

SENATE No. 2963

The Commonwealth of Massachusetts

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

SENATE, November 30, 2020

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2820) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4866),-- reports, a "Bill relative to justice, equity and accountability in law enforcement in the Commonwealth." (Senate, No. 2963).

For the Committee:

William N. Brownsberger
Sonia Chang-Díaz

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

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

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

1 SECTION 1. Chapter 3 of the General Laws is hereby amended by adding the following
2 4 sections:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

276 are not members of said commission; (ii) establishing and maintaining such offices as it may
277 deem necessary, subject to appropriation; (iii) enacting by-laws for its own governance; and (iv)
278 holding regular, public meetings and to hold fact finding hearings and other public forums as it
279 may deem necessary.

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

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

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

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

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

296 SECTION 3. Section 17 of chapter 6 of the General Laws, as so appearing, is hereby
297 amended by striking out, in lines 15 and 16, the words “, the municipal police training
298 committee”.

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

301 Section 116. As used in sections 116 to 116E, inclusive, and 116G to 116J, inclusive, the
302 following words shall, unless the context clearly requires otherwise, have the following
303 meanings:-

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

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

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

310 The committee on police training and certification shall establish, within the recruit basic
311 training curriculum, a course for police schools, academies and programs for the training of law
312 enforcement officers in the commonwealth in the handling of domestic violence and sexual
313 violence complaints and shall develop guidelines for law enforcement response to domestic
314 violence and sexual violence.

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

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

321 SECTION 8. Section 116B of said chapter 6, as so appearing, is hereby amended by
322 striking out, in lines 1 and 4, the words “municipal police training committee” and inserting in
323 place thereof, in each instance, the following words:- committee on police training and
324 certification.

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

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

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

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

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

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

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

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

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

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

357 SECTION 17. Said section 116E of said chapter 6, as so appearing, is hereby further
358 amended by striking out, in lines 25 and 28, the words “municipal police training committee”

359 and inserting in place thereof, in each instance, the following words:- committee on police
360 training and certification.

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

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

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

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

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

372 SECTION 22. Subsection (b) of section 116G of said chapter 6, as so appearing, is
373 hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 4
374 clauses:-

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

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

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

392 (v) cultural competency.

393 SECTION 23. Said chapter 6 is hereby further amended by inserting after section 116G
394 the following 3 sections:-

395 Section 116H. (a) The committee on police training and certification, established in
396 section 4 of chapter 6E, shall establish and develop an in-service training program designed to
397 train school resource officers, as defined in section 37P of chapter 71. Such program shall
398 include training on: (i) the ways in which legal standards regarding police interaction and arrest
399 procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive
400 development, which shall include instruction on common child and adolescent behaviors, actions
401 and reactions as well as the impact of trauma, mental illness, behavioral addictions, such as

402 gaming and gambling disorder, and developmental disabilities on child and adolescent
403 development and behavior; (iii) engagement and de-escalation tactics that are specifically
404 effective with youth; and (iv) strategies for resolving conflict and diverting youth in lieu of
405 making an arrest. Such program shall also include training related to: (i) hate crime identification
406 and prevention training curriculum including acquisition of practical skills to prevent, respond to
407 and investigate hate crimes and hate incidents and their impacts on victim communities; (ii) anti-
408 bias, anti-racism and anti-harassment strategies; (iii) bullying and cyberbullying; and (iv)
409 comprehensive training to help school resource officers interact effectively with school
410 personnel, victim communities and build public confidence with cooperation with law
411 enforcement agencies.

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

417 Section 116I. The committee on police training and certification, established in section 4
418 of chapter 6E, shall establish and develop within the recruit basic training curriculum a program
419 for regional and municipal police training schools for the training of law enforcement officers in
420 the commonwealth in appropriate interactions with persons on the autism spectrum and those
421 with other intellectual and developmental disabilities. The program shall include training for law
422 enforcement response to individuals on the autism spectrum and those with other intellectual and
423 developmental disabilities who are victims or witnesses to a crime or suspected or convicted of a
424 crime.

425 Section 116J. The committee on police training and certification, in consultation with the
426 executive office of public safety and security, and subject to the approval of the Massachusetts
427 peace officer standards and training commission, shall establish and develop basic and in-service
428 training programs designed to train officers on the regulation of physical force under section 14
429 of chapter 6E. Such programs shall be included in basic and in-service training for all law
430 enforcement officers.

431 SECTION 24. Sections 117 and 118 of said chapter 6 are hereby repealed.

432 SECTION 25. Section 156 of said chapter 6, as appearing in the 2018 Official Edition, is
433 hereby amended by striking out, in lines 8 and 9, the words “executive director of the municipal
434 police training committee” and inserting in place thereof the following words:- training director
435 of the Massachusetts peace officer standards and training commission.

436 SECTION 26. Said chapter 6 is hereby further amended by adding the following section:-

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

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

441 “Facial recognition”, an automated or semi-automated process that assists in identifying
442 or verifying an individual or capturing information about an individual based on the physical
443 characteristics of an individual’s face, head or body, that uses characteristics of an individual’s
444 face, head or body to infer emotion, associations, activities or the location of an individual;

445 provided, however, that “facial recognition” shall not include the use of search terms to sort
446 images in a database.

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

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

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

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

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

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

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

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

482 Not later than 48 hours after the law enforcement agency obtains access to records, the
483 agency shall file with the superior court in the relevant jurisdiction a signed, sworn statement
484 made by a supervisory official of a rank designated by the head of the agency setting forth the
485 grounds for the emergency search. Absent an order for delayed notice issued by a justice of the
486 superior court or the issuance of a subsequent warrant, all individuals identified by such a search

487 shall be provided notice that they were subject to a facial recognition search within 72 hours.
488 Any order for delayed notice shall, to the fullest extent possible without further endangering the
489 public, detail the ongoing nature of the emergency and the continuing and immediate threat to
490 public safety and shall not be valid for more than 72 hours without a further order for delayed
491 notice.

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

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

505 (d) Notwithstanding subsection (b), a public agency may: (i) acquire and possess personal
506 electronic devices, such as a cell phone or tablet, that utilizes facial recognition technology for
507 the sole purpose of user authentication; (ii) acquire, possess and use automated video or image
508 redaction software; provided, that such software does not have the capability of performing facial

509 recognition or other remote biometric recognition; and (iii) receive evidence related to the
510 investigation of a crime derived from a biometric surveillance system; provided, that such
511 evidence was not knowingly solicited by or obtained with the assistance of a public agency or
512 any public official in violation of subsection (b).

513 SECTION 27. Section 18 of chapter 6A of the General Laws, as appearing in the 2018
514 Official Edition, is hereby amended by striking out, in line 4, the words “; the municipal police
515 training committee”.

516 SECTION 28. Section 18½ of said chapter 6A, as so appearing, is hereby amended by
517 striking out, in lines 8 and 9, the words “, the municipal police training committee,”.

518 SECTION 29. Section 18X of said chapter 6A, as so appearing, is hereby amended by
519 striking out, in line 16, the words “municipal police training committee” and inserting in place
520 thereof the following words:- committee on police training and certification.

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

523 CHAPTER 6E.

524 MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION.

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

527 “Agency”, a law enforcement agency.

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

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

532 “Chair”, the chair of the commission.

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

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

539 “Commissioner”, a member of the commission.

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

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

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

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

551 “De-escalation tactics”, proactive actions and approaches used by an officer to stabilize a
552 law enforcement situation so that more time, options and resources are available to gain a
553 person’s voluntary compliance and to reduce or eliminate the need to use force including, but not
554 limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a
555 person, creating distance between the officer and a threat and requesting additional resources to
556 resolve the incident, including, but not limited to, calling in medical or licensed mental health
557 professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential
558 medical or mental health crisis.

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

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

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

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

569 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
570 agency, including, but not limited to: a city, town or district police department, the office of
571 environmental law enforcement, the University of Massachusetts police department, the
572 department of the state police, the Massachusetts Port Authority police department, also known
573 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
574 Authority police department; (ii) a sheriff’s department in its performance of police duties and
575 functions; or (iii) a public or private college, university or other educational institution or
576 hospital police department.

577 “Law enforcement officer” or “officer”, any officer of an agency, including the head of
578 the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter
579 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and
580 functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police
581 duties and functions; a constable executing an arrest for any reason; or any other special, reserve
582 or intermittent police officer.

583 “Necessary”, required due to a lack of an available, effective alternative that was known
584 or should have been known to a reasonable person in the circumstances.

585 “Officer-involved injury or death”, any event during which an officer: (i) discharges a
586 firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death
587 to another; (ii) discharges any stun gun as defined in said section 121 of said chapter 140,
588 actually or proximately causing injury or death to another; (iii) uses a chokehold, actually or
589 proximately causing injury or death of another; (iv) discharges tear gas or other chemical
590 weapon, actually or proximately causing injury or death of another; (v) discharges rubber pellets

591 from a propulsion device, actually or proximately causing injury or death of another; (vi) deploys
592 a dog, actually or proximately causing injury or death of another; (vii) uses deadly force, actually
593 or proximately causing injury or death of another; (viii) fails to intervene, as required by section
594 15, to prevent the use of excessive or prohibited force by another officer who actually or
595 proximately causes injury or death of another; or (ix) engages in a physical altercation with a
596 person who sustains serious bodily injury or requests or receives medical care as a result.

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

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

604 “Training director”, the training director appointed by the committee pursuant to section
605 4.

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

611 Section 2. (a) There shall be a Massachusetts Peace Officer Standards and Training Commission
612 consisting of 9 members: 3 of whom shall be appointed by the governor, 1 of whom shall be a

613 police chief, 1 of whom shall be a retired justice of the superior court and 1 of whom shall be a
614 social worker appointed from a list of 5 nominations submitted by the National Association of
615 Social Workers, Inc., Massachusetts chapter; 3 of whom shall be appointed by the attorney
616 general, 1 of whom shall be a law enforcement officer below the rank of sergeant, 1 of whom
617 shall be a law enforcement officer appointed from a list of 5 nominations submitted by the
618 Massachusetts Association of Minority Law Enforcement Officers, Inc. and 1 of whom shall be
619 an attorney licensed to practice law in the commonwealth appointed from a list of 5 nominations
620 submitted by the civil rights and social justice section council of the Massachusetts Bar
621 Association; and 3 of whom shall be appointed jointly by the governor and attorney general, 1 of
622 whom shall be appointed from a list of 5 nominations submitted by the Massachusetts
623 commission against discrimination.

624 (b) Other than as provided for in subsection (a), all commissioners shall be civilians and
625 no commissioner shall have been previously employed as a law enforcement officer or be a
626 retired law enforcement officer. The civilian commissioners shall have experience or expertise
627 in law enforcement practice and training, criminal law, civil rights law, the criminal justice
628 system, mental health, post-traumatic stress disorder, crisis intervention, de-escalation techniques
629 or social science fields related to race or bias. The governor shall designate the chair of the
630 commission. The commission shall include people of color and women, at least in such
631 proportion as these groups exist in the commonwealth's population as periodically determined by
632 the state secretary as the commonwealth's chief census officer. The members of the commission
633 shall represent diverse geographic areas of the commonwealth, including urban, rural and
634 suburban areas.

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

637 (c) Each commissioner shall be a resident of the commonwealth within 90 days of
638 appointment and, while serving on the commission, shall not: (i) hold, or be a candidate for,
639 federal, state or local elected office; (ii) hold an appointed office in a federal, state, or local
640 government; or (iii) serve as an official in a political party. Not more than 7 commissioners shall
641 be from the same political party. The members of the commission shall be compensated for work
642 performed for the commission at such rate as the secretary of administration and finance shall
643 determine.

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

650 (e) Seven commissioners shall constitute a quorum and the affirmative vote of a majority
651 of commissioners present and voting shall be required for an action of the commission. The
652 commission shall meet monthly and at other times as it shall deem necessary or upon the written
653 request of 4 commissioners or the chair; provided, however, that notice of all meetings shall be
654 given to each commissioner and to other persons who request such notice. The commission shall
655 adopt regulations establishing procedures, which may include electronic communications, by

656 which a request to receive notice shall be made and the method by which timely notice may be
657 given.

658 (f) The commission shall annually elect 1 of the commissioners to serve as secretary and
659 1 of the commissioners to serve as treasurer. The secretary shall keep a record of the proceedings
660 of the commission and shall be the custodian and keeper of the records of all books, documents
661 and papers filed by the commission and of its minute book. The secretary shall cause copies to be
662 made of all minutes and other records and documents of the commission and shall certify that
663 such copies are true copies, and all persons dealing with the commission may rely upon such
664 certification.

665 (g) The commission shall appoint an executive director, who shall not be a member of the
666 commission. The executive director shall serve at the pleasure of the commission, shall receive
667 such salary as may be determined by the commission, and shall devote full time and attention to
668 the duties of the office. The executive director shall be a person with skill and experience in
669 management, shall be the executive and administrative head of the commission and shall be
670 responsible for administering and enforcing the provisions of law relative to the commission and
671 to each administrative unit thereof. The executive director may, subject to the approval of the
672 commission, employ other employees, consultants, agents and advisors, including legal counsel,
673 and shall attend meetings of the commission. In the case of an absence or vacancy in the office
674 of the executive director or in the case of disability as determined by the commission, the
675 commission may designate an acting executive director to serve as executive director until the
676 vacancy is filled or the absence or disability ceases. The acting executive director shall have all
677 of the powers and duties of the executive director and shall have similar qualifications as the
678 executive director.

679 (h) The executive director may, subject to the approval of the commission, appoint such
680 persons as the executive director shall consider necessary to perform the functions of the
681 commission; provided, however, that chapter 31 and section 9A of chapter 30 shall not apply to
682 commission employees. If an employee serving in a position which is classified under said
683 chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30
684 shall be appointed to a position within the commission which is not subject to said chapter 31,
685 the employee shall, upon termination of service in such position, be restored to the position
686 which the employee held immediately prior to such appointment; provided, however, that the
687 employee's service in such position shall be determined by the civil service commission in
688 accordance with the standards applied by that commission in administering said chapter 31. Such
689 restoration shall be made without impairment of the employee's civil service status or tenure
690 under said section 9A of said chapter 30 and without loss of seniority, retirement or other rights
691 to which uninterrupted service in such prior position would have entitled such employee. During
692 the period of such appointment, each person so appointed from a position in the classified civil
693 service shall be eligible to take any competitive promotional examination for which such person
694 would otherwise have been eligible. The executive director and employees of the commission
695 shall be classified as group 1 pursuant to paragraph (g) of subdivision (2) of section 3 of chapter
696 32.

697 (i) No employee of the division of standards, established pursuant to section 8, or the
698 executive director shall have previously been employed as a law enforcement officer, previously
699 employed by a law enforcement agency or be a retired law enforcement officer or retired from a
700 law enforcement agency; provided, however, that such employee may have been a previous
701 employee of or have retired from the division of standards.

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

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

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

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

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

711 (3) certify qualified applicants;

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

714 (5) receive complaints from any source and preserve all complaints and reports filed with
715 the commission for the appropriate period of time;

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

717 (7) certify qualified agencies;

718 (8) withhold, suspend or revoke certification of agencies;

719 (9) conduct audits and investigations pursuant to section 8;

720 (10) appoint officers and approve employees to be hired by the executive director;

721 (11) establish and amend a plan of organization that it considers expedient;

722 (12) execute all instruments necessary or convenient for accomplishing the purposes of
723 this chapter;

724 (13) enter into agreements or other transactions with a person, including, but not limited
725 to, a public entity or other governmental instrumentality or authority in connection with its
726 powers and duties under this chapter;

727 (14) appear on its own behalf before boards, commissions, departments or other agencies
728 of municipal, state or federal government;

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

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

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

738 (18) gather facts and information applicable to the commission's obligation to issue,
739 suspend or revoke certifications for: (i) a violation of this chapter or any regulation adopted by
740 the commission; (ii) a willful violation of an order of the commission; (iii) the conviction of a

741 criminal offense; or (iv) the violation of any other offense which would disqualify a person from
742 being certified;

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

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

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

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

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

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

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

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

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

760 (28) adopt, amend or repeal regulations in accordance with chapter 30A for the
761 implementation, administration and enforcement of this chapter, including, but not limited to,
762 regulations: (i) governing the conduct of proceedings hereunder; (ii) determining whether an
763 applicant has met the standards for certification; (iii) establishing minimum standards for internal
764 agency review of complaints of officer-involved injuries or deaths and recommendations to the
765 commission regarding retraining, suspension or revocation of officer certification to ensure
766 consistency across agencies; (iv) establishing a physical and psychological fitness evaluation
767 pursuant to section 4 that measures said fitness to ensure officers are able to perform essential
768 job duties; and (v) identifying patterns of unprofessional police conduct, including, but not
769 limited to, patterns of: (A) escalating behavior that may lead to the use of excessive force or
770 conduct that is biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
771 religion, mental or physical disability, immigration status or socioeconomic or professional level;
772 (B) an increase in the frequency of complaints regarding an individual officer or agency; or (C)
773 the number of complaints regarding an officer or agency that are at least 1 standard deviation
774 above the mean for similarly situated officers or agencies for a defined period; and

775 (29) refer patterns of racial profiling or the mishandling of complaints of unprofessional
776 police conduct by a law enforcement agency for investigation and possible prosecution to the
777 attorney general or the appropriate federal, state or local authorities; provided, however, that if
778 the attorney general has reasonable cause to believe that such a pattern exists based on
779 information received from any other source, the attorney general may bring a civil action for
780 injunctive or other appropriate equitable and declaratory relief to eliminate the pattern or
781 practice.

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

787 Section 4. (a)(1) There shall be within the commission a division of police training and
788 certification. The purpose of the division of police training and certification shall be to establish
789 uniform policies and standards for the training and certification of all law enforcement officers
790 including a basic recruit training curriculum and an in-service training curriculum for law
791 enforcement officers, subject to the approval of the commission. The head of the division shall
792 be the training director, who shall be appointed by the committee on police training and
793 certification.

