C, as so appearing, is hereby further
1099 amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and
1100 inserting in place thereof the following words:- the person has attained the age of 35.

1101 SECTION 42. Said section 10 of said chapter 22C, as so appearing, is hereby further
1102 amended by striking out the third paragraph and inserting in place thereof the following
1103 paragraph:-

1104 A person shall not be enlisted as a uniformed member of the state police except in
1105 accordance with this section and section 11; provided, however, that other than for an
1106 appointment made pursuant to section 3, a person employed as a police officer for an agency
1107 other than the department of state police, including, but not limited to, an agency of the
1108 commonwealth or any political subdivision of the commonwealth, shall not be allowed to
1109 transfer into a position as a uniformed member of the state police.

1110 SECTION 43. Said section 10 of said chapter 22C, as so appearing, is hereby further
1111 amended by striking out, in lines 66 and 71, each time it appears, the word “his” and inserting in
1112 place thereof, in each instance, the following words:- such officer’s.

1113 SECTION 44. Section 11 of said chapter 22C, as so appearing, is hereby amended by
1114 striking out, in lines 19 and 20, each time it appears, the word “his”, and inserting in place
1115 thereof, in each instance, the following words:- the uniformed member’s.

1116 SECTION 45. Section 20 of said chapter 22C, as so appearing, is hereby amended by
1117 inserting after the word “shall”, in lines 1 and 5, the following words:- , subject to the approval
1118 of the committee on police training and certification established in chapter 6E,.

1119 SECTION 46. Section 21 of said chapter 22C, as so appearing, is hereby amended by
1120 striking out the first and second sentences and inserting in place thereof the following 2
1121 sentences:- The colonel may, subject to the approval of the committee on police training and
1122 certification established in chapter 6E, conduct programs for training police officers of the cities
1123 and towns of the commonwealth and for those employees who are authorized to exercise police
1124 powers in the various state departments or agencies and the colonel shall appoint necessary
1125 instructors. Said programs shall be conducted and instructors appointed in accordance with said
1126 chapter 6E.

1127 SECTION 47. Subsection (a) of section 24A of said chapter 22C, as so appearing, is
1128 hereby amended by striking out the second sentence and inserting in place thereof the following
1129 sentence:- If the member seeking to return to work in the position of a sworn member of said
1130 department exceeds a 1 year in break of service, the colonel shall not allow the member to return
1131 to such position if the member fails, as determined by the colonel, to successfully pass a
1132 background investigation, drug testing, applicable physical fitness testing, psychological testing,
1133 and complete retraining approved by the committee on police training and certification
1134 established in chapter 6E.

1135 SECTION 48. Said section 24A of said chapter 22C, as so appearing, is hereby further
1136 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

1137 (d) Any member, retired for disability for more than 3 years shall not return to active
1138 service for the department if such member fails to meet the requirements set forth in paragraph
1139 (a) and fails to complete the police training approved by the committee on police training and
1140 certification established in chapter 6E.

1141 SECTION 49. Section 40 of said chapter 22C, as so appearing, is hereby amended by
1142 striking out, in line 4, the words “and to” and inserting in place thereof the following words:-
1143 and, subject to the approval of the committee on police training and certification established in
1144 chapter 6E, to.

1145 SECTION 50. Section 63 of said chapter 22C, as so appearing, is hereby amended by
1146 inserting after the word “skill”, in line 17, the following words:- ; provided, that such officers
1147 shall remain subject to certification and training requirements of the Massachusetts police
1148 standards and training commission established in chapter 6E.

1149 SECTION 51. Section 64 of said chapter 22C, as so appearing, is hereby amended by
1150 striking out the second sentence and inserting in place thereof the following sentence:- Such
1151 special state police officers shall: (i) serve for 1 year, subject to removal by the colonel; (ii) shall
1152 receive such training and certification as the Massachusetts police standards and training
1153 commission established in chapter 6E shall direct; and (iii) shall have the same power to make
1154 arrests as the state police of any criminal offense committed in or upon lands or structures
1155 located in the town of Framingham within the charge of said director.

1156 SECTION 52. Section 68 of said chapter 22C, as so appearing, is hereby amended by
1157 striking out the first sentence and inserting in place thereof the following sentence:- The colonel
1158 may, at the request of the director of the bureau of special investigations, with the approval of the
1159 fraudulent claims commission, appoint as special state police officers employees of said bureau
1160 who have undergone training and certification as required by the Massachusetts police standards
1161 and training commission established in chapter 6E.

1162 SECTION 53. Section 2JJJJ of chapter 29 of the General Laws, as so appearing, is hereby
1163 amended by striking out, in lines 6 and 7, the words “municipal police training committee, under
1164 section 116 of chapter 6” and inserting in place thereof the following words:- committee on
1165 police training and certification established pursuant to section 4 of chapter 6E.

1166 SECTION 54. Section 2 of chapter 31 of the General Laws, as so appearing, is hereby
1167 amended by striking out, in line 49, the words “eight of chapter thirty-one A” and inserting in
1168 place thereof the following words:- 8 of chapter 31A; provided, however, that the commission
1169 shall not have jurisdiction to hear an appeal of a decision by the Massachusetts police standards
1170 and training commission established pursuant to chapter 6E to take adverse action against a law
1171 enforcement officer under section 10 of chapter 6E.

1172 SECTION 55. The first paragraph of section 42 of said chapter 31, as so appearing, is
1173 hereby amended by adding the following sentence:- This section shall not apply to a person who
1174 is the subject of disciplinary action or other employment-related consequences by an appointing
1175 agency, as defined in section 1 of chapter 6E, that results from decertification under section 10 of
1176 said chapter 6E.

1177 SECTION 56. Section 43 of said chapter 31, as so appearing, is hereby amended by
1178 adding the following paragraph:-

1179 This section shall not apply to a person who is the subject of disciplinary action or
1180 employment-related consequences by an appointing agency, as defined in section 1 of chapter
1181 6E, that results from decertification under section 10 of said chapter 6E.

1182 SECTION 57. Section 36C of chapter 40 of the General Laws, as so appearing, is hereby
1183 amended by striking out, in lines 1 and 2, the words “members of municipal police departments,
1184 and all uniformed members of the state police shall” and inserting in place thereof the following
1185 words:- law enforcement officers, as defined in section 1 of chapter 6E, shall.

1186 SECTION 58. The first paragraph of said 36C of said chapter 40, as so appearing, is
1187 hereby amended by striking out the third sentence and inserting in place thereof the following
1188 sentence:- Said training shall be approved and coordinated by the committee on police training
1189 and certification, and shall be included in the curriculum of all police training schools, academies
1190 and programs.

1191 SECTION 59. Said section 36C of said chapter 40, as so appearing, is hereby further
1192 amended by striking out, in lines 11 and 16, the word “police” and inserting in place thereof, in
1193 each instance, the following words:- law enforcement.

1194 SECTION 60. Section 96A of chapter 41 of the General Laws, as so appearing, is hereby
1195 amended by inserting after the word “felony”, in line 1, the following words:- or whose name is
1196 listed in the national decertification index or the database of decertified law enforcement officers
1197 maintained by the division of police standards pursuant to chapter 6E.

