

HOUSE No. 4886

Text of the House amendments and committee on House Bills in the Third Reading changes of 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). July 24, 2020.

The Commonwealth of Massachusetts

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

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

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

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

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

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

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

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

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

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

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

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

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

69 SECTION 1A. Chapter 3 of the General Laws is hereby further amended by adding the
70 following section:-

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

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

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

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

102 Latinos using a racial equity framework; (F) advise executive agencies and the general court on
103 the potential effect on Latinos of proposed legislation and regulations using a racial equity
104 framework; (G) monitor executive and legislative action purported to eliminate systemic racism
105 for its impact on Latinos using a racial equity framework; and (H) generally undertake activities
106 designed to enable the commonwealth to realize the full benefit of the skills, talents and cultural
107 heritage of Latinos 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 senate and house of representatives.

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; provided, however, that the commission shall not
127 receive more than \$2,000,000 in settlement funds in any single fiscal year or cumulatively more
128 than \$2,500,000 in settlement funds in any period of 5 fiscal years. Funds received under this
129 subsection shall be deposited in a separate account with the state treasurer, received by the
130 treasurer on behalf of the commonwealth and expended by the commission in accordance with
131 law.

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

135 SECTION 1B. Chapter 3 of the General Laws is hereby further amended by adding the
136 following section:-

137 Section 74. (a) There shall be established a permanent commission on the status of
138 persons with disabilities. The commission shall consist of 23 members: 3 persons appointed by
139 the president of the senate; 3 persons appointed by the speaker of the house of representatives; 1
140 person appointed by the minority leader of the senate; 1 person appointed by the minority leader
141 of the house of representatives; 7 persons appointed by the governor; the attorney general or their
142 designee; the state treasurer or their designee; the secretary of state or their designee; the
143 executive director of the Disabled Persons Protection Commission or their designee; 1 person
144 from the University of Massachusetts Medical School Work Without Limits program; 1 person

145 from the Massachusetts Disability Policy Consortium; 1 person from the Massachusetts
146 Association of Developmental Disabilities Providers; and 1 person from the Massachusetts
147 Developmental Disabilities Council.

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

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

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

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

166 (3) Nominations for vacancies in the membership shall be solicited through an open
167 application process using a uniform and accessible application, which accommodates candidates
168 of all abilities. Appointments shall be announced no later than April 1 of each year.

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

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

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

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

188 employer by seeking to increase the number of people with disabilities employed by the
189 executive branch; (F) the enhanced enforcement of state requirements that promote diversity in
190 state government employment; (F) and the number of persons with disabilities who apply for
191 state disability services and are unsuccessful in receiving services; (ii) facilitate and promote
192 public awareness to encourage inclusion of persons with disabilities as employees and vendors
193 within the private and public sector workforce, including under-represented business sectors of
194 all sizes; (iii) assess programs and practices in all state agencies as they affect persons with
195 disabilities, as the commission deems necessary and appropriate; (iv) advise executive and
196 legislative bodies regarding the impact of proposed legislation on persons with disabilities; and,
197 (v) promote and facilitate collaboration among local disability commissions, disability rights
198 advocacy organizations, and disability employment service providers.

199 (g) The commission shall annually, on or before October 31, report the results of its
200 findings and activities of the preceding fiscal year and its recommendations which may include
201 draft legislation to the governor; the senate and house committees on ways and means; the clerks
202 of the house of representatives and the senate; the joint committee on children, families and
203 persons with disabilities; and, the joint committee on labor and workforce development.

204 (h) The powers of the commission shall include but not be limited to the following: (i) to
205 use voluntary and uncompensated services of private individuals, agencies and organizations as
206 may from time to time be offered and needed; (ii) to review policies and legislation and make
207 recommendations to agencies and officers of the state and local subdivisions of government to
208 effectuate the purposes of subsections (f) and (g); (iii) to select an executive director and to
209 acquire adequate staff to perform its duties; (iv) to establish and maintain such offices as it may
210 deem necessary; (v) to enact bylaws for its own governance; (vi) to establish subcommittees or

211 regional chapters of the commission as it deems necessary; and (vii) to hold regular, public
212 meetings and fact-finding hearings and other public forums as it may deem necessary.

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

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

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

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

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

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

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

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

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

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

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

244 The committee on police training and certification shall establish, within the recruit basic
245 training curriculum, a course for police schools, academies and programs for the training of law
246 enforcement officers in the commonwealth in the handling of domestic violence and sexual
247 violence complaints and shall develop guidelines for law enforcement response to domestic
248 violence and sexual violence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

306 SECTION 22. Said chapter 6, as so appearing, is hereby further amended by
307 inserting after section 116G the following 2 sections:-

308 Section 116H. (a) The committee on police training and certification, established in
309 section 4 of chapter 6E, shall establish and develop an in-service training program designed to
310 train school resource officers, as defined in section 37P of chapter 71. Such program shall
311 include training on: (i) the ways in which legal standards regarding police interaction and arrest
312 procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive
313 development, which shall include instruction on common child and adolescent behaviors, actions

314 and reactions as well as the impact of trauma, mental illness behavioral addictions such as
315 gaming and gambling disorder and developmental disabilities on child and adolescent
316 development and behavior; (iii) engagement and de-escalation tactics that are specifically
317 effective with youth; and (iv) strategies for resolving conflict and diverting youth in lieu of
318 making an arrest. Such program shall also include training related to: i) hate crime identification
319 and prevention training curriculum including acquisition of practical skills to prevent, respond to
320 and investigate hate crimes and hate incidents and their impacts on victim communities; ii) anti-
321 bias, anti-racism, and anti-harassment strategies; iii) bullying and cyberbullying; iv) and
322 comprehensive training to help school resource officers interact effectively with school
323 personnel, victim communities and build public confidence with cooperation with law
324 enforcement agencies.

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

330 Section 116I: The committee on police training and certification, established in section 4
331 of chapter 6E, shall establish and develop within the recruit basic training curriculum a program
332 for regional and municipal police training schools for the training of law enforcement officers
333 and correction officers in the commonwealth in appropriate interactions with persons on the
334 autism spectrum and those with other intellectual and developmental disabilities. The program
335 shall include training for law enforcement response to individuals on the autism spectrum and

336 those with other intellectual and developmental disabilities who are victims or witnesses to a
337 crime, or suspected or convicted of a crime.

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

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

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

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

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

348 “Facial recognition”, an automated or semi-automated process that assists in identifying
349 or verifying an individual or capturing information about an individual based on the physical
350 characteristics of an individual’s face, head or body, that uses characteristics of an individual’s
351 face, head or body to infer emotion, associations, activities or the location of an individual.
352 Facial recognition shall not include the use of search terms to sort images in a database.

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

354 “Other remote biometric recognition”, an automated or semi-automated process that
355 assists in identifying or verifying an individual or capturing information about an individual
356 based on an individual’s gait, voice or other biometric characteristic, or that uses such

357 characteristics to infer emotion, associations, activities or the location of an individual; provided,
358 however, that other remote biometric recognition shall not include the identification or
359 verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other
360 information derived from physical contact.

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

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

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

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

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

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

388 Not later than 48 hours after the law enforcement agency obtains access to records, the
389 agency shall file with the superior court in the relevant jurisdiction a signed, sworn statement
390 made by a supervisory official of a rank designated by the head of the agency setting forth the
391 grounds for the emergency search. Absent an order for delayed notice issued by a justice of the
392 superior court or the issuance of a subsequent warrant, all individuals identified by such a search
393 shall be provided notice that they were subject to a facial recognition search within 72 hours.
394 Any order for delayed notice shall, to the fullest extent possible without further endangering the
395 public, detail the ongoing nature of the emergency and the continuing and immediate threat to
396 public safety and shall not be valid for more than 72 hours without a further order for delayed
397 notice.

398 (3) The registrar of motor vehicles shall document, as a public record, each use of facial
399 recognition, except those authorized by clause (i) of paragraph (2). Such documentation shall
400 include: the name of the registry of motor vehicles employee who performed the search; the date
401 and time of the search; the number of matches returned, if any; the name and position of the

402 requesting individual and employing law enforcement agency; a copy of the warrant, or if no
403 warrant exists, a copy of the written emergency request; and data detailing the individual
404 characteristics included in the facial recognition request.

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

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

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

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

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

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

428 CHAPTER 6E. Massachusetts Police Standards and Training Commission

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

431 “Agency”, a law enforcement agency.

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

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

436 “Chair”, the chair of the commission.

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

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

443 “Commissioner”, a member of the commission.

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

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

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

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

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

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

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

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

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

473 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
474 agency, including, but not limited to: a city, town or district police department, the office of
475 environmental law enforcement, the University of Massachusetts police department, the
476 department of the state police, the Massachusetts Port Authority police department also known as
477 the Port of Boston Authority police department and the Massachusetts Bay Transportation
478 Authority police department; (ii) a sheriff’s department; or (iii) a public or private college,
479 university or other educational institution or hospital police department.

480 “Law enforcement officer” or “officer”, any officer of an agency, including the head of
481 the agency; a deputy, special or reserve sheriff; a county correction officer; a special state police
482 officer appointed pursuant to section 58 and 63 of chapter 22C; a special sheriff appointed
483 pursuant to section 4 of chapter 37; a constable executing an arrest for any reason; or any other
484 special, reserve or intermittent police officer.

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

487 “Officer-involved injury or death”, any event during which an officer: (i) discharges a
488 firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death
489 to another; (ii) discharges any stun gun as defined in said section 121 of said chapter 140,
490 actually or proximately causing injury or death to another; (iii) uses a chokehold, actually or
491 proximately causing injury or death of another; (iv) discharges tear gas or other chemical
492 weapon, actually or proximately causing injury or death of another; (v) discharges rubber pellets
493 from a propulsion device, actually or proximately causing injury or death of another; (vi) attacks
494 a person using a dog, actually or proximately causing injury or death of another; (vii) uses deadly
495 force, actually or proximately causing injury or death of another; (viii) fails to intervene, as
496 required by section 15, to prevent the use of excessive or prohibited force by another officer who
497 actually or proximately causes injury or death of another; or (ix) engages in a physical altercation
498 with a person who sustains serious bodily injury or requests or receives medical care as a result.

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

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

506 “Training director”, the training director appointed by the committee pursuant to section
507 4.

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

513 Section 2. (a) There shall be a Massachusetts police standards and training commission
514 consisting of 7 members, 2 of whom shall be appointed by the governor, 2 of whom shall be
515 appointed by the attorney general and 3 of whom shall be appointed jointly by the governor and
516 the attorney general; provided, however, that of the 3 members jointly appointed by the governor
517 and the attorney general, 1 shall be a chair of the Massachusetts Law Enforcement Policy Group,
518 Inc. and 1 shall be selected from a list of 3 persons submitted by the Massachusetts Coalition of
519 Police, Inc. The governor shall designate the chair of the commission. The commission shall
520 include people of color and women, at least in such proportion as these groups exist in the
521 commonwealth’s population as periodically determined by the state secretary as the
522 commonwealth’s chief census officer. The members of the commission shall represent diverse
523 geographic areas of the commonwealth, including urban, rural and suburban areas.

524 (b) Other than as provided for in subsection (a), all commissioners shall be civilians and
525 no commissioner shall have previously been employed as a law enforcement officer, previously
526 been employed by a law enforcement agency or be a retired law enforcement officer or retired
527 from a law enforcement agency. Each commissioner shall be a resident of the commonwealth

528 within 90 days of appointment and, while serving on the commission, shall not: (i) hold, or be a
529 candidate for, federal, state or local elected office; (ii) hold an appointed office in a federal, state,
530 or local government; or (iii) serve as an official in a political party. Not more than 5
531 commissioners shall be from the same political party. Members of the commission shall serve
532 without compensation but may be reimbursed for their necessary expenses incurred in the
533 discharge of their official committee duties.

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

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

547 (e) The commission shall annually elect 1 of its members to serve as secretary and 1 of its
548 members to serve as treasurer. The secretary shall keep a record of the proceedings of the
549 commission and shall be the custodian and keeper of the records of all books, documents and

550 papers filed by the commission and of its minute book. The secretary shall cause copies to be
551 made of all minutes and other records and documents of the commission and shall certify that
552 such copies are true copies, and all persons dealing with the commission may rely upon such
553 certification.

554 (f) The commission shall appoint an executive director, who shall not be a member of the
555 commission. The executive director shall serve at the pleasure of the commission, shall receive
556 such salary as may be determined by the commission, and shall devote full time and attention to
557 the duties of the office. The executive director shall be a person with skill and experience in
558 management and shall be the executive and administrative head of the commission and shall be
559 responsible for administering and enforcing the provisions of law relative to the commission and
560 to each administrative unit thereof. The executive director may, subject to the approval of the
561 commission, employ other employees, consultants, agents and advisors, including legal counsel,
562 and shall attend meetings of the commission. In the case of an absence or vacancy in the office
563 of the executive director or in the case of disability as determined by the commission, the
564 commission may designate an acting executive director to serve as executive director until the
565 vacancy is filled or the absence or disability ceases. The acting executive director shall have all
566 of the powers and duties of the executive director and shall have similar qualifications as the
567 executive director.

568 (g) The executive director may, subject to the approval of the commission, appoint such
569 persons as the executive director shall consider necessary to perform the functions of the
570 commission; provided, however, that chapter 31 and section 9A of chapter 30 shall not apply to
571 commission employees. If an employee serving in a position which is classified under said
572 chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30

573 shall be appointed to a position within the commission which is not subject to said chapter 31,
574 the employee shall, upon termination of service in such position, be restored to the position
575 which the employee held immediately prior to such appointment; provided, however, that the
576 employee's service in such position shall be determined by the civil service commission in
577 accordance with the standards applied by that commission in administering said chapter 31. Such
578 restoration shall be made without impairment of the employee's civil service status or tenure
579 under said section 9A of said chapter 30 and without loss of seniority, retirement or other rights
580 to which uninterrupted service in such prior position would have entitled such employee. During
581 the period of such appointment, each person so appointed from a position in the classified civil
582 service shall be eligible to take any competitive promotional examination for which such person
583 would otherwise have been eligible. The executive director and employees of the commission
584 shall be classified as group 1 pursuant to paragraph (g) of subdivision (2) of section 3 of chapter
585 32.

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

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

592 (j) Any vacancy occurring on the commission shall be filled within 90 days by the
593 original appointing authority. A person appointed to fill a vacancy occurring other than by

594 expiration of a term of office shall be appointed for the unexpired term of the member they
595 succeed, and shall be eligible for re-appointment.