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

800 (b) The division of police training and certification shall be under the management and
801 control of a committee on police training and certification. The committee shall consist of: 5
802 chiefs of police to be appointed by the governor from nominations submitted by the
803 Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the western

804 Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom
805 shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern
806 Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation
807 Authority; 1 chief of police selected by the Massachusetts Chiefs of Police Association
808 Incorporated; 1 police officer to be appointed by the governor from nominations submitted by
809 the Massachusetts Police Association, Inc. executive board and the Massachusetts Police
810 Training Officers Association, Inc. executive board; the chair of the Massachusetts Association
811 of Minority Law Enforcement Officers, Inc.; the president of the Massachusetts Association of
812 Women in Law Enforcement, Inc.; the commissioner of police of the city of Boston or a
813 designee; the colonel of state police or a designee; 2 sheriffs appointed by the governor; the
814 attorney general or a designee; and 1 person to be appointed by the secretary of public safety and
815 security. All such appointments shall be for terms of 3 years with successors appointed in a like
816 manner.

817 (c) The following persons, or their designees, shall be advisory, nonvoting members of
818 the committee: the personnel administrator; the commissioner of correction; the commissioner of
819 youth services; the commissioner of probation; the chair of the parole board; the executive
820 director of the committee on criminal justice; the chief justice of the trial court of the
821 commonwealth; the chief justice of the district court department; the secretary of education; the
822 chair of the criminal justice section council of the Massachusetts Bar Association; and the special
823 agent in charge of the Boston field office of the Federal Bureau of Investigation, if consent is
824 given by the director of the bureau. The governor shall appoint 7 additional advisory, nonvoting
825 members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom
826 shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public

827 counsel services, 1 of whom shall be a social worker, 1 of whom shall be a mental health
828 clinician, 1 of whom shall be a sheriff of a county or a former county and 1 of whom shall be a
829 district attorney of a district, or their respective designees.

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

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

844 (2) The committee shall coordinate with the center for responsive training in crisis
845 intervention established pursuant to section 25 of chapter 19 on all behavioral health-related
846 training.

847 (f)(1) The committee shall, subject to approval of the commission, establish minimum
848 certification standards for all officers that shall include, but not be limited to: (i) attaining the age

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

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

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

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

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

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

879 (1) the date of initial certification;

880 (2) the date of any recertification;

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

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

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

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

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

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

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

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

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

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

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

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

901 (j) The commission shall promulgate regulations for the committee to maintain a publicly
902 available and searchable database containing records for law enforcement officers. In
903 promulgating the regulations, the commission shall consider the health and safety of the officers.

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

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

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

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

914 Section 6. (a) The committee on police training and certification shall approve and may
915 revoke the approval of police training schools, academies and programs and shall promulgate
916 rules and regulations, subject to the approval of the commission, establishing reasonable
917 standards pertaining to approval and revocation of the approval of said schools, academies and
918 programs and relating to courses of study, attendance requirements, equipment and facilities and
919 qualifications of instructors. No police training school, academy or program shall be approved
920 unless it provides for the training of officers to serve in a rape prevention and prosecution unit.
921 The committee shall conduct periodic evaluations and inspections of training schools, academies
922 and programs.

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

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

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

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

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

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

949 Section 8. (a) There shall be within the commission a division of police standards. The
950 purpose of the division of police standards shall be to investigate officer misconduct and make
951 disciplinary recommendations to the commission.

952 (b)(1) The head of an agency shall transmit any complaint received by said agency within
953 2 business days to the division of police standards, in a form to be determined by the
954 commission; provided, that the form shall include, but shall not be limited to: (i) the name and
955 commission certification identification number of the subject officer; (ii) the date and location of
956 the incident; (iii) a description of circumstances of the conduct that is the subject of the
957 complaint; (iv) whether the complaint alleges that the officer's conduct: (A) was biased on the
958 basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical
959 disability, immigration status or socioeconomic or professional level; (B) was unprofessional;
960 (C) involved excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or
961 death; and (v) a copy of the original complaint submitted directly to the agency; provided,
962 however, that the commission may establish a minimum threshold and streamlined process for
963 the reporting or handling of minor complaints that do not involve the use of force or allegations
964 of biased behavior.

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

973 (3) Upon final disposition of the complaint, the head of each agency shall immediately
974 transmit to the division of police standards a final report in a form to be determined by the

975 commission; provided, that the form shall include, but shall not be limited to: (i) any disciplinary
976 action initially recommend by internal affairs or the supervising officer; (ii) the final discipline
977 imposed and a description of the adjudicatory process; and (iii) if the disciplinary action
978 recommended or imposed included retraining, suspension or termination, a recommendation by
979 the head of the agency for disciplinary action by the commission including, retraining or
980 suspension or revocation of the officer's certification.

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

989 (5) Notwithstanding any general or special law or collective bargaining agreement to the
990 contrary, nothing shall limit the ability of the head of an agency to make a recommendation in
991 their professional judgement to the commission relative to the certification status of an officer,
992 after having followed the agency's internal affairs procedure and any appeal therefrom.

993 (c)(1) The division of police standards shall initiate a preliminary inquiry into the conduct
994 of a law enforcement officer if the commission receives a complaint, report or other credible
995 evidence that is deemed sufficient by the commission that the law enforcement officer:

996 (i) was involved an officer-involved injury or death;

997 (ii) committed a felony or misdemeanor, whether or not the officer has been arrested,
998 indicted, charged or convicted;

999 (iii) engaged in conduct prohibited pursuant to section 14;

1000 (iv) engaged in conduct prohibited pursuant to section 15; or

1001 (v) the commission receives an affirmative recommendation by the head of an appointing
1002 agency for disciplinary action by the commission, including retraining or suspension or
1003 revocation of the officer's certification.

1004 (2) The division of police standards may initiate a preliminary inquiry into the conduct of
1005 a law enforcement officer upon receipt of a complaint, report or other credible evidence that is
1006 deemed sufficient by the commission that the law enforcement officer may have engaged in
1007 prohibited conduct. All proceedings and records relating to a preliminary inquiry or initial staff
1008 review used to determine whether to initiate an inquiry shall be confidential, except that the
1009 executive director may turn over to the attorney general, the United States Attorney or a district
1010 attorney of competent jurisdiction evidence which may be used in a criminal proceeding.

1011 (3) The division of police standards shall notify any law enforcement officer who is the
1012 subject of the preliminary inquiry, the head of their collective bargaining unit and the head of
1013 their appointing agency of the existence of such inquiry and the general nature of the alleged
1014 violation within 30 days of the commencement of the inquiry.

1015 (d) The division of police standards may audit all records related to the complaints,
1016 investigations and investigative reports of any agency related to complaints of officer misconduct
1017 or unprofessionalism, including, but not limited to, personnel records The commission shall

1018 promulgate rules and regulations establishing an audit procedure; provided, however, that said
1019 rules and regulations shall not limit the ability of the division of police standards to initiate an
1020 audit at any time and for any reason.

1021 (e) The division of police standards shall create and maintain a database containing
1022 information related to an officer's: (i) receipt of complaints and related information, including,
1023 but not limited to: the officer's appointing agency, date, a description of circumstances of the
1024 conduct that is the subject of the complaint and whether the complaint alleges that the officer's
1025 conduct: (A) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
1026 religion, mental or physical disability, immigration status or socioeconomic or professional level;
1027 (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in
1028 serious bodily injury or death; (ii) allegations of untruthfulness; (iii) failure to follow
1029 commission training requirements; (iv) decertification by the commission; (v) agency-imposed
1030 discipline; (vi) termination for cause; and (vii) any other information the commission deems
1031 necessary or relevant.

1032 (f) The division of police standards shall actively monitor the database to identify
1033 patterns of unprofessional police conduct. Upon identification of a pattern of unprofessional
1034 police conduct, the division of police standards may recommend the evidence in its possession
1035 for review in a preliminary inquiry.

1036 (g) The division of police standards shall be a law enforcement agency and its employees
1037 shall have such law enforcement powers as necessary to effectuate the purposes of this chapter,
1038 including the power to receive intelligence on an applicant for certification or an officer certified
1039 under this chapter and to investigate any suspected violations of law.

1040 Section 9. (a)(1) The commission shall immediately suspend the certification of any
1041 officer who is arrested, charged or indicted for a felony.

1042 (2) If, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8,
1043 the commission concludes by a preponderance of the evidence that a law enforcement officer has
1044 engaged in conduct that could constitute a felony and upon a vote to initiate an adjudicatory
1045 proceeding of said conduct, the commission shall immediately suspend an officer's certification.

1046 (3) The commission may, after a preliminary inquiry pursuant to paragraph (1) of
1047 subsection (c) of section 8, suspend the certification of any officer who is arrested, charged or
1048 indicted for a misdemeanor, if the commission determines by a preponderance of the evidence
1049 that the crime affects the fitness of the officer to serve as a law enforcement officer.

1050 (4) The commission may, pending preliminary inquiry pursuant to paragraph (1) of
1051 subsection (c) of section 8, suspend the certification of any officer if the commission determines
1052 by a preponderance of the evidence that the suspension is in the best interest of the health, safety
1053 or welfare of the public.

1054 (5) A suspension order of the commission issued pursuant to this subsection shall
1055 continue in effect until issuance of the final decision of the commission or until revoked by the
1056 commission.

1057 (b) The commission shall administratively suspend the certification of an officer who
1058 fails to complete in-service training requirements of the commission within 90 days of the
1059 deadline imposed by the commission; provided, however, that the commission may promulgate
1060 reasonable exemptions to this subsection, including, but not limited to, exemptions for: (1) injury
1061 or physical disability; (2) a leave of absence; or (3) other documented hardship. The commission

1062 shall reinstate the certification of an officer suspended pursuant to this subsection upon
1063 completion of the in-service training requirements of the commission.

1064 (c) The commission shall administratively suspend the certification of an officer with a
1065 duty to report information to the commission pursuant to section 8 who fails to report such
1066 information. The commission shall reinstate the certificate of an officer suspended pursuant to
1067 this subsection upon completion of said report.

1068 (d) A law enforcement officer whose certification is suspended by the commission
1069 pursuant to subsection (a), (b) or (c) shall be entitled to a hearing before a commissioner within
1070 15 days. The terms of employment of a law enforcement officer whose certification is suspended
1071 by the commission pursuant to said subsection (a) (b) or (c) shall continue to be subject to
1072 chapter 31 and any applicable collective bargaining agreement to which the law enforcement
1073 officer is a beneficiary.

1074 Section 10. (a) The commission shall, after a hearing, revoke an officer's certification if
1075 the commission finds by clear and convincing evidence that:

1076 (i) the officer is convicted of a felony;

1077 (ii) the certification was issued as a result of administrative error;

1078 (iii) the certification was obtained through misrepresentation or fraud;

1079 (iv) the officer falsified any document in order to obtain or renew certification;

1080 (v) the officer has had a certification or other authorization revoked by another
1081 jurisdiction;

1082 (vi) the officer is terminated by their appointing agency, and any appeal of said
1083 termination is completed, based upon intentional conduct performed under the color of office to:
1084 obtain false confessions; make a false arrest; create or use falsified evidence, including false
1085 testimony or destroying evidence to create a false impression; engage in conduct that would
1086 constitute a hate crime, as defined in section 32 of chapter 22C; or directly or indirectly receive a
1087 reward, gift or gratuity on account of their official services;

1088 (vii) the officer has been convicted of submitting false timesheets in violation of section
1089 85BB of chapter 231;

1090 (viii) the officer knowingly files a written police report containing a false statement or
1091 commits perjury, as defined in section 1 of chapter 268;

1092 (ix) the officer tampers with a record for use in an official proceeding, as defined in
1093 section 13E of chapter 268;

1094 (x) the officer used force in violation of section 14;

1095 (xi) the officer used excessive use of force resulting in death or serious bodily injury;

1096 (xii) the officer used a chokehold in violation of said section 14;

1097 (xiii) the officer engaged in conduct that would constitute a hate crime, as defined in
1098 section 32 of chapter 22C;

1099 (xiv) the officer engaged in the intimidation of a witness, as defined in section 13B of
1100 chapter 268;

1101 (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer
1102 from engaging in prohibited conduct or behavior, including, but not limited to, excessive or
1103 prohibited force in violation of section 15;

1104 (xvi) the officer is not fit for duty as an officer and the officer is dangerous to the public,
1105 as determined by the commission.

1106 (b) The commission may, after a hearing, suspend or revoke an officer's certification if
1107 the commission finds by clear and convincing evidence that the officer:

1108 (i) has been convicted of any misdemeanor;

1109 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
1110 religion, mental or physical disability, immigration status or socioeconomic or professional level
1111 in their conduct;

1112 (iii) has a pattern of unprofessional police conduct that commission believes may
1113 escalate;

1114 (iv) was suspended or terminated by their appointing agency for disciplinary reasons, and
1115 any appeal of said suspension or termination is completed; or

1116 (v) has repeated sustained internal affairs complaints, for the same or different offenses.

1117 (c) The commission may reinstate the certificate of an officer suspended pursuant to
1118 subsection (b) at the expiration of the suspension, if the commission finds that all conditions of
1119 the suspension were met.

1120 (d) The commission may, after a hearing, order retraining for any officer if the
1121 commission finds substantial evidence that the officer:

- 1122 (i) failed to comply with this chapter or commission regulations, reporting requirements
1123 or training requirements;
- 1124 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
1125 religion, mental or physical disability, immigration status or socioeconomic or professional level
1126 in their conduct;
- 1127 (iii) used excessive force;
- 1128 (iv) failed to respond an incident according to established procedure;
- 1129 (v) has a pattern of unprofessional police conduct;
- 1130 (vi) was untruthful, except for a statement or action that mandates revocation pursuant to
1131 subsection (a);
- 1132 (vii) was suspended or terminated by their appointing agency for disciplinary reasons,
1133 except those reasons which mandate revocation pursuant to said subsection (a);
- 1134 (viii) fails to intervene to prevent another officer from engaging in prohibited conduct or
1135 behavior, except a failure to intervene in conduct that mandates revocation pursuant to said
1136 subsection (a); or
- 1137 (ix) would benefit in their job performance if retrained.

1138 (e) The commission shall immediately notify the officer and the head of the appointing
1139 agency of the officer who is decertified, suspended or ordered to undergo retraining of the order.

1140 (f) The commission shall conduct preliminary inquiries, revocation and suspension
1141 proceedings and hearings, and promulgate regulations for such proceedings and hearings,
1142 pursuant to sections 1, 8 and 10 to 14, inclusive, of chapter 30A. Any decision of the commission
1143 relative to a preliminary inquiry, revocation and suspension proceeding shall be appealable
1144 pursuant to chapter 30A. No adverse action taken against a certification by the commission
1145 pursuant to this section shall be appealable to the civil service commission established under
1146 chapter 31. No employment action taken by an appointing authority that results from a
1147 revocation by the commission pursuant to subsection (a) shall be appealable to the civil service
1148 commission established under chapter 31.

1149 (g) The committee shall publish any revocation order and findings. The committee shall
1150 provide all revocation information to the national decertification index. No officer may apply for
1151 certification after that officer's certification has been revoked pursuant to this section.

1152 (h) The commission shall not institute a revocation or suspension hearing pursuant to this
1153 section until the officer's appointing agency has issued a final disposition or 1 year has elapsed
1154 since the incident was reported to the commission, whichever is sooner. If the officer notifies the
1155 commission that the officer wishes to suspend such hearing pending an appeal or arbitration of
1156 the appointing agency's final disposition, the commission shall suspend the hearing; provided,
1157 however, that any delay in instituting a revocation or suspension hearing shall not exceed 1 year
1158 from the officer's request. If the officer notifies the commission that the officer wishes to
1159 suspend such hearing pending the resolution of criminal charges, the commission shall suspend
1160 the hearing; provided, however, that the officer's certification shall be suspended during the
1161 pendency of any delay in such hearing. This subsection shall not impact the commission's
1162 authority to suspend a certification pursuant to section 9.

1163 Section 11. Neither any agency, nor a sheriff, nor the executive office of public safety nor
1164 any entity thereunder shall employ a decertified officer in any capacity, including, but not limited
1165 to, as a consultant or independent contractor.

1166 Section 12. No officer or employee of the commonwealth or of any county, city, town or
1167 district shall discharge an officer or employee, change their official rank, grade or compensation,
1168 deny a promotion or take any other adverse action against an officer or employee or threaten to
1169 take any such action for providing information to the commission or testifying in any
1170 commission proceeding.

1171 Section 13. (a) The commission shall maintain a publicly available database of orders
1172 issued pursuant to section 10 on the commission's website, including, but not limited to: (i) the
1173 names of all decertified officers, the date of decertification, the officer's last appointing agency
1174 and the reason for decertification; (ii) the names of all officers who have been suspended, the
1175 beginning and end dates of suspension, the officer's appointing agency and the reason for
1176 suspension; and (iii) the names of all officers ordered to undergo retraining, the date of the
1177 retraining order, the date the retraining was completed, the type of retraining ordered, the
1178 officer's appointing agency and the reason for the retraining order.

1179 (b) The commission shall cooperate with the national decertification index and other
1180 states and territories to ensure officers who are decertified by the commonwealth are not hired as
1181 law enforcement officers in other jurisdictions, including by providing information requested by
1182 those entities.

1183 Section 14. (a) A law enforcement officer shall not use physical force upon another
1184 person unless de-escalation tactics have been attempted and failed or are not feasible based on

1185 the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest or
1186 detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent
1187 harm and the amount of force used is proportionate to the threat of imminent harm; provided,
1188 however, that a law enforcement officer may use necessary, proportionate and non-deadly force
1189 in accordance with the regulations promulgated by the committee on police training and
1190 certification pursuant to subsection (d) of section 15.

1191 (b) A law enforcement officer shall not use deadly force upon a person unless de-
1192 escalation tactics have been attempted and failed or are not feasible based on the totality of the
1193 circumstances and such force is necessary to prevent imminent harm to a person and the amount
1194 of force used is proportionate to the threat of imminent harm.