1198 SECTION 61. Said chapter 41 is hereby further amended by striking out section 96B, as
1199 so appearing, and inserting in place thereof the following section:-

1200 Section 96B. Every person who receives an appointment to a position in which they will
1201 exercise police powers in a law enforcement agency, as defined in section 1 of chapter 6E, shall,
1202 prior to exercising police powers, be assigned to and satisfactorily complete a prescribed course
1203 of study approved by the committee on police training and certification, established in section 4
1204 of chapter 6E. Chapter 31 and any collective bargaining agreement notwithstanding, any person
1205 so attending such a school, academy or program shall be deemed to be a student officer and shall
1206 be exempted from chapter 31 and any collective bargaining agreement for that period during
1207 which they are assigned to a police training school, academy or program; provided, that such
1208 person shall be paid the regular wages provided for the position to which they were appointed
1209 and such reasonable expenses as may be determined by the appointing authority and be subject
1210 to chapter 152.

1211 Every law enforcement officer, as defined in section 1 of chapter 6E, appointed to a
1212 position in any such agency, shall be assigned to and shall attend a prescribed course of study
1213 approved by the committee on police training and certification for in-service officers training at
1214 such intervals and for such periods as said committee, subject to approval of the Massachusetts
1215 police standards and training commission established in section 2 of said chapter 6E, may
1216 determine. Any such police officer who receives an appointment to a position of higher rank
1217 shall also complete such other courses of supervisory training as the committee, subject to
1218 approval of the commission, may determine. While attending such school, academy or program
1219 or completing such courses, such persons shall be paid their regular wages as a law enforcement

1220 officer and shall receive such reasonable expenses as may be determined by the appointing
1221 authority.

1222 Failure of an appointed person to comply with this section prior to exercising police
1223 powers, shall result in the appointed person's removal by the appointing authority. Failure of an
1224 appointed person to satisfactorily complete the prescribed course of study shall prevent the
1225 Massachusetts police standards and training commission from issuing a certification to said
1226 person.

1227 SECTION 62. The first paragraph of section 97B of said chapter 41, as so appearing, is
1228 hereby amended by striking out, in lines 9 and 10, the words "municipal police training
1229 committee established by section one hundred and sixteen of chapter six" and inserting in place
1230 thereof the following words:- the division of police training established pursuant to section 4 of
1231 chapter 6E.

1232 SECTION 63. Said section 97B of said chapter 41, as so appearing, is hereby further
1233 amended by striking out, in lines 21 and 22, the words "municipal police training committee"
1234 and inserting in place thereof the following words:- the committee on police training and
1235 certification established in section 4 of chapter 6E.

1236 SECTION 64. Said chapter 41 is hereby further amended by inserting after section 98G,
1237 as so appearing, the following section:-

1238 Section 98H. An agreement by a law enforcement agency, as defined in section 1 of
1239 chapter 6E, to settle a complaint of professional misconduct by a law enforcement officer, as
1240 defined in said section 1 of said chapter 6E, shall not include a nondisclosure, non-disparagement

1241 or other similar clause in a settlement agreement between the law enforcement agency and a
1242 complainant unless the complainant requests such provision in writing.

1243 SECTION 65. Section 37L of chapter 71 of the General Laws, as so appearing, is hereby
1244 amended by inserting after the third paragraph the following paragraph:-

1245 School department personnel shall not disclose to a law enforcement officer or agency, or
1246 submit to a database or system designed to track gang affiliation or involvement, any information
1247 from its databases or other record-keeping systems including, but not be limited to: (i)
1248 immigration status; (ii) citizenship; (iii) neighborhood of residence; (iv) religion; (v) national
1249 origin; (vi) ethnicity; (vii) native or spoken language; (viii) suspected gang affiliation, unless it is
1250 germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is
1251 otherwise required to report; (ix) participation in school activities, extracurricular activities
1252 outside of school, sports teams or school clubs or organizations; (x) degrees, honors or awards;
1253 and (xi) post-high school plans. Nothing in this paragraph shall prohibit the sharing of
1254 information for the purposes of completing a report pursuant to section 51A of chapter 119 or
1255 filing a weapon report with the local chief of police pursuant to this section.

1256 SECTION 66. Said chapter 71, as so appearing, is hereby further amended by striking out
1257 section 37P and inserting in place thereof the following section:-

1258 Section 37P. (a) As used in this section the following words shall, unless the context
1259 clearly requires otherwise, have the following meanings:

1260 “Chief of police”, the chief of police or the board or officer having control of the police
1261 department in a city or town.

1262 “Commission”, the model school resource officer memorandum of understanding review
1263 commission established in subsection (b).

1264 “Model memorandum of understanding”, the model school resource officer memorandum
1265 of understanding developed by the commission.

1266 “School resource officer”, a duly sworn municipal police officer with all necessary
1267 training, up-to-date certificates, including special school resource officer certification as required
1268 by subsection (b) of section 3 of chapter 6E or a special officer appointed by the chief of police
1269 charged with: (i) providing law enforcement; (ii) promoting school safety and security services
1270 to elementary and secondary public schools; and (iii) maintaining a positive school climate for
1271 all students, families and staff. For the purpose of this section, a school resource officer shall be
1272 exempt pursuant to subsection (j) of section 10 of chapter 269, while serving in the officer’s
1273 official capacity.

1274 (b) There shall be a model school resource officer memorandum of understanding review
1275 commission to develop and review the model memorandum of understanding and make
1276 recommendations for changes to the model memorandum of understanding as the commission
1277 deems appropriate.

1278 The commission shall include the commissioner of elementary and secondary education
1279 and the secretary of the executive office of public safety and security, who shall serve as co-
1280 chairs; the attorney general or a designee; the child advocate or a designee; the chief justice of
1281 the juvenile court or a designee; the secretary of health and human services or a designee; the
1282 executive director of the Massachusetts Association of School Superintendents, Inc.; the
1283 president of the Massachusetts Chiefs of Police Association Incorporated or a designee; the

1284 president of the Massachusetts Major City Chiefs, Inc. or a designee; the training director of the
1285 committee on police training and certification established in section 4 of chapter 6E or a
1286 designee; the executive director of the mental health legal advisors committee established in
1287 section 34E of chapter 221 or a designee; the executive director of Citizens for Juvenile Justice,
1288 Inc. or a designee; the executive director of the Children’s League of Massachusetts, Inc. or a
1289 designee; a Massachusetts public school superintendent, to be appointed by the senate president;
1290 a Massachusetts public school teacher, to appointed by the speaker of the house of
1291 representatives; a Massachusetts public school social worker, to be appointed by the minority
1292 leader of the senate; a parent or guardian of a child in a Massachusetts public school, to be
1293 appointed by the minority leader of the house of representatives; and 4 members to be appointed
1294 by the governor: 1 of whom shall be a representative of the Massachusetts Association of School
1295 Committees, Inc., 1 of whom shall be a representative of Massachusetts School Counselors
1296 Association, Inc., and 2 of whom shall be representatives from Massachusetts youth
1297 organizations with proven records of supporting services and programs for high numbers of
1298 youths in order to ensure healthy development and social responsibility.

1299 The model memorandum of understanding shall be developed for schools and police
1300 departments as the minimum requirement for schools to formalize and clarify implementation of
1301 the partnership between the school and the school resource officer. In conducting such
1302 development and review, the commission shall determine the necessary provisions to achieve the
1303 district’s educational and school safety goals and to help maintain a positive school environment
1304 for all students.