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

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

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

600 (3) certify qualified applicants;

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

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

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

606 (7) certify qualified agencies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

653 regulations: (i) governing the conduct of proceedings hereunder; (ii) determining whether an
654 applicant has met the standards for certification; (iii) establishing minimum standards for internal
655 agency review of complaints of officer-involved injuries or deaths and recommendations to the
656 commission regarding retraining, suspension or revocation of officer certification to ensure
657 consistency across agencies; (iv) establishing a physical and psychological fitness evaluation
658 pursuant to section 4 that measures said fitness to ensure officers are able to perform essential
659 job duties; and (v) identifying patterns of unprofessional police conduct, including, but not
660 limited to, patterns of: (A) escalating behavior that may lead to the use of excessive force or
661 conduct that is biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
662 religion, mental or physical disability, immigration status or socioeconomic or professional level;
663 (B) an increase in the frequency of complaints regarding an individual officer or agency; or (C)
664 the number of complaints regarding an officer or agency that are at least 1 standard deviation
665 above the mean for similarly situated officers or agencies for a defined period.

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

670 Section 4. (a)(1) There shall be established within the commission a division of police
671 training and certification. The purpose of the division of police training and certification shall be
672 to establish uniform policies and standards for the training and certification of all law
673 enforcement officers including a basic recruit training curriculum and an in-service training
674 curriculum for law enforcement officers, subject to the approval of the commission. The head of

675 the division shall be the training director, who shall be appointed by the committee on police
676 training and certification.

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

683 (b) The division of police training and certification shall be under the management and
684 control of a committee on police training and certification. The committee shall consist of: 5
685 chiefs of police to be appointed by the governor from nominations submitted by the
686 Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the western
687 Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom
688 shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern
689 Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation
690 Authority; 1 chief of police selected by the Massachusetts Chiefs of Police Association
691 Incorporated; 1 police officer to be appointed by the governor from nominations submitted by
692 the Massachusetts Police Association, Inc. executive board and the Massachusetts Police
693 Training Officers Association, Inc. executive board; the commissioner of police of the city of
694 Boston; the colonel of state police or a designee; 2 sheriffs appointed by the governor; the
695 attorney general or a designee; and 1 person to be appointed by the secretary of public safety and
696 security. All such appointments shall be for terms of 3 years with successors appointed in a like
697 manner.

698 (c) The following persons shall be advisory, nonvoting members of the committee: the
699 personnel administrator, the commissioner of correction, the commissioner of youth services, the
700 commissioner of probation, the chair of the parole board, the executive director of the committee
701 on criminal justice, the chief justice of the trial court, the chief justice of the district court
702 department, the secretary of education, the chair of the criminal justice section council of the
703 Massachusetts Bar Association, or their respective designees, and the special agent in charge of
704 the Boston field office of the Federal Bureau of Investigation, if consent is given by the director
705 of said bureau, or a designee. The governor shall appoint 5 additional advisory, nonvoting
706 members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom
707 shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public
708 counsel services, 1 of whom shall be a sheriff of a county or a former county and 1 of whom
709 shall be a district attorney of a district, or their respective designees.

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

719 (e)(1) The committee, subject to the approval of the commission, shall set policies and
720 standards for the training of all law enforcement officers, including, but not limited to, the

721 training mandated by sections 116A to 116E, inclusive, of chapter 6, sections 116G and 116H of
722 chapter 6, chapter 22C, section 36C of chapter 40, sections 96B and 97B of chapter 41 and
723 section 24M of chapter 90.

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

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

741 (2) The commission shall not issue a certificate to an applicant who: (i) does not meet the
742 minimum standards enumerated in paragraph (1) or the regulations of the commission; (ii) has

743 been convicted of a felony or whose name is listed in the national decertification index or the
744 database of decertified law enforcement officers maintained by the commission pursuant to
745 clause (i) of subsection (a) of section 13; or (iii) while previously employed in law enforcement
746 in any state or United States territory or by the federal government, would have had their
747 certification revoked by the commission if employed by an agency in the commonwealth.

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

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

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

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

759 (1) the date of initial certification;

760 (2) the date of any recertification;

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

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

- 764 (5) the date of any suspension and the reason for said suspension;
- 765 (6) the date of any arrest and the charge or charges leading to said arrest;
- 766 (7) the date of, and reason for, any internal affairs complaint;
- 767 (8) the outcome of an internal affairs investigation based on an internal affairs complaint;
- 768 (9) the date of any criminal conviction and crime for said conviction;
- 769 (10) the date of any separation from employment with an agency and the nature of the
770 separation, including, but not limited to, suspension, resignation, retirement or termination;
- 771 (11) the reason for any separation from employment, including, but not limited to,
772 whether the separation was based on misconduct or whether the separation occurred while the
773 appointing agency was conducting an investigation of the certified individual for a violation of
774 an appointing agency's rules, policies, procedures or for other misconduct or improper action;
- 775 (12) the date of decertification, if any, and the reason for said decertification; and
- 776 (13) any other information as may be required by the commission.

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

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

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

785 (b) The committee, subject to the approval of the commission, shall establish minimum
786 certification standards for all law enforcement agencies that shall include, but shall not be limited
787 to, the establishment and implementation of agency policies regarding: (i) use of force and
788 reporting of use of force; (ii) officer code of conduct; (iii) officer response procedures; (iv)
789 criminal investigation procedures; (v) juvenile operations; (vi) internal affairs and officer
790 complaint investigation procedures; (vii) detainee transportation; and (viii) collection and
791 preservation of evidence.

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

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

803 (b) The committee on police training and certification may establish a course within the
804 recruit basic training curriculum for police training schools, academies and programs to train
805 officers on the application of section 34A of chapter 94C and section 12FF of chapter 112 and

806 the procedures for response to calls for assistance for drug-related overdoses. The committee
807 may periodically include within its in-service training curriculum a course of instruction on the
808 application of said section 34A of said chapter 94C and the procedures for response to calls for
809 assistance for drug-related overdoses. Upon request of the committee, the executive office of
810 public safety and security, in collaboration with the department of public health, shall facilitate
811 the collection and sharing of resources regarding the application of said section 34A of said
812 chapter 94C.

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

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

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

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

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

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

845 (2) Upon completion of the internal investigation of a complaint, the head of each agency
846 shall immediately transmit to the division of police standards an investigation report in a form to
847 be determined by the commission; provided, that the form shall include, but shall not be limited
848 to: (i) a description of the investigation and disposition of the complaint; (ii) any disciplinary

849 action recommended by internal affairs or the supervising officer; and (iii) if the recommended
850 disciplinary action included retraining, suspension or termination, a recommendation by the head
851 of the agency for disciplinary action by the commission including, retraining or suspension or
852 revocation of the officer's certification.

853 (3) Upon final disposition of the complaint, the head of each agency shall immediately
854 transmit to the division of police standards a final report in a form to be determined by the
855 commission; provided, that the form shall include, but shall not be limited to: (i) any disciplinary
856 action initially recommend by internal affairs or the supervising officer; (ii) the final discipline
857 imposed and a description of the adjudicatory process; and (iii) if the disciplinary action
858 recommended or imposed included retraining, suspension or termination, a recommendation by
859 the head of the agency for disciplinary action by the commission including, retraining or
860 suspension or revocation of the officer's certification.

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

869 (5) Notwithstanding any general or special law or collective bargaining agreement to the
870 contrary, nothing shall limit the ability of the head of an agency to make a recommendation in

871 their professional judgement to the commission relative to the certification status of an officer,
872 after having followed the agency's internal affairs procedure and any appeal therefrom.

873 (c)(1) The division of police standards shall initiate a preliminary inquiry into the conduct
874 of a law enforcement officer if the commission finds by a preponderance of evidence that the law
875 enforcement officer:-

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

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

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

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

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

884 (2) The division of police standards may initiate a preliminary inquiry into the conduct of
885 a law enforcement officer if, upon receipt of any complaint, report or evidence the commission
886 finds by a preponderance of evidence that the law enforcement officer may have engaged in
887 prohibited conduct. All proceedings and records relating to a preliminary inquiry or initial staff
888 review used to determine whether to initiate an inquiry shall be confidential, except that the
889 executive director may turn over to the attorney general, the United States Attorney or a district
890 attorney of competent jurisdiction evidence which may be used in a criminal proceeding.

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

895 (d) The division of police standards may audit all records related to the complaints,
896 investigations and investigative reports of any agency related to complaints of officer misconduct
897 or unprofessionalism, including without limitation personnel records, of any agency. The
898 commission shall promulgate rules and regulations establishing an audit procedure; provided,
899 that said rules and regulations shall not limit the ability of the division of police standards to
900 initiate an audit at any time and for any reason.

901 (e) If the division of police standards discovers evidence of the commission of a crime by
902 an officer, the division of police standards shall immediately refer the matter to the division of
903 police standards and professional conduct enforcement established pursuant to section 110 of
904 chapter 12.

905 (f) The division of police standards shall create and maintain a database containing
906 information related an officer's: (i) receipt of complaints and related information, including, but
907 not limited to: the officer's appointing agency, date, a description of circumstances of the
908 conduct that is the subject of the complaint and whether the complaint alleges that the officer's
909 conduct: (A) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
910 religion, mental or physical disability, immigration status or socioeconomic or professional level;
911 (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in
912 serious bodily injury or death; (ii) allegations of untruthfulness; (iii) failure to follow

913 commission training requirements; (iv) decertification by the commission; (v) agency-imposed
914 discipline; (vi) termination for cause; and (vii) any other information the commission deems
915 necessary or relevant.

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

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

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

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

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

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

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

940 (b) The commission shall administratively suspend the certification of an officer who
941 fails to complete in-service training requirements of the commission within 90 days of the
942 deadline imposed by the commission; provided, that the commission may promulgate reasonable
943 exemptions to this subsection, including, but not limited to, exemptions for: (1) injury or
944 physical disability; (2) a leave of absence; or (3) other documented hardship. The commission
945 shall reinstate the certification of an officer suspended pursuant to this subsection upon
946 completion of the in-service training requirements of the commission.

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

951 (d) A law enforcement officer whose certification is suspended by the commission
952 pursuant to subsection (a), subsection (b) or subsection (c) shall be entitled to a hearing before a
953 commissioner within 15 days. The terms of employment of a law enforcement officer whose
954 certification is suspended by the commission pursuant to subsection (a), subsection (b) or

955 subsection (c) shall continue to be subject to the provisions of chapter 31 and any applicable
956 collective bargaining agreement to which the law enforcement officer is a beneficiary.

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

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

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

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

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

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

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

971 (vii) the officer has been convicted of submitting false timesheets in violation of section
972 85BB of chapter 231;

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

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

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

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

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

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

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

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

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

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

991 (i) has been convicted of any misdemeanor;

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

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

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

999 (v) has repeated sustained internal affairs complaints, for the same or different
1000 offenses.

1001 (c) The commission may reinstate the certificate of an officer suspended pursuant to
1002 subsection (b) at the expiration of the suspension, if the commission finds that all conditions of
1003 the suspension were met.

1004 (d) The commission may, after a hearing, order retraining for any officer if the
1005 commission finds substantial evidence that the officer:-

1006 (i) failed to comply with this chapter or commission regulations, reporting requirements
1007 or training requirements;

1008 (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation,
1009 religion, mental or physical disability, immigration status or socioeconomic or professional level
1010 in their conduct;

1011 (iii) used excessive force;

1012 (iv) failed to respond an incident according to established procedure;

1013 (v) has a pattern of unprofessional police conduct;

1014 (vi) was untruthful, except for a statement or action that mandates revocation pursuant to
1015 subsection (a);

1016 (vii) was suspended or terminated by their appointing agency for disciplinary reasons,
1017 except those reasons which mandate revocation pursuant to subsection (a);

1018 (viii) fails to intervene to prevent another officer from engaging in prohibited conduct or
1019 behavior, except a failure to intervene in conduct that mandates revocation pursuant to
1020 subsection (a); or

1021 (ix) would benefit in their job performance if retrained.

1022 (e) The commission shall immediately notify the officer and the head of the appointing
1023 agency of the officer who is decertified, suspended or ordered to undergo retraining of the order.

1024 (f) The commission shall conduct preliminary inquiries, revocation and suspension
1025 proceedings and hearings, and promulgate regulations for such proceedings and hearings,
1026 pursuant to sections 1, 8 and 10 through 14, inclusive, of chapter 30A. Any decision of the
1027 commission relative to a preliminary inquiry, revocation and suspension proceeding shall be
1028 appealable pursuant to chapter 30A. No adverse action taken against a certification by the
1029 commission pursuant to this section shall be appealable to the civil service commission
1030 established under chapter 31. No employment action taken by an appointing authority that results
1031 from a revocation by the commission pursuant to subsection (a) shall be appealable to the civil
1032 service commission established under chapter 31. The commission shall not institute a
1033 revocation or suspension hearing pursuant to section 10 in any case where the officer's
1034 appointing agency has disciplined or terminated the officer until any appeal of said discipline or

1035 termination is completed. This limitation shall not impact the commission's authority to suspend
1036 a certification pursuant to section 9.

1037 (g) The committee shall publish any revocation order and findings. The committee shall
1038 provide all revocation information to the national decertification index. No officer may apply for
1039 certification after that officer's certification has been revoked pursuant to this section.

1040 Section 11. No agency shall employ a decertified officer in any capacity, including, but
1041 not limited to, as a consultant or independent contractor.

1042 Section 12. No officer or employee of the commonwealth or of any county, city, town or
1043 district shall discharge an officer or employee, change their official rank, grade or compensation,
1044 deny a promotion or take any other adverse action against an officer or employee or threaten to
1045 take any such action for providing information to the commission or testifying in any
1046 commission proceeding.

1047 Section 13. (a) The commission shall maintain a publically available database of orders
1048 issued pursuant to section 10 on the commission's website, including, but not limited to: (i) the
1049 names of all decertified officers, the date of decertification, the officer's last appointing agency
1050 and the reason for decertification; (ii) the names of all officers who have been suspended, the
1051 beginning and end dates of suspension, the officer's appointing agency and the reason for
1052 suspension; and (iii) the names of all officers ordered to undergo retraining, the date of the
1053 retraining order, the date the retraining was completed, the type of retraining ordered, the
1054 officer's appointing agency and the reason for the retraining order.

1055 (b) The commission shall cooperate with the national decertification index and other
1056 states and territories to ensure officers who are decertified by the commonwealth are not hired as

1057 law enforcement officers in other jurisdictions, including by providing information requested by
1058 those entities.

1059 Section 14. (a) A law enforcement officer shall not use physical force upon another
1060 person unless de-escalation tactics have been attempted and failed or are not feasible based on
1061 the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest of a
1062 person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the
1063 amount of force used is proportional to the threat of imminent harm.

1064 (b) A law enforcement officer shall not use deadly physical force upon a person unless
1065 de-escalation tactics have been attempted and failed or are not feasible based on the totality of
1066 the circumstances and such force is necessary to prevent imminent harm to a person and the
1067 amount of force used is proportional to the threat of imminent harm.