1195 (c) A law enforcement officer shall not use a chokehold. A law enforcement officer shall
1196 not be trained to use a lateral vascular neck restraint, carotid restraint or other action that
1197 involves the placement of any part of law enforcement officer's body on or around a person's
1198 neck in a manner that limits the person's breathing or blood flow.

1199 (d) A law enforcement officer shall not discharge any firearm into or at a fleeing motor
1200 vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent
1201 imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a
1202 person.

1203 (e) When a police department has advance knowledge of a planned mass demonstration,
1204 it shall attempt in good faith to communicate with organizers of the event to discuss logistical
1205 plans, strategies to avoid conflict and potential communication needs between police and event
1206 participants. The department shall make plans to avoid and de-escalate potential conflicts and

1207 designate an officer in charge of de-escalation planning and communication about the plans
1208 within the department. A law enforcement officer shall not discharge or order the discharge of
1209 tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a
1210 propulsion device or release or order the release of a dog to control or influence a person's
1211 behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based
1212 on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent
1213 harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets
1214 or dog is proportionate to the threat of imminent harm. If a law enforcement officer utilizes or
1215 orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd,
1216 the law enforcement officer's appointing agency shall file a report with the commission detailing
1217 all measures that were taken in advance of the event to reduce the probability of disorder and all
1218 de-escalation tactics and other measures that were taken at the time of the event to de-escalate
1219 tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or
1220 dog. The commission shall review the report and may make any additional investigation. After
1221 such review and investigation, the commission shall, if applicable, make a finding as to whether
1222 the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or
1223 order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

1224 Section 15. (a) An officer present and observing another officer using physical force,
1225 including deadly force, beyond that which is necessary or objectively reasonable based on the
1226 totality of the circumstances, shall intervene to prevent the use of unreasonable force unless
1227 intervening would result in imminent harm to the officer or another identifiable individual.

1228 (b) An officer who observes another officer using physical force, including deadly force,
1229 beyond that which is necessary or objectively reasonable based on the totality of the

1230 circumstances shall report the incident to an appropriate supervisor as soon as reasonably
1231 possible but not later than the end of the officer's shift. The officer shall prepare a detailed
1232 written statement describing the incident consistent with uniform protocols. The officer's written
1233 statement shall be included in the supervisor's report

1234 (c) A law enforcement agency shall develop and implement a policy and procedure for
1235 law enforcement personnel to report abuse by other law enforcement personnel without fear of
1236 retaliation or actual retaliation.

1237 (d) The committee on police training and certification shall promulgate rules and
1238 regulations, subject to the approval of the commission, for the administration and enforcement of
1239 this section and section 14; provided, however, that such regulations may authorize the use of
1240 necessary, proportionate and non-deadly force for purposes not explicitly specified in this
1241 chapter where de-escalation tactics have been attempted and failed or are not feasible based on
1242 the totality of the circumstances.

1243 Section 16. The commission shall annually report to the general court, the governor and
1244 the attorney general concerning: (1) all officer-involved injuries or deaths that occurred during
1245 the preceding fiscal year, including: (i) the total number of officer-involved injuries or deaths;
1246 (ii) the number of officer-involved injuries or deaths reported by each agency; and (iii) any
1247 operational, policy, regulatory or legislative recommendations to reduce the number and
1248 seriousness of officer-involved injuries or deaths; (2) all officers who were decertified during the
1249 preceding fiscal year, including: (i) the total number of officers who were decertified; (ii) the
1250 reasons for revocation of the certificate and the frequency of each reason; (iii) the average
1251 number of complaints an officer who was decertified received over the course of their tenure as

1252 an officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias
1253 on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or
1254 physical disability, immigration status or socioeconomic or professional level; (v) the frequency
1255 with which said complaints alleged use of excessive or prohibited force or officer-involved
1256 injuries or deaths; (vi) the frequency with which an officer who was decertified failed to meet
1257 training requirements established by the commission and their appointing agency; and (vii) the
1258 frequency with which an officer who was decertified was subject to discipline, including, but not
1259 limited to, retraining or suspension, by the commission and their appointing agency prior to
1260 decertification; (3) all suspensions that occurred during the preceding fiscal year, including: (i)
1261 the total number of suspensions; (ii) the reasons for suspensions of the certificate and the
1262 frequency of each reason; (iii) the average number of complaints an officer who was suspended
1263 received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency
1264 with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity,
1265 sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or
1266 professional level; (v) the frequency with which said complaints alleged use of excessive or
1267 prohibited force or officer-involved injuries or deaths; (vi) the frequency with which an officer
1268 who was suspended failed to meet training requirements established by the commission and their
1269 appointing agency; and (vii) the frequency with which an officer who was suspended was subject
1270 to discipline, including, but not limited to, retraining or previous suspension, by the commission
1271 and their appointing agency prior to suspension; (4) all retraining orders imposed by the
1272 commission that occurred during the preceding fiscal year, including: (i) the total number of
1273 retraining orders, by type of retraining ordered; (ii) the reasons for retraining and the frequency
1274 of each reason, by type of retraining ordered; (iii) the average number of complaints an officer

1275 who was subject to a retraining order, by type of retraining ordered, received over the course of
1276 their tenure as an officer and on a per annum basis; (iv) the frequency with which said
1277 complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation,
1278 religion, mental or physical disability, immigration status or socioeconomic or professional level,
1279 by type of retraining ordered; (v) the frequency with which said complaints alleged use of
1280 excessive or prohibited force or officer-involved injuries or deaths, by type of retraining; (vi) the
1281 frequency with which an officer who was subject to a retraining order, by type of retraining
1282 ordered, failed to meet training requirements established by the commission and their appointing
1283 agency; and (vii) the frequency with which an officer who was subject to a retraining order was
1284 previously subject to discipline, by type of retraining ordered, including, but not limited to,
1285 retraining or suspension, by the commission and their appointing agency; (5) the total number of
1286 injuries or deaths of police officers; and (6) any other action the commission has taken. The
1287 commission shall make such further reports on matters within its jurisdiction as necessary.

1288 SECTION 31. Section 35EEE of chapter 10 of the General Laws, inserted by section 14
1289 of chapter 69 of the acts of 2018, is hereby amended by striking out the words “There shall be a
1290 Municipal Police Training Fund which shall consist of amounts credited to the fund in
1291 accordance with this section” and inserting in place thereof the following words:- There shall be
1292 a Police Training Fund which shall consist of amounts credited to the fund in accordance with
1293 this section.

1294 SECTION 32 Subsection (b) of said section 35EEE of said chapter 10, as appearing in
1295 said section 14 of said chapter 69, is hereby amended by striking out the words “municipal police
1296 training committee” and inserting in place thereof the following words:- committee on police
1297 training and certification.

1298 SECTION 33. Said section 35EEE of said chapter 10 is hereby further amended by
1299 striking out subsection (c), as appearing in said section 14 of said chapter 69, and inserting in
1300 place thereof the following subsection:-

1301 (c) Expenditures from the fund shall be made to provide funding for: (i) the operating
1302 expenses of the committee on police training and certification established by section 4 of chapter
1303 6E; (ii) basic recruit training for new law enforcement officers; (iii) mandatory in-service
1304 training for veteran law enforcement officers; (iv) specialized training for veteran law
1305 enforcement officers and reserve and intermittent law enforcement officers; and (v) the basic
1306 training program for reserve and intermittent law enforcement officers.

1307 SECTION 34. Subsection (d) of said section 35EEE of said chapter 10, inserted by
1308 section 2 of chapter 153 of the acts of 2018, is hereby amended by striking out the words
1309 “municipal police training committee” and inserting in place thereof, in each instance, the
1310 following words:- Massachusetts peace officer standards and training commission

1311 SECTION 35. Said subsection (d) of said section 35EEE of said chapter 10, inserted by
1312 said section 2 of said chapter 153, is hereby further amended by striking out the words “The
1313 executive office of public safety and security” and inserting in place thereof the following
1314 words:- The Massachusetts peace officer standards and training commission established in
1315 section 2 of chapter 6E.

1316 SECTION 36. Clause (xi) of said subsection (d) of said section 35EEE of said chapter 10,
1317 as appearing in section 2 of said chapter 153, is hereby amended by striking out the word
1318 “municipality” and inserting in place thereof the following word:- agency

1319 SECTION 37. Chapter 12 of the General Laws is hereby amended by striking out section
1320 11H, as appearing in the 2018 Official Edition, and inserting in place thereof the following
1321 section:-

1322 Section 11H. (a)(1) Whenever any person or persons, whether or not acting under color
1323 of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats,
1324 intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights
1325 secured by the constitution or laws of the United States, or of rights secured by the constitution
1326 or laws of the commonwealth, the attorney general may bring a civil action for injunctive or
1327 other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the
1328 right or rights secured. Said civil action shall be brought in the name of the commonwealth and
1329 shall be instituted either in the superior court for the county in which the conduct complained of
1330 occurred or in the superior court for the county in which the person whose conduct complained
1331 of resides or has his principal place of business.

1332 (2) If the attorney general prevails in an action under this section, the attorney general
1333 shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity;
1334 and (ii) litigation costs and reasonable attorneys' fees in an amount to be determined by the
1335 court. In a matter involving the interference or attempted interference with any right protected by
1336 the constitution of the United States or of the commonwealth, the court may also award civil
1337 penalties against each defendant in an amount not exceeding \$5,000 for each violation.

1338 (b) All persons shall have the right to bias-free professional policing. Any conduct taken
1339 in relation to an aggrieved person by a law enforcement officer acting under color of law that
1340 results in the decertification of said law enforcement officer by the Massachusetts peace officer

1341 standards and training commission pursuant to section 10 of chapter 6E shall constitute
1342 interference with said person’s right to bias-free professional policing and shall be a prima facie
1343 violation of said person’s right to bias-free professional policing and a prima facie violation of
1344 subsection (a). No law enforcement officer shall be immune from civil liability for any conduct
1345 under color of law that violates a person’s right to bias-free professional policing if said conduct
1346 results in the law enforcement officer’s decertification by the Massachusetts peace officer
1347 standards and training commission pursuant to section 10 of chapter 6E; provided, however, that
1348 nothing in this subsection shall be construed to grant immunity from civil liability to a law
1349 enforcement officer for interference by threat, intimidation or coercion, or attempted interference
1350 by threats, intimidation or coercion, with the exercise or enjoyment any right secured by the
1351 constitution or laws of the United States or the constitution or laws of the commonwealth if the
1352 conduct of said officer was knowingly unlawful or was not objectively reasonable.

1353 SECTION 38. Section 11J of said chapter 12, as so appearing, is hereby amended by
1354 striking out, in lines 1 and 2, 16 and 34 and 35, each time they appear, the words “section eleven
1355 H or eleven I” and inserting in place thereof, in each instance, the following words:- subsection
1356 (a) of section 11H or section 11I.

1357 SECTION 39. Said section 11J of said chapter 12, as so appearing, is hereby further
1358 amended by striking out, in line 30, the words “section eleven H” and inserting in place thereof
1359 the following words:- subsection (a) of section 11H.

1360 SECTION 40. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby
1361 amended by striking out, in lines 88 and 89, the words “executive director of the municipal

1362 police training committee” and inserting in place thereof the following words:- training director
1363 of the Massachusetts peace officer standards and training commission.

1364 SECTION 41. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby
1365 amended by striking out, in line 2, the word “police” and inserting in place thereof the following
1366 words:- responsive.

1367 SECTION 42. Paragraph (1) of subsection (c) of said section 25 of said chapter 19, as so
1368 appearing, is hereby amended by striking out clauses (vi) and (vii) and inserting in place thereof
1369 the following 3 clauses:- (vi) assist municipal police departments to cover backfill costs incurred
1370 in sending staff to training; provided, however, that reimbursement shall not exceed the actual
1371 cost of the sending department's backfill; (vii) promote the use and adequate resourcing of
1372 trained community-based crisis response resources to assist residents when an exclusive police
1373 response is not best suited to address the concerns raised or is inappropriate or unnecessary; and
1374 (viii) stipulate that each municipal police department receiving reimbursement provide
1375 information necessary for the center to evaluate the goals described in paragraph (3), including
1376 the percentage of the municipality's police sergeants, lieutenants and other officers who directly
1377 oversee patrol officers who have received the center's recommended training and the percentage
1378 of the municipality's patrol officers who have received the center's recommended training.

1379 SECTION 43. Paragraph (2) of said subsection (c) of said section 25 of said chapter 19,
1380 as so appearing, is hereby amended by striking out clauses (v) and (vi) and inserting in place
1381 thereof the following 4 clauses:- (v) best practices, including efforts to prioritize de-escalation
1382 tactics and techniques in crisis response situations; (vi) institutional and structural racism and
1383 implicit bias; (vii) best practices for responding to mass gatherings or protests that shall

1384 emphasize de-escalation and minimizing the necessity for use of force; and (viii) community
1385 policing principles.

1386 SECTION 44. Section 3 of chapter 22C of the General Laws, as so appearing, is hereby
1387 amended by striking out, in lines 6 and 7, each time it appears, the word “he” and inserting in
1388 place thereof, in each instance, the following words:- the colonel.

1389 SECTION 45. Said section 3 of said chapter 22C, as so appearing, is hereby further
1390 amended by striking out the second paragraph and inserting in place thereof the following
1391 paragraph:-

1392 The governor, upon the recommendation of the secretary of public safety and security,
1393 shall appoint the colonel, who shall be qualified by training and experience, to direct the work of
1394 the department. At the time of appointment, the colonel shall have not less than 10 years of full-
1395 time experience as a sworn law enforcement officer and not less than 5 years of full-time
1396 experience in a senior administrative or supervisory position in a police force or a military body
1397 with law enforcement responsibilities. The appointment shall constitute an appointment as a
1398 uniformed member of the department and shall qualify the colonel to exercise all powers granted
1399 to a uniformed member under this chapter. The colonel shall serve at the pleasure of the
1400 governor and shall devote their full time during business hours to the duties of the office.

1401 SECTION 46. Section 10 of said chapter 22C, as so appearing, is hereby amended by
1402 striking out, in lines 3, 40, 52, 54, 61, 63 and 65, each time it appears, the word “he” and
1403 inserting in place thereof, in each instance, the following words:- such officer.

1404 SECTION 47. Said section 10 of said chapter 22C, as so appearing, is hereby further
1405 amended by striking out, in line 27, the words “reached his twenty-first birthday” and inserting
1406 in place thereof the following words:- attained the age of 21.

1407 SECTION 48. Said section 10 of said chapter 22C, as so appearing, is hereby further
1408 amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and
1409 inserting in place thereof the following words:- the person has attained the age of 35.

1410 SECTION 49. Said section 10 of said chapter 22C, as so appearing, is hereby further
1411 amended by striking out the third paragraph and inserting in place thereof the following
1412 paragraph:-

1413 A person shall not be enlisted as a uniformed member of the state police except in
1414 accordance with this section and section 11; provided, however, that other than for an
1415 appointment made pursuant to section 3, a person employed as a police officer for an agency
1416 other than the department of state police, including, but not limited to, an agency of the
1417 commonwealth or any political subdivision of the commonwealth, shall not be allowed to
1418 transfer into a position as a uniformed member of the state police.

1419 SECTION 50. Said section 10 of said chapter 22C, as so appearing, is hereby further
1420 amended by striking out, in lines 66 and 71, each time it appears, the word “his” and inserting in
1421 place thereof, in each instance, the following words:- such officer’s.

1422 SECTION 51. Said chapter 22C is hereby further amended by inserting after section 10
1423 the following section:-

1424 Section 10A. The colonel may establish a cadet program within the department and may
1425 admit as a state police cadet, for a period of full-time on the job training, a citizen resident in the
1426 commonwealth who: (i) is not less than 19 years of age and not more than 25 years of age; (ii)
1427 would otherwise be found suitable for appointment for initial enlistment as a uniformed member
1428 of the state police pursuant to sections 10, 11 and 14, with the exception of the physical fitness
1429 standards therein; (iii) has passed a qualifying physical fitness examination, as determined by the
1430 colonel; and (iv) has passed a qualifying examination, as determined by the colonel.

1431 The qualifying examination shall be conducted under the direction of the colonel who
1432 shall, after consultation with the personnel administrator, determine its form, method and subject
1433 matter. The qualifying examination shall fairly test the applicant's knowledge, skills and abilities
1434 that can be fairly and reliably measured and that are actually required to perform the primary or
1435 dominant duties of the position of state police cadet.

1436 A person who has attained the age of 19 on or before the final date for the filing of
1437 applications for the state police cadet program shall be eligible to take the qualifying
1438 examination for the state police cadet program. A person who has attained the age of 26 on or
1439 before the final date for the filing of applications for the state police cadet program shall not be
1440 eligible to take the qualifying examination for the state police cadet program.

1441 Admission as a state police cadet shall not be subject to the civil service law or rules and
1442 a state police cadet shall not be entitled to any benefits of such law or rules. The colonel shall
1443 immediately report, in writing, any admission as a state police cadet made pursuant to this
1444 section to the secretary of public safety and security and the personnel administrator. Admission
1445 shall be for a term of service of not less than 12 months as determined by the department and

1446 may be terminated at any time. A state police cadet's term of service shall be terminated if the
1447 state police cadet fails to maintain a passing grade in any course of study required by the colonel.
1448 A state police cadet shall be required to meet the physical fitness standards required for
1449 appointment for initial enlistment as a uniformed member of the state police within 12 months of
1450 the state police cadet's admission to the state police cadet program. A state police cadet shall be
1451 an at-will employee. A state police cadet shall receive such compensation and such leave with
1452 pay as the colonel shall determine in consultation with the personnel administrator. The colonel
1453 shall establish requirements for successful completion of the state police cadet program.

1454 The colonel shall determine the duties and responsibilities of state police cadets. A state
1455 police cadet shall not carry arms and shall not have any power of arrest other than that of an
1456 ordinary citizen. A state police cadet shall be considered an employee of the commonwealth for
1457 the purposes of workers' compensation.