1305 The model memorandum of understanding shall, at minimum, describe the following: (i)
1306 the mission statement, goals and objectives of the school resource officer program; (ii) the roles

1307 and responsibilities of the school resource officer, the police department and the school; (iii) the
1308 process for selecting school resource officers; (iv) the mechanisms to incorporate school resource
1309 officers into the school environment, including school safety meetings; (v) information sharing
1310 between school resource officers, school staff and other partners; (vi) the organizational structure
1311 of the school resource officer program, including supervision of school resource officers and the
1312 lines of communication between the school district and police department; (vii) training for
1313 school resource officers, including, but not limited to, continuing professional development in
1314 child and adolescent development, conflict resolution and diversion strategies, de-escalation
1315 tactics and any other training required by the Massachusetts police standards and training
1316 commission established in section 2 of chapter 6E; and (viii) the manner and division of
1317 responsibility for collecting and reporting the school-based arrests, citations and court referrals
1318 of students to the department of elementary and secondary education in accordance with
1319 regulations promulgated by the department.

1320 The model memorandum of understanding shall expressly state that school resource
1321 officers shall not: (i) serve as school disciplinarians, enforcers of school regulations or in place of
1322 licensed school psychologists, psychiatrists or counselors; and (ii) use police powers to address
1323 traditional school discipline issues, including non-violent disruptive behavior.

1324 In carrying out its duties under this section, the commissioner of elementary and
1325 secondary education shall work with the executive office of public safety and security to provide
1326 to the commission with any data and information they consider relevant to the commission's
1327 duties.

1328 The commission shall meet every 5 years for the purpose of developing and reviewing
1329 the model memorandum of understanding. The model memorandum of understanding shall be
1330 subject to final approval by the co-chairs of the commission, and shall be made publicly
1331 available by the department of elementary and secondary education, distributed to school
1332 districts and filed with the clerks of the house of representatives and senate.

1333 Members shall not receive compensation for their services but may receive
1334 reimbursement for the reasonable expenses incurred in carrying out their responsibilities as
1335 members of the commission. The commissioner of elementary and secondary education shall
1336 furnish reasonable staff and other support for the work of the commission. Prior to issuing its
1337 recommendations, the commission shall provide the opportunity to seek public input across
1338 regions of the commonwealth. It shall not constitute a violation of chapter 268A for a person
1339 employed by a school district to serve on the commission or to participate in commission
1340 deliberations that may have a financial impact on the district or municipality employing that
1341 person. The commission may establish procedures to ensure that no such person participates in
1342 commission deliberations that may directly affect the school districts employing those persons.

1343 (c) The executive office of public safety and security, in consultation with the department
1344 of elementary and secondary education, shall make available to all communities the model
1345 memorandum of understanding, statements of operating procedures and advisories on how to
1346 establish said documents.

1347 (d) For the purpose of fostering a safe and healthy environment for all students through
1348 strategic and appropriate use of law enforcement resources and to achieve positive outcomes for
1349 youth and public safety, every chief of police, in consultation with the superintendent and subject

1350 to appropriation, shall assign at least 1 school resource officer to serve the city, town,
1351 commonwealth charter school, regional school district or county agricultural school. In the case
1352 of a regional school district, commonwealth charter school or county agriculture school, the chief
1353 of police of the city or town where the school is located, in consultation with the superintendent
1354 after receiving public input, shall assign the school resource officer, which may be the same
1355 officer for all schools in the city or town.

1356 In assigning a school resource officer, the chief of police shall assign an officer that the
1357 chief believes would strive to foster an optimal learning environment and educational community
1358 that promotes a strong partnership and lines of communication between school and police
1359 personnel. The chief of police shall give preference to candidates who demonstrate the requisite
1360 personality and character to work effectively with children, youth and educators in a school
1361 environment with a demonstrated ability to work successfully with a population that has a similar
1362 racial and ethnic background as those prevalent in the student body, and who have received
1363 specialized training relating to working with adolescents and children, including cognitive
1364 development, de-escalation tactics, as defined in section 1 of chapter 6E and alternatives to arrest
1365 and diversion strategies. The appointment shall not be based solely on seniority. The
1366 performance of school resource officer shall be reviewed annually by the superintendent and the
1367 chief of police.

1368 The superintendent and the chief of police shall adopt, at minimum, the model
1369 memorandum of understanding developed by the commission pursuant to subsection (b), and
1370 may add further provisions as they mutually deem fit; provided, that no further provision
1371 included in the memorandum of understanding adopted by said superintendent and said chief of
1372 police shall conflict with or omit any provisions of this section. The final memorandum of

1373 understanding adopted by the superintendent and the chief of police shall be made public and
1374 placed on file annually with the department of elementary and secondary education and in the
1375 offices of the school superintendent and the chief of police.

1376 The chief of police, in consultation with the school superintendent, shall establish
1377 operating procedures to provide guidance to school resource officers about daily operations,
1378 policies and procedures. At minimum, the operating procedures as established by the chief of
1379 police, shall describe the following for the school resource officer:

1380 (i) the school resource officer uniform;

1381 (ii) use of police force, arrest, citation and court referral on school property;

1382 (iii) a statement and description of students' legal rights, including the process for
1383 searching and questioning students and circumstances requiring notification to and presence of
1384 parents and administrators;

1385 (iv) chain of command, including delineating to whom the school resource officer reports
1386 and how school administrators and the school resource officer work together;

1387 (v) performance evaluation standards, which shall incorporate monitoring compliance
1388 with the memorandum of understanding and use of arrest, citation and police force in school;

1389 (vi) protocols for diverting and referring at-risk students to school and community-based
1390 supports and providers; and

1391 (vii) information sharing between the school resource officer, school staff and parents or
1392 guardians.

1393 (e) Each school shall annually file its final memorandum of understanding and operating
1394 procedures with the department of elementary and secondary education. The department shall
1395 promulgate rules or regulations necessary to carry out this section.

1396 (f) Upon written application by a school department of a city or town, in consultation
1397 with the chief of police, a regional school district or a county agricultural school, the
1398 commissioner of elementary and secondary education may waive the requirements of this section
1399 if the commissioner believes a school resource officer would not assist that particular city or
1400 town, regional school district or county agricultural school to ensure school safety. The written
1401 application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting
1402 the waiver request; and (iii) a description of, and supporting data for, alternative procedures and
1403 resources relied upon to ensure safe schools.

1404 (g) Notwithstanding subsection (d), if the chief of police, in consultation with the
1405 superintendent, determines that there are not sufficient resources to assign a school resource
1406 officer to serve the city, town, regional school district or county agricultural school, the chief of
1407 police shall consult with the department of state police to ensure that a school resource officer is
1408 assigned, subject to appropriation, pursuant to the requirements of this section; provided, further,
1409 that if a state police officer is assigned to a city, town, regional school district or county
1410 agricultural school, said assignment shall not be based solely on seniority and a candidate shall
1411 be considered who would strive to foster an optimal learning environment and educational
1412 community; provided, further, that there shall be placed on file in the office of the superintendent
1413 and the department of state police the final memorandum of understanding clearly defining the
1414 roles and duties of the school resource officer.

1415 (h) No public employer shall be liable for injury, loss of property, personal injury or
1416 death caused by an act or omission of a public employee while acting in the scope of the public
1417 employee's employment and arising out of the implementation of this section. This section shall
1418 not be construed as creating or imposing a specific duty of care.

1419 The department of elementary and secondary education shall collect and publish
1420 disaggregated data regarding school-based arrests, citations and court referrals of students to the
1421 department and shall make such report available for public review.