1068 (c) A law enforcement officer shall not use a chokehold. A law enforcement officer shall
1069 not be trained to use a lateral vascular neck restraint, carotid restraint or other action that
1070 involves the placement of any part of law enforcement officer's body on or around a person's
1071 neck in a manner that limits the person's breathing or blood flow.

1072 (d) A law enforcement officer shall not discharge any firearm into or at a fleeing motor
1073 vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent
1074 imminent harm to a person and the discharge is proportional to the threat of imminent harm to a
1075 person.

1076 (e) A law enforcement officer shall not discharge tear gas or any other chemical weapon,
1077 discharge rubber pellets from a propulsion device or release a dog to control or influence a
1078 person's behavior unless: (i) de-escalation tactics have been attempted and failed or are not

1079 feasible based on the totality of the circumstances; and (ii) the measures used are necessary to
1080 prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical
1081 weapon, rubber pellets or dog is proportionate to the threat of imminent harm. If a law
1082 enforcement officer utilizes tear gas or any other chemical weapon, rubber pellets or a dog
1083 against a crowd, the law enforcement officer's appointing agency shall file a report with the
1084 commission detailing all measures that were taken in advance of the event to reduce the
1085 probability of disorder and all de-escalation tactics and other measures that were taken at the
1086 time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other
1087 chemical weapon, rubber pellets or dog. The commission shall review the report and may make
1088 any additional investigation. After such review and investigation the commission shall, if
1089 applicable, make a finding as to whether the pre-event and contemporaneous de-escalation
1090 tactics were adequate and whether the use of such tear gas or other chemical weapon, rubber
1091 pellets or dog was justified.

1092 Section 15. (a) An officer present and observing another officer using physical force,
1093 including deadly physical force, beyond that which is necessary or objectively reasonable based
1094 on the totality of the circumstances, shall intervene to prevent the use of unreasonable force
1095 unless intervening would result in imminent harm to the officer or another identifiable
1096 individual.

1097 (b) An officer who observes another officer using physical force, including deadly
1098 physical force, beyond that which is necessary or objectively reasonable based on the totality of
1099 the circumstances shall report the incident to their direct supervisor as soon as reasonably
1100 possible but not later than the end of the officer's shift. The officer shall prepare a detailed

1101 written statement describing the incident consistent with uniform protocols. The officer's written
1102 statement shall be included in the supervisor's report to their direct supervisor.

1103 The committee on police training and certification shall promulgate rules and
1104 regulations, subject to the approval of the commission, for the administration and enforcement of
1105 sections 14 and 15.

1106 Section 16. The commission shall annually report to the general court, the governor and
1107 the attorney general concerning: (1) all officer-involved injuries or deaths that occurred during
1108 the preceding fiscal year, including: (i) the total number of officer-involved injuries or deaths,
1109 including the injuries or deaths of police officers; (ii) the number of officer-involved injuries or
1110 deaths reported by each agency; and (iii) any operational, policy, regulatory or legislative
1111 recommendations to reduce the number and seriousness of officer-involved injuries or deaths; (2)
1112 all officers who were decertified during the preceding fiscal year, including: (i) the total number
1113 of officers who were decertified; (ii) the reasons for revocation of the certificate and the
1114 frequency of each reason; (iii) the average number of complaints an officer who was decertified
1115 received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency
1116 with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity,
1117 sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or
1118 professional level; (v) the frequency with which said complaints alleged use of excessive or
1119 prohibited force or officer-involved injuries or deaths; (vi) the frequency with which an officer
1120 who was decertified failed to meet training requirements established by the commission and their
1121 appointing agency; and (vii) the frequency with which an officer who was decertified was
1122 subject to discipline, including, but not limited to, retraining or suspension, by the commission
1123 and their appointing agency prior to decertification; (3) all suspensions that occurred during the

1124 preceding fiscal year, including: (i) the total number of suspensions; (ii) the reasons for
1125 suspensions of the certificate and the frequency of each reason; (iii) the average number of
1126 complaints an officer who was suspended received over the course of their tenure as an officer
1127 and on a per annum basis; (iv) the frequency with which said complaints alleged bias on the
1128 basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical
1129 disability, immigration status or socioeconomic or professional level; (v) the frequency with
1130 which said complaints alleged use of excessive or prohibited force or officer-involved injuries or
1131 deaths; (vi) the frequency with which an officer who was suspended failed to meet training
1132 requirements established by the commission and their appointing agency; and (vii) the frequency
1133 with which an officer who was suspended was subject to discipline, including, but not limited to,
1134 retraining or previous suspension, by the commission and their appointing agency prior to
1135 suspension; (4) all retraining orders imposed by the commission that occurred during the
1136 preceding fiscal year, including: (i) the total number of retraining orders, by type of retraining
1137 ordered; (ii) the reasons for retraining and the frequency of each reason, by type of retraining
1138 ordered; (iii) the average number of complaints an officer who was subject to a retraining order,
1139 by type of retraining ordered, received over the course of their tenure as an officer and on a per
1140 annum basis; (iv) the frequency with which said complaints alleged bias on the basis of race,
1141 ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability,
1142 immigration status or socioeconomic or professional level, by type of retraining ordered; (v) the
1143 frequency with which said complaints alleged use of excessive or prohibited force or officer-
1144 involved injuries or deaths, by type of retraining; (vi) the frequency with which an officer who
1145 was subject to a retraining order, by type of retraining ordered, failed to meet training
1146 requirements established by the commission and their appointing agency; and (vii) the frequency

1147 with which an officer who was subject to a retraining order was previously subject to discipline,
1148 by type of retraining ordered, including, but not limited to, retraining or suspension, by the
1149 commission and their appointing agency; and (5) any other action the commission has taken. The
1150 commission shall make such further reports on matters within its jurisdiction as necessary.

1151 SECTION 30. Chapter 10 of the General Laws is hereby amended by striking out section
1152 35EEE, inserted by section 14 of chapter 69 of the acts of 2018.

1153 SECTION 31. Said chapter 10 is hereby further amended by inserting after section
1154 35NNN, inserted by section 1 of chapter 132 of the acts of 2019, the following section:-

1155 Section 35000. (a) There shall be a Police Training Fund which shall consist of amounts
1156 credited to the fund in accordance with this section. The fund shall be administered by the state
1157 treasurer and held in trust exclusively for the purposes of this section. The state treasurer shall be
1158 treasurer-custodian of the fund and shall have the custody of its monies and securities.

1159 (b) The fund shall consist of: (i) funds transferred from the Marijuana Regulation Fund
1160 established in section 14 of chapter 94G; (ii) revenue from appropriations or other money
1161 authorized by the general court and specifically designated to be credited to the fund; (iii)
1162 interest earned on money in the fund; (iv) funds from private sources, including, but not limited
1163 to, gifts, grants and donations received by the commonwealth that are specifically designated to
1164 be credited to the fund; (v) revenues, not more than \$10,000,000 in a calendar year, collected
1165 from the surcharge imposed by section 32E $\frac{7}{8}$ of chapter 90; and (vi) funds transferred from the
1166 Public Safety Training Fund for the committee on police training and certification, pursuant to
1167 section 2JJJJ of chapter 29. Amounts credited to the fund shall not be subject to further
1168 appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to

1169 the General Fund. The state treasurer shall annually, not later than December 31, report on the
1170 activity of the fund to the clerks of the house of representatives and the senate and the house and
1171 senate committees on ways and means.

1172 (c) Expenditures from the fund shall be made to provide funding for: (i) the operating
1173 expenses of the committee on police training and certification established by section 4 of chapter
1174 6E; (ii) basic recruit training for new law enforcement officers; (iii) mandatory in-service
1175 training for veteran law enforcement officers; (iv) specialized training for veteran law
1176 enforcement officers and reserve and intermittent law enforcement officers; and (v) the basic
1177 training program for reserve and intermittent law enforcement officers.

1178 (d) The Massachusetts police standards and training commission established in section 2
1179 of chapter 6E shall, annually, not later than December 1, file a report with the house and senate
1180 committees on ways and means detailing the following: (i) the full cost of operating the
1181 Massachusetts police standards and training commission; (ii) the total number of staff employed
1182 by the Massachusetts police standards and training commission; (iii) the revenue generated in the
1183 prior fiscal year from the police training surcharge imposed by section 32E⁷/₈ of chapter 90; (iv)
1184 the total funds transferred from the Marijuana Regulation Fund; (v) the total funds transferred
1185 from the Public Safety Training Fund; (vi) the total fees paid to the Massachusetts police
1186 standards and training commission by each municipality; (vii) any funds paid to the
1187 Massachusetts police standards and training commission by private sources; (viii) any funds
1188 remaining in the fund at the end of each fiscal year; (ix) participation rates for each training
1189 program offered by the Massachusetts police standards and training commission, broken down
1190 by types of trainees; (x) average cost for each trainee to participate in a training; (xi) the number
1191 of trainees per agency; and (xii) recommendations to promote efficiency in the management of

1192 annual total revenue received by the Massachusetts police standards and training commission,
1193 including funds received by the Public Safety Training Fund from the surcharge imposed by
1194 section 12 of chapter 89 and section 20 of chapter 90.

1195 SECTION 32. Chapter 12 of the General Laws is hereby amended by striking out section
1196 11H, as appearing in the 2018 Official Edition, and inserting in place thereof the following
1197 section:-

1198 Section 11H. (a)(1) Whenever any person or persons, whether or not acting under color
1199 of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats,
1200 intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights
1201 secured by the constitution or laws of the United States, or of rights secured by the constitution
1202 or laws of the commonwealth, the attorney general may bring a civil action for injunctive or
1203 other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the
1204 right or rights secured. Said civil action shall be brought in the name of the commonwealth and
1205 shall be instituted either in the superior court for the county in which the conduct complained of
1206 occurred or in the superior court for the county in which the person whose conduct complained
1207 of resides or has his principal place of business.

1208 (2) If the attorney general prevails in an action under this section, the attorney general
1209 shall be entitled to: (i) an award of compensatory damages for any aggrieved person or entity;
1210 and (ii) litigation costs and reasonable attorneys' fees in an amount to be determined by the
1211 court. In a matter involving the interference or attempted interference with any right protected by
1212 the constitution of the United States or of the commonwealth, the court may also award civil
1213 penalties against each defendant in an amount not exceeding \$5,000 for each violation.

1214 (b) All persons shall have the right to bias-free professional policing. Any conduct taken
1215 in relation to an aggrieved person by a law enforcement officer acting under color of law that
1216 results in the decertification of said law enforcement officer by the Massachusetts police
1217 standards and training commission pursuant to section 10 of chapter 6E shall constitute
1218 interference with said person's right to bias-free professional policing and shall be a prima facie
1219 violation of said person's right to bias-free professional policing and a prima facie violation of
1220 subsection (a). No law enforcement officer shall be immune from civil liability for any conduct
1221 under color of law that violates a person's right to bias-free professional policing if said conduct
1222 results in the law enforcement officer's decertification by the Massachusetts police standards and
1223 training commission pursuant to section 10 of chapter 6E; provided, however, that nothing in this
1224 subsection shall be construed to grant immunity from civil liability to a law enforcement officer
1225 for interference by threat, intimidation or coercion, or attempted interference by threats,
1226 intimidation or coercion, with the exercise or enjoyment any right secured by the constitution or
1227 laws of the United States or the constitution or laws of the commonwealth if the conduct of said
1228 officer was knowingly unlawful or was not objectively reasonable.

1229 SECTION 33. Section 11J of said chapter 12, as so appearing, is hereby amended by
1230 striking out, in lines 1 and 2, 16 and 34 and 35, each time they appear, the words "section eleven
1231 H or eleven I" and inserting in place thereof, in each instance, the words:- subsection (a) of
1232 section 11H or section 11I.

1233 SECTION 34. Said section 11J of said chapter 12, as so appearing, is hereby further
1234 amended by striking out, in line 30, the words "section eleven H" and inserting in place thereof
1235 the following words:- subsection (a) of section 11H.

1236 SECTION 36. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby
1237 amended by striking out, in lines 88 and 89, the words “executive director of the municipal
1238 police training committee” and inserting in place thereof the following words:- training director
1239 of the Massachusetts police standards and training commission.

1240 SECTION 37. Section 3 of chapter 22C of the General Laws, as so appearing, is hereby
1241 amended by striking out, in lines 6 and 7, each time it appears, the word “he” and inserting in
1242 place thereof, in each instance, the following words:- the colonel.

1243 SECTION 38. Said section 3 of said chapter 22C, as so appearing, is hereby further
1244 amended by striking out the second paragraph and inserting in place thereof the following
1245 paragraph:-

1246 The governor, upon the recommendation of the secretary of public safety and security,
1247 shall appoint the colonel, who shall be qualified by training and experience, to direct the work of
1248 the department. At the time of appointment, the colonel shall have not less than 10 years of full-
1249 time experience as a sworn law enforcement officer and not less than 5 years of full-time
1250 experience in a senior administrative or supervisory position in a police force or a military body
1251 with law enforcement responsibilities. The appointment shall constitute an appointment as a
1252 uniformed member of the department and shall qualify the colonel to exercise all powers granted
1253 to a uniformed member under this chapter. The colonel shall serve at the pleasure of the
1254 governor and shall devote their full time during business hours to the duties of the office.

1255 SECTION 39. Section 10 of said chapter 22C, as so appearing, is hereby amended by
1256 striking out, in lines 3, 40, 52, 54, 61, 63 and 65, each time it appears, the word “he” and
1257 inserting in place thereof, in each instance, the following words:- such officer.

1258 SECTION 40. Said section 10 of said chapter 22C, as so appearing, is hereby further
1259 amended by striking out, in line 27, the words “reached his twenty-first birthday” and inserting
1260 in place thereof the following words:- attained the age of 21.

1261 SECTION 41. Said section 10 of said chapter 22C, as so appearing, is hereby further
1262 amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and
1263 inserting in place thereof the following words:- the person has attained the age of 35.

1264 SECTION 42. Said section 10 of said chapter 22C, as so appearing, is hereby further
1265 amended by striking out the third paragraph and inserting in place thereof the following
1266 paragraph:-

1267 A person shall not be enlisted as a uniformed member of the state police except in
1268 accordance with this section and section 11; provided, however, that other than for an
1269 appointment made pursuant to section 3, a person employed as a police officer for an agency
1270 other than the department of state police, including, but not limited to, an agency of the
1271 commonwealth or any political subdivision of the commonwealth, shall not be allowed to
1272 transfer into a position as a uniformed member of the state police.

1273 SECTION 43. Said section 10 of said chapter 22C, as so appearing, is hereby further
1274 amended by striking out, in lines 66 and 71, each time it appears, the word “his” and inserting in
1275 place thereof, in each instance, the following words:- such officer’s.