1458 While participating in the state police cadet program, a state police cadet shall not be
1459 subject to or entitled to the benefits of any retirement or pension law, nor shall any deduction be
1460 made from a state police cadet's compensation for the purpose thereof; provided, however, that a
1461 state police cadet who successfully completes the state police cadet program and is appointed to
1462 the department of state police pursuant to section 11 or is appointed as a police officer in a
1463 municipal police department, the Massachusetts bay transportation authority police force, the
1464 office of law enforcement within the executive office of energy and environmental affairs or the
1465 University of Massachusetts or becomes an employee, as defined in section 1 of chapter 32, shall
1466 have any state police cadet service considered as creditable service, as defined in said section 1
1467 of said chapter 32, for purposes of retirement if the state police cadet pays into the annuity
1468 savings fund of the retirement system in 1 sum or in installments, upon such terms and

1469 conditions as the board may prescribe, not later than 1 year after appointment as described
1470 above, such amount as the retirement board determines equal to that which the state police cadet
1471 would have paid had the state police cadet been a member of the retirement system during the
1472 period of training as a state police cadet, together with buyback interest.

1473 SECTION 52. Section 11 of said chapter 22C, as appearing in the 2018 Official Edition,
1474 is hereby amended by striking out, in lines 19 and 20, each time it appears, the word “his”, and
1475 inserting in place thereof, in each instance, the following words:- the uniformed member’s.

1476 SECTION 53. Said section 11 of said chapter 22C, as so appearing, is hereby further
1477 amended by inserting after the third paragraph the following paragraph:-

1478 Notwithstanding any provision of this section to the contrary, the colonel may appoint for
1479 initial enlistment as a uniformed member of the state police any person who has successfully
1480 completed the state police cadet program pursuant to section 10A and who is willing to accept
1481 such appointment. Appointment for initial enlistment as a uniformed member of the state police
1482 under this paragraph shall terminate that person’s admission as a state police cadet. Not more
1483 than 1/3 of the total number of appointments to the state police in any single recruit training
1484 troop shall be made pursuant to this paragraph. The colonel shall immediately report, in writing,
1485 any appointment made pursuant to this paragraph to the personnel administrator.

1486 SECTION 54. Said chapter 22C is hereby further amended by striking out section 13, as
1487 so appearing, and inserting in place thereof the following section:-

1488 Section 13. (a) A uniformed member of the state police who has served for at least 1 year
1489 and against whom charges have been referred shall be tried by a board to be appointed by the
1490 colonel or, at the request of the officer, a board consisting of the colonel. A person aggrieved by

1491 the finding of the trial board under this subsection may appeal the decision of the trial board
1492 under sections 41 to 45, inclusive, of chapter 31. A uniformed officer of the state police who has
1493 been dismissed from the state police force after a trial under this subsection, or who resigns
1494 while charges to be tried by a trial board are pending against the uniformed officer, shall not be
1495 reinstated by the colonel.

1496 (b) Notwithstanding subsection (a), the colonel may administratively suspend without
1497 pay a uniformed member who has served for at least 1 year if: (i) the uniformed member had a
1498 criminal complaint or indictment issued against them; (ii) the department has referred the
1499 uniformed member to a prosecutorial agency for review for prosecution; or (iii) there are
1500 reasonable grounds to believe that the uniformed member has engaged in misconduct in the
1501 performance of the uniformed member's duties that violates the public trust.

1502 Prior to such administrative suspension, the department shall provide the uniformed
1503 member notice of, and the underlying factual basis for, the administrative suspension. After such
1504 notice, the colonel or the colonel's designee shall hold a departmental hearing at which the
1505 uniformed member shall have an opportunity to respond to the allegations. Following the
1506 departmental hearing and upon a finding that there are reasonable grounds for such
1507 administrative suspension without pay, the colonel may administratively suspend without pay
1508 such uniformed member immediately. The administrative suspension without pay shall not be
1509 appealable under sections 41 to 45, inclusive, of chapter 31; provided, however, that the
1510 administrative suspension without pay may be appealed as provided in section 43.

1511 A uniformed member who is administratively suspended without pay pursuant to this
1512 section may seek a review by the colonel or the colonel's designee of the administrative

1513 suspension without pay after 1 year from the date of the administrative suspension and every
1514 year thereafter, or sooner if the uniformed member can demonstrate a material change in
1515 circumstances. The decision of the colonel or the colonel's designee after such review may be
1516 appealed under said sections 41 to 45, inclusive, of said chapter 31.

1517 (c) Notwithstanding subsection (a), the colonel may impose on a uniformed member who
1518 has served at least 1 year any permanent discipline that does not involve a suspension of pay,
1519 loss of accrued vacation time, loss of rank or seniority or termination without provision for a trial
1520 by a trial board under said subsection (a). Prior to imposing such discipline, the department shall
1521 provide the uniformed member notice of, and the underlying factual basis for, the discipline.
1522 After such notice, the colonel or the colonel's designee shall hold a departmental hearing at
1523 which the uniformed member shall have an opportunity to respond to the allegations. Following
1524 the departmental hearing and upon a finding that there are reasonable grounds for discipline, the
1525 colonel may impose such discipline immediately.

1526 An order imposing discipline pursuant to this subsection shall not be appealable under
1527 sections 41 to 45, inclusive, of chapter 31; provided, however, that such order may be appealed
1528 as provided in section 43.

1529 SECTION 55. Section 20 of said chapter 22C, as so appearing, is hereby amended by
1530 inserting after the word "shall", in lines 1 and 5, the following words:- , subject to the approval
1531 of the committee on police training and certification established in chapter 6E,.

1532 SECTION 56. Section 21 of said chapter 22C, as so appearing, is hereby amended by
1533 striking out the first and second sentences and inserting in place thereof the following 2
1534 sentences:- The colonel may, subject to the approval of the committee on police training and

1535 certification established in chapter 6E, conduct programs for training police officers of the cities
1536 and towns of the commonwealth and for those employees who are authorized to exercise police
1537 powers in the various state departments or agencies and the colonel shall appoint necessary
1538 instructors. Said programs shall be conducted and instructors appointed in accordance with said
1539 chapter 6E.

1540 SECTION 57. Said chapter 22C is hereby further amended by striking out section 26, as
1541 so appearing, and inserting in place thereof the following section:-

1542 Section 26. (a) The colonel may promote uniformed members of the state police who are
1543 deemed eligible for promotion by the colonel to the title of noncommissioned officer, lieutenant
1544 or captain. A promotion shall be based on the uniformed member's total promotional score,
1545 which shall be based on the sum of scores earned on a competitive promotional examination
1546 calculated pursuant to subsection (b) and longevity calculated pursuant to subsection (e).

1547 (b) For a uniformed member who is not a veteran, the uniformed member's competitive
1548 promotional examination score shall be based on the number of points awarded to the uniformed
1549 member for correct answers on such examination divided by the total number of possible points
1550 to be earned on the examination, multiplied by 75. For a uniformed member who is a veteran, the
1551 uniformed member's competitive promotional examination score shall be based on the number
1552 of points awarded to the member for correct answers on such examination divided by the total
1553 number of possible points to be earned on the examination, multiplied by 100, plus 2, multiplied
1554 by 0.75.

1555 (c) A uniformed member shall not be eligible for promotion unless the uniformed
1556 member was awarded not less than 70 per cent of the total number of possible points to be earned
1557 on the competitive promotional examination.

1558 (d) Promotional examinations shall be open to a uniformed member who is a: (i)
1559 noncommissioned officer who has completed not less than 5 years of service as a uniformed
1560 member immediately before the final date for the filing of applications for such examination and
1561 who has completed, in the immediately preceding year, 1 full year of service in the next lower
1562 rank or title; (ii) lieutenant who has completed at least 1 year of service in the next lower rank or
1563 title immediately before the final date for the filing of applications for such examination and who
1564 has completed not less than 8 years of service as a uniformed member prior to the final date for
1565 filing applications for such examination; or (iii) a captain who has completed at least 1 year of
1566 service in the next lower rank or title immediately before the final date for the filing of
1567 applications for such examination and who has completed not less than 12 years of service as a
1568 uniformed member prior to the final date for filing applications for such examination.

1569 (e) (1) A noncommissioned officer shall be granted 1 longevity point for each full month
1570 of service since appointment to the department, up to a maximum of 120 months, computed as of
1571 the final date for the filing of applications for such promotion. The member's longevity score
1572 shall be the total longevity points granted divided by 120, multiplied by 25.

1573 (2) A lieutenant shall be granted 1 longevity point for each full month of service since
1574 appointment to the department, up to a maximum of 180 months, computed as of the final date
1575 for the filing of applications for such promotion. The member's longevity score shall be the total
1576 longevity points granted divided by 180, multiplied by 25.

1577 (3) A captain shall be granted 1 longevity point for each full month of service since
1578 appointment to the department, up to a maximum of 240 months, computed as of the final date
1579 for the filing of applications for such promotion. The member's longevity score shall be the total
1580 longevity points granted divided by 240, multiplied by 25.

1581 (f) Prior to making any promotions in accordance with this section, the colonel shall
1582 publish and distribute in the orders of the department for each title in the department a list of the
1583 members who are eligible for promotion to each such title in the order in which each member
1584 shall be considered for such promotion; provided, however, that such order shall be based upon
1585 the final determination by the colonel in accordance with subsections (b) and (e). Each eligible
1586 list for promotion shall be used by the colonel to fill vacancies for a period of 2 years from the
1587 initial date of publication; provided, however, that, if a new eligible list has not been established
1588 after such 2-year period, each eligible list shall continue to be used by the colonel for promotions
1589 until a new eligible list is established. A promotion to a vacancy occurring in any title for which
1590 an examination is conducted in accordance with this section shall be made from the first 3
1591 members on such list who are eligible for the promotion and who are willing to accept such
1592 promotion.

1593 SECTION 58. Section 23 of said chapter 22C, as so appearing, is hereby amended by
1594 striking out, in line 8, the word "appointments" and inserting in place thereof the following
1595 words:- admissions, appointments.

1596 SECTION 59. Said section 23 of said chapter 22C, as so appearing, is hereby further
1597 amended by striking out, in line 10, the word "uniformed" and inserting in place thereof the
1598 following words:- cadets, uniformed.

1599 SECTION 60. Subsection (a) of section 24A of said chapter 22C, as so appearing, is
1600 hereby amended by striking out the second sentence and inserting in place thereof the following
1601 sentence:- If the member seeking to return to work in the position of a sworn member of said
1602 department exceeds a 1-year in break of service, the colonel shall not allow the member to return
1603 to such position if the member fails, as determined by the colonel, to successfully pass a
1604 background investigation, drug testing, applicable physical fitness testing, psychological testing
1605 and complete retraining approved by the committee on police training and certification
1606 established in chapter 6E.

1607 SECTION 61. Said section 24A of said chapter 22C, as so appearing, is hereby further
1608 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

1609 (d) Any member, retired for disability for more than 3 years shall not return to active
1610 service for the department if such member fails to meet the requirements set forth in paragraph
1611 (a) and fails to complete the police training approved by the committee on police training and
1612 certification established in chapter 6E.

1613 SECTION 62. Section 40 of said chapter 22C, as so appearing, is hereby amended by
1614 striking out, in line 4, the words “and to” and inserting in place thereof the following words:-
1615 and, subject to the approval of the committee on police training and certification established in
1616 chapter 6E, to.

1617 SECTION 63. Section 63 of said chapter 22C, as so appearing, is hereby amended by
1618 inserting after the word “skill”, in line 17, the following words:- ; provided, however, that such
1619 officers shall remain subject to certification and training requirements of the Massachusetts
1620 peace officer standards and training commission established in chapter 6E.

1621 SECTION 64. Section 64 of said chapter 22C, as so appearing, is hereby amended by
1622 striking out the second sentence and inserting in place thereof the following sentence:- Such
1623 special state police officers shall: (i) serve for 1 year, subject to removal by the colonel; (ii)
1624 receive such training and certification as the Massachusetts peace officer standards and training
1625 commission established in chapter 6E shall direct; and (iii) have the same power to make arrests
1626 as the state police of any criminal offense committed in or upon lands or structures located in the
1627 town of Framingham within the charge of said director.

1628 SECTION 65. Section 68 of said chapter 22C, as so appearing, is hereby amended by
1629 striking out the first sentence and inserting in place thereof the following sentence:- The colonel
1630 may, at the request of the director of the bureau of special investigations, with the approval of the
1631 fraudulent claims commission, appoint as special state police officers employees of said bureau
1632 who have undergone training and certification as required by the Massachusetts peace officer
1633 standards and training commission established in chapter 6E.

1634 SECTION 66. Section 2JJJJ of chapter 29 of the General Laws, as so appearing, is hereby
1635 amended by striking out, in lines 6 and 7, the words “municipal police training committee, under
1636 section 116 of chapter 6” and inserting in place thereof the following words:- committee on
1637 police training and certification established pursuant to section 4 of chapter 6E.

1638 SECTION 67. Section 2 of chapter 31 of the General Laws, as so appearing, is hereby
1639 amended by striking out, in line 49, the words “eight of chapter thirty-one A” and inserting in
1640 place thereof the following words:- 8 of chapter 31A; provided, however, that the commission
1641 shall not have jurisdiction to hear an appeal of a decision by the Massachusetts peace officer

1642 standards and training commission established pursuant to chapter 6E to take adverse action
1643 against a law enforcement officer under section 10 of said chapter 6E.

1644 SECTION 68. The first paragraph of section 42 of said chapter 31, as so appearing, is
1645 hereby amended by adding the following sentence:- This section shall not apply to a person who
1646 is the subject of disciplinary action or other employment-related consequences by an appointing
1647 agency, as defined in section 1 of chapter 6E, that results from decertification under section 10 of
1648 said chapter 6E.

1649 SECTION 69. Section 43 of said chapter 31, as so appearing, is hereby amended by
1650 adding the following paragraph:-

1651 This section shall not apply to a person who is the subject of disciplinary action or
1652 employment-related consequences by an appointing agency, as defined in section 1 of chapter
1653 6E, that results from decertification under section 10 of said chapter 6E.

1654 SECTION 70. Section 36C of chapter 40 of the General Laws, as so appearing, is hereby
1655 amended by striking out, in lines 1 and 2, the words “members of municipal police departments,
1656 and all uniformed members of the state police shall” and inserting in place thereof the following
1657 words:- law enforcement officers, as defined in section 1 of chapter 6E, shall.

1658 SECTION 71. The first paragraph of said section 36C of said chapter 40, as so appearing,
1659 is hereby amended by striking out the third sentence and inserting in place thereof the following
1660 sentence:- Said training shall be approved and coordinated by the committee on police training
1661 and certification, and shall be included in the curriculum of all police training schools, academies
1662 and programs.

1663 SECTION 72. Said section 36C of said chapter 40, as so appearing, is hereby further
1664 amended by striking out, in lines 11 and 16, the word “police” and inserting in place thereof, in
1665 each instance, the following words:- law enforcement.

1666 SECTION 73. Section 96A of chapter 41 of the General Laws, as so appearing, is hereby
1667 amended by inserting after the word “felony”, in line 1, the following words:- or whose name is
1668 listed in the national decertification index or the database of decertified law enforcement officers
1669 maintained by the Massachusetts peace officer standards and training commission pursuant to
1670 chapter 6E.

1671 SECTION 74. Said chapter 41 is hereby further amended by striking out section 96B, as
1672 so appearing, and inserting in place thereof the following section:-

1673 Section 96B. Every person who receives an appointment to a position in which they will
1674 exercise police powers in a law enforcement agency, as defined in section 1 of chapter 6E, shall,
1675 prior to exercising police powers, be assigned to and satisfactorily complete a prescribed course
1676 of study approved by the committee on police training and certification, established in section 4
1677 of said chapter 6E. Chapter 31 and any collective bargaining agreement notwithstanding, any
1678 person so attending such a school, academy or program shall be deemed to be a student officer
1679 and shall be exempted from said chapter 31 and any collective bargaining agreement for that
1680 period during which they are assigned to a police training school, academy or program; provided,
1681 however, that such person shall be paid the regular wages provided for the position to which they
1682 were appointed and such reasonable expenses as may be determined by the appointing authority
1683 and shall be subject to chapter 152.

1684 Every law enforcement officer, as defined in section 1 of chapter 6E, appointed to a
1685 position in any such agency, shall be assigned to and shall attend a prescribed course of study
1686 approved by the committee on police training and certification for in-service officers training at
1687 such intervals and for such periods as said committee, subject to approval of the Massachusetts
1688 peace officer standards and training commission established in section 2 of said chapter 6E, may
1689 determine. Any such police officer who receives an appointment to a position of higher rank
1690 shall also complete such other courses of supervisory training as the committee, subject to
1691 approval of the commission, may determine. While attending such school, academy or program
1692 or completing such courses, such persons shall be paid their regular wages as a law enforcement
1693 officer and shall receive such reasonable expenses as may be determined by the appointing
1694 authority.

1695 Failure of an appointed person to comply with this section prior to exercising police
1696 powers shall result in the appointed person's removal by the appointing authority. Failure of an
1697 appointed person to satisfactorily complete the prescribed course of study shall prevent the
1698 Massachusetts peace officer standards and training commission from issuing a certification to
1699 said person.

1700 SECTION 75. Section 97B of said chapter 41, as so appearing, is hereby amended by
1701 striking out, in lines 9 and 10, the words "municipal police training committee established by
1702 section one hundred and sixteen of chapter six" and inserting in place thereof the following
1703 words:- the division of police training and certification established pursuant to section 4 of
1704 chapter 6E.

1705 SECTION 76. Said section 97B of said chapter 41, as so appearing, is hereby further
1706 amended by striking out, in lines 21 and 22, the words “municipal police training committee”
1707 and inserting in place thereof the following words:- the committee on police training and
1708 certification established in section 4 of chapter 6E.