1422 SECTION 67. The second paragraph of section 32A of chapter 75 of the General Laws,
1423 as so appearing, is hereby amended by striking out the third sentence and inserting in place
1424 thereof the following sentence:- Every officer who receives an appointment to a position on a
1425 full-time basis in which that person may exercise police powers for any of the campuses of the
1426 University of Massachusetts, shall, prior to exercising those police powers, be certified pursuant
1427 to chapter 6E.

1428 SECTION 68. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
1429 amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

1430 (1) The committee on police training and certification established in section 4 of chapter
1431 6E shall provide training, including, but not limited to, alcohol education and education
1432 concerning the aforesaid sections, to all law enforcement personnel throughout the
1433 commonwealth.

1434 SECTION 69. Section 32E7/8 of said chapter 90, as so appearing, is hereby amended by
1435 striking out, in lines 5 and 6, the words "Municipal Police Training Fund established in section

1436 35EEE” and inserting in place thereof the following words:- Police Training Fund established in
1437 section 35000.

1438 SECTION 70. Section 2 of chapter 90C of the General Laws, as so appearing, is hereby
1439 amended by striking out the second and third paragraphs and inserting in place thereof the
1440 following 2 paragraphs:-

1441 Each police chief appointed by the trustees of the commonwealth’s state universities and
1442 community colleges under section 22 of chapter 15A shall certify to the registrar, on or before
1443 January first of each year, that:

1444 (1) the police officers appointed by the trustees at the state university or community
1445 college have been certified pursuant to chapter 6E;

1446 (2) said officers have completed the annual in-service training required by the committee
1447 on police training and certification established in said chapter 6E;

1448 (3) the state university or community college police department submits uniform crime
1449 reports to the FBI;

1450 (4) a memorandum of understanding has been entered into with the police chief of the
1451 municipality wherein the state university or community college is located outlining the policies
1452 and procedures for utilizing the municipality’s booking and lock-up facilities, fingerprinting and
1453 breathalyzer equipment if the state university or community college police department does not
1454 provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

1455 (5) the state university or community college police department has policies and
1456 procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor
1457 vehicle law enforcement.

1458 Nothing in this section, except the previous paragraph, shall limit the authority granted to
1459 the police chiefs and police officers at the state universities and community colleges under said
1460 section 22 of said chapter 15A or section 18 of chapter 73.

1461 SECTION 71. Section 1 of chapter 111 of the General Laws, as so appearing, is hereby
1462 amended by inserting after the definition of “Inland waters” the following definition:-

1463 “Law enforcement-related injuries and deaths”, injuries and deaths caused by a law
1464 enforcement officer or correction officer, whether employed by the commonwealth, a county, a
1465 municipality or other public or private entity, and occupational fatalities of a law enforcement
1466 officer or correction officer.

1467 SECTION 72. Said chapter 111 is hereby further amended by inserting after section 6D
1468 the following section:-

1469 Section 6E. The department shall collect and report data on law enforcement-related
1470 injuries and deaths. The commissioner shall promulgate regulations necessary to implement this
1471 section, including, but not limited to, protocols and procedures for the reporting of law
1472 enforcement-related injuries and deaths to the department by physicians and other licensed health
1473 care professionals.

1474 SECTION 73. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby
1475 amended by striking out, in lines 597 and 598, the words “municipal police training committee”

1476 and inserting in place thereof the following words:- committee on police training and
1477 certification.

1478 SECTION 74. Section 31 of chapter 147 of the General Laws, as so appearing, is hereby
1479 amended by striking out, in lines 3 and 4 and lines 6 and 7, the words “municipal police training
1480 committee” and inserting in place thereof, in each instance, the following words:- Massachusetts
1481 police standards and training commission.

1482 SECTION 75. Chapter 231 of the General Laws, as so appearing, is hereby amended by
1483 inserting after section 85AA the following section:-

1484 Section 85BB. (a) A law enforcement officer, as defined in section 1 of chapter 6E, who
1485 knowingly submits to a state agency, state authority, city, town or agency, as defined in said
1486 section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and
1487 receives payment therefor or knowingly makes, uses or causes to be made or used a false record
1488 or statement material to a false or fraudulent claim of hours worked for payment that results in a
1489 law enforcement officer receiving payment therefor or any person who conspires to commit a
1490 violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages
1491 paid or by imprisonment for not more than 2 years.

1492 (b) In any action brought pursuant to this section, the party bringing the action shall be
1493 required to prove all essential elements of the cause of action, including damages, by a
1494 preponderance of the evidence.

1495 SECTION 76. Section 22 of chapter 265 of the General Laws, as so appearing, is hereby
1496 amended by adding the following subsection:-

1497 (c) A law enforcement officer who has sexual intercourse with a person in the custody or
1498 control of the law enforcement officer shall be found to be in violation of subsection (b). For the
1499 purposes of this paragraph, “law enforcement officer” shall mean a police officer, an auxiliary,
1500 intermittent, special, part-time or reserve police officer, a police officer in the employ of a public
1501 institution of higher education pursuant to section 5 of chapter 15A, a public prosecutor, a
1502 municipal or public emergency medical technician, a deputy sheriff, a correction officer, a court
1503 officer, a probation officer, a parole officer, an officer of the department of youth services,
1504 constables, a campus police officer who holds authority as special state police officer or a person
1505 impersonating one of the foregoing.

1506 SECTION 77. Section 10A of chapter 269 of the General Laws, as so appearing, is
1507 hereby amended by striking out, in lines 2 and 3 and lines 17 and 18, the words “municipal
1508 police training committee” and inserting in place thereof, in each instance, the following words:-
1509 committee on police training and certification.

1510 SECTION 78. Chapter 276 of the General Laws, as so appearing, is hereby amended by
1511 inserting after section 2C the following section:-

1512 Section 2D. (a) A warrant that does not require a law enforcement officer to knock and
1513 announce their presence and purpose before forcibly entering a residence shall not be issued
1514 except by a judge and only if the affidavit supporting the request for the warrant establishes
1515 probable cause that if the law enforcement officer announces their presence their life or the lives
1516 of others will be endangered.

1517 (b) A police officer executing a search warrant shall knock and announce their presence
1518 and purpose before forcibly entering a residence unless authorized by a warrant to enter pursuant
1519 to subsection (a).

1520 (c) An officer shall not dispense with the requirements of subsections (a) and (b) except
1521 to prevent a credible risk of imminent harm as defined in section 1 of chapter 6E.

1522 (d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if
1523 a law enforcement officer violates this section.

1524 SECTION 79. Notwithstanding any general or special law or collective bargaining
1525 agreement to the contrary, on or before December 31, 2020, every law enforcement agency, as
1526 defined in section 1 of chapter 6E of the General Laws, shall provide to the Massachusetts police
1527 standards and training commission, in a form to be determined by the commission, a
1528 comprehensive disciplinary record for each law enforcement officer, as defined by said section 1
1529 of said chapter 6E, employed by said agency, including, but not limited to: (i) every complaint of
1530 which the officer was the subject of during the course of their employment with the agency; and
1531 (ii) all disciplinary records of the officer, including the final disposition of a complaint, if any,
1532 and any discipline imposed. On or before June 1, 2021, the commission shall provide to each
1533 agency a list of each officer currently employed in the commonwealth, and each agency shall
1534 provide to the commission, in a form to be determined by the commission, a comprehensive
1535 disciplinary record for each law enforcement officer previously employed by said agency or a
1536 transferor agency for which the agency is the transferee agency, including, but not limited to: (i)
1537 every complaint of which the officer was the subject of during the course of their employment

1538 with the agency; and (ii) all disciplinary records of the officer, including the final disposition of a
1539 complaint, if any, and any discipline imposed.