1276 SECTION 44. Section 11 of said chapter 22C, as so appearing, is hereby amended by
1277 striking out, in lines 19 and 20, each time it appears, the word “his”, and inserting in place
1278 thereof, in each instance, the following words:- the uniformed member’s.

1279 SECTION 45. Section 20 of said chapter 22C, as so appearing, is hereby amended by
1280 inserting after the word “shall”, in lines 1 and 5, the following words:- , subject to the approval
1281 of the committee on police training and certification established in chapter 6E,.

1282 SECTION 46. Section 21 of said chapter 22C, as so appearing, is hereby amended by
1283 striking out the first and second sentences and inserting in place thereof the following 2
1284 sentences:- The colonel may, subject to the approval of the committee on police training and
1285 certification established in chapter 6E, conduct programs for training police officers of the cities
1286 and towns of the commonwealth and for those employees who are authorized to exercise police
1287 powers in the various state departments or agencies and the colonel shall appoint necessary
1288 instructors. Said programs shall be conducted and instructors appointed in accordance with said
1289 chapter 6E.

1290 SECTION 47. Subsection (a) of section 24A of said chapter 22C, as so appearing, is
1291 hereby amended by striking out the second sentence and inserting in place thereof the following
1292 sentence:- If the member seeking to return to work in the position of a sworn member of said
1293 department exceeds a 1 year in break of service, the colonel shall not allow the member to return
1294 to such position if the member fails, as determined by the colonel, to successfully pass a
1295 background investigation, drug testing, applicable physical fitness testing, psychological testing,
1296 and complete retraining approved by the committee on police training and certification
1297 established in chapter 6E.

1298 SECTION 48. Said section 24A of said chapter 22C, as so appearing, is hereby further
1299 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

1300 (d) Any member, retired for disability for more than 3 years shall not return to active
1301 service for the department if such member fails to meet the requirements set forth in paragraph
1302 (a) and fails to complete the police training approved by the committee on police training and
1303 certification established in chapter 6E.

1304 SECTION 49. Section 40 of said chapter 22C, as so appearing, is hereby amended by
1305 striking out, in line 4, the words “and to” and inserting in place thereof the following words:-
1306 and, subject to the approval of the committee on police training and certification established in
1307 chapter 6E, to.

1308 SECTION 50. Section 63 of said chapter 22C, as so appearing, is hereby amended by
1309 inserting after the word “skill”, in line 17, the following words:- ; provided, that such officers
1310 shall remain subject to certification and training requirements of the Massachusetts police
1311 standards and training commission established in chapter 6E.

1312 SECTION 51. Section 64 of said chapter 22C, as so appearing, is hereby amended by
1313 striking out the second sentence and inserting in place thereof the following sentence:- Such
1314 special state police officers shall: (i) serve for 1 year, subject to removal by the colonel; (ii) shall
1315 receive such training and certification as the Massachusetts police standards and training
1316 commission established in chapter 6E shall direct; and (iii) shall have the same power to make
1317 arrests as the state police of any criminal offense committed in or upon lands or structures
1318 located in the town of Framingham within the charge of said director.

1319 SECTION 52. Section 68 of said chapter 22C, as so appearing, is hereby amended by
1320 striking out the first sentence and inserting in place thereof the following sentence:- The colonel
1321 may, at the request of the director of the bureau of special investigations, with the approval of the

1322 fraudulent claims commission, appoint as special state police officers employees of said bureau
1323 who have undergone training and certification as required by the Massachusetts police standards
1324 and training commission established in chapter 6E.

1325 SECTION 53. Section 2JJJJ of chapter 29 of the General Laws, as so appearing, is hereby
1326 amended by striking out, in lines 6 and 7, the words “municipal police training committee, under
1327 section 116 of chapter 6” and inserting in place thereof the following words:- committee on
1328 police training and certification established pursuant to section 4 of chapter 6E.

1329 SECTION 54. Section 2 of chapter 31 of the General Laws, as so appearing, is hereby
1330 amended by striking out, in line 49, the words “eight of chapter thirty-one A” and inserting in
1331 place thereof the following words:- 8 of chapter 31A; provided, however, that the commission
1332 shall not have jurisdiction to hear an appeal of a decision by the Massachusetts police standards
1333 and training commission established pursuant to chapter 6E to take adverse action against a law
1334 enforcement officer under section 10 of chapter 6E.

1335 SECTION 55. The first paragraph of section 42 of said chapter 31, as so appearing, is
1336 hereby amended by adding the following sentence:- This section shall not apply to a person who
1337 is the subject of disciplinary action or other employment-related consequences by an appointing
1338 agency, as defined in section 1 of chapter 6E, that results from decertification under section 10 of
1339 said chapter 6E.

1340 SECTION 56. Section 43 of said chapter 31, as so appearing, is hereby amended by
1341 adding the following paragraph:-

1342 This section shall not apply to a person who is the subject of disciplinary action or
1343 employment-related consequences by an appointing agency, as defined in section 1 of chapter
1344 6E, that results from decertification under section 10 of said chapter 6E.

1345 SECTION 57. Section 36C of chapter 40 of the General Laws, as so appearing, is hereby
1346 amended by striking out, in lines 1 and 2, the words “members of municipal police departments,
1347 and all uniformed members of the state police shall” and inserting in place thereof the following
1348 words:- law enforcement officers, as defined in section 1 of chapter 6E, shall.

1349 SECTION 58. The first paragraph of said 36C of said chapter 40, as so appearing, is
1350 hereby amended by striking out the third sentence and inserting in place thereof the following
1351 sentence:- Said training shall be approved and coordinated by the committee on police training
1352 and certification, and shall be included in the curriculum of all police training schools, academies
1353 and programs.

1354 SECTION 59. Said section 36C of said chapter 40, as so appearing, is hereby further
1355 amended by striking out, in lines 11 and 16, the word “police” and inserting in place thereof, in
1356 each instance, the following words:- law enforcement.

1357 SECTION 60. Section 96A of chapter 41 of the General Laws, as so appearing, is hereby
1358 amended by inserting after the word “felony”, in line 1, the following words:- or whose name is
1359 listed in the national decertification index or the database of decertified law enforcement officers
1360 maintained by the Massachusetts police standards and training commission pursuant to chapter
1361 6E.

1362 SECTION 61. Said chapter 41 is hereby further amended by striking out section 96B, as
1363 so appearing, and inserting in place thereof the following section:-

1364 Section 96B. Every person who receives an appointment to a position in which they will
1365 exercise police powers in a law enforcement agency, as defined in section 1 of chapter 6E, shall,
1366 prior to exercising police powers, be assigned to and satisfactorily complete a prescribed course
1367 of study approved by the committee on police training and certification, established in section 4
1368 of chapter 6E. Chapter 31 and any collective bargaining agreement notwithstanding, any person
1369 so attending such a school, academy or program shall be deemed to be a student officer and shall
1370 be exempted from chapter 31 and any collective bargaining agreement for that period during
1371 which they are assigned to a police training school, academy or program; provided, that such
1372 person shall be paid the regular wages provided for the position to which they were appointed
1373 and such reasonable expenses as may be determined by the appointing authority and be subject
1374 to chapter 152.

1375 Every law enforcement officer, as defined in section 1 of chapter 6E, appointed to a
1376 position in any such agency, shall be assigned to and shall attend a prescribed course of study
1377 approved by the committee on police training and certification for in-service officers training at
1378 such intervals and for such periods as said committee, subject to approval of the Massachusetts
1379 police standards and training commission established in section 2 of said chapter 6E, may
1380 determine. Any such police officer who receives an appointment to a position of higher rank
1381 shall also complete such other courses of supervisory training as the committee, subject to
1382 approval of the commission, may determine. While attending such school, academy or program
1383 or completing such courses, such persons shall be paid their regular wages as a law enforcement
1384 officer and shall receive such reasonable expenses as may be determined by the appointing
1385 authority.

1386 Failure of an appointed person to comply with this section prior to exercising police
1387 powers, shall result in the appointed person's removal by the appointing authority. Failure of an
1388 appointed person to satisfactorily complete the prescribed course of study shall prevent the
1389 Massachusetts police standards and training commission from issuing a certification to said
1390 person.

1391 SECTION 62. The first paragraph of section 97B of said chapter 41, as so appearing, is
1392 hereby amended by striking out, in lines 9 and 10, the words "municipal police training
1393 committee established by section one hundred and sixteen of chapter six" and inserting in place
1394 thereof the following words:- the division of police training established pursuant to section 4 of
1395 chapter 6E.

1396 SECTION 63. Said section 97B of said chapter 41, as so appearing, is hereby further
1397 amended by striking out, in lines 21 and 22, the words "municipal police training committee"
1398 and inserting in place thereof the following words:- the committee on police training and
1399 certification established in section 4 of chapter 6E.

1400 SECTION 64. Said chapter 41 is hereby further amended by inserting after section 98G,
1401 as so appearing, the following section:-

1402 Section 98H. An agreement by a law enforcement agency, as defined in section 1 of
1403 chapter 6E, to settle a complaint of professional misconduct by a law enforcement officer, as
1404 defined in said section 1 of said chapter 6E, shall not include a nondisclosure, non-disparagement
1405 or other similar clause in a settlement agreement between the law enforcement agency and a
1406 complainant unless the complainant requests such provision in writing.

1407 SECTION 65. Section 37L of chapter 71 of the General Laws, as so appearing, is hereby
1408 amended by inserting after the third paragraph the following paragraph:-

1409 School department personnel shall not disclose to a law enforcement officer or agency, or
1410 submit to a database or system designed to track gang affiliation or involvement, the following
1411 information from its databases and other recordkeeping systems: (i) immigration status; (ii)
1412 citizenship; (iii) neighborhood of residence; (iv) religion; (v) national origin; (vi) ethnicity; (vii)
1413 suspected gang affiliation, unless it is germane to a specific unlawful incident or to a specific
1414 prospect of unlawful activity the school is otherwise required to report. Nothing in this paragraph
1415 shall prohibit the sharing of information for the purposes of completing a report pursuant to
1416 section 51A of chapter 119, the sharing of information upon the specific, informed written
1417 consent of the eligible student, parent or guardian, to comply with a court order or lawfully
1418 issued subpoena, in connection with a health or safety emergency pursuant to the provisions of
1419 603 C.M.R. 23.07(4) or filing a weapon report with the local chief of police pursuant to this
1420 section.

1421 SECTION 66. Said chapter 71, as so appearing, is hereby further amended by striking out
1422 section 37P and inserting in place thereof the following section:-

1423 Section 37P. (a) As used in this section the following words shall, unless the context
1424 clearly requires otherwise, have the following meanings:

1425 “Chief of police”, the chief of police or the board or officer having control of the police
1426 department in a city or town.

1427 “Commission”, the model school resource officer memorandum of understanding review
1428 commission established in subsection (b).

1429 “Model memorandum of understanding”, the model school resource officer memorandum
1430 of understanding developed by the commission.

1431 “School resource officer”, a duly sworn municipal police officer with all necessary
1432 training, up-to-date certificates, including special school resource officer certification as required
1433 by subsection (b) of section 3 of chapter 6E or a special officer appointed by the chief of police
1434 charged with: (i) providing law enforcement; (ii) promoting school safety and security services
1435 to elementary and secondary public schools; and (iii) maintaining a positive school climate for
1436 all students, families and staff. For the purpose of this section, a school resource officer shall be
1437 exempt pursuant to subsection (j) of section 10 of chapter 269, while serving in the officer’s
1438 official capacity.

1439 (b) There shall be a model school resource officer memorandum of understanding review
1440 commission to develop and review the model memorandum of understanding and make
1441 recommendations for changes to the model memorandum of understanding as the commission
1442 deems appropriate.

1443 The commission shall include the commissioner of elementary and secondary education
1444 and the secretary of the executive office of public safety and security, who shall serve as co-
1445 chairs; the attorney general or a designee; the child advocate or a designee; the chief justice of
1446 the juvenile court or a designee; the secretary of health and human services or a designee; the
1447 executive director of the Massachusetts Association of School Superintendents, Inc.; the
1448 president of the Massachusetts Chiefs of Police Association Incorporated or a designee; the
1449 president of the Massachusetts Major City Chiefs, Inc. or a designee; the training director of the
1450 committee on police training and certification established in section 4 of chapter 6E or a

1451 designee; the executive director of the mental health legal advisors committee established in
1452 section 34E of chapter 221 or a designee; the executive director of Citizens for Juvenile Justice,
1453 Inc. or a designee; the executive director of the Children’s League of Massachusetts, Inc. or a
1454 designee; a Massachusetts public school superintendent, to be appointed by the senate president;
1455 a Massachusetts public school teacher, to appointed by the speaker of the house of
1456 representatives; a Massachusetts public school social worker, to be appointed by the minority
1457 leader of the senate; a parent or guardian of a child in a Massachusetts public school, to be
1458 appointed by the minority leader of the house of representatives; and 4 members to be appointed
1459 by the governor: 1 of whom shall be a representative of the Massachusetts Association of School
1460 Committees, Inc., 1 of whom shall be a representative of Massachusetts School Counselors
1461 Association, Inc., and 2 of whom shall be representatives from Massachusetts youth
1462 organizations with proven records of supporting services and programs for high numbers of
1463 youths in order to ensure healthy development and social responsibility.

1464 The model memorandum of understanding shall be developed for schools and police
1465 departments as the minimum requirement for schools to formalize and clarify implementation of
1466 the partnership between the school and the school resource officer. In conducting such
1467 development and review, the commission shall determine the necessary provisions to achieve the
1468 district’s educational and school safety goals and to help maintain a positive school environment
1469 for all students.

1470 The model memorandum of understanding shall, at minimum, describe the following: (i)
1471 the mission statement, goals and objectives of the school resource officer program; (ii) the roles
1472 and responsibilities of the school resource officer, the police department and the school; (iii) the
1473 process for selecting school resource officers; (iv) the mechanisms to incorporate school resource

1474 officers into the school environment, including school safety meetings; (v) information sharing
1475 between school resource officers, school staff and other partners; (vi) the organizational structure
1476 of the school resource officer program, including supervision of school resource officers and the
1477 lines of communication between the school district and police department; (vii) training for
1478 school resource officers, including, but not limited to, continuing professional development in
1479 child and adolescent development, conflict resolution and diversion strategies, de-escalation
1480 tactics and any other training required by the Massachusetts police standards and training
1481 commission established in section 2 of chapter 6E; and (viii) the manner and division of
1482 responsibility for collecting and reporting the school-based arrests, citations and court referrals
1483 of students to the department of elementary and secondary education in accordance with
1484 regulations promulgated by the department.

1485 The model memorandum of understanding shall expressly state that school resource
1486 officers shall not: (i) serve as school disciplinarians, enforcers of school regulations or in place of
1487 licensed school psychologists, psychiatrists or counselors; and (ii) use police powers to address
1488 traditional school discipline issues, including non-violent disruptive behavior.