1709 SECTION 77. Said chapter 41 is hereby further amended by inserting after section 98G
1710 the following section:-

1711 Section 98H. An agreement by a law enforcement agency, as defined in section 1 of
1712 chapter 6E, to settle a complaint of professional misconduct by a law enforcement officer, as
1713 defined in said section 1 of said chapter 6E, shall not include a nondisclosure, non-disparagement
1714 or other similar clause in a settlement agreement between the law enforcement agency and a
1715 complainant unless the complainant requests such provision in writing.

1716 SECTION 78. Section 37L of chapter 71 of the General Laws, as appearing in the 2018
1717 Official Edition, is hereby amended by inserting after the third paragraph the following
1718 paragraph:-

1719 School department personnel and school resource officers, as defined in section 37P,
1720 shall not disclose to a law enforcement officer or agency, including local, municipal, regional,
1721 county, state and federal law enforcement, through an official report or unofficial channels,
1722 including, but not limited to, text, phone, email, database and in-person communication, or
1723 submit to the department of state police’s Commonwealth Fusion Center, the Boston Regional
1724 Intelligence Center or any other database or system designed to track gang affiliation or
1725 involvement, any information relating to a student or a student’s family member from its
1726 databases and other recordkeeping systems including: (i) immigration status; (ii) citizenship; (iii)

1727 neighborhood of residence; (iv) religion; (v) national origin; (vi) ethnicity; or (vii) suspected,
1728 alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a
1729 specific prospect of unlawful activity the school is otherwise required to report. Nothing in this
1730 paragraph shall prohibit the sharing of information: (i) for the purposes of completing a report
1731 pursuant to section 51A of chapter 119; (ii) upon the specific, informed written consent of the
1732 eligible student, parent or guardian; (iii) to comply with a court order or lawfully issued
1733 subpoena; (iv) in connection with a health or safety emergency pursuant to the provisions of 603
1734 C.M.R. 23.07(4)(e); or (v) for the purposes of filing a weapon report with the local chief of
1735 police pursuant to this section.

1736 SECTION 79. Said chapter 71 is hereby further amended by striking out section 37P, as
1737 so appearing, and inserting in place thereof the following section:-

1738 Section 37P. (a) As used in this section the following words shall, unless the context
1739 clearly requires otherwise, have the following meanings:

1740 “Chief of police”, the chief of police or the board or officer having control of the police
1741 department in a city or town.

1742 “Commission”, the model school resource officer memorandum of understanding review
1743 commission established in subsection (b).

1744 “Model memorandum of understanding”, the model school resource officer memorandum
1745 of understanding developed by the commission.

1746 “School resource officer”, a duly sworn municipal police officer with all necessary
1747 training, up-to-date certificates, including special school resource officer certification as required

1748 by subsection (b) of section 3 of chapter 6E or a special officer appointed by the chief of police
1749 charged with: (i) providing law enforcement; (ii) promoting school safety and security services
1750 to elementary and secondary public schools; and (iii) maintaining a positive school climate for
1751 all students, families and staff. For the purpose of this section, a school resource officer shall be
1752 exempt pursuant to subsection (j) of section 10 of chapter 269, while serving in the officer's
1753 official capacity.

1754 (b) There shall be a model school resource officer memorandum of understanding review
1755 commission to develop and review the model memorandum of understanding and make
1756 recommendations for changes to the model memorandum of understanding as the commission
1757 deems appropriate.

1758 The commission shall include: the commissioner of elementary and secondary education
1759 and the secretary of the executive office of public safety and security, who shall serve as co-
1760 chairs; the attorney general or a designee; the child advocate or a designee; the chief justice of
1761 the juvenile court or a designee; the secretary of health and human services or a designee; the
1762 executive director of the Massachusetts Association of School Superintendents, Inc. or a
1763 designee ; the president of the Massachusetts Chiefs of Police Association Incorporated or a
1764 designee; the president of the Massachusetts Major City Chiefs, Inc. or a designee; the training
1765 director of the committee on police training and certification established in section 4 of chapter
1766 6E or a designee; the executive director of the mental health legal advisors committee established
1767 in section 34E of chapter 221 or a designee; the executive director of Citizens for Juvenile
1768 Justice, Inc. or a designee; the executive director of the Children's League of Massachusetts, Inc.
1769 or a designee; a Massachusetts public school superintendent, to be appointed by the senate
1770 president; a Massachusetts public school teacher, to appointed by the speaker of the house of

1771 representatives; a Massachusetts public school social worker, to be appointed by the minority
1772 leader of the senate; a parent or guardian of a child in a Massachusetts public school, to be
1773 appointed by the minority leader of the house of representatives; and 4 members to be appointed
1774 by the governor: 1 of whom shall be a representative of the Massachusetts Association of School
1775 Committees, Inc., 1 of whom shall be a representative of Massachusetts School Counselors
1776 Association, Inc. and 2 of whom shall be representatives from Massachusetts youth organizations
1777 with proven records of supporting services and programs for high numbers of youths in order to
1778 ensure healthy development and social responsibility.

1779 The model memorandum of understanding shall be developed for schools and police
1780 departments as the minimum requirement for schools to formalize and clarify implementation of
1781 the partnership between the school and the school resource officer. In conducting such
1782 development and review, the commission shall determine the necessary provisions to achieve the
1783 district's educational and school safety goals and to help maintain a positive school environment
1784 for all students.

1785 The model memorandum of understanding shall, at minimum, describe: (i) the mission
1786 statement, goals and objectives of the school resource officer program; (ii) the roles and
1787 responsibilities of the school resource officer, the police department and the school; (iii) the
1788 process for selecting school resource officers; (iv) the mechanisms to incorporate school resource
1789 officers into the school environment, including school safety meetings; (v) information sharing
1790 between school resource officers, school staff and other partners; (vi) the organizational structure
1791 of the school resource officer program, including supervision of school resource officers and the
1792 lines of communication between the school district and police department; (vii) training for
1793 school resource officers, including, but not limited to, continuing professional development in

1794 child and adolescent development, conflict resolution and diversion strategies, de-escalation
1795 tactics and any other training required by the Massachusetts peace officer standards and training
1796 commission established in section 2 of chapter 6E; and (viii) the manner and division of
1797 responsibility for collecting and reporting the school-based arrests, citations and court referrals
1798 of students to the department of elementary and secondary education in accordance with
1799 regulations promulgated by the department.

1800 The model memorandum of understanding shall expressly state that school resource
1801 officers shall not: (i) serve as school disciplinarians, enforcers of school regulations or in place of
1802 licensed school psychologists, psychiatrists or counselors; and (ii) use police powers to address
1803 traditional school discipline issues, including non-violent disruptive behavior.

1804 In carrying out its duties under this section, the commissioner of elementary and
1805 secondary education shall work with the executive office of public safety and security to provide
1806 the commission with any data and information they consider relevant to the commission's duties.

1807 The commission shall meet every 5 years for the purpose of developing and reviewing
1808 the model memorandum of understanding. The model memorandum of understanding shall be
1809 subject to final approval by the co-chairs of the commission and shall be made publicly available
1810 by the department of elementary and secondary education, distributed to school districts and filed
1811 with the clerks of the house of representatives and senate.

1812 Members shall not receive compensation for their services but may receive
1813 reimbursement for the reasonable expenses incurred in carrying out their responsibilities as
1814 members of the commission. The commissioner of elementary and secondary education shall
1815 furnish reasonable staff and other support for the work of the commission. Prior to issuing its

1816 recommendations, the commission shall provide the opportunity to seek public input across
1817 regions of the commonwealth. It shall not constitute a violation of chapter 268A for a person
1818 employed by a school district to serve on the commission or to participate in commission
1819 deliberations that may have a financial impact on the district or municipality employing that
1820 person. The commission may establish procedures to ensure that no such person participates in
1821 commission deliberations that may directly affect the school districts employing those persons.

1822 (c) The executive office of public safety and security, in consultation with the department
1823 of elementary and secondary education, shall make available to all communities the model
1824 memorandum of understanding, statements of operating procedures and advisories on how to
1825 establish said documents.

1826 (d) For the purpose of fostering a safe and healthy environment for all students through
1827 strategic and appropriate use of law enforcement resources and to achieve positive outcomes for
1828 youth and public safety, a chief of police, at the request of the superintendent and subject to
1829 appropriation, shall assign at least 1 school resource officer to serve the city, town,
1830 commonwealth charter school, regional school district or county agricultural school. In the case
1831 of a regional school district, commonwealth charter school or county agriculture school, the chief
1832 of police of the city or town in which the school is located shall, at the request of the
1833 superintendent, assign the school resource officer who may be the same officer for all schools in
1834 the city or town. Annually, not later than August 1, the superintendent shall report to the
1835 department of elementary and secondary education and publicly present to the relevant school
1836 committee: (i) the cost to the school district of assigning a school resource officer; (ii) a
1837 description of the proposed budget for mental, social or emotional health support personnel for
1838 the school; and (iii) the number of school-based arrests, citations and court referrals made in the

1839 previous year disaggregated as required by the department of elementary and secondary
1840 education.

1841 In assigning a school resource officer, the chief of police shall assign an officer that the
1842 chief believes would strive to foster an optimal learning environment and educational community
1843 that promotes a strong partnership between school and police personnel. The chief of police shall
1844 give preference to candidates who demonstrate the requisite personality and character to work
1845 effectively with children, youth and educators in a school environment with a demonstrated
1846 ability to work successfully with a population that has a similar racial and ethnic background as
1847 those prevalent in the student body, and who have received specialized training relating to
1848 working with adolescents and children, including cognitive development, de-escalation tactics,
1849 as defined in section 1 of chapter 6E and alternatives to arrest and diversion strategies. The
1850 appointment shall not be based solely on seniority. The performance of a school resource officer
1851 shall be reviewed annually by the superintendent and the chief of police.

1852 The superintendent and the chief of police shall adopt, at minimum, the model
1853 memorandum of understanding developed by the commission pursuant to subsection (b) and may
1854 add further provisions as they mutually deem fit; provided, however, that no further provision
1855 included in the memorandum of understanding adopted by said superintendent and said chief of
1856 police shall conflict with or omit any provisions of this section. The final memorandum of
1857 understanding adopted by the superintendent and the chief of police shall be made public and
1858 placed on file annually with the department of elementary and secondary education and in the
1859 offices of the school superintendent and the chief of police.

1860 The chief of police, in consultation with the school superintendent, shall establish
1861 operating procedures to provide guidance to school resource officers about daily operations,
1862 policies and procedures. At a minimum, the operating procedures as established by the chief of
1863 police, shall describe the following for the school resource officer:

1864 (i) the school resource officer uniform;

1865 (ii) use of police force, arrest, citation and court referral on school property;

1866 (iii) a statement and description of students' legal rights, including the process for
1867 searching and questioning students and circumstances requiring notification to and presence of
1868 parents and administrators;

1869 (iv) chain of command, including delineating to whom the school resource officer reports
1870 and how school administrators and the school resource officer work together;

1871 (v) performance evaluation standards, which shall incorporate monitoring compliance
1872 with the memorandum of understanding and use of arrest, citation and police force in school;

1873 (vi) protocols for diverting and referring at-risk students to school and community-based
1874 supports and providers; and

1875 (vii) information sharing between the school resource officer, school staff and parents or
1876 guardians.

1877 (e) Each school shall annually file its final memorandum of understanding and operating
1878 procedures with the department of elementary and secondary education. The department of
1879 elementary and secondary education shall collect data on the number of mental and social

1880 emotional health support personnel and the number of school resource officers employed by each
1881 local education agency and shall publish a report of the data on its website. The department shall
1882 promulgate rules or regulations necessary to carry out this section.

1883 (f) Notwithstanding subsection (d), if the chief of police, in consultation with the
1884 superintendent, determines that there are not sufficient resources to assign a school resource
1885 officer to serve the city, town, regional school district or county agricultural school, the chief of
1886 police shall consult with the department of state police to ensure that a school resource officer is
1887 assigned, subject to appropriation, pursuant to the requirements of this section; provided, further,
1888 that if a state police officer is assigned to a city, town, regional school district or county
1889 agricultural school, said assignment shall not be based solely on seniority and a candidate shall
1890 be considered who would strive to foster an optimal learning environment and educational
1891 community; provided, further, that there shall be placed on file in the office of the superintendent
1892 and the department of state police the final memorandum of understanding clearly defining the
1893 roles and duties of the school resource officer.

1894 (g) No public employer shall be liable for injury, loss of property, personal injury or
1895 death caused by an act or omission of a public employee while acting in the scope of the public
1896 employee's employment and arising out of the implementation of this section. This section shall
1897 not be construed as creating or imposing a specific duty of care.

1898 The department of elementary and secondary education shall collect and publish
1899 disaggregated data regarding school-based arrests, citations and court referrals of students to the
1900 department and shall make such report available for public review.

1901 SECTION 80. The second paragraph of section 32A of chapter 75 of the General Laws,
1902 as so appearing, is hereby amended by striking out the third sentence and inserting in place
1903 thereof the following sentence:- Every officer who receives an appointment to a position on a
1904 full-time basis in which that person may exercise police powers for any of the campuses of the
1905 University of Massachusetts, shall, prior to exercising those police powers, be certified pursuant
1906 to chapter 6E.

1907 SECTION 81. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
1908 amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

1909 (1) The committee on police training and certification established in section 4 of chapter
1910 6E shall provide training, including, but not limited to alcohol education concerning the
1911 aforesaid sections, to all law enforcement personnel throughout the commonwealth.

1912 SECTION 82. Section 32E7/8 of said chapter 90, as so appearing, is hereby amended by
1913 striking out, in line 5, the word “Municipal”.

1914 SECTION 83. Section 63 of said chapter 90, inserted by section 10 of chapter 122 of the
1915 acts of 2019, is hereby amended by adding the following subsection:-

1916 (h) A law enforcement agency, as defined in section 1 of chapter 6E, shall not engage in
1917 racial or other profiling. The attorney general may bring a civil action in the superior court for
1918 injunctive or other equitable relief to enforce this subsection. For the purposes of this subsection,
1919 “racial or other profiling” shall mean differential treatment by a law enforcement officer based
1920 on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status,
1921 religion, gender, gender identity or sexual orientation in conducting a law enforcement action,
1922 whether intentional or evidenced by statistically-significant data showing disparate treatment;

1923 provided, however, that “racial or other profiling” shall not include the use of such
1924 characteristics, in combination with other factors, to apprehend a specific suspect based on a
1925 description that is individualized, timely and reliable.

1926 SECTION 84. Section 2 of chapter 90C of the General Laws, as appearing in the 2018
1927 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting
1928 in place thereof the following 2 paragraphs:-

1929 Each police chief appointed by the trustees of the commonwealth’s state universities and
1930 community colleges under section 22 of chapter 15A shall certify to the registrar, on or before
1931 January first of each year, that:

1932 (1) the police officers appointed by the trustees at the state university or community
1933 college have been certified pursuant to chapter 6E;

1934 (2) said officers have completed the annual in-service training required by the committee
1935 on police training and certification established in said chapter 6E;

1936 (3) the state university or community college police department submits uniform crime
1937 reports to the Federal Bureau of Investigation;

1938 (4) a memorandum of understanding has been entered into with the police chief of the
1939 municipality wherein the state university or community college is located outlining the policies
1940 and procedures for utilizing the municipality’s booking and lock-up facilities, fingerprinting and
1941 breathalyzer equipment if the state university or community college police department does not
1942 provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

1943 (5) the state university or community college police department has policies and
1944 procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor
1945 vehicle law enforcement.

1946 Nothing in this section, except the previous paragraph, shall limit the authority granted to
1947 the police chiefs and police officers at the state universities and community colleges under said
1948 section 22 of said chapter 15A or section 18 of chapter 73.

1949 SECTION 85. Section 1 of chapter 111 of the General Laws, as so appearing, is hereby
1950 amended by inserting after the definition of “Inland waters” the following definition:-

1951 “Law enforcement-related injuries and deaths”, injuries and deaths caused by a law
1952 enforcement officer or correction officer, whether employed by the commonwealth, a county, a
1953 municipality or other public or private entity, and occupational fatalities of a law enforcement
1954 officer or correction officer.

1955 SECTION 86. Said chapter 111 is hereby further amended by inserting after section 6D
1956 the following section:-

1957 Section 6E. The department shall collect and report data on law enforcement-related
1958 injuries and deaths. The commissioner shall promulgate regulations necessary to implement this
1959 section, including, but not limited to, protocols and procedures for the reporting of law
1960 enforcement-related injuries and deaths to the department by physicians and other licensed health
1961 care professionals.

1962 SECTION 87. Section 8 of chapter 111B of the General Laws, as appearing in the 2018
1963 Official Edition, is hereby amended by inserting after the word “station”, in lines 3, 7, 13, 26, 28,

1964 35, 36, 37, 43, 46 and 57, in each instance, the following words:- or the Dukes county sheriff's
1965 office.

1966 SECTION 88. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby
1967 amended by striking out, in lines 597 and 598, the words "municipal police training committee"
1968 and inserting in place thereof the following words:- committee on police training and
1969 certification.

1970 SECTION 89. Section 31 of chapter 147 of the General Laws, as so appearing, is hereby
1971 amended by striking out, in lines 3 and 4 and lines 6 and 7, the words "municipal police training
1972 committee" and inserting in place thereof, in each instance, the following words:- Massachusetts
1973 peace officer standards and training commission.

1974 SECTION 90. Chapter 231 of the General Laws is hereby amended by inserting after
1975 section 85AA the following section:-

1976 Section 85BB. (a) A law enforcement officer, as defined in section 1 of chapter 6E, who
1977 knowingly submits to a state agency, state authority, city, town or agency, as defined in said
1978 section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and
1979 receives payment therefor or knowingly makes, uses or causes to be made or used a false record
1980 or statement material to a false or fraudulent claim of hours worked for payment that results in a
1981 law enforcement officer receiving payment therefor or any person who conspires to commit a
1982 violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages
1983 paid or by imprisonment for not more than 2 years.