1540 SECTION 80. Notwithstanding subsections (b) and (c) of section 2 of chapter 6E of the
1541 General Laws, in making the initial appointments to the Massachusetts police standards and
1542 training commission, the governor shall appoint 2 commissioners for a 1-year term; the attorney
1543 general shall appoint 2 commissioners for a 2-year term; and the governor and the attorney
1544 general shall jointly appoint 1 commissioner for a 3-year term, 1 commissioner for a 4-year term
1545 and 1 commissioner for a 5-year term. Thereafter, as the term of a commissioner expires, their
1546 successor shall be appointed for a 5-year term pursuant to said section 2 of said chapter 6E. A
1547 person appointed pursuant to this section for less than 5 years shall be eligible for re-appointment
1548 to the commission for 2 full 5-year terms.

1549 SECTION 81. Notwithstanding section 4 of chapter 6E of the General Laws, a law
1550 enforcement officer, as defined in section 1 of said chapter 6E, who has completed an academy
1551 or training program certified by the municipal police training committee or the training programs
1552 prescribed by chapter 22C of the General Laws on or before the effective date of this section and
1553 is appointed as a law enforcement officer as of the effective date of this section, shall be certified
1554 as of the effective date of this section.

1555 All law enforcement officers who have completed a reserve training program on or
1556 before the effective date of this section shall be certified as of the effective date of this section.
1557 Prior to the expiration of that certification, the officer shall complete additional training as
1558 required by the committee on police training and certification.

1559 Any training waiver or exemption granted by the municipal police training committee
1560 prior to the effective date of this section shall expire 6 months after the effective date of this
1561 section. Any person who has not completed an academy or training program certified by the
1562 municipal police training committee or the training programs prescribed by said chapter 22C on
1563 or before the effective date of this section, and has been appointed to a law enforcement position
1564 as of the effective date of this section, shall not exercise police powers following the expiration
1565 of any training waiver or exemption under this section. Prior to the expiration of this 6-month
1566 period, the person may obtain from the committee on police training and certification a waiver or
1567 an extension of time necessary to complete training according to a work plan approved by the
1568 committee on police training and certification.

1569 The certification of a law enforcement officer who has graduated from an academy or
1570 training program certified by the municipal police training committee or the training programs
1571 prescribed by said chapter 22C who is certified as a result of this section and whose last names
1572 begin with: (i) A to H, inclusive, shall expire 1 year after the effective date of this section; (ii) I
1573 to P, inclusive, shall expire 2 years after the effective date of this section; and (iii) Q to Z,
1574 inclusive, shall expire 3 years after the effective date of this section.

1575 SECTION 82. There shall be a commission to review and make recommendations on: (i)
1576 improving, modernizing and developing comprehensive protocols for the training of state and
1577 county correction officers and juvenile detention officers; (ii) establishing clear limitations on the
1578 use of physical force by county correction officers and juvenile detention officers; and (iii)
1579 creating an independent body with the power to certify, renew, revoke or otherwise modify the
1580 certification of state and county correction officers and juvenile detention officers and the power
1581 to receive, investigate and adjudicate complaints of officer misconduct.

1582 The commission shall consist of: a former judge appointed by the chief justice of the
1583 supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1
1584 correctional officer who shall be appointed by the New England Police Benevolent Association,
1585 Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the
1586 commissioner of the department of youth services or a designee; 1 correction officer who shall
1587 be appointed by the president of the Massachusetts Correction Officers Federated Union; 1
1588 member appointed by American Federation of State, County and Municipal Employees Council
1589 93 who shall be an employee of the department of youth services and who shall have not less
1590 than 5 years of experience working in a department of youth services secure facility; the
1591 executive director of Citizens for Juvenile Justice, Inc. or a designee; the executive director of
1592 Prisoners' Legal Services or a designee; the president of the Boston branch of the National
1593 Association for the Advancement of Colored People New England Area Conference or a
1594 designee; the executive director of Lawyers for Civil Rights, Inc. or a designee; 2 members
1595 appointed by the Massachusetts Black and Latino legislative caucus who shall not be members of
1596 the caucus; the executive director of the American Civil Liberties Union of Massachusetts, Inc.
1597 or a designee; and 2 members who shall be appointed by the governor, 1 of whom shall be a
1598 member of the LGBTQ community and 1 of whom shall be a formerly-incarcerated woman.

1599 The commission shall report and file its findings and recommendations, including any
1600 legislation, with the clerks of the senate and house of representatives and the joint committee on
1601 public safety and security not later than July 31, 2021.

1602 SECTION 83. (a) As used in this section, the following words shall, unless the context
1603 clearly requires otherwise, have the following meanings:

1604 “Biometric data”, computerized data relating to the physical, physiological or behavioral
1605 characteristics of a natural person, which allow or confirm the unique identification of such
1606 person, including, but not limited to, facial recognition, fingerprints, palm veins,
1607 deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

1608 “Body-worn camera”, a portable electronic recording device worn on a law enforcement
1609 officer’s person that creates, generates, sends, receives, stores, displays and processes
1610 audiovisual recordings or records audio and video data of law enforcement-related encounters
1611 and activities.

1612 “Facial recognition software”, a category of biometric software that maps an individual’s
1613 facial features mathematically and stores the data as a faceprint.

1614 “Law enforcement officer”, as defined in section 1 of chapter 6E of the General Laws.

1615 “Law enforcement-related activities”, activities by a law enforcement officer, including,
1616 but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations,
1617 pursuits, crowd control, traffic control or non-community caretaking interactions with an
1618 individual while on patrol; provided, however, that law enforcement-related activities shall not
1619 include completion of paperwork alone or only in the presence of other law enforcement officers
1620 or civilian law enforcement personnel.

1621 “Recording”, the process of capturing data or information stored on a recording medium.

1622 (b) The executive office of public safety and security, in collaboration with the executive
1623 office of technology services and security, shall establish the law enforcement body camera task
1624 force. The task force shall propose regulations establishing a uniform code for the procurement

1625 and use of body-worn cameras by law enforcement officers to provide consistency throughout
1626 the commonwealth. The task force shall propose minimum requirements for the storage and
1627 transfer of audio and video recordings collected by body-worn cameras. The task force shall
1628 conduct no fewer than 5 public hearings in various parts of the commonwealth to hear testimony
1629 and comments from the public.

1630 (c) The task force shall consist of 17 members: the secretary of public safety and security
1631 or a designee; the secretary of technology services and security or a designee; the attorney
1632 general or a designee; a member appointed by the committee for public counsel services; a
1633 district court judge appointed by the chief justice of the supreme judicial court; 2 members
1634 appointed by the Massachusetts Black and Latino legislative caucus who shall have expertise in
1635 constitutional or civil rights law; the colonel of the state police or a designee; the president of the
1636 Massachusetts District Attorney Association or a designee; the executive director of the
1637 American Civil Liberties Union of Massachusetts, Inc. or a designee; the president of the Boston
1638 branch of the National Association for the Advancement of Colored People New England Area
1639 Conference or a designee; the president of the Massachusetts Defense Lawyers Association, Inc.,
1640 or a designee; and 5 members appointed by the governor, 1 of whom shall be a police chief in a
1641 municipality with a body camera pilot program and a population no fewer than 100,000 people, 1
1642 of whom shall be a police chief in a municipality with a body camera pilot program and a
1643 population no more than 50,000 people, 1 of whom shall be an expert on constitutional or
1644 privacy law who is employed by a law school in the commonwealth, 1 of whom shall be an
1645 elected official in a municipality with a body camera pilot program and 1 of whom shall be a
1646 representative of a law enforcement labor organization.