1489 In carrying out its duties under this section, the commissioner of elementary and
1490 secondary education shall work with the executive office of public safety and security to provide
1491 to the commission with any data and information they consider relevant to the commission's
1492 duties.

1493 The commission shall meet every 5 years for the purpose of developing and reviewing
1494 the model memorandum of understanding. The model memorandum of understanding shall be
1495 subject to final approval by the co-chairs of the commission, and shall be made publicly

1496 available by the department of elementary and secondary education, distributed to school
1497 districts and filed with the clerks of the house of representatives and senate.

1498 Members shall not receive compensation for their services but may receive
1499 reimbursement for the reasonable expenses incurred in carrying out their responsibilities as
1500 members of the commission. The commissioner of elementary and secondary education shall
1501 furnish reasonable staff and other support for the work of the commission. Prior to issuing its
1502 recommendations, the commission shall provide the opportunity to seek public input across
1503 regions of the commonwealth. It shall not constitute a violation of chapter 268A for a person
1504 employed by a school district to serve on the commission or to participate in commission
1505 deliberations that may have a financial impact on the district or municipality employing that
1506 person. The commission may establish procedures to ensure that no such person participates in
1507 commission deliberations that may directly affect the school districts employing those persons.

1508 (c) The executive office of public safety and security, in consultation with the department
1509 of elementary and secondary education, shall make available to all communities the model
1510 memorandum of understanding, statements of operating procedures and advisories on how to
1511 establish said documents.

1512 (d) For the purpose of fostering a safe and healthy environment for all students through
1513 strategic and appropriate use of law enforcement resources and to achieve positive outcomes for
1514 youth and public safety, every chief of police, in consultation with the superintendent and subject
1515 to appropriation, shall assign at least 1 school resource officer to serve the city, town,
1516 commonwealth charter school, regional school district or county agricultural school. In the case
1517 of a regional school district, commonwealth charter school or county agriculture school, the chief

1518 of police of the city or town where the school is located, in consultation with the superintendent
1519 after receiving public input, shall assign the school resource officer, which may be the same
1520 officer for all schools in the city or town.

1521 In assigning a school resource officer, the chief of police shall assign an officer that the
1522 chief believes would strive to foster an optimal learning environment and educational community
1523 that promotes a strong partnership and lines of communication between school and police
1524 personnel. The chief of police shall give preference to candidates who demonstrate the requisite
1525 personality and character to work effectively with children, youth and educators in a school
1526 environment with a demonstrated ability to work successfully with a population that has a similar
1527 racial and ethnic background as those prevalent in the student body, and who have received
1528 specialized training relating to working with adolescents and children, including cognitive
1529 development, de-escalation tactics, as defined in section 1 of chapter 6E and alternatives to arrest
1530 and diversion strategies. The appointment shall not be based solely on seniority. The
1531 performance of school resource officer shall be reviewed annually by the superintendent and the
1532 chief of police.

1533 The superintendent and the chief of police shall adopt, at minimum, the model
1534 memorandum of understanding developed by the commission pursuant to subsection (b), and
1535 may add further provisions as they mutually deem fit; provided, that no further provision
1536 included in the memorandum of understanding adopted by said superintendent and said chief of
1537 police shall conflict with or omit any provisions of this section. The final memorandum of
1538 understanding adopted by the superintendent and the chief of police shall be made public and
1539 placed on file annually with the department of elementary and secondary education and in the
1540 offices of the school superintendent and the chief of police.

1541 The chief of police, in consultation with the school superintendent, shall establish
1542 operating procedures to provide guidance to school resource officers about daily operations,
1543 policies and procedures. At minimum, the operating procedures as established by the chief of
1544 police, shall describe the following for the school resource officer:

1545 (i) the school resource officer uniform;

1546 (ii) use of police force, arrest, citation and court referral on school property;

1547 (iii) a statement and description of students' legal rights, including the process for
1548 searching and questioning students and circumstances requiring notification to and presence of
1549 parents and administrators;

1550 (iv) chain of command, including delineating to whom the school resource officer reports
1551 and how school administrators and the school resource officer work together;

1552 (v) performance evaluation standards, which shall incorporate monitoring compliance
1553 with the memorandum of understanding and use of arrest, citation and police force in school;

1554 (vi) protocols for diverting and referring at-risk students to school and community-based
1555 supports and providers; and

1556 (vii) information sharing between the school resource officer, school staff and parents or
1557 guardians.

1558 (e) Each school shall annually file its final memorandum of understanding and operating
1559 procedures with the department of elementary and secondary education. The department shall
1560 promulgate rules or regulations necessary to carry out this section.

1561 (f) Upon written application by a school department of a city or town, in consultation
1562 with the chief of police, a regional school district or a county agricultural school, the
1563 commissioner of elementary and secondary education may waive the requirements of this section
1564 if the commissioner believes a school resource officer would not assist that particular city or
1565 town, regional school district or county agricultural school to ensure school safety. The written
1566 application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting
1567 the waiver request; and (iii) a description of, and supporting data for, alternative procedures and
1568 resources relied upon to ensure safe schools.

1569 (g) Notwithstanding subsection (d), if the chief of police, in consultation with the
1570 superintendent, determines that there are not sufficient resources to assign a school resource
1571 officer to serve the city, town, regional school district or county agricultural school, the chief of
1572 police shall consult with the department of state police to ensure that a school resource officer is
1573 assigned, subject to appropriation, pursuant to the requirements of this section; provided, further,
1574 that if a state police officer is assigned to a city, town, regional school district or county
1575 agricultural school, said assignment shall not be based solely on seniority and a candidate shall
1576 be considered who would strive to foster an optimal learning environment and educational
1577 community; provided, further, that there shall be placed on file in the office of the superintendent
1578 and the department of state police the final memorandum of understanding clearly defining the
1579 roles and duties of the school resource officer.

1580 (h) No public employer shall be liable for injury, loss of property, personal injury or
1581 death caused by an act or omission of a public employee while acting in the scope of the public
1582 employee's employment and arising out of the implementation of this section. This section shall
1583 not be construed as creating or imposing a specific duty of care.

1584 The department of elementary and secondary education shall collect and publish
1585 disaggregated data regarding school-based arrests, citations and court referrals of students to the
1586 department and shall make such report available for public review.

1587 SECTION 67. The second paragraph of section 32A of chapter 75 of the General Laws,
1588 as so appearing, is hereby amended by striking out the third sentence and inserting in place
1589 thereof the following sentence:- Every officer who receives an appointment to a position on a
1590 full-time basis in which that person may exercise police powers for any of the campuses of the
1591 University of Massachusetts, shall, prior to exercising those police powers, be certified pursuant
1592 to chapter 6E.

1593 SECTION 68. Section 24M of chapter 90 of the General Laws, as so appearing, is hereby
1594 amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

1595 (1) The committee on police training and certification established in section 4 of chapter
1596 6E shall provide training, including, but not limited to, alcohol and gambling education and
1597 education concerning the aforesaid sections, to all law enforcement personnel throughout the
1598 commonwealth.

1599 SECTION 69. Section 32E7/8 of said chapter 90, as so appearing, is hereby amended by
1600 striking out, in lines 5 and 6, the words “Municipal Police Training Fund established in section
1601 35EEE” and inserting in place thereof the following words:- Police Training Fund established in
1602 section 35OOO.

1603 SECTION 70. Section 2 of chapter 90C of the General Laws, as so appearing, is hereby
1604 amended by striking out the second and third paragraphs and inserting in place thereof the
1605 following 2 paragraphs:-

1606 Each police chief appointed by the trustees of the commonwealth's state universities and
1607 community colleges under section 22 of chapter 15A shall certify to the registrar, on or before
1608 January first of each year, that:

1609 (1) the police officers appointed by the trustees at the state university or community
1610 college have been certified pursuant to chapter 6E;

1611 (2) said officers have completed the annual in-service training required by the committee
1612 on police training and certification established in said chapter 6E;

1613 (3) the state university or community college police department submits uniform crime
1614 reports to the FBI;

1615 (4) a memorandum of understanding has been entered into with the police chief of the
1616 municipality wherein the state university or community college is located outlining the policies
1617 and procedures for utilizing the municipality's booking and lock-up facilities, fingerprinting and
1618 breathalyzer equipment if the state university or community college police department does not
1619 provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

1620 (5) the state university or community college police department has policies and
1621 procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor
1622 vehicle law enforcement.

1623 Nothing in this section, except the previous paragraph, shall limit the authority granted to
1624 the police chiefs and police officers at the state universities and community colleges under said
1625 section 22 of said chapter 15A or section 18 of chapter 73.

1626 SECTION 71. Section 1 of chapter 111 of the General Laws, as so appearing, is hereby
1627 amended by inserting after the definition of “Inland waters” the following definition:-

1628 “Law enforcement-related injuries and deaths”, injuries and deaths caused by a law
1629 enforcement officer or correction officer, whether employed by the commonwealth, a county, a
1630 municipality or other public or private entity, and occupational fatalities of a law enforcement
1631 officer or correction officer.

1632 SECTION 72. Said chapter 111 is hereby further amended by inserting after section 6D
1633 the following section:-

1634 Section 6E. The department shall collect and report data on law enforcement-related
1635 injuries and deaths. The commissioner shall promulgate regulations necessary to implement this
1636 section, including, but not limited to, protocols and procedures for the reporting of law
1637 enforcement-related injuries and deaths to the department by physicians and other licensed health
1638 care professionals.

1639 SECTION 73. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby
1640 amended by striking out, in lines 597 and 598, the words “municipal police training committee”
1641 and inserting in place thereof the following words:- committee on police training and
1642 certification.

1643 SECTION 74. Section 31 of chapter 147 of the General Laws, as so appearing, is hereby
1644 amended by striking out, in lines 3 and 4 and lines 6 and 7, the words “municipal police training
1645 committee” and inserting in place thereof, in each instance, the following words:- Massachusetts
1646 police standards and training commission.

1647 SECTION 75. Chapter 231 of the General Laws, as so appearing, is hereby amended by
1648 inserting after section 85AA the following section:-

1649 Section 85BB. (a) A law enforcement officer, as defined in section 1 of chapter 6E, who
1650 knowingly submits to a state agency, state authority, city, town or agency, as defined in said
1651 section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and
1652 receives payment therefor or knowingly makes, uses or causes to be made or used a false record
1653 or statement material to a false or fraudulent claim of hours worked for payment that results in a
1654 law enforcement officer receiving payment therefor or any person who conspires to commit a
1655 violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages
1656 paid or by imprisonment for not more than 2 years.

1657 (b) In any action brought pursuant to this section, the party bringing the action shall be
1658 required to prove all essential elements of the cause of action, including damages, by a
1659 preponderance of the evidence.

1660 SECTION 76. Section 22 of chapter 265 of the General Laws, as so appearing, is hereby
1661 amended by adding the following subsection:-

1662 (c) A law enforcement officer who has sexual intercourse with a person in the custody or
1663 control of the law enforcement officer shall be found to be in violation of subsection (b). In a
1664 prosecution commenced under this subsection, a person shall be deemed incapable of consent to
1665 sexual intercourse with such law enforcement officer. For the purposes of this paragraph, "law
1666 enforcement officer" shall mean a police officer, an auxiliary, intermittent, special, part-time or
1667 reserve police officer, a police officer in the employ of a public institution of higher education
1668 pursuant to section 5 of chapter 15A, a public prosecutor, a municipal or public emergency

1669 medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a
1670 parole officer, an officer of the department of youth services, constables, a campus police officer
1671 who holds authority as special state police officer or a person impersonating one of the
1672 foregoing.

1673 SECTION 77. Section 10A of chapter 269 of the General Laws, as so appearing, is
1674 hereby amended by striking out, in lines 2 and 3 and lines 17 and 18, the words “municipal
1675 police training committee” and inserting in place thereof, in each instance, the following words:-
1676 committee on police training and certification.

1677 SECTION 78. Chapter 276 of the General Laws, as so appearing, is hereby amended by
1678 inserting after section 2C the following section:-

1679 Section 2D. (a) A warrant that does not require a law enforcement officer to knock and
1680 announce their presence and purpose before forcibly entering a residence shall not be issued
1681 except by a judge and only if the affidavit supporting the request for the warrant: (i) establishes
1682 probable cause that if the law enforcement officer announces their presence their life or the lives
1683 of others will be endangered and (ii) includes an attestation that the law enforcement officer
1684 filing the affidavit has no reason to believe that minor children or adults over the age of 65 are in
1685 the home.

1686 (b) A police officer executing a search warrant shall knock and announce their presence
1687 and purpose before forcibly entering a residence unless authorized by a warrant to enter pursuant
1688 to subsection (a).

1689 (c) An officer shall not dispense with the requirements of subsections (a) and (b) except
1690 to prevent a credible risk of imminent harm as defined in section 1 of chapter 6E.

1691 (d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if
1692 a law enforcement officer violates this section.

1693 SECTION 79. Notwithstanding any general or special law or collective bargaining
1694 agreement to the contrary, on or before December 31, 2020, every law enforcement agency, as
1695 defined in section 1 of chapter 6E of the General Laws, shall provide to the Massachusetts police
1696 standards and training commission, in a form to be determined by the commission, a
1697 comprehensive disciplinary record for each law enforcement officer, as defined by said section 1
1698 of said chapter 6E, employed by said agency, including, but not limited to: (i) every complaint of
1699 which the officer was the subject of during the course of their employment with the agency; and
1700 (ii) all disciplinary records of the officer, including the final disposition of a complaint, if any,
1701 and any discipline imposed. On or before June 1, 2021, the commission shall provide to each
1702 agency a list of each officer currently employed in the commonwealth, and each agency shall
1703 provide to the commission, in a form to be determined by the commission, a comprehensive
1704 disciplinary record for each law enforcement officer previously employed by said agency or a
1705 transferor agency for which the agency is the transferee agency, including, but not limited to: (i)
1706 every complaint of which the officer was the subject of during the course of their employment
1707 with the agency; and (ii) all disciplinary records of the officer, including the final disposition of a
1708 complaint, if any, and any discipline imposed.

1709 SECTION 80. Notwithstanding subsections (b) and (c) of section 2 of chapter 6E of the
1710 General Laws, in making the initial appointments to the Massachusetts police standards and
1711 training commission, the governor shall appoint 2 commissioners for a 1-year term; the attorney
1712 general shall appoint 2 commissioners for a 2-year term; and the governor and the attorney
1713 general shall jointly appoint 1 commissioner for a 3-year term, 1 commissioner for a 4-year term

1714 and 1 commissioner for a 5-year term. Thereafter, as the term of a commissioner expires, their
1715 successor shall be appointed for a 5-year term pursuant to said section 2 of said chapter 6E. A
1716 person appointed pursuant to this section for less than 5 years shall be eligible for re-appointment
1717 to the commission for 2 full 5-year terms.