1984 SECTION 91. Chapter 265 of the General Laws is hereby amended by inserting after
1985 section 13H the following section:-

1986 Section 13H¹/₂. (a) For the purposes of this section “law enforcement officer” shall mean
1987 a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police
1988 officer in the employ of a public institution of higher education pursuant to section 5 of chapter
1989 15A, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff,
1990 a correction officer, a court officer, a probation officer, a parole officer, an officer of the
1991 department of youth services, a constable, a campus police officer who holds authority as a
1992 special state police officer or a person impersonating one of the foregoing.

1993 (b) A law enforcement officer who commits an indecent assault and battery on a person
1994 who has attained the age of 14 and who is in the custody or control of such law enforcement
1995 officer shall be punished by imprisonment in the state prison for not more than 5 years, or by
1996 imprisonment for not more than 2¹/₂ years in a jail or house of correction. In a prosecution
1997 commenced under this subsection, a person shall be deemed incapable of consent to contact of a
1998 sexual nature with a law enforcement officer.

1999 (c) A law enforcement officer who commits an indecent assault and battery on an elder or
2000 person with a disability, as defined in section 13K, and who is in the custody or control of such
2001 law enforcement officer shall be punished by imprisonment in the state prison for not more than
2002 10 years, or by imprisonment in the house of correction for not more than 2¹/₂ years, and a law
2003 enforcement officer who commits a second or subsequent such offense shall be punished by
2004 imprisonment in the state prison for not more than 20 years. In a prosecution commenced under
2005 this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with
2006 a law enforcement officer.

2007 (d) A law enforcement officer who commits an indecent assault and battery on a person
2008 in their custody or control who is known to such law enforcement officer as having an
2009 intellectual disability shall for the first offense be punished by imprisonment in the state prison
2010 for not less than 5 years or not more than 10 years; and for a second or subsequent offense shall
2011 be punished by imprisonment in the state prison for not less than 10 years. Except in the case of a
2012 conviction for the first offense for violation of this subsection, the imposition or execution of the
2013 sentence shall not be suspended, and no probation or parole shall be granted until the minimum
2014 imprisonment herein provided for the offense shall have been served. In a prosecution
2015 commenced under this subsection, a person shall be deemed incapable of consent to contact of a
2016 sexual nature with a law enforcement officer.

2017 (e) A law enforcement officer who commits an indecent assault and battery on a child
2018 under the age of 14 and who is in the custody or control of such law enforcement officer shall be
2019 punished by imprisonment in the state prison for not more than 10 years, or by imprisonment in
2020 the house of correction for not more than 2 and one-half years. A prosecution commenced under
2021 this subsection shall neither be continued without a finding nor placed on file. In a prosecution
2022 commenced under this subsection, a child under the age of 14 shall be deemed incapable of
2023 consent to contact of a sexual nature with a law enforcement officer.

2024 SECTION 92. Section 22 of said chapter 265, as appearing in the 2018 Official Edition,
2025 is hereby amended by adding the following subsection:-

2026 (c) A law enforcement officer who has sexual intercourse with a person in the custody or
2027 control of the law enforcement officer shall be found to be in violation of subsection (b),
2028 provided, however, that for the purposes of this subsection, "sexual intercourse" shall include

2029 vaginal, oral or anal intercourse, including fellatio, cunnilingus or other intrusion of a part of a
2030 person's body or an object into the genital or anal opening of another person's body. In a
2031 prosecution commenced under this subsection, a person shall be deemed incapable of consent to
2032 sexual intercourse with such law enforcement officer. For the purposes of this subsection, "law
2033 enforcement officer" shall mean a police officer, an auxiliary, intermittent, special, part-time or
2034 reserve police officer, a police officer in the employ of a public institution of higher education
2035 pursuant to section 5 of chapter 15A, a public prosecutor, a municipal or public emergency
2036 medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a
2037 parole officer, an officer of the department of youth services, a constable, a campus police officer
2038 who holds authority as a special state police officer or a person impersonating any of the
2039 foregoing.

2040 SECTION 93. Section 10A of chapter 269 of the General Laws, as so appearing, is
2041 hereby amended by striking out, in lines 2 and 3 and lines 17 and 18, the words "municipal
2042 police training committee" and inserting in place thereof, in each instance, the following words:-
2043 committee on police training and certification.

2044 SECTION 94. Chapter 276 of the General Laws is hereby amended by inserting after
2045 section 2C the following section:-

2046 Section 2D. (a) A warrant that does not require a law enforcement officer to knock and
2047 announce their presence and purpose before forcibly entering a residence shall not be issued
2048 except by a judge and only if the affidavit supporting the request for the warrant: (i) establishes
2049 probable cause that if the law enforcement officer announces their presence their life or the lives
2050 of others will be endangered; and (ii) includes an attestation that the law enforcement officer

2051 filing the affidavit has no reason to believe that minor children or adults over the age of 65 are in
2052 the home.

2053 (b) A police officer executing a search warrant shall knock and announce their presence
2054 and purpose before forcibly entering a residence unless authorized by a warrant to enter pursuant
2055 to subsection (a).

2056 (c) An officer shall not dispense with the requirements of subsections (a) and (b) except
2057 to prevent a credible risk of imminent harm as defined in section 1 of chapter 6E.

2058 (d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if
2059 a law enforcement officer violates this section.

2060 SECTION 95. Subsection (a) of section 100F of said chapter 276, as appearing in the
2061 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place
2062 thereof the following sentence:- A petitioner who has not more than 2 records as an adjudicated
2063 delinquent or adjudicated youthful offender may, on a form furnished by the commissioner and
2064 signed under the penalties of perjury, petition that the commissioner expunge the record or
2065 records; provided, however, that multiple offenses arising out of the same incident shall be
2066 considered a single offense for the purposes of this section.

2067 SECTION 96. Subsection (a) of section 100G of said chapter 276, as so appearing, is
2068 hereby amended by striking out the first sentence and inserting in place thereof the following
2069 sentence:- A petitioner who has not more than 2 records of conviction may, on a form furnished
2070 by the commissioner and signed under the penalties of perjury, petition that the commissioner
2071 expunge the record or records; provided, however, that multiple offenses arising out of the same
2072 incident shall be considered a single offense for the purposes of this section.

2073 SECTION 97. Subsection (a) of section 100H of said chapter 276, as so appearing, is
2074 hereby amended by striking out the first sentence and inserting in place thereof the following
2075 sentence:- A petitioner who has not more than 2 records that do not include an adjudication as a
2076 delinquent, an adjudication as a youthful offender or a conviction may, on a form furnished by
2077 the commissioner and signed under the penalties of perjury, petition that the commissioner
2078 expunge the record or records; provided, however, that multiple offenses arising out of the same
2079 incident shall be considered a single offense for the purposes of this section.

2080 SECTION 98. Said chapter 276 is hereby further amended by striking out section 100I, as
2081 so appearing, and inserting in place thereof the following section:-

2082 Section 100I. (a) The commissioner shall certify that a record or records that are the
2083 subject of the petition filed pursuant to section 100F, section 100G or section 100H are eligible
2084 for expungement provided that:

2085 (1) any offense resulting in the record or records that are the subject of the petition is not
2086 a criminal offense included in section 100J;

2087 (2) all offenses that are the subject of the petition to expunge the record or records
2088 occurred before the petitioner's twenty-first birthday;

2089 (3) all offenses that are the subject of the petition to expunge the record or records,
2090 including any period of incarceration, custody or probation, occurred not less than 7 years before
2091 the date on which the petition was filed if the record or records that are the subject of the petition
2092 include a felony, and not less than 3 years before the date on which the petition was filed if the
2093 record or records that are the subject of the petition only include a misdemeanor or
2094 misdemeanors;

2095 (4) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50
2096 and the record or records that are the subject of the petition to expunge, the petitioner does not
2097 have any other criminal court appearances, juvenile court appearances or dispositions on file
2098 with the commissioner; provided, however, multiple offenses arising out of the same incident
2099 shall be considered a single offense for the purposes of this section;

2100 (5) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50,
2101 the petitioner does not have any criminal court appearances, juvenile court appearances or
2102 dispositions on file in any other state, United States possession or in a court of federal
2103 jurisdiction; and

2104 (6) the petition includes a certification by the petitioner that, to the petitioner's
2105 knowledge, the petitioner is not currently the subject of an active criminal investigation by any
2106 criminal justice agency.

2107 Any violation of section 7 of chapter 209A or section 9 of chapter 258E shall be treated as a
2108 felony for purposes of this section.

2109 SECTION 99. Notwithstanding any general or special law or collective bargaining
2110 agreement to the contrary, on or before June 30, 2021, every law enforcement agency, as defined
2111 in section 1 of chapter 6E of the General Laws, shall provide to the Massachusetts peace officer
2112 standards and training commission, in a form to be determined by the commission, a
2113 comprehensive disciplinary record for each law enforcement officer, as defined by said section 1
2114 of said chapter 6E, employed by said agency, including, but not limited to: (i) every complaint of
2115 which the officer was the subject of during the course of their employment with the agency; and
2116 (ii) all disciplinary records of the officer, including the final disposition of a complaint, if any,

2117 and any discipline imposed. On or before December 1, 2021, the commission shall provide to
2118 each agency a list of each officer currently employed in the commonwealth, and each agency
2119 shall provide to the commission, in a form to be determined by the commission, a comprehensive
2120 disciplinary record for each law enforcement officer previously employed by said agency or a
2121 transferor agency for which the agency is the transferee agency, including, but not limited to: (i)
2122 every complaint of which the officer was the subject of during the course of their employment
2123 with the agency; and (ii) all disciplinary records of the officer, including the final disposition of a
2124 complaint, if any, and any discipline imposed.

2125 SECTION 100. Notwithstanding subsections (b), (c), and (d) of section 2 of chapter 6E
2126 of the General Laws, in making the initial appointments to the Massachusetts peace officer
2127 standards and training commission, the governor shall appoint 3 commissioners for a 1-year
2128 term; the attorney general shall appoint 3 commissioners for a 2-year term; and the governor and
2129 the attorney general shall jointly appoint 1 commissioner for a 3-year term, 1 commissioner for a
2130 4-year term and 1 commissioner for a 5-year term. Thereafter, as the term of a commissioner
2131 expires, their successor shall be appointed for a 5-year term pursuant to said section 2 of said
2132 chapter 6E. A person appointed pursuant to this section for less than 5 years shall be eligible for
2133 re-appointment to the commission for 2 full 5-year terms.

2134 SECTION 101. The initial appointments to the Massachusetts peace officer standards and
2135 training commission under section 2 of chapter 6E of the General Laws shall be made not later
2136 than April 1, 2021. All subsequent appointments shall be made within 30 days of an expired term
2137 or, if the vacancy is due to something other than an expired term, within 90 days.

2138 SECTION 102. (a) Notwithstanding section 4 of chapter 6E of the General Laws, a law
2139 enforcement officer, as defined in section 1 of said chapter 6E, who has completed an academy
2140 or training program certified by the municipal police training committee or the training programs
2141 prescribed by chapter 22C of the General Laws on or before the effective date of this section and
2142 is appointed as a law enforcement officer as of the effective date of this section, shall be certified
2143 as of the effective date of this section. No officer who is certified pursuant to this section shall be
2144 required to complete or repeat a basic training program if such officer previously completed a
2145 basic training program provided or approved by the municipal police training committee or its
2146 predecessor, the criminal justice training council or received previous basic training that the
2147 Massachusetts peace officer standards and training commission deems equivalent to
2148 Massachusetts training standards.

2149 (b) All law enforcement officers who have completed a reserve training program on or
2150 before the effective date of this section shall be certified as of the effective date of this section.
2151 Prior to the expiration of that certification, the officer shall complete additional training as
2152 required by the committee on police training and certification.

2153 (c) Any training waiver or exemption granted by the municipal police training committee
2154 prior to the effective date of this section shall expire 6 months after the effective date of this
2155 section. Any person who has not completed an academy or training program certified by the
2156 municipal police training committee or the training programs prescribed by said chapter 22C on
2157 or before the effective date of this section, and has been appointed to a law enforcement position
2158 as of the effective date of this section, shall not exercise police powers following the expiration
2159 of any training waiver or exemption under this section. Prior to the expiration of this 6-month
2160 period, the person may obtain from the committee on police training and certification a waiver or

2161 an extension of time necessary to complete training according to a work plan approved by the
2162 committee on police training and certification.

2163 (d) The certification of a law enforcement officer who has graduated from an academy or
2164 training program certified by the municipal police training committee or the training programs
2165 prescribed by said chapter 22C who is certified as a result of this section and whose last names
2166 begin with: (i) A to H, inclusive, shall expire 1 year after the effective date of this section; (ii) I
2167 to P, inclusive, shall expire 2 years after the effective date of this section; and (iii) Q to Z,
2168 inclusive, shall expire 3 years after the effective date of this section.

2169 SECTION 103. (a) There shall be a commission to review and make recommendations
2170 on: (i) improving, modernizing and developing comprehensive protocols for the training of state
2171 and county correction officers and juvenile detention officers; (ii) establishing clear limitations
2172 on the use of physical force by state and county correction officers and juvenile detention
2173 officers; and (iii) requiring that an inmate and the inmate's legally designated representative have
2174 the right to obtain a copy of all records relating to any use of force incident involving the inmate
2175 including, but not limited to, written reports, investigations, video and audio recordings and
2176 photographs; (iv) making a public record, and to what extent, records relating to any use of force
2177 incident involving an inmate; and (v) creating an independent body with the power to certify,
2178 renew, revoke or otherwise modify the certification of state and county correction officers and
2179 juvenile detention officers and the power to receive, investigate and adjudicate complaints of
2180 officer misconduct.

2181 (b) The commission shall consist of: a former judge appointed by the chief justice of the
2182 supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1

2183 correctional officer who shall be appointed by the New England Police Benevolent Association,
2184 Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the
2185 commissioner of the department of youth services or a designee; 1 correction officer who shall
2186 be appointed by the president of the Massachusetts Correction Officers Federated Union; 1
2187 member appointed by American Federation of State, County and Municipal Employees Council
2188 93 who shall be an employee of the department of youth services and who shall have not less
2189 than 5 years of experience working in a department of youth services secure facility; the
2190 executive director of Citizens for Juvenile Justice, Inc. or a designee; the executive director of
2191 Prisoners' Legal Services or a designee; the president of the Boston branch of the National
2192 Association for the Advancement of Colored People New England Area Conference or a
2193 designee; the executive director of Lawyers for Civil Rights, Inc. or a designee; the president of
2194 the Massachusetts Bar Association or a designee; 2 members appointed by the Massachusetts
2195 Black and Latino legislative caucus who shall not be members of the caucus; 2 members
2196 appointed by the Massachusetts House Asian Caucus who shall not be members of the caucus;
2197 the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a
2198 designee; and 2 members who shall be appointed by the governor, 1 of whom shall be a member
2199 of the LGBTQ community and 1 of whom shall be a formerly-incarcerated woman.

2200 (c) In order to establish clear limitations on the use of physical force by correctional
2201 officers, the commission shall collect and analyze data on the use of force against inmates. The
2202 department of correction and sheriffs' departments shall provide the commission access to any
2203 and all reports written pursuant to 103 CMR 505.13 (1) and (2), or successor provisions. The
2204 commission shall ascertain whether the information provided is uniform, standardized and

2205 reasonably complete and, if not, shall recommend policies to increase uniformity, standardization
2206 and completeness.

2207 (d) The commission shall report and file its findings and recommendations, including any
2208 legislation, with the clerks of the house of representatives and senate and the joint committee on
2209 public safety and security not later than December 31, 2021.

2210 SECTION 104. (a) As used in this section, the following words shall, unless the context
2211 clearly requires otherwise, have the following meanings:

2212 “Biometric data”, computerized data relating to the physical, physiological or behavioral
2213 characteristics of a natural person, which allow or confirm the unique identification of such
2214 person, including, but not limited to, facial recognition, fingerprints, palm veins,
2215 deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

2216 “Body-worn camera”, a portable electronic recording device worn on a law enforcement
2217 officer’s person that creates, generates, sends, receives, stores, displays and processes
2218 audiovisual recordings or records audio and video data of law enforcement-related encounters
2219 and activities.

2220 “Facial recognition software”, a category of biometric software that maps an individual’s
2221 facial features mathematically and stores the data as a faceprint.

2222 “Law enforcement officer”, as defined in section 1 of chapter 6E of the General Laws.

2223 “Law enforcement-related activities”, activities by a law enforcement officer, including,
2224 but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations,
2225 pursuits, crowd control, traffic control or non-community caretaking interactions with an

2226 individual while on patrol; provided, however, that “law enforcement-related activities” shall not
2227 include completion of paperwork alone or only in the presence of other law enforcement officers
2228 or civilian law enforcement personnel.

2229 “Recording”, the process of capturing data or information stored on a recording medium.

2230 (b) The executive office of public safety and security, in collaboration with the executive
2231 office of technology services and security, shall establish the law enforcement body camera task
2232 force. The task force shall propose regulations establishing a uniform code for the procurement
2233 and use of body-worn cameras by law enforcement officers to provide consistency throughout
2234 the commonwealth. The task force shall propose minimum requirements for the storage and
2235 transfer of audio and video recordings collected by body-worn cameras. The task force shall
2236 conduct not fewer than 5 public hearings in various parts of the commonwealth to hear testimony
2237 and comments from the public.