1647 (d) The task force shall elect a chair and vice-chair. A meeting of the task force may be
1648 called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of
1649 business shall consist of 7 members. All members of the task force shall serve without
1650 compensation. The executive agencies convening the task force shall assign administrative
1651 personnel to assist the work of the task force. The task force shall meet not less than 12 times. In
1652 addition to taking public testimony, the task force shall seek the advice of experts specializing in
1653 the fields of criminology, education, criminal or family law or other related fields, as appropriate.

1654 (e) On or before January 31, 2022, the task force shall, by majority vote, adopt
1655 recommended regulations for law enforcement agencies. The regulations recommended by the
1656 task force shall include, but not be limited to: (i) standards for the procurement of body-worn
1657 cameras and vehicle dashboard cameras by law enforcement agencies, including a requirement
1658 that such cameras or associated processing software include technology for redacting the images
1659 and voices of victims and bystanders; (ii) standards regarding the use of facial recognition or
1660 other biometric-matching software or other technology to analyze recordings obtained through
1661 the use of such cameras; provided, however, that such standards may prohibit or allow such use
1662 subject to requirements based on best practices and protocols; (iii) standards for training law
1663 enforcement officers in the basic use of such cameras; (iv) standards for: (A) the types of law
1664 enforcement encounters and interactions that shall be recorded and what notice, if any, shall be
1665 given to those being recorded; and (B) when a camera should be activated and when to
1666 discontinue recording; (v) a requirement that a camera be equipped with pre-event recording,
1667 capable of recording at least the 30 seconds prior to camera activation; (vi) a requirement
1668 preventing an officer from accessing or viewing any recording of an incident involving the
1669 officer before the officer is required to make a statement about the incident; (vii) standards for

1670 the identification, retention, storage, maintenance and handling of recordings from body
1671 cameras, including a requirement that recordings be retained for not less than 180 days but not
1672 more than 30 months for a recording not relating to a court proceeding or ongoing criminal
1673 investigation or for the same period of time that evidence is retained in the normal course of the
1674 court's business for a recording related to a court proceeding; (viii) standards pertaining to the
1675 recordings of use of force, detention or arrest by a law enforcement officer or pertaining to
1676 ongoing investigations and prosecutions to assure that recordings are retained for a period
1677 sufficient to meet the needs of all parties with an interest in the recordings; (ix) standards for the
1678 security of facilities in which recordings are kept; (x) requirements for state procurement of
1679 contracts for body-worn cameras and for data storage through which qualified law enforcement
1680 agencies may purchase goods and services; (xi) best practice language for contracts with third-
1681 party vendors for data storage, which shall provide that recordings from such cameras are the
1682 property of the law enforcement agency, are not owned by the vendor and cannot be used by the
1683 vendor for any purpose inconsistent with the policies and procedures of the law enforcement
1684 agency; (xii) procedures for supervisory internal review and audit; (xiii) sanctions for improper
1685 use of cameras, including a requirement that a law enforcement officer who does not activate a
1686 body-worn camera in response to a call for assistance shall include that fact in their incident
1687 report and note in the case file or record the reason for not activating the camera; (xiv) sanctions
1688 for tampering with a camera or recordings and for improper destruction of recordings; (xv)
1689 regulations pertaining to handling requests for the release of information recorded by a body-
1690 worn camera to the public; (xvi) requirements for reporting by law enforcement agencies
1691 utilizing body-worn cameras; (xvii) a retention schedule for recordings to ensure that storage
1692 policies and practices are in compliance with all relevant laws and adequately preserve

1693 evidentiary chains of custody and identify potential discovery issues; and (xviii) a process by
1694 which body camera footage may be included in a public record.

1695 (f) Not later than January 31, 2021, the task force shall file an interim report on its work
1696 product, including its proposed regulations under subsection (e) and any proposed legislation that
1697 is necessary to effectuate the regulations with the clerks of the house of representatives and the
1698 senate and the joint committee on public safety and homeland security.

1699 SECTION 84. (a) Notwithstanding any special or general law to the contrary, there shall
1700 be a special legislative commission established pursuant to section 2A of chapter 4 of the
1701 General Laws to conduct a study on the use of facial recognition technology by the
1702 Massachusetts Department of Transportation. The commission shall consist of 13 members: 2 of
1703 whom shall be the chairs of the joint committee on the judiciary or their designees, who shall
1704 serve as co-chairs; 1 of whom shall be the minority leader of the house of representatives or a
1705 designee; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom shall be
1706 the chief justice of the supreme judicial court or a designee; 1 of whom shall be the attorney
1707 general or a designee; 1 of whom shall be the secretary of public safety and security or a
1708 designee; 1 of whom shall be the state auditor or a designee; 1 of whom shall be the registrar of
1709 motor vehicles or a designee; 1 of whom shall be the colonel of the state police or a designee; 1
1710 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
1711 Inc. or a designee; 1 of whom shall be the chief counsel for the committee for public counsel
1712 services or a designee; and 1 of whom shall be the executive director of the Massachusetts
1713 Technology Collaborative or a designee.

1714 The commission shall evaluate the use of facial recognition technology in the
1715 commonwealth and make recommendations to the legislature. The commission shall: (i) examine
1716 and evaluate the facial recognition system operated by the registry of motor vehicles and provide
1717 recommendations for regular independent bias testing; (ii) propose standards to ensure accuracy
1718 and equity of the system based on age, race, gender and religion; (iii) examine access to the
1719 facial recognition system and the management of information derived from it, including, but not
1720 limited to, data retention, data sharing and audit trails; (iv) identify which federal agencies, if
1721 any, have access to databases maintained by the commonwealth that catalogue images of faces
1722 and the authorization for, and terms of, such access; (v) evaluate the requirement for a warrant by
1723 law enforcement agencies to perform facial recognition searches, including, but not limited to,
1724 enhanced requirements to perform a search similar to those set forth in section 99 of chapter 272
1725 of the General Laws; (vi) provide recommendations for due process protections of criminal
1726 defendants when facial recognition technology is used in any part of an investigation; (vii)
1727 provide recommendations to ensure privacy for the public; and (viii) provide recommendations
1728 for adequate training and oversight on the use of facial recognition technology.

1729 For the purposes of this section, “facial recognition” shall mean an automated or semi-
1730 automated process that assists in identifying or verifying an individual or capturing information
1731 about an individual based on the physical characteristics of an individual’s face, head or body,
1732 that uses characteristics of an individual’s face, head or body to infer emotion, associations,
1733 activities or the location of an individual; provided, that facial recognition shall not include the
1734 use of search terms to sort images in a database.

1735 (b) The commission shall submit its findings and recommendations relative to the use of
1736 facial recognition technology by filing the same with the clerks of the house of representatives
1737 and senate and the governor not later than July 1, 2021.

1738 SECTION 85. (a) Notwithstanding any general or special law to the contrary, there shall
1739 be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative
1740 commission to study and examine the civil service law, personnel administration rules, hiring
1741 procedures and bylaws for municipalities not subject to the civil service law and state police
1742 hiring practices.