1718 SECTION 81. Notwithstanding section 4 of chapter 6E of the General Laws, a law
1719 enforcement officer, as defined in section 1 of said chapter 6E, who has completed an academy
1720 or training program certified by the municipal police training committee or the training programs
1721 prescribed by chapter 22C of the General Laws on or before the effective date of this section and
1722 is appointed as a law enforcement officer as of the effective date of this section, shall be certified
1723 as of the effective date of this section. No officer who is certified under this section shall be
1724 required to complete or repeat a basic training program if such officer previously completed a
1725 basic training program provided or approved by the municipal police training committee or its
1726 predecessor, the criminal justice training council, or received previous basic training that the
1727 commission deems equivalent to Massachusetts training standards.

1728 All law enforcement officers who have completed a reserve training program on or
1729 before the effective date of this section shall be certified as of the effective date of this section.
1730 Prior to the expiration of that certification, the officer shall complete additional training as
1731 required by the committee on police training and certification.

1732 Any training waiver or exemption granted by the municipal police training committee
1733 prior to the effective date of this section shall expire 6 months after the effective date of this
1734 section. Any person who has not completed an academy or training program certified by the
1735 municipal police training committee or the training programs prescribed by said chapter 22C on

1736 or before the effective date of this section, and has been appointed to a law enforcement position
1737 as of the effective date of this section, shall not exercise police powers following the expiration
1738 of any training waiver or exemption under this section. Prior to the expiration of this 6-month
1739 period, the person may obtain from the committee on police training and certification a waiver or
1740 an extension of time necessary to complete training according to a work plan approved by the
1741 committee on police training and certification.

1742 The certification of a law enforcement officer who has graduated from an academy or
1743 training program certified by the municipal police training committee or the training programs
1744 prescribed by said chapter 22C who is certified as a result of this section and whose last names
1745 begin with: (i) A to H, inclusive, shall expire 1 year after the effective date of this section; (ii) I
1746 to P, inclusive, shall expire 2 years after the effective date of this section; and (iii) Q to Z,
1747 inclusive, shall expire 3 years after the effective date of this section.

1748 SECTION 82. There shall be a commission to review and make recommendations on: (i)
1749 improving, modernizing and developing comprehensive protocols for the training of state and
1750 county correction officers and juvenile detention officers; (ii) establishing clear limitations on the
1751 use of physical force by county correction officers and juvenile detention officers; and (iii)
1752 creating an independent body with the power to certify, renew, revoke or otherwise modify the
1753 certification of state and county correction officers and juvenile detention officers and the power
1754 to receive, investigate and adjudicate complaints of officer misconduct.

1755 The commission shall consist of: a former judge appointed by the chief justice of the
1756 supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1
1757 correctional officer who shall be appointed by the New England Police Benevolent Association,

1758 Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the
1759 commissioner of the department of youth services or a designee; 1 correction officer who shall
1760 be appointed by the president of the Massachusetts Correction Officers Federated Union; 1
1761 member appointed by American Federation of State, County and Municipal Employees Council
1762 93 who shall be an employee of the department of youth services and who shall have not less
1763 than 5 years of experience working in a department of youth services secure facility; the
1764 executive director of Citizens for Juvenile Justice, Inc. or a designee; the executive director of
1765 Prisoners' Legal Services or a designee; the president of the Boston branch of the National
1766 Association for the Advancement of Colored People New England Area Conference or a
1767 designee; the executive director of Lawyers for Civil Rights, Inc. or a designee; 2 members
1768 appointed by the Massachusetts Black and Latino legislative caucus who shall not be members of
1769 the caucus; 2 members appointed by the Massachusetts House Asian Caucus who shall not be
1770 members of the caucus; the executive director of the American Civil Liberties Union of
1771 Massachusetts, Inc. or a designee; and 2 members who shall be appointed by the governor, 1 of
1772 whom shall be a member of the LGBTQ community and 1 of whom shall be a formerly-
1773 incarcerated woman.

1774 The commission shall report and file its findings and recommendations, including any
1775 legislation, with the clerks of the senate and house of representatives and the joint committee on
1776 public safety and security not later than July 31, 2021.

1777 SECTION 83. (a) As used in this section, the following words shall, unless the context
1778 clearly requires otherwise, have the following meanings:

1779 “Biometric data”, computerized data relating to the physical, physiological or behavioral
1780 characteristics of a natural person, which allow or confirm the unique identification of such
1781 person, including, but not limited to, facial recognition, fingerprints, palm veins,
1782 deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

1783 “Body-worn camera”, a portable electronic recording device worn on a law enforcement
1784 officer’s person that creates, generates, sends, receives, stores, displays and processes
1785 audiovisual recordings or records audio and video data of law enforcement-related encounters
1786 and activities.

1787 “Facial recognition software”, a category of biometric software that maps an individual’s
1788 facial features mathematically and stores the data as a faceprint.

1789 “Law enforcement officer”, as defined in section 1 of chapter 6E of the General Laws.

1790 “Law enforcement-related activities”, activities by a law enforcement officer, including,
1791 but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations,
1792 pursuits, crowd control, traffic control or non-community caretaking interactions with an
1793 individual while on patrol; provided, however, that law enforcement-related activities shall not
1794 include completion of paperwork alone or only in the presence of other law enforcement officers
1795 or civilian law enforcement personnel.

1796 “Recording”, the process of capturing data or information stored on a recording medium.

1797 (b) The executive office of public safety and security, in collaboration with the executive
1798 office of technology services and security, shall establish the law enforcement body camera task
1799 force. The task force shall propose regulations establishing a uniform code for the procurement

1800 and use of body-worn cameras by law enforcement officers to provide consistency throughout
1801 the commonwealth. The task force shall propose minimum requirements for the storage and
1802 transfer of audio and video recordings collected by body-worn cameras. The task force shall
1803 conduct no fewer than 5 public hearings in various parts of the commonwealth to hear testimony
1804 and comments from the public.

1805 (c) The task force shall consist of 25 members: the secretary of public safety and security
1806 or a designee; the secretary of technology services and security or a designee; the attorney
1807 general or a designee; a member appointed by the committee for public counsel services; a
1808 district court judge appointed by the chief justice of the supreme judicial court; 2 members
1809 appointed by the Massachusetts Black and Latino legislative caucus who shall have expertise in
1810 constitutional or civil rights law; 1 member appointed by the chair of the Massachusetts Minority
1811 Law Enforcement Officers Association; 1 member appointed by the chair of the Massachusetts
1812 Minority State Police Officers Association; 1 member appointed by the chair of the
1813 Massachusetts Latino Police Officers Association; 1 member appointed by the chair of the
1814 Massachusetts Association of Women in Law Enforcement; 2 members appointed by the
1815 Massachusetts House Asian caucus who shall have expertise in constitutional or civil rights law;
1816 the president of the Massachusetts Sheriffs' Association or a designee; 1 member appointed by
1817 the Massachusetts Coalition of Police; the colonel of the state police or a designee; the president
1818 of the Massachusetts District Attorney Association or a designee; the executive director of the
1819 American Civil Liberties Union of Massachusetts, Inc. or a designee; the president of the Boston
1820 branch of the National Association for the Advancement of Colored People New England Area
1821 Conference or a designee; the president of the Massachusetts Defense Lawyers Association, Inc.,
1822 or a designee; and 5 members appointed by the governor, 1 of whom shall be a police chief in a

1823 municipality with a body camera pilot program and a population no fewer than 100,000 people, 1
1824 of whom shall be a police chief in a municipality with a body camera pilot program and a
1825 population no more than 50,000 people, 1 of whom shall be an expert on constitutional or
1826 privacy law who is employed by a law school in the commonwealth, 1 of whom shall be an
1827 elected official in a municipality with a body camera pilot program and 1 of whom shall be a
1828 representative of a law enforcement labor organization.

1829 (d) The task force shall elect a chair and vice-chair. A meeting of the task force may be
1830 called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of
1831 business shall consist of 7 members. All members of the task force shall serve without
1832 compensation. The executive agencies convening the task force shall assign administrative
1833 personnel to assist the work of the task force. The task force shall meet not less than 12 times. In
1834 addition to taking public testimony, the task force shall seek the advice of experts specializing in
1835 the fields of criminology, education, criminal or family law or other related fields, as appropriate.

1836 (e) On or before January 31, 2022, the task force shall, by majority vote, adopt
1837 recommended regulations for law enforcement agencies. The regulations recommended by the
1838 task force shall include, but not be limited to: (i) standards for the procurement of body-worn
1839 cameras and vehicle dashboard cameras by law enforcement agencies, including a requirement
1840 that such cameras or associated processing software include technology for redacting the images
1841 and voices of victims and bystanders; (ii) standards regarding the use of facial recognition or
1842 other biometric-matching software or other technology to analyze recordings obtained through
1843 the use of such cameras; provided, however, that such standards may prohibit or allow such use
1844 subject to requirements based on best practices and protocols; (iii) standards for training law
1845 enforcement officers in the basic use of such cameras; (iv) standards for: (A) the types of law

1846 enforcement encounters and interactions that shall be recorded and what notice, if any, shall be
1847 given to those being recorded; and (B) when a camera should be activated and when to
1848 discontinue recording; (v) a requirement that a camera be equipped with pre-event recording,
1849 capable of recording at least the 30 seconds prior to camera activation; (vi) a requirement
1850 preventing an officer from accessing or viewing any recording of an incident involving the
1851 officer before the officer is required to make a statement about the incident; (vii) standards for
1852 the identification, retention, storage, maintenance and handling of recordings from body
1853 cameras, including a requirement that recordings be retained for not less than 180 days but not
1854 more than 30 months for a recording not relating to a court proceeding or ongoing criminal
1855 investigation or for the same period of time that evidence is retained in the normal course of the
1856 court's business for a recording related to a court proceeding; (viii) standards pertaining to the
1857 recordings of use of force, detention or arrest by a law enforcement officer or pertaining to
1858 ongoing investigations and prosecutions to assure that recordings are retained for a period
1859 sufficient to meet the needs of all parties with an interest in the recordings; (ix) standards for the
1860 security of facilities in which recordings are kept; (x) requirements for state procurement of
1861 contracts for body-worn cameras and for data storage through which qualified law enforcement
1862 agencies may purchase goods and services; (xi) best practice language for contracts with third-
1863 party vendors for data storage, which shall provide that recordings from such cameras are the
1864 property of the law enforcement agency, are not owned by the vendor and cannot be used by the
1865 vendor for any purpose inconsistent with the policies and procedures of the law enforcement
1866 agency; (xii) procedures for supervisory internal review and audit; (xiii) sanctions for improper
1867 use of cameras, including a requirement that a law enforcement officer who does not activate a
1868 body-worn camera in response to a call for assistance shall include that fact in their incident

1869 report and note in the case file or record the reason for not activating the camera; (xiv) sanctions
1870 for tampering with a camera or recordings and for improper destruction of recordings; (xv)
1871 regulations pertaining to handling requests for the release of information recorded by a body-
1872 worn camera to the public; (xvi) requirements for reporting by law enforcement agencies
1873 utilizing body-worn cameras; (xvii) a retention schedule for recordings to ensure that storage
1874 policies and practices are in compliance with all relevant laws and adequately preserve
1875 evidentiary chains of custody and identify potential discovery issues; and (xviii) a process by
1876 which body camera footage may be included in a public record.

1877 (f) Not later than January 31, 2021, the task force shall file an interim report on its work
1878 product, including its proposed regulations under subsection (e) and any proposed legislation that
1879 is necessary to effectuate the regulations with the clerks of the house of representatives and the
1880 senate and the joint committee on public safety and homeland security.

1881 SECTION 84. (a) Notwithstanding any special or general law to the contrary, there shall
1882 be a special legislative commission established pursuant to section 2A of chapter 4 of the
1883 General Laws to conduct a study on the use of facial recognition technology by the
1884 Massachusetts Department of Transportation. The commission shall consist of 15 members: 2 of
1885 whom shall be the chairs of the joint committee on the judiciary or their designees, who shall
1886 serve as co-chairs; 1 of whom shall be the minority leader of the house of representatives or a
1887 designee; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom shall be
1888 the chief justice of the supreme judicial court or a designee; 1 of whom shall be the attorney
1889 general or a designee; 1 of whom shall be the secretary of public safety and security or a
1890 designee; 1 of whom shall be the state auditor or a designee; 1 of whom shall be the registrar of
1891 motor vehicles or a designee; 1 of whom shall be the colonel of the state police or a designee; 1

1892 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
1893 Inc. or a designee; 1 of whom shall be the chief counsel for the committee for public counsel
1894 services or a designee; 1 of whom shall be the president of the Massachusetts Sheriffs'
1895 Association or a designee; 1 of whom shall be the president of the district attorneys association
1896 or a designee; and 1 of whom shall be the executive director of the Massachusetts Technology
1897 Collaborative or a designee.

1898 The commission shall evaluate the use of facial recognition technology in the
1899 commonwealth and make recommendations to the legislature. The commission shall: (i) examine
1900 and evaluate the facial recognition system operated by the registry of motor vehicles and provide
1901 recommendations for regular independent bias testing; (ii) propose standards to ensure accuracy
1902 and equity of the system based on age, race, gender and religion; (iii) examine access to the
1903 facial recognition system and the management of information derived from it, including, but not
1904 limited to, data retention, data sharing and audit trails; (iv) identify which federal agencies, if
1905 any, have access to databases maintained by the commonwealth that catalogue images of faces
1906 and the authorization for, and terms of, such access; (v) evaluate the requirement for a warrant by
1907 law enforcement agencies to perform facial recognition searches, including, but not limited to,
1908 enhanced requirements to perform a search similar to those set forth in section 99 of chapter 272
1909 of the General Laws; (vi) provide recommendations for due process protections of criminal
1910 defendants when facial recognition technology is used in any part of an investigation; (vii)
1911 provide recommendations to ensure privacy for the public; and (viii) provide recommendations
1912 for adequate training and oversight on the use of facial recognition technology.

1913 For the purposes of this section, "facial recognition" shall mean an automated or semi-
1914 automated process that assists in identifying or verifying an individual or capturing information

1915 about an individual based on the physical characteristics of an individual’s face, head or body,
1916 that uses characteristics of an individual’s face, head or body to infer emotion, associations,
1917 activities or the location of an individual; provided, that facial recognition shall not include the
1918 use of search terms to sort images in a database.

1919 (b) The commission shall submit its findings and recommendations relative to the use of
1920 facial recognition technology by filing the same with the clerks of the house of representatives
1921 and senate and the governor not later than July 1, 2021.