2238 (c) The task force shall consist of 25 members: the secretary of public safety and security
2239 or a designee; the secretary of technology services and security or a designee; the attorney
2240 general or a designee; a member appointed by the committee for public counsel services; a
2241 district court judge appointed by the chief justice of the supreme judicial court; 2 members
2242 appointed by the Massachusetts Black and Latino legislative caucus who shall have expertise in
2243 constitutional or civil rights law; 1 member appointed by the chair of the Massachusetts Minority
2244 Law Enforcement Officers Association; 1 member appointed by the chair of the Massachusetts
2245 Minority State Police Officers Association, Inc.; 1 member appointed by the chair of the
2246 Massachusetts Latino Police Officers Association, Inc.; 1 member appointed by the chair of the
2247 Massachusetts Association of Women in Law Enforcement, Inc.; 2 members appointed by the

2248 Massachusetts House Asian Caucus who shall have expertise in constitutional or civil rights law;
2249 the president of the Massachusetts Sheriffs' Association or a designee; 1 member appointed by
2250 the Massachusetts Coalition of Police, Inc.; the colonel of state police or a designee; the
2251 president of the Massachusetts District Attorneys Association or a designee; the executive
2252 director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; the president
2253 of the Boston branch of the National Association for the Advancement of Colored People New
2254 England Area Conference or a designee; the president of the Massachusetts Defense Lawyers
2255 Association, Inc., or a designee; and 5 members appointed by the governor, 1 of whom shall be a
2256 police chief in a municipality with a body camera pilot program and a population of not fewer
2257 than 100,000 people, 1 of whom shall be a police chief in a municipality with a body camera
2258 pilot program and a population of not more than 50,000 people, 1 of whom shall be an expert on
2259 constitutional or privacy law who is employed by a law school in the commonwealth, 1 of whom
2260 shall be an elected official in a municipality with a body camera pilot program and 1 of whom
2261 shall be a representative of a law enforcement labor organization.

2262 (d) The task force shall elect a chair and vice-chair. A meeting of the task force may be
2263 called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of
2264 business shall consist of 7 members. All members of the task force shall serve without
2265 compensation. The executive agencies convening the task force shall assign administrative
2266 personnel to assist the work of the task force. The task force shall meet not less than 12 times. In
2267 addition to taking public testimony, the task force shall seek the advice of experts specializing in
2268 the fields of criminology, education, criminal or family law or other related fields, as appropriate.

2269 (e) On or before July 31, 2022, the task force shall, by majority vote, adopt recommended
2270 regulations for law enforcement agencies. The regulations recommended by the task force shall

2271 include, but not be limited to: (i) standards for the procurement of body-worn cameras and
2272 vehicle dashboard cameras by law enforcement agencies, including a requirement that such
2273 cameras or associated processing software include technology for redacting the images and
2274 voices of victims and bystanders; (ii) standards regarding the use of facial recognition or other
2275 biometric-matching software or other technology to analyze recordings obtained through the use
2276 of such cameras; provided, however, that such standards may prohibit or allow such use subject
2277 to requirements based on best practices and protocols; (iii) standards for training law
2278 enforcement officers in the basic use of such cameras; (iv) standards for: (A) the types of law
2279 enforcement encounters and interactions that shall be recorded and what notice, if any, shall be
2280 given to those being recorded; and (B) when a camera should be activated and when to
2281 discontinue recording; (v) a requirement that a camera be equipped with pre-event recording,
2282 capable of recording at least the 30 seconds prior to camera activation; (vi) a requirement
2283 preventing an officer from accessing or viewing any recording of an incident involving the
2284 officer before the officer is required to make a statement about the incident; (vii) standards for
2285 the identification, retention, storage, maintenance and handling of recordings from body
2286 cameras, including a requirement that recordings be retained for not less than 180 days but not
2287 more than 30 months for a recording not relating to a court proceeding or ongoing criminal
2288 investigation or for the same period of time that evidence is retained in the normal course of the
2289 court's business for a recording related to a court proceeding; (viii) standards pertaining to the
2290 recordings of use of force, detention or arrest by a law enforcement officer or pertaining to
2291 ongoing investigations and prosecutions to assure that recordings are retained for a period
2292 sufficient to meet the needs of all parties with an interest in the recordings; (ix) standards for the
2293 security of facilities in which recordings are kept; (x) requirements for state procurement of

2294 contracts for body-worn cameras and for data storage through which qualified law enforcement
2295 agencies may purchase goods and services; (xi) best practice language for contracts with third-
2296 party vendors for data storage, which shall provide that recordings from such cameras are the
2297 property of the law enforcement agency, are not owned by the vendor and cannot be used by the
2298 vendor for any purpose inconsistent with the policies and procedures of the law enforcement
2299 agency; (xii) procedures for supervisory internal review and audit; (xiii) sanctions for improper
2300 use of cameras, including a requirement that a law enforcement officer who does not activate a
2301 body-worn camera in response to a call for assistance shall include that fact in their incident
2302 report and note in the case file or record the reason for not activating the camera; (xiv) sanctions
2303 for tampering with a camera or recordings and for improper destruction of recordings; (xv)
2304 regulations pertaining to handling requests for the release of information recorded by a body-
2305 worn camera to the public; (xvi) requirements for reporting by law enforcement agencies
2306 utilizing body-worn cameras; (xvii) a retention schedule for recordings to ensure that storage
2307 policies and practices are in compliance with all relevant laws and adequately preserve
2308 evidentiary chains of custody and identify potential discovery issues; and (xviii) a process by
2309 which body camera footage may be included in a public record.

2310 (f) Not later than July 31, 2021, the task force shall file an interim report on its work
2311 product, including its proposed regulations under subsection (e) and any proposed legislation that
2312 is necessary to effectuate the regulations with the clerks of the house of representatives and the
2313 senate and the joint committee on public safety and homeland security.

2314 SECTION 105. (a) Notwithstanding any special or general law to the contrary, there
2315 shall be a special legislative commission established pursuant to section 2A of chapter 4 of the
2316 General Laws to conduct a study on the use of facial recognition technology by the

2317 Massachusetts Department of Transportation. The commission shall consist of 15 members: 2 of
2318 whom shall be the chairs of the joint committee on the judiciary or their designees, who shall
2319 serve as co-chairs; 1 of whom shall be the minority leader of the house of representatives or a
2320 designee; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom shall be
2321 the chief justice of the supreme judicial court or a designee; 1 of whom shall be the attorney
2322 general or a designee; 1 of whom shall be the secretary of public safety and security or a
2323 designee; 1 of whom shall be the state auditor or a designee; 1 of whom shall be the registrar of
2324 motor vehicles or a designee; 1 of whom shall be the colonel of state police or a designee; 1 of
2325 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
2326 Inc. or a designee; 1 of whom shall be the chief counsel for the committee for public counsel
2327 services or a designee; 1 of whom shall be the president of the Massachusetts Sheriffs'
2328 Association or a designee; 1 of whom shall be the president of the Massachusetts District
2329 Attorneys Association or a designee; and 1 of whom shall be the executive director of the
2330 Massachusetts Technology Collaborative or a designee.

2331 The commission shall evaluate the use of facial recognition technology in the
2332 commonwealth and make recommendations to the legislature. The commission shall: (i) examine
2333 and evaluate the facial recognition system operated by the registry of motor vehicles and provide
2334 recommendations for regular independent bias testing; (ii) propose standards to ensure accuracy
2335 and equity of the system based on age, race, gender and religion; (iii) examine access to the
2336 facial recognition system and the management of information derived from it, including, but not
2337 limited to, data retention, data sharing and audit trails; (iv) identify which federal agencies, if
2338 any, have access to databases maintained by the commonwealth that catalogue images of faces
2339 and the authorization for, and terms of, such access; (v) evaluate the requirement for a warrant by

2340 law enforcement agencies to perform facial recognition searches, including, but not limited to,
2341 enhanced requirements to perform a search similar to those set forth in section 99 of chapter 272
2342 of the General Laws; (vi) provide recommendations for due process protections of criminal
2343 defendants when facial recognition technology is used in any part of an investigation; (vii)
2344 provide recommendations to ensure privacy for the public; and (viii) provide recommendations
2345 for adequate training and oversight on the use of facial recognition technology.

2346 For the purposes of this section, “facial recognition” shall mean an automated or semi-
2347 automated process that assists in identifying or verifying an individual or capturing information
2348 about an individual based on the physical characteristics of an individual’s face, head or body,
2349 that uses characteristics of an individual’s face, head or body to infer emotion, associations,
2350 activities or the location of an individual; provided, however, that “facial recognition” shall not
2351 include the use of search terms to sort images in a database.

2352 (b) The commission shall submit its findings and recommendations relative to the use of
2353 facial recognition technology by filing the same with the clerks of the house of representatives
2354 and senate and the governor not later than December 31, 2021.

2355 SECTION 106. (a) There shall be, pursuant to section 2A of chapter 4 of the General
2356 Laws, a special legislative commission on emergency hospitalizations pursuant to subsection (a)
2357 of section 12 of chapter 123 of the General Laws. The commission shall: (i) study how often
2358 emergency hospitalizations are used by law enforcement professionals; (ii) examine the impact
2359 of emergency hospitalizations on law enforcement resources; (iii) create best practices for
2360 coordination of services for hospitalized individuals by law enforcement and medical

2361 professionals; and (iv) determine how to reduce police interactions with individuals frequently
2362 subject to emergency hospitalization.

2363 (b) The commission shall consist of 11 members: the commissioner of mental health or a
2364 designee; the secretary of public safety and security or a designee; the executive director of the
2365 mental health legal advisors committee established in section 34E of chapter 221 of the General
2366 Laws or a designee; 2 law enforcement officers, as defined in section 1 of chapter 6E of the
2367 General Laws, to be appointed by the speaker of the house of representatives, of whom at least 1
2368 shall reside in a gateway municipality as defined in section 3A of chapter 23A of the General
2369 Laws; 2 clinical social workers to be appointed by the president of the senate, of whom at least 1
2370 shall reside in a gateway municipality, as defined in said section 3A of said chapter 23A; the
2371 president of the Massachusetts Medical Society or a designee; the president of the Massachusetts
2372 Nurses Association or a designee; the president of the Massachusetts Chiefs of Police
2373 Association Incorporated or a designee; and the president of the Massachusetts Coalition of
2374 Police, Inc. or a designee.

2375 (c) The commission shall conduct a thorough review of the policies and procedures
2376 related to emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of
2377 the General Laws. The goals of the special commission shall be to: (i) develop strategies that
2378 reduce the amount of police resources and police interactions with individuals hospitalized
2379 pursuant to said subsection (a) of said section 12 of said chapter 123; (ii) better determine how
2380 law enforcement and medical professionals can coordinate services to advance the shared goals
2381 of public safety and public health in the commonwealth; and (iii) make recommendations,
2382 including, but not limited to, policy or legislative changes, related to emergency hospitalizations.

2383 (d) The commission shall submit its report and recommendations, together with drafts of
2384 legislation to carry its recommendations into effect, by filing the same with the clerks of the
2385 house of representatives and the senate not later than September 30, 2021.

2386 SECTION 107. (a) Notwithstanding any general or special law to the contrary, there shall
2387 be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative
2388 commission to study and examine the civil service law, personnel administration rules, hiring
2389 procedures and by-laws for municipalities not subject to the civil service law and state police
2390 hiring practices.

2391 (b) The commission shall consist of 29 members; 3 members appointed by the governor,
2392 1 of whom shall be a member of a police officers' union, 1 of whom shall be a member of a
2393 firefighters' union and 1 of whom shall be a member of a correctional officers' union; 1 of whom
2394 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or
2395 the executive director's designee; 1 of whom shall be the president of the Boston branch of the
2396 National Association for the Advancement of Colored People New England Area Conference or
2397 the president's designee; 1 of whom shall be the chair of the Massachusetts Law Enforcement
2398 Policy Group, Inc.; 1 of whom shall be the president of the Massachusetts Chiefs of Police
2399 Association Incorporated or the president's designee; 1 of whom shall be the president of the
2400 Fire Chiefs' Association of Massachusetts, Inc. or the president's designee; 1 of whom shall be
2401 the chair of the Massachusetts Association of Minority Law Enforcement Officers, Inc. ; 1 of
2402 whom shall be the colonel of state police or the colonel's designee; 1 of whom shall be the
2403 chairman of the civil service commission or the chairman's designee; 1 of whom shall be the
2404 secretary of administration and finance or the secretary's designee; 1 of whom shall be the
2405 president of the Massachusetts Bar Association or the president's designee; 1 of whom shall be

2406 the secretary of public safety and security or the secretary's designee; 1 of whom shall be the
2407 president of the Mass. Veterans' Service Agents Association, Inc. or the president's designee; 1
2408 of whom shall be the secretary of veterans' services or the secretary's designee; 1 of whom shall
2409 be the commander of the Disabled American Veterans, Department of Massachusetts, Inc., or the
2410 commander's designee; 1 of whom shall be the executive director of the Massachusetts
2411 Municipal Association, Inc. or the executive director's designee; 1 of whom shall be the chair of
2412 the Massachusetts Black and Latino Legislative Caucus or the chair's designee; 1 of whom shall
2413 be the chair of the Massachusetts House Asian Caucus or the chair's designee; 4 members of the
2414 house of representatives, 2 of whom shall be appointed by the speaker of the house of
2415 representatives, 1 of whom shall be the house chair of the joint committee on public service or
2416 the chair's designee and 1 of whom shall be appointed by the minority leader of the house of
2417 representatives; 4 members of the senate, 2 of whom shall be appointed by the senate president, 1
2418 of whom shall be the senate chair of the joint committee on public service or designee and 1 of
2419 whom shall be appointed by the minority leader of the senate; and the attorney general or the
2420 attorney general's designee. The speaker of the house of representatives shall appoint 1 co-chair
2421 from the house appointees to the commission and the senate president shall appoint 1 co-chair
2422 from the senate appointees to the commission.

2423 (c) The commission shall study the employment, promotion, performance evaluation and
2424 disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring
2425 and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the
2426 statutory merit preference status and the hiring from those eligible lists; (iii) all current civil
2427 service examinations and the use of the examinations for hiring and promotions; (iv) collective
2428 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to civil

2429 service employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting
2430 civil service employees.

2431 (d) The commission shall study the employment, promotion, performance evaluation and
2432 disciplinary procedures of municipalities not subject to the civil service law, including, but not
2433 limited to: (i) the hiring and recruitment procedures and by-laws for municipalities; (ii) all
2434 examinations administered by municipalities and the use of the examinations for hiring and
2435 promotions; (iii) the use of minimum eligibility guidelines and hiring qualifications or
2436 preferences; (iv) collective bargaining agreements by unions; (v) the disciplinary and appeal
2437 procedures as applied to municipal employees; and (vi) identifying any barriers that exist in
2438 hiring, recruiting or promoting municipal employees.

2439 (e) The commission shall study employment, promotion, performance evaluation and
2440 disciplinary procedures of the department of state police, including, but not limited to: (i) hiring
2441 and recruitment laws and procedures; (ii) the requirements of chapter 22C of the General Laws;
2442 (iii) all examinations used by the state police for hiring and promotions; (iv) collective
2443 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to
2444 officers of the Massachusetts state police; and (vi) identifying any barriers that exist in hiring,
2445 recruiting or promoting officers of the department of state police.

2446 (f) The commission shall evaluate the feasibility of creating a statewide diversity office
2447 within the executive office of administration and finance to establish affirmative action plans and
2448 guidelines for municipalities, oversee the implementation of these plans and guidelines and
2449 monitor noncompliance. The commission shall examine the feasibility and cost of hiring or
2450 appointing a diversity officer for every city or town with a municipal police or fire department.

2451 (g) The commission shall make recommendations for changes to the civil service law to
2452 improve diversity, transparency and representation of the community in recruitment, hiring and
2453 training of civil service employees, including, but not limited to, any changes to civil service
2454 exams, merit preference status, eligible lists and appointment from eligible lists by hiring
2455 authorities. The commission shall make recommendations to improve diversity, transparency and
2456 representation of the community in recruitment, hiring and training for municipalities not subject
2457 to the civil service law and for the department of state police.

2458 (h) The commission shall hold its first meeting not later than 30 days after the effective
2459 date of this act and shall meet at least monthly thereafter. The commission shall submit a report
2460 of its study and any recommendations, together with any draft legislation necessary to carry
2461 those recommendations into effect, by filing the same with the governor, the speaker of the
2462 house of representatives and the president of the senate and the clerks of the house of
2463 representatives and senate on or before September 30, 2021.

2464 SECTION 108. (a) Notwithstanding any special or general law to the contrary, there shall
2465 be a special legislative commission established pursuant to section 2A of chapter 4 of the
2466 General Laws to study the establishment of a statewide law enforcement officer cadet program.
2467 The commission shall consist of 21 members: 2 of whom shall be the chairs of the joint
2468 committee on public safety and homeland security or their designees, who shall serve as co-
2469 chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1
2470 of whom shall be the chair of the Massachusetts Black and Latino Legislative Caucus or a
2471 designee; 1 of whom shall be the chair of the Massachusetts House Asian Caucus or a designee;
2472 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public
2473 safety and security or a designee; 1 of whom shall be the colonel of state police or a designee; 1

2474 of whom shall be the commissioner of correction or a designee; 1 of whom shall be the training
2475 director of the Massachusetts peace officer standards and training commission or a designee; 1 of
2476 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
2477 Inc. or a designee; 1 of whom shall be the president of the Boston branch of the National
2478 Association for the Advancement of Colored People New England Area Conference or a
2479 designee; and 8 of whom shall be appointed by the governor, 1 of whom shall be from the State
2480 Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of
2481 Police Association Incorporated, 1 of whom shall be from the Massachusetts Police Association,
2482 Inc., 1 of whom shall be from the Massachusetts Coalition of Police, Inc., 1 of whom shall be
2483 from the Massachusetts Sheriffs Association, Inc., 1 of whom shall be from the Massachusetts
2484 Association of Minority Law Enforcement Officers, Inc.; 1 of whom shall be from the
2485 Massachusetts Association of Women in Law Enforcement, Inc. and 1 of whom shall be from
2486 the Association of Chiefs of Police - State Universities of Massachusetts.

2487 (b) The appointments made by the governor pursuant to subsection (a) shall include
2488 women and people of color in such proportion as these groups exist in the commonwealth's
2489 population as periodically determined by the state secretary as the commonwealth's chief census
2490 officer.