1743 (b) The commission shall consist of 25 members; 3 members appointed by the governor,
1744 1 of whom shall be a member of a police officers' union, 1 of whom shall be a member of a
1745 firefighters' union, 1 of whom shall be a member of a correctional officers' union; 1 of whom
1746 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or
1747 the executive director's designee; 1 of whom shall be the president of the Boston branch of the
1748 National Association for the Advancement of Colored People New England Area Conference or
1749 the president's designee; 1 of whom shall be the chair of the Massachusetts Law Enforcement
1750 Policy Group; 1 of whom shall be the president of the Massachusetts Chiefs of Police
1751 Association or the president's designee; 1 of whom shall be the colonel of the Massachusetts
1752 State Police or the colonel's designee; 1 of whom shall be the chairman of the Massachusetts
1753 Civil Service Commission or the chairman's designee; 1 of whom shall be the secretary of the
1754 executive office of administration and finance or the secretary's designee; 1 of whom shall be the
1755 president of the Massachusetts Bar Association or the president's designee; 1 of whom shall be
1756 the secretary of the executive office of public safety and security or the secretary's designee; 1 of
1757 whom shall be the president of the Massachusetts Veterans Service Officers Association, Inc. or

1758 the president's designee; 1 of whom shall be the secretary of the Massachusetts department of
1759 veterans' services or the secretary's designee; 1 of whom shall be the executive director of the
1760 Massachusetts Municipal Association, Inc. or the executive director's designee; 1 of whom shall
1761 be the chair of the Massachusetts Black and Latino legislative caucus; 4 members of the house of
1762 representatives, 2 of whom shall be appointed by the speaker of the house of representatives, 1 of
1763 whom shall be the house chair of the joint committee on public service or designee, 1 of whom
1764 shall be appointed by the minority leader of the house of representatives; 4 members of the
1765 senate, 2 of whom shall be appointed by the senate president, 1 of whom shall be the senate chair
1766 of the joint committee on public service or designee, 1 of whom shall be appointed by the
1767 minority leader of the senate; and the attorney general or the attorney general's designee. The
1768 speaker of the house of representatives shall appoint one co-chair from the house appointees to
1769 the commission and the senate president shall appoint one co-chair from the senate appointees to
1770 the commission.

1771 (c) The commission shall study the employment, promotion, performance evaluation and
1772 disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring
1773 and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the
1774 statutory merit preference status and the hiring from those eligible lists; (iii) all current civil
1775 service examinations and the use of the examinations for hiring and promotions; (iv) collective
1776 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to civil
1777 service employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting
1778 civil service employees.

1779 (d) The commission shall study the employment, promotion, performance evaluation and
1780 disciplinary procedures of municipalities not subject to the provisions of the civil service law,

1781 including, but not limited to: (i) the hiring and recruitment procedures and by-laws for
1782 municipalities; (ii) all examinations administered by municipalities and the use of the
1783 examinations for hiring and promotions; (iii) the use of minimum eligibility guidelines and
1784 hiring qualifications or preferences; (iv) collective bargaining agreements by unions; (v) the
1785 disciplinary and appeal procedures as applied to municipal employees; and (vi) identifying any
1786 barriers that exist in hiring, recruiting or promoting municipal employees.

1787 (e) The commission shall study employment, promotion, performance evaluation and
1788 disciplinary procedures of the Massachusetts state police, including, but not limited to: (i) hiring
1789 and recruitment laws and procedures; (ii) the requirements of chapter 22C of the General Laws;
1790 (iii) all examinations used by the state police for hiring and promotions; (iv) collective
1791 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to
1792 officers of the Massachusetts state police; and (vi) identifying any barriers that exist in hiring,
1793 recruiting or promoting officers of the Massachusetts state police.

1794 (f) The commission shall evaluate the feasibility of creating a statewide diversity office
1795 within the executive office of administration and finance to establish affirmative action plans and
1796 guidelines for municipalities, oversee the implementation of these plans and guidelines and
1797 monitor noncompliance. The commission shall examine the feasibility and cost of hiring or
1798 appointing a diversity officer for every city or town with a municipal police or fire department.

1799 (g) The commission shall make recommendations for changes to the civil service law to
1800 improve diversity, transparency and representation of the community in recruitment, hiring and
1801 training of civil service employees, including, but not limited to, any changes to civil service
1802 exams, merit preference status, eligible lists and appointment from eligible lists by hiring

1803 authorities. The commission shall make recommendations to improve diversity, transparency and
1804 representation of the community in recruitment, hiring and training for municipalities not subject
1805 to the civil service law and for the Massachusetts state police.

1806 (h) The commission shall hold its first meeting not later than 30 days after the effective
1807 date of this act and shall meet at least monthly thereafter. The commission shall submit a report
1808 of its study and any recommendations, together with any draft legislation necessary to carry
1809 those recommendations into effect, by filing the same with the governor, the speaker of the
1810 house of representatives and the president of the senate and the clerks of the house of
1811 representatives and senate on or before December 31, 2020.

1812 SECTION 86. (a) Notwithstanding any special or general law to the contrary, there shall
1813 be a special legislative commission established pursuant to section 2A of chapter 4 of the
1814 General Laws to study the establishment of a statewide law enforcement officer cadet program.
1815 The commission shall consist of 19 members: 2 of whom shall be the chairs of the joint
1816 committee on public safety and homeland security or their designees, who shall serve as co-
1817 chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1
1818 of whom shall be the chair of the Massachusetts Black and Latino legislative caucus or a
1819 designee; 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary
1820 of public safety and security or a designee; 1 of whom shall be the colonel of the state police or a
1821 designee; 1 of whom shall be the commissioner of correction or a designee; 1 of whom shall be
1822 the training director of the Massachusetts police standards and training commission or a
1823 designee; 1 of whom shall be the executive director of the American Civil Liberties Union of
1824 Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Boston branch of the
1825 National Association for the Advancement of Colored People New England Area Conference or

1826 a designee; and 7 of whom shall be appointed by the governor, 1 of whom shall be from the State
1827 Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of
1828 Police Association Incorporated, 1 of whom shall be from the Massachusetts Coalition of Police,
1829 Inc., 1 of whom shall be from the Massachusetts Sheriffs Association, Inc., 1 of whom shall be
1830 from the Massachusetts Association of Minority Law Enforcement Officers, Inc.; 1 of whom
1831 shall be from the Massachusetts Association of Women in Law Enforcement, Inc. and 1 of
1832 whom shall be from the Association of Chiefs of Police - State Universities of Massachusetts.

1833 (b) The appointments made by the governor pursuant to subsection (a) shall include
1834 women and people of color in such proportion as these groups exist in the commonwealth's
1835 population as periodically determined by the state secretary as the commonwealth's chief census
1836 officer.

1837 (c) The commission shall evaluate the establishment of a statewide law enforcement
1838 officer cadet program in the commonwealth through which all law enforcement agencies, as
1839 defined in section 1 of chapter 6E of the General Laws, may hire law enforcement officers and
1840 shall make recommendations to the legislature. The commission shall study the feasibility and
1841 benefits of establishing said cadet program, including, but not limited to: (i) impact on diversity
1842 within law enforcement agencies; (ii) impact on veteran preference hiring within law
1843 enforcement agencies; (iii) recommendations to ensure increased diversity across law
1844 enforcement agencies; (iv) proposed standards for admission to the statewide cadet program,
1845 including, but not limited to, age, education and physical, psychological and mental health; (v)
1846 proposed standards, including form, method and subject matter, for a qualifying examination
1847 which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably
1848 measured and that are actually required to perform the primary or dominant duties of a law

1849 enforcement cadet; (vi) proposed standards for completion of the cadet program and enlistment
1850 as a uniformed law enforcement officer; (vii) recommended cadet compensation and benefits,
1851 including, but not limited to, insurance coverage, retirement and pension benefits; (viii) the
1852 feasibility of providing specialized training required for appointment to a particular agency or by
1853 a city or town; and (ix) any other information the commission deems relevant.