1922 SECTION 84A. There shall be, pursuant to section 2A of chapter 4, a special legislative
1923 commission on emergency hospitalizations pursuant to subsection (a) of section 12 of chapter
1924 123 of the General Laws. The commission shall: (i) study how often emergency hospitalizations
1925 are used by law enforcement professionals; (ii) examine the impact of emergency
1926 hospitalizations on law enforcement resources; (iii) create best practices for coordination of
1927 services for hospitalized individuals by law enforcement and medical professionals; and (iv)
1928 determine how to reduce police interactions with individuals frequently subject to emergency
1929 hospitalization.

1930 (b) The commission shall consist of 11 members: the commissioner of mental health or a
1931 designee; the secretary of public safety and security or a designee; the executive director of the
1932 mental health legal advisors committee established in section 34E of chapter 221 of the General
1933 Laws or a designee; 2 law enforcement officers, as defined in section 1 of chapter 6E of the
1934 General Laws, to be appointed by the speaker of the house of representatives, of whom at least 1
1935 shall reside in a gateway municipality as defined in section 3A of chapter 23A of the General
1936 Laws; 2 clinical social workers to be appointed by the president of the senate, of whom at least 1

1937 shall reside in a gateway municipality, as defined in said section 3A of said chapter 23A; the
1938 president of the Massachusetts Medical Society or a designee; the president of the Massachusetts
1939 Nurses Association or a designee; the president of the Massachusetts Chiefs of Police
1940 Association Incorporated or a designee; and the president of the Massachusetts Coalitions of
1941 Police Inc. or a designee.

1942 (c) The commission shall conduct a thorough review of the policies and procedures
1943 related to emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of
1944 the General Laws. The goals of the special commission shall be to: (i) develop strategies that
1945 reduce the amount of police resources and police interactions with individuals hospitalized
1946 pursuant to said subsection (a) of said section 12 of said chapter 123; (ii) better determine how
1947 law enforcement and medical professionals can coordinate services to advance the shared goals
1948 of public safety and public health in the commonwealth; and (iii) make recommendations,
1949 including but not limited to policy or legislative changes, related to emergency hospitalizations.

1950 (d) The commission shall submit its report and recommendations, together with drafts of
1951 legislation to carry its recommendations into effect, by filing the same with the clerks of the
1952 house of representatives and the senate not later than March 31, 2021.

1953 SECTION 85. (a) Notwithstanding any general or special law to the contrary, there shall
1954 be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative
1955 commission to study and examine the civil service law, personnel administration rules, hiring
1956 procedures and bylaws for municipalities not subject to the civil service law and state police
1957 hiring practices.

1958 (b) The commission shall consist of 27 members; 3 members appointed by the governor,
1959 1 of whom shall be a member of a police officers' union, 1 of whom shall be a member of a
1960 firefighters' union, 1 of whom shall be a member of a correctional officers' union; 1 of whom
1961 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or
1962 the executive director's designee; 1 of whom shall be the president of the Boston branch of the
1963 National Association for the Advancement of Colored People New England Area Conference or
1964 the president's designee; 1 of whom shall be the chair of the Massachusetts Law Enforcement
1965 Policy Group; 1 of whom shall be the president of the Massachusetts Chiefs of Police
1966 Association or the president's designee; 1 of whom shall be the colonel of the Massachusetts
1967 State Police or the colonel's designee; 1 of whom shall be the chairman of the Massachusetts
1968 Civil Service Commission or the chairman's designee; 1 of whom shall be the secretary of the
1969 executive office of administration and finance or the secretary's designee; 1 of whom shall be the
1970 president of the Massachusetts Bar Association or the president's designee; 1 of whom shall be
1971 the secretary of the executive office of public safety and security or the secretary's designee; 1 of
1972 whom shall be the president of the Massachusetts Veterans Service Officers Association, Inc. or
1973 the president's designee; 1 of whom shall be the secretary of the Massachusetts department of
1974 veterans' services or the secretary's designee; 1 of whom shall be the commander of the
1975 Disabled American Veterans, Department of Massachusetts, Inc., or the commander's designee;
1976 1 of whom shall be the executive director of the Massachusetts Municipal Association, Inc. or
1977 the executive director's designee; 1 of whom shall be the chair of the Massachusetts Black and
1978 Latino legislative caucus; 1 of whom shall be the chair of the Massachusetts House Asian caucus
1979 or a designee; 4 members of the house of representatives, 2 of whom shall be appointed by the
1980 speaker of the house of representatives, 1 of whom shall be the house chair of the joint

1981 committee on public service or designee, 1 of whom shall be appointed by the minority leader of
1982 the house of representatives; 4 members of the senate, 2 of whom shall be appointed by the
1983 senate president, 1 of whom shall be the senate chair of the joint committee on public service or
1984 designee, 1 of whom shall be appointed by the minority leader of the senate; and the attorney
1985 general or the attorney general's designee. The speaker of the house of representatives shall
1986 appoint one co-chair from the house appointees to the commission and the senate president shall
1987 appoint one co-chair from the senate appointees to the commission.

1988 (c) The commission shall study the employment, promotion, performance evaluation and
1989 disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring
1990 and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the
1991 statutory merit preference status and the hiring from those eligible lists; (iii) all current civil
1992 service examinations and the use of the examinations for hiring and promotions; (iv) collective
1993 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to civil
1994 service employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting
1995 civil service employees.

1996 (d) The commission shall study the employment, promotion, performance evaluation and
1997 disciplinary procedures of municipalities not subject to the provisions of the civil service law,
1998 including, but not limited to: (i) the hiring and recruitment procedures and by-laws for
1999 municipalities; (ii) all examinations administered by municipalities and the use of the
2000 examinations for hiring and promotions; (iii) the use of minimum eligibility guidelines and
2001 hiring qualifications or preferences; (iv) collective bargaining agreements by unions; (v) the
2002 disciplinary and appeal procedures as applied to municipal employees; and (vi) identifying any
2003 barriers that exist in hiring, recruiting or promoting municipal employees.

2004 (e) The commission shall study employment, promotion, performance evaluation and
2005 disciplinary procedures of the Massachusetts state police, including, but not limited to: (i) hiring
2006 and recruitment laws and procedures; (ii) the requirements of chapter 22C of the General Laws;
2007 (iii) all examinations used by the state police for hiring and promotions; (iv) collective
2008 bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to
2009 officers of the Massachusetts state police; and (vi) identifying any barriers that exist in hiring,
2010 recruiting or promoting officers of the Massachusetts state police.

2011 (f) The commission shall evaluate the feasibility of creating a statewide diversity office
2012 within the executive office of administration and finance to establish affirmative action plans and
2013 guidelines for municipalities, oversee the implementation of these plans and guidelines and
2014 monitor noncompliance. The commission shall examine the feasibility and cost of hiring or
2015 appointing a diversity officer for every city or town with a municipal police or fire department.

2016 (g) The commission shall make recommendations for changes to the civil service law to
2017 improve diversity, transparency and representation of the community in recruitment, hiring and
2018 training of civil service employees, including, but not limited to, any changes to civil service
2019 exams, merit preference status, eligible lists and appointment from eligible lists by hiring
2020 authorities. The commission shall make recommendations to improve diversity, transparency and
2021 representation of the community in recruitment, hiring and training for municipalities not subject
2022 to the civil service law and for the Massachusetts state police.

2023 (h) The commission shall hold its first meeting not later than 30 days after the effective
2024 date of this act and shall meet at least monthly thereafter. The commission shall submit a report
2025 of its study and any recommendations, together with any draft legislation necessary to carry

2026 those recommendations into effect, by filing the same with the governor, the speaker of the
2027 house of representatives and the president of the senate and the clerks of the house of
2028 representatives and senate on or before December 31, 2020.

2029 SECTION 86. (a) Notwithstanding any special or general law to the contrary, there shall
2030 be a special legislative commission established pursuant to section 2A of chapter 4 of the
2031 General Laws to study the establishment of a statewide law enforcement officer cadet program.
2032 The commission shall consist of 21 members: 2 of whom shall be the chairs of the joint
2033 committee on public safety and homeland security or their designees, who shall serve as co-
2034 chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1
2035 of whom shall be the chair of the Massachusetts Black and Latino legislative caucus or a
2036 designee; 1 of whom shall be the chair of the Massachusetts House Asian caucus or a designee; 1
2037 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public
2038 safety and security or a designee; 1 of whom shall be the colonel of the state police or a
2039 designee; 1 of whom shall be the commissioner of correction or a designee; 1 of whom shall be
2040 the training director of the Massachusetts police standards and training commission or a
2041 designee; 1 of whom shall be the executive director of the American Civil Liberties Union of
2042 Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Boston branch of the
2043 National Association for the Advancement of Colored People New England Area Conference or
2044 a designee; and 8 of whom shall be appointed by the governor, 1 of whom shall be from the State
2045 Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of
2046 Police Association Incorporated, 1 of whom shall be from the Massachusetts Police Association,
2047 1 of whom shall be from the Massachusetts Coalition of Police, Inc., 1 of whom shall be from
2048 the Massachusetts Sheriffs Association, Inc., 1 of whom shall be from the Massachusetts

2049 Association of Minority Law Enforcement Officers, Inc.; 1 of whom shall be from the
2050 Massachusetts Association of Women in Law Enforcement, Inc. and 1 of whom shall be from
2051 the Association of Chiefs of Police - State Universities of Massachusetts.

2052 (b) The appointments made by the governor pursuant to subsection (a) shall include
2053 women and people of color in such proportion as these groups exist in the commonwealth's
2054 population as periodically determined by the state secretary as the commonwealth's chief census
2055 officer.

2056 (c) The commission shall evaluate the establishment of a statewide law enforcement
2057 officer cadet program in the commonwealth through which all law enforcement agencies, as
2058 defined in section 1 of chapter 6E of the General Laws, may hire law enforcement officers and
2059 shall make recommendations to the legislature. The commission shall study the feasibility and
2060 benefits of establishing said cadet program, including, but not limited to: (i) impact on diversity
2061 within law enforcement agencies; (ii) impact on veteran preference hiring within law
2062 enforcement agencies; (iii) recommendations to ensure increased diversity across law
2063 enforcement agencies; (iv) proposed standards for admission to the statewide cadet program,
2064 including, but not limited to, age, education and physical, psychological and mental health; (v)
2065 proposed standards, including form, method and subject matter, for a qualifying examination
2066 which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably
2067 measured and that are actually required to perform the primary or dominant duties of a law
2068 enforcement cadet; (vi) proposed standards for completion of the cadet program and enlistment
2069 as a uniformed law enforcement officer; (vii) recommended cadet compensation and benefits,
2070 including, but not limited to, insurance coverage, retirement and pension benefits; (viii) the

2071 feasibility of providing specialized training required for appointment to a particular agency or by
2072 a city or town; and (ix) any other information the commission deems relevant.

2073 (d) The commission shall submit its findings and recommendations relative to the
2074 establishment of a statewide law enforcement cadet program by filing the same with the clerks of
2075 the house of representatives and the senate and the governor not later than July 1, 2021.

2076 SECTION 87. Notwithstanding any general or special law to the contrary, a person who
2077 is appointed as a school resource officer, as defined in section 37P of chapter 71 of the General
2078 Laws, as of the effective date of this act may continue in such appointment without receiving a
2079 certification to serve as such pursuant to subsection (b) of section 3 of chapter 6E of the General
2080 Laws; provided, however, that they receive said certification by August 1, 2021.

2081 SECTION 88. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2082 General Laws, a special legislative commission on structural racism in correctional facilities of
2083 the commonwealth. The commission shall investigate and study disparate treatment of persons of
2084 color incarcerated at state and county correctional facilities and determine the role of structural
2085 racism in those disparities.

2086 (b) The special legislative commission shall consist of 17 members: 4 of whom shall be
2087 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
2088 shall be a member of the Massachusetts Black and Latino legislative caucus and 1 of whom shall
2089 be a member of the Massachusetts House Asian caucus; 2 of whom shall be members of the
2090 senate to be appointed by the senate president, 1 of whom shall be a member of the
2091 Massachusetts Black and Latino legislative caucus; 2 of whom shall be appointed by the
2092 governor, 1 of whom shall be the secretary of public safety and security; 1 of whom shall be the

2093 president of the Massachusetts Sheriffs Association, Inc. or a designee; 1 of whom shall be the
2094 president of the Massachusetts Correction Officers Federated Union or a designee; 1 of whom
2095 shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a
2096 designee; 1 of whom shall be the president of the Urban League of Eastern Massachusetts, Inc.
2097 or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom
2098 shall be the chief executive officer of UTEC or a designee; 1 of whom shall be the executive
2099 director of Prisoners' Legal Services or a designee; 1 of whom shall be the executive director of
2100 GLBTQ Legal Advocates & Defenders, Inc. or a designee; 1 of whom shall be the executive
2101 director of Massachusetts Coalition for the Homeless or a designee; and 1 of whom shall be the
2102 chair of the New England Chapter of the American Immigration Lawyers Association or a
2103 designee.

2104 (c) The special commission shall conduct a thorough review of the policies and
2105 procedures in place at state and county correctional facilities, both as written and as
2106 implemented, to determine if there are disparities in the treatment of persons of color and if
2107 structural racism at these facilities is a cause of those disparities. The special commission shall
2108 also conduct a thorough review of the access to educational, vocational or other programming
2109 options for incarcerated inmates and if there are disparities in access for persons of color and if
2110 structural racism is a cause of those disparities. The special commission shall make
2111 recommendations to eliminate any disparities in the treatment of persons of color found at state
2112 and county facilities including policy or legislative changes.

2113 (d) The special commission shall submit its report and recommendations, together with
2114 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
2115 the house of representatives and the senate not later than March 31, 2021.

2116 SECTION 89. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2117 General Laws, a special legislative commission on structural racism in the parole process. The
2118 commission shall make an investigation and study into disparate treatment of persons of color in
2119 the parole process and determine the role of structural racism in those disparities.

2120 (b) The special legislative commission shall consist of 13 members: 4 of whom shall be
2121 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
2122 shall be a member of the Massachusetts Black and Latino legislative caucus and 1 of whom shall
2123 be a member of the Massachusetts House Asian caucus; 2 of whom shall be members of the
2124 senate to be appointed by the senate president, 1 of whom shall be a member of the
2125 Massachusetts Black and Latino legislative caucus; 2 of whom shall be appointed by the
2126 governor, 1 of whom shall be a member of the parole board; 1 of whom shall be the executive
2127 director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom
2128 shall be the president of the Boston branch of the National Association for the Advancement of
2129 Colored People New England Area Conference or a designee; 1 of whom shall be the executive
2130 director of Roca, Inc. or a designee; 1 of whom shall be the executive director of the
2131 Massachusetts Coalition for the Homeless or a designee; 1 of whom shall be the chief executive
2132 officer of UTEC or a designee; and 1 of whom shall be the executive director of Prisoners' Legal
2133 Services or a designee.