2491 (c) The commission shall evaluate the establishment of a statewide law enforcement
2492 officer cadet program in the commonwealth through which all law enforcement agencies, as
2493 defined in section 1 of chapter 6E of the General Laws, may hire law enforcement officers and
2494 shall make recommendations to the legislature. The commission shall study the feasibility and
2495 benefits of establishing said cadet program, including, but not limited to: (i) impact on diversity
2496 within law enforcement agencies; (ii) impact on veteran preference hiring within law

2497 enforcement agencies; (iii) recommendations to ensure increased diversity across law
2498 enforcement agencies; (iv) proposed standards for admission to the statewide cadet program,
2499 including, but not limited to, age, education and physical, psychological and mental health; (v)
2500 proposed standards, including form, method and subject matter, for a qualifying examination
2501 which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably
2502 measured and that are actually required to perform the primary or dominant duties of a law
2503 enforcement cadet; (vi) proposed standards for completion of the cadet program and enlistment
2504 as a uniformed law enforcement officer; (vii) recommended cadet compensation and benefits,
2505 including, but not limited to, insurance coverage, retirement and pension benefits; (viii) the
2506 feasibility of providing specialized training required for appointment to a particular agency or by
2507 a city or town; and (ix) any other information the commission deems relevant.

2508 (d) The commission shall submit its findings and recommendations relative to the
2509 establishment of a statewide law enforcement cadet program by filing the same with the clerks of
2510 the house of representatives and the senate and the governor not later than December 31, 2021.

2511 SECTION 109. Notwithstanding any general or special law to the contrary, a person who
2512 is appointed as a school resource officer, as defined in section 37P of chapter 71 of the General
2513 Laws, as of the effective date of this act may continue in such appointment without receiving a
2514 certification to serve as such pursuant to subsection (b) of section 3 of chapter 6E of the General
2515 Laws; provided, however, that they receive said certification by December 31, 2021.

2516 SECTION 110. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2517 General Laws, a special legislative commission on structural racism in correctional facilities of
2518 the commonwealth. The commission shall investigate and study disparate treatment of persons of

2519 color incarcerated at state and county correctional facilities and determine the role of structural
2520 racism in those disparities.

2521 (b) The special legislative commission shall consist of 17 members: 4 of whom shall be
2522 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
2523 shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom
2524 shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of
2525 the senate to be appointed by the senate president; 2 of whom shall be appointed by the governor,
2526 1 of whom shall be the secretary of public safety and security; 1 of whom shall be the president
2527 of the Massachusetts Sheriffs Association, Inc. or a designee; 1 of whom shall be the president of
2528 the Massachusetts Correction Officers Federated Union or a designee; 1 of whom shall be the
2529 executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1
2530 of whom shall be the president of the Urban League of Eastern Massachusetts, Inc. or a designee;
2531 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the
2532 chief executive officer of UTEC, Inc. or a designee; 1 of whom shall be the executive director of
2533 Prisoners' Legal Services or a designee; 1 of whom shall be the executive director of GLBTQ
2534 Legal Advocates & Defenders, Inc. or a designee; 1 of whom shall be the executive director of
2535 Massachusetts Coalition for the Homeless, Inc. or a designee; and 1 of whom shall be the chair
2536 of the New England Chapter of the American Immigration Lawyers Association or a designee.

2537 (c) The special commission shall conduct a thorough review of the policies and
2538 procedures in place at state and county correctional facilities, both as written and as
2539 implemented, to determine if there are disparities in the treatment of persons of color and if
2540 structural racism at these facilities is a cause of those disparities. The special commission shall
2541 also conduct a thorough review of the access to educational, vocational or other programming

2542 options for incarcerated inmates and if there are disparities in access for persons of color and if
2543 structural racism is a cause of those disparities. The special commission shall make
2544 recommendations to eliminate any disparities in the treatment of persons of color found at state
2545 and county facilities including policy or legislative changes.

2546 (d) The special commission shall submit its report and recommendations, together with
2547 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
2548 the house of representatives and the senate not later than September 30, 2021.

2549 SECTION 111. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2550 General Laws, a special legislative commission on structural racism in the parole process. The
2551 commission shall make an investigation and study into disparate treatment of persons of color in
2552 the parole process and determine the role of structural racism in those disparities.

2553 (b) The special legislative commission shall consist of 13 members: 3 of whom shall be
2554 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
2555 shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom
2556 shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of
2557 the senate to be appointed by the senate president; 2 of whom shall be appointed by the governor,
2558 1 of whom shall be a member of the parole board; 1 of whom shall be the executive director of
2559 the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the
2560 president of the Boston branch of the National Association for the Advancement of Colored
2561 People New England Area Conference or a designee; 1 of whom shall be the executive director
2562 of Roca, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts
2563 Coalition for the Homeless, Inc. or a designee; 1 of whom shall be the chief executive officer of

2564 UTEC, Inc. or a designee; and 1 of whom shall be the executive director of Prisoners' Legal
2565 Services or a designee.

2566 (c) The special commission shall conduct a thorough review of the parole process to
2567 determine if there are disparities in the treatment of persons of color in the granting or denying of
2568 parole and if structural racism is a cause of those disparities. The special commission shall also
2569 conduct a thorough review of any disparities in conditions of release placed on persons of color
2570 and if structural racism is a cause of those disparities. The special commission shall make
2571 recommendations to eliminate any disparities in the treatment of persons of color found in the
2572 parole process including policy or legislative changes.

2573 (d) The special commission shall submit its report and recommendations, together with
2574 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
2575 the house of representatives and the senate not later than September 30, 2021.

2576 SECTION 112. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2577 General Laws, a special legislative commission on structural racism in the Massachusetts
2578 probation service, referred to in this section as the commission. The commission shall make an
2579 investigation and study into disparate treatment of persons of color in the probation process and
2580 determine the role of structural racism in those disparities.

2581 (b) The special legislative commission shall consist of 13 members: 3 of whom shall be
2582 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
2583 shall be a member of the Massachusetts Black and Latino Legislative Caucus and 1 of whom
2584 shall be a member of the Massachusetts House Asian Caucus; 2 of whom shall be members of
2585 the senate to be appointed by the president of the senate; 1 of whom shall be appointed by the

2586 governor; 1 of whom shall be the commissioner of probation; 1 of whom shall be the executive
2587 director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom
2588 shall be the president of the Boston branch of the National Association for the Advancement of
2589 Colored People New England Area Conference or a designee; 1 of whom shall be the executive
2590 director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC, Inc.
2591 or a designee; 1 of whom shall be the executive director of the Massachusetts Coalition for the
2592 Homeless, Inc. or a designee; and 1 of whom shall be the chief counsel of the committee for
2593 public counsel services or a designee.

2594 (c) The special commission shall conduct a thorough review of the probation process to
2595 determine if there are disparities in the treatment of persons of color in the probation system and
2596 if structural racism is a cause of those disparities. The special commission shall also conduct a
2597 thorough review of any disparities in conditions or revocation of probation for persons of color
2598 and if structural racism is a cause of those disparities. The special commission shall make
2599 recommendations to eliminate any disparities in the treatment of persons of color found in the
2600 parole process including policy or legislative changes.

2601 (d) The special commission shall submit its report and recommendations, together with
2602 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
2603 the house of representatives and the senate not later than September 30, 2021.

2604 SECTION 113. The model school resource officer memorandum of understanding review
2605 commission established pursuant to section 37P of chapter 71 of the General Laws shall convene
2606 not later than March 31, 2021 and shall develop its first model memorandum of understanding
2607 not later than February 1, 2022 for implementation starting in the 2022 school year.

2608 SECTION 114. Notwithstanding section 75 of chapter 3 of the General Laws, the
2609 following initial members of the commission on the status on Black men and boys shall be
2610 appointed for the following terms:

2611 (a) The speaker of the house of representatives shall appoint, on or before May 1, 2021, 1
2612 member for a term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

2613 (b) The president of the senate shall appoint, on or before May 1, 2021, 1 member for a
2614 term of 1 year, 1 member for a term of 2 years and 1 member for a term of 3 years.

2615 (c) The Massachusetts Black and Latino Legislative Caucus or its successor organization
2616 shall appoint, on or before May 1, 2021, 1 member for a term of 1 year, 1 member for a term of 2
2617 years and 1 member for a term of 3 years.

2618 SECTION 115. Notwithstanding any general or special law to the contrary, the
2619 committee on police training and certification, established in section 4 of chapter 6E of the
2620 General Laws, shall investigate and study the benefits and costs of consolidating existing
2621 municipal police training committee training academies located in Boylston, Plymouth,
2622 Randolph, Reading and in Western Massachusetts and the 9 reserve or intermittent academies
2623 authorized by the municipal police training committee into a single, full time training institution
2624 with full time instructional staff. As part of the study, the committee on police training and
2625 certification shall identify feasible and appropriate locations for such a campus or facility within
2626 the commonwealth. The study, including any recommendations for legislation, shall be filed with
2627 the clerks of the house and senate, the house and senate committees on ways and means and the
2628 joint committee on public safety and homeland security not later than December 31, 2021.

2629 SECTION 116. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2630 General Laws, a special legislative commission to investigate and study the impact to the
2631 administration of justice of the qualified immunity doctrine in the commonwealth. Said
2632 investigation and study shall include, without limitation, an analysis of the origins of qualified
2633 immunity and its present interpretation by the courts of the commonwealth, and the legal and
2634 policy rationale for, and the legal and policy impact of, the qualified immunity doctrine in the
2635 commonwealth.

2636 (b) The special legislative commission shall consist of 15 members: 2 of whom shall be
2637 the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs;
2638 2 of whom shall be members of the house of representatives appointed by the speaker of the
2639 house; 1 of whom shall be a member of the house of representatives appointed by the minority
2640 leader; 2 of whom shall be members of the senate appointed by the president of the senate; 1 of
2641 whom shall be a member of the senate appointed by the minority leader; 3 of whom shall be
2642 appointed by the governor, 1 of whom shall be a member of a police officers' union, 1 of whom
2643 shall be a member of a firefighters' union and 1 of whom shall be a retired justice of the appeals
2644 court; 1 of whom shall be the executive director of the American Civil Liberties Union of
2645 Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Massachusetts Bar
2646 Association or a designee; 1 of whom shall be the executive director of the Massachusetts
2647 Municipal Association, Inc. or a designee; and 1 of whom shall be the president of the Boston
2648 branch of the National Association for the Advancement of Colored People New England Area
2649 Conference or a designee.

2650 (c) The special legislative commission shall submit a report of its study and
2651 recommendations, together with legislation, if any, to the clerks of the house of representatives
2652 and the senate on or before September 30, 2021.

2653 SECTION 117. (a) The community policing and behavioral health advisory council,
2654 established in subsection (e) of section 25 of chapter 19 of the General Laws, shall study and
2655 make recommendations for creating a crisis response and continuity of care system that delivers
2656 alternative emergency services and programs across the commonwealth that reflect specific
2657 regional, racial, ethnic and sexual orientation needs and differences in delivering such services.
2658 The study shall include, but not be limited to: (i) a comprehensive review and evaluation of
2659 existing crisis intervention, alternative emergency response and jail diversion models, services
2660 and programs in the commonwealth at the state, county and municipal level and models used
2661 effectively in other jurisdictions; (ii) a method for evaluating the effectiveness of existing crisis
2662 intervention, alternative emergency response and jail diversion models, services and programs in
2663 diverting individuals from the criminal justice system and emergency departments to appropriate
2664 care; (iii) recommendations for expanding effective crisis intervention and jail diversion models,
2665 services and programs identified in clause (ii) across the commonwealth; (iv) identification of
2666 crisis response training programs and protocols for law enforcement officers and 911
2667 telecommunicators that reflect best practices and a plan for standardizing systems and aligning
2668 such programs and protocols across the commonwealth; (v) identification of outcome
2669 measurements and data collection procedures to be used to evaluate the effectiveness of the crisis
2670 response system and its components; (vi) an analysis of the federal Substance Abuse and Mental
2671 Health Services Administration national guidelines for behavioral health crisis care, including
2672 regional crisis call centers and mobile crisis teams; and (vii) an estimate of the additional costs or

2673 cost savings of implementing the council's recommendations under this section and possible
2674 sources of funding for delivering the crisis response and continuity of care system at the state,
2675 county and municipal levels. In developing recommendations for a crisis response and jail
2676 diversion system, the council, where appropriate, shall prioritize non-police community-based
2677 programs.

2678 (b) The council may commission an independent research or academic organization with
2679 expertise in clinical social work, criminal justice, behavioral health jail diversion modalities and
2680 accessible analysis of quantitative and qualitative data and communication of study results to
2681 conduct the study. The council shall facilitate the collection of data needed to complete the study
2682 pursuant to a memoranda of understanding with the department of mental health, the executive
2683 office of public safety and security, the executive office of health and human services and
2684 relevant social service agencies.

2685 (c) The study shall be designed in consultation with interested stakeholders, including,
2686 but not limited to, the president of the National Association for the Advancement of Colored
2687 People New England Area Conference, the American Civil Liberties Union of Massachusetts,
2688 Inc.; the National Association of Social Workers, Inc.; the Massachusetts Association for Mental
2689 Health, Inc.; the Association for Behavioral Healthcare, Inc. and members of the general court.

2690 (d) Not later than July 1, 2022, the council shall submit the study's findings to the clerks
2691 of the senate and house of representatives, the joint committee on mental health, substance use
2692 and recovery, the joint committee on public health, the joint committee on health care financing,
2693 the joint committee on public safety and homeland security and the center for responsive training
2694 in crisis intervention established pursuant to section 25 of chapter 19 of the General Laws. The

2695 study's findings shall be published on the department of mental health's website. Not later than 3
2696 months after receiving the study's findings, the council shall solicit public comment and hold not
2697 less than 4 public hearings, 1 of which shall be held in Berkshire, Franklin, Hampshire or
2698 Hampden county and 1 of which shall be held in the Worcester area.

2699 (e) The council shall report on existing and innovative crisis response models and
2700 recommend legislation or regulations to advance and strengthen non-police solutions to crisis
2701 response and jail diversion. The report shall incorporate the study's findings and issues raised in
2702 public comments and hearings. The report and recommendations shall be submitted to the clerks
2703 of the senate and house of representatives and the joint committee on mental health, substance
2704 use and recovery not later than July 1, 2023.

2705 (f) The center for responsive training in crisis intervention shall consider the council's
2706 recommendations for incorporation into regional training opportunities and training curricula.

2707 SECTION 118. Notwithstanding any general or special law to the contrary, the
2708 committee on police training and certification, in consultation with the executive office of public
2709 safety and security, shall promulgate regulations requiring law enforcement agencies to
2710 participate in critical incident stress management and peer support programs to address police
2711 officer mental wellness and suicide prevention as well as critical incident stress and the effect on
2712 public safety. The programs shall be created internally within an agency or agencies may
2713 collaborate within a regional system. The programs shall include, but shall not be limited to,
2714 mental wellness and stress management pre-incident and post-incident education, peer support,
2715 availability and referral to professional resources and assistance. The committee shall ensure that
2716 each officer is notified of the program during each 3-year certification cycle under this act.

2717 SECTION 119. Notwithstanding any general or special law to the contrary, not later than
2718 June 30, 2021, the committee on police training and certification shall issue guidance on
2719 developmentally appropriate de-escalation and disengagement tactics, techniques and procedures
2720 and other alternatives to the use of force for minor children that may take into account contextual
2721 factors including, but not limited to, the person's age, disability status, developmental status,
2722 mental health, linguistic limitations or other mental or physical condition.

2723 SECTION 120. Notwithstanding any general or special law to the contrary, section 100I
2724 of chapter 276 of the General Laws, as inserted by section 97, shall apply to any pending petition
2725 for expungement filed pursuant to sections 100F, 100G or 100H of said chapter 276 that was
2726 filed on or before the effective date of this act. Any petition for expungement filed pursuant to
2727 said sections 100F, 100G or 100H of said chapter 276 that was denied before the effective date
2728 of this act solely because the petitioner had more than 1 record as an adjudicated delinquent or
2729 adjudicated youthful offender or of a conviction may immediately refile the petition under said
2730 section 100I of said chapter 276.

2731 SECTION 121. (a) Notwithstanding any general or special law to the contrary, the
2732 Massachusetts peace officer standards and training commission, established in section 2 of
2733 chapter 6E of the General Laws, shall authorize the transfer of each employee of the municipal
2734 police training committee employed prior to the effective date of this act to become an employee
2735 of the Massachusetts peace officer standards and training commission, subject to said chapter 6E
2736 of the General Laws.

2737 (b) All employees of the municipal police training committee transferred to the service of
2738 the commission shall be transferred without impairment of seniority, retirement or other statutory

2739 rights of employees, without loss of accrued rights to holidays, sick leave, vacation and other
2740 benefits, and without change in union representation or certified collective bargaining unit as
2741 certified by the state labor relations commission or in local union representation or affiliation,
2742 except as otherwise provided in this act. Terms of service of employees of the program shall not
2743 be deemed to be interrupted by virtue of transfer to the commission.

2744 (c) Nothing in this section shall be construed to confer upon any employee of the
2745 municipal police training program any right not held immediately before the date of said transfer
2746 to the commission or to prohibit any reduction of salary grade, transfer, reassignment,
2747 suspension, discharge, layoff or abolition of position not prohibited before such date.

2748 (d) The terms and conditions of any collective bargaining agreement that is in effect upon
2749 such transfers authorized by this section shall continue in effect until the stated expiration date of
2750 such agreement, at which point the agreement shall expire; provided, however, that all such
2751 employees shall continue to retain their right to collectively bargain under chapter 150E of the
2752 General Laws and shall be considered employees of the Massachusetts peace officer standards
2753 and training commission established pursuant to chapter 6E of the General Laws for the purposes
2754 of said chapter 150E.

2755 SECTION 122. Subsection (a) of section 14 of chapter 6E shall take effect on December
2756 1, 2021.

2757 SECTION 123. Subsection (d) of section 15 of chapter 6E shall take effect on September
2758 1, 2021.