1854 (d) The commission shall submit its findings and recommendations relative to the
1855 establishment of a statewide law enforcement cadet program by filing the same with the clerks of
1856 the house of representatives and the senate and the governor not later than July 1, 2021.

1857 SECTION 87. Notwithstanding any general or special law to the contrary, a person who
1858 is appointed as a school resource officer, as defined in section 37P of chapter 71 of the General
1859 Laws, as of the effective date of this act may continue in such appointment without receiving a
1860 certification to serve as such pursuant to subsection (b) of section 3 of chapter 6E of the General
1861 Laws; provided, however, that they receive said certification by August 1, 2021.

1862 SECTION 88. (a) There shall be established, pursuant to section 2A of chapter 4 of the
1863 General Laws, a special legislative commission on structural racism in correctional facilities of
1864 the commonwealth. The commission shall investigate and study disparate treatment of persons of
1865 color incarcerated at state and county correctional facilities and determine the role of structural
1866 racism in those disparities.

1867 (b) The special legislative commission shall consist of 15 members: 2 of whom shall be
1868 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
1869 shall be a member of the Massachusetts Black and Latino legislative caucus; 2 of whom shall be
1870 members of the senate to be appointed by the senate president, 1 of whom shall be a member of

1871 the Massachusetts Black and Latino legislative caucus; 2 of whom shall be appointed by the
1872 governor, 1 of whom shall be the secretary of public safety and security; 1 of whom shall be the
1873 president of the Massachusetts Sheriffs Association, Inc. or a designee; 1 of whom shall be the
1874 president of the Massachusetts Correction Officers Federated Union or a designee; 1 of whom
1875 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a
1876 designee; 1 of whom shall be the president of the Urban League of Eastern Massachusetts, Inc.
1877 or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom
1878 shall be the chief executive officer of UTEC or a designee; 1 of whom shall be the executive
1879 director of Prisoners' Legal Services or a designee; 1 of whom shall be the executive director of
1880 GLBTQ Legal Advocates & Defenders, Inc. or a designee and 1 of whom shall be the chair of
1881 the New England Chapter of the American Immigration Lawyers Association or a designee.

1882 (c) The special commission shall conduct a thorough review of the policies and
1883 procedures in place at state and county correctional facilities, both as written and as
1884 implemented, to determine if there are disparities in the treatment of persons of color and if
1885 structural racism at these facilities is a cause of those disparities. The special commission shall
1886 also conduct a thorough review of the access to educational, vocational or other programming
1887 options for incarcerated inmates and if there are disparities in access for persons of color and if
1888 structural racism is a cause of those disparities. The special commission shall make
1889 recommendations to eliminate any disparities in the treatment of persons of color found at state
1890 and county facilities including policy or legislative changes.

1891 (d) The special commission shall submit its report and recommendations, together with
1892 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
1893 the house of representatives and the senate not later than March 31, 2021.

1894 SECTION 89. (a) There shall be established, pursuant to section 2A of chapter 4 of the
1895 General Laws, a special legislative commission on structural racism in the parole process. The
1896 commission shall make an investigation and study into disparate treatment of persons of color in
1897 the parole process and determine the role of structural racism in those disparities.

1898 (b) The special legislative commission shall consist of 11 members: 2 of whom shall be
1899 members of the house of representatives to be appointed by the speaker of the house of
1900 representatives, 1 of whom shall be a member of the Massachusetts Black and Latino legislative
1901 caucus; 2 of whom shall be members of the senate to be appointed by the senate president, 1 of
1902 whom shall be a member of the Massachusetts Black and Latino legislative caucus; 2 of whom
1903 shall be appointed by the governor, 1 of whom shall be a member of the parole board; 1 of whom
1904 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a
1905 designee; 1 of whom shall be the president of the Boston branch of the National Association for
1906 the Advancement of Colored People New England Area Conference or a designee; 1 of whom
1907 shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the chief executive
1908 officer of UTEC or a designee; and 1 of whom shall be the executive director of Prisoners' Legal
1909 Services or a designee.

1910 (c) The special commission shall conduct a thorough review of the parole process to
1911 determine if there are disparities in the treatment of persons of color in the granting or denying of
1912 parole and if structural racism is a cause of those disparities. The special commission shall also
1913 conduct a thorough review of any disparities in conditions of release placed on persons of color
1914 and if structural racism is a cause of those disparities. The special commission shall make
1915 recommendations to eliminate any disparities in the treatment of persons of color found in the
1916 parole process including policy or legislative changes.

1917 (d) The special commission shall submit its report and recommendations, together with
1918 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
1919 the house of representatives and the senate not later than March 31, 2021.

1920 SECTION 90. (a) There shall be established, pursuant to section 2A of chapter 4 of the
1921 General Laws, a special legislative commission on structural racism in the Massachusetts
1922 probation service referred to in this section as the commission. The commission shall make an
1923 investigation and study into disparate treatment of persons of color in the probation process and
1924 determine the role of structural racism in those disparities.

1925 (b) The special legislative commission shall consist of 11 members: 2 of whom shall be
1926 members of the house of representatives to be appointed by the speaker of the house of
1927 representatives, 1 of whom shall be a member of the Massachusetts Black and Latino legislative
1928 caucus; 2 of whom shall be members of the senate to be appointed by the president of the senate,
1929 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus; 1 of
1930 whom shall be appointed by the governor; 1 of whom shall be the commissioner of probation; 1
1931 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
1932 Inc. or a designee; 1 of whom shall be the president of the Boston branch of the National
1933 Association for the Advancement of Colored People New England Area Conference or a
1934 designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall
1935 be the chief executive officer of UTEC or a designee; and 1 of whom shall be the chief counsel
1936 of the committee for public counsel services or a designee.

1937 (c) The special commission shall conduct a thorough review of the probation process to
1938 determine if there are disparities in the treatment of persons of color in the probation system and

1939 if structural racism is a cause of those disparities. The special commission shall also conduct a
1940 thorough review of any disparities in conditions or revocation of probation for persons of color
1941 and if structural racism is a cause of those disparities. The special commission shall make
1942 recommendations to eliminate any disparities in the treatment of persons of color found in the
1943 parole process including policy or legislative changes.

1944 (d) The special commission shall submit its report and recommendations, together with
1945 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
1946 the house of representatives and the senate not later than March 31, 2021.

1947 SECTION 91. The model school resource officer memorandum of understanding review
1948 commission established pursuant to section 37P of chapter 71 of the General Laws shall convene
1949 no later than October 1, 2020 and shall develop its first model memorandum of understanding
1950 not later than February 1, 2021 for implementation starting in the 2021 school year. ; by striking
1951 out the emergency preamble and inserting in place thereof the following emergency preamble:

1952 "Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
1953 forthwith provide justice, equity and accountability in law enforcement, therefore, it is hereby
1954 declared to be an emergency law, necessary for the immediate preservation of the public safety."; ;
1955 and by striking out the title and inserting in place thereof the following title: "An Act relative to
1956 justice, equity and accountability in law enforcement in the Commonwealth".