2134 (c) The special commission shall conduct a thorough review of the parole process to
2135 determine if there are disparities in the treatment of persons of color in the granting or denying of
2136 parole and if structural racism is a cause of those disparities. The special commission shall also
2137 conduct a thorough review of any disparities in conditions of release placed on persons of color
2138 and if structural racism is a cause of those disparities. The special commission shall make

2139 recommendations to eliminate any disparities in the treatment of persons of color found in the
2140 parole process including policy or legislative changes.

2141 (d) The special commission shall submit its report and recommendations, together with
2142 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
2143 the house of representatives and the senate not later than March 31, 2021.

2144 SECTION 90. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2145 General Laws, a special legislative commission on structural racism in the Massachusetts
2146 probation service referred to in this section as the commission. The commission shall make an
2147 investigation and study into disparate treatment of persons of color in the probation process and
2148 determine the role of structural racism in those disparities.

2149 (b) The special legislative commission shall consist of 13 members: 4 of whom shall be
2150 members of the house of representatives to be appointed by the speaker of the house, 1 of whom
2151 shall be a member of the Massachusetts Black and Latino legislative caucus and 1 of whom shall
2152 be a member of the Massachusetts House Asian caucus; 2 of whom shall be members of the
2153 senate to be appointed by the president of the senate, 1 of whom shall be a member of the
2154 Massachusetts Black and Latino legislative caucus; 1 of whom shall be appointed by the
2155 governor; 1 of whom shall be the commissioner of probation; 1 of whom shall be the executive
2156 director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom
2157 shall be the president of the Boston branch of the National Association for the Advancement of
2158 Colored People New England Area Conference or a designee; 1 of whom shall be the executive
2159 director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC or a
2160 designee; 1 of whom shall be the executive director of the Massachusetts Coalition for the

2161 Homeless or a designee; and 1 of whom shall be the chief counsel of the committee for public
2162 counsel services or a designee.

2163 (c) The special commission shall conduct a thorough review of the probation process to
2164 determine if there are disparities in the treatment of persons of color in the probation system and
2165 if structural racism is a cause of those disparities. The special commission shall also conduct a
2166 thorough review of any disparities in conditions or revocation of probation for persons of color
2167 and if structural racism is a cause of those disparities. The special commission shall make
2168 recommendations to eliminate any disparities in the treatment of persons of color found in the
2169 parole process including policy or legislative changes.

2170 (d) The special commission shall submit its report and recommendations, together with
2171 drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of
2172 the house of representatives and the senate not later than March 31, 2021.

2173 SECTION 91. The model school resource officer memorandum of understanding review
2174 commission established pursuant to section 37P of chapter 71 of the General Laws shall convene
2175 no later than October 1, 2020 and shall develop its first model memorandum of understanding
2176 not later than February 1, 2021 for implementation starting in the 2021 school year.

2177 SECTION 92. Chapter 3 of the General Laws is hereby amended by adding the following
2178 section:-

2179 Section 70. (1) A Commission to study and examine issues which disproportionately
2180 have a negative impact on Black men and boys in Massachusetts will signal that the issues facing
2181 the Black male population are a national priority, will develop solutions to these hardships, and
2182 will help eliminate the obstacles facing Black men and boys. The Commission should work to

2183 improve economic, education, criminal justice, public safety, housing, health and wellness,
2184 father-hood, and mentorship outcomes of black men and boys in the Commonwealth of
2185 Massachusetts.

2186 (2) There is established a permanent commission on the social status of black men and
2187 boys consisting of 21 persons as follows: 2 persons appointed by the speaker of the house of
2188 representatives, 2 persons appointed by the president of the senate, the commissioner of the
2189 department of public health or the designee of said commissioner, the commissioner of the
2190 department of social services or the designee of said commissioner, the commissioner of the
2191 department of education or the designee of said commissioner, and one additional member from
2192 the department of education at the discretion of said commissioner, the commissioner of the
2193 department of youth services or the designee of said commissioner, the commissioner of the
2194 department of corrections or the designee of said commissioner, the director of the department of
2195 workforce development or the designee of said director, 3 additional persons appointed by the
2196 speaker of the house of representatives provided that no said additional persons shall be members
2197 of the general court, 3 additional persons appointed by the president of the senate provided that
2198 no said additional persons shall be members of the general court, and 3 persons appointed by the
2199 Massachusetts Black and Latino Legislative Caucus or its successor organization provided that
2200 no persons shall be a member of the general court. Members of the commission shall be selected
2201 from diverse religious, age, sexual orientation, socio-economic, and geographical backgrounds
2202 from throughout the commonwealth and shall have a sincere desire or experience in working
2203 toward the improvement of the social status of black men and boys. Members shall be subject to
2204 the provisions of Chapter 268A as they apply to special state employees.

2205 (3)(a) Members shall serve terms of three years and until their successors are appointed.
2206 Members may be reappointed in the same manner in which they were originally appointed.

2207 (b) Vacancies in the membership of the commission shall be filled by the original
2208 appointing authority for the balance of the unexpired term.

2209 (c) The commission shall elect from among its members a chair, a vice chair, a treasurer
2210 and any other officers it deems necessary.

2211 (d) The members of the commission shall receive no compensation for their services, but
2212 shall be reimbursed for any usual and customary expenses incurred in the performance of their
2213 duties.

2214 (4) The commission shall conduct an ongoing study of all matters concerning the social
2215 status of black men and boys in the commonwealth. In furtherance of that responsibility, the
2216 commission shall: (a) study, review and report on the social status of black men and boys in the
2217 commonwealth; (b) inform leaders of business, education, health care, state and local
2218 governments and the media of issues pertaining to black men and boys, (c) serve as a liaison
2219 between government and private interest groups concerned with issues affecting black men and
2220 boys; (d) serve as a clearinghouse for information on issues pertaining to black men and boys; (e)
2221 identify and recommend policies and programs to be implemented by state departments,
2222 agencies, commissions, and boards that will lead to the improved social status of black men and
2223 boys, as the commission deems necessary and appropriate; and (h) promote and facilitate
2224 collaboration among local agencies, including community-based organizations in the state, as the
2225 commission deems necessary and appropriate.

2226 The commission shall annually, on or before August 31, 2020, report the results of its
2227 findings and activities of the preceding year and its recommendations to the Governor and to the
2228 clerk of the Senate and House of Representatives.

2229 (5) The powers of the commission shall include but not be limited to the following: (a) to
2230 use such voluntary and uncompensated services of private individuals, agencies, and
2231 organizations as may from time to time be offered and needed; (b) to recommend policies and
2232 make recommendations to agencies and officers of the state and local subdivisions of
2233 government to effectuate the purposes of subsection

2234 (X); (X) to select and executive director and to acquire adequate staff to perform its
2235 duties, subject to appropriation, provided that said persons are not members of said commission;
2236 (d) to establish and maintain such offices as it may deem necessary, subject to appropriation; (e)
2237 to enact bylaws for its own governance; and (f) to hold regular, public meetings and to hold fact
2238 finding hearings and other public forums as it may deem necessary.

2239 (6) The commission shall set its own meeting schedule.

2240 (7)(a) The commission may request from all state agencies such information and
2241 assistance as the commission may require. Each state agency shall cooperate with requests from
2242 the commission and shall provide such information and assistance requested, as permitted under
2243 the state law.

2244 (b) The commission may accept and solicit funds, including any gifts, donations, grants,
2245 or bequests, or any federal funds for any of the purposes of this chapter. Such funds shall be
2246 deposited in a separate account with the state treasurer, be received by said treasurer on behalf of
2247 the commonwealth, and be expended by the commission in accordance with law.

2248 (X) provided that \$100,000 be appropriated to this commission

2249 SECTION 93. Notwithstanding the provisions of section 70 of chapter 3 of the General
2250 Laws, the initial members of the commission on the status on black men and boys shall be
2251 appointed for the following terms:-

2252 (a) The speaker of the House of Representatives shall appoint, on or before November 1,
2253 2020, one member for a term of one year, one member for a term of two years, and one member
2254 for a term of three years.

2255 (b) The president of the Senate shall appoint, on or before November 1, 2020, one
2256 member for a term of one year, one member for a term of two years, and one member for a term
2257 of three years.

2258 (c) The Massachusetts Black and Latino Legislative Caucus or its successor organization
2259 shall appoint, on or before November 1, 2020, one member for a term of one year, one member
2260 for a term of two years, and one member for a term of three years.

2261 SECTION 94. Section 13H of Chapter 265 of the General Laws as so appearing, is
2262 hereby amended by adding the following section:

2263 Section 13H½. Sexual Misconduct by a Law Enforcement Officer on a Person in Custody

2264 (a) For the purposes of this section “law enforcement officer” shall mean a police officer,
2265 an auxiliary, intermittent, special, part-time or reserve police officer, a police officer in the
2266 employ of a public institution of higher education pursuant to section 5 of chapter 15A, a public
2267 prosecutor, a municipal or public emergency medical technician, a deputy sheriff, a correction
2268 officer, a court officer, a probation officer, a parole officer, an officer of the department of youth

2269 services, constables, a campus police officer who holds authority as special state police officer or
2270 a person impersonating one of the foregoing.

2271 (b) A law enforcement officer who commits an indecent assault and battery on a person
2272 who has attained the age of fourteen and who is in the custody or control of such law
2273 enforcement officer shall be punished by imprisonment in the state prison for not more than five
2274 years, or by imprisonment for not more than two and one-half years in a jail or house of
2275 correction. In a prosecution commenced under this section, a person shall be deemed incapable
2276 of consent to contact of a sexual nature with a law enforcement officer.

2277 (c) A law enforcement officer who commits an indecent assault and battery on an elder or
2278 person with a disability, as defined in section 13K, and who is in the custody or control of such
2279 law enforcement officer shall be punished by imprisonment in the state prison for not more than
2280 10 years, or by imprisonment in the house of correction for not more than 2 1/2 years, and a law
2281 enforcement officer who commits a second or subsequent such offense shall be punished by
2282 imprisonment in the state prison for not more than 20 years. In a prosecution commenced under
2283 this section, a person shall be deemed incapable of consent to contact of a sexual nature with a
2284 law enforcement officer.

2285 (d) A law enforcement officer who commits an indecent assault and battery on a person
2286 in their custody or control who is known to such law enforcement officer as having an
2287 intellectual disability shall for the first offense be punished by imprisonment in the state prison
2288 for not less than five years or not more than ten years; and for a second or subsequent offense, by
2289 imprisonment in the state prison for not less than ten years. Except in the case of a conviction for
2290 the first offense for violation of this section, the imposition or execution of the sentence shall not

2291 be suspended, and no probation or parole shall be granted until the minimum imprisonment
2292 herein provided for the offense shall have been served. In a prosecution commenced under this
2293 section, a person shall be deemed incapable of consent to contact of a sexual nature with a law
2294 enforcement officer.

2295 (e) A law enforcement officer who commits an indecent assault and battery on a child
2296 under the age of 14 and who is in the custody or control of such law enforcement officer shall be
2297 punished by imprisonment in the state prison for not more than 10 years, or by imprisonment in
2298 the house of correction for not more than 2 1/2 years. A prosecution commenced under this
2299 section shall neither be continued without a finding nor placed on file. In a prosecution
2300 commenced under this section, a child under the age of 14 shall be deemed incapable of consent
2301 to contact of a sexual nature with a law enforcement officer.

2302 SECTION 95. The Massachusetts police standards and training commission, established
2303 in section 2 of chapter 6E, shall establish an anonymous work environment survey for each
2304 certified law enforcement officer to complete annually. The survey shall collect information and
2305 data of officers opinions of their work environment, which shall include, but not be limited to:
2306 (1) the race, gender, a range of age, a range of years of service for each officer; (2) the average
2307 number of hours of work per week including overtime; (3) the working conditions of physical
2308 law enforcement department; (4) conditions of available equipment and adequacy of supplies; (5)
2309 the overall workplace environment; and (6) the ability to provide additional comments. The data
2310 shall be collected in aggregate in a manner most useful to make recommendations on what
2311 additional resources, if any, should be provided to police departments. Said survey shall be
2312 completed by July 1st of each year and a report provided to the secretary of public safety and
2313 homeland security, the house committee on ways and means, the senate committee on ways and

2314 means, and the house and senate chairs of the joint committee on public safety and homeland
2315 security no later than September 30th of each year.

2316 SECTION 96. Notwithstanding any general or special law to the contrary, the committee
2317 on police training and certification, established in section 4 of chapter 6E of the General Laws,
2318 shall investigate and study the benefits and costs of consolidating existing municipal police
2319 training committee training academies located in Boylston, Plymouth, Randolph, Reading and in
2320 Western Massachusetts and the nine Reserve/Intermittent Academies authorized by the
2321 municipal police training committee into a single, full time training institution with full time
2322 instructional staff. As part of the study, the committee on police training and certification shall
2323 identify feasible and appropriate locations for such a campus or facility within the
2324 commonwealth. The study, including any recommendations for legislation, shall be filed with the
2325 clerks of the house and senate, the house and senate committees on ways and means and the
2326 chairs of the joint committee on public safety and homeland security no later than July 31, 2021.

2327 SECTION 97. The attorney general and district attorneys shall review the existing laws
2328 and procedure on the investigation and prosecution of law enforcement officer involved deaths
2329 and actions resulting in serious bodily injury of another. As part of the review, the attorney
2330 general and district attorneys shall consult interested stakeholders including but not limited to
2331 community groups, the committee for public counsel services, the American civil liberties union,
2332 the Massachusetts chiefs of police association, and the colonel of the state police. The attorney
2333 general and district attorneys shall submit a report with recommendations to the Chairs of the
2334 Joint Committee on the Judiciary and the Joint Committee on Public Safety not later than
2335 December 31, 2020.

2336 SECTION 98. (a) There shall be established, pursuant to section 2A of chapter 4 of the
2337 General Laws, a special legislative commission to investigate and study the impact to the
2338 administration of justice of the qualified immunity doctrine in the commonwealth. Said
2339 investigation and study shall include, without limitation, an analysis of the origins of qualified
2340 immunity and its present interpretation by the courts of the commonwealth, and the legal and
2341 policy rationale for, and the legal and policy impact of, the qualified immunity doctrine in the
2342 commonwealth.

2343 (b) The special legislative commission shall consist of 15 members: 2 of whom shall be
2344 the chairs of the joint committee on the judiciary, who shall serve as co-chairs; 2 of whom shall
2345 be members of the house of representatives appointed by the speaker of the house; 1 of whom
2346 shall be a member of the house of representatives appointed by the minority leader; 2 of whom
2347 shall be members of the senate appointed by the president of the senate; 1 of whom shall be a
2348 member of the senate appointed by the minority leader; 3 of whom shall be appointed by the
2349 governor, 1 of whom shall be a member of a police officers' union, 1 of whom shall be a
2350 member of a firefighters' union, 1 of whom shall be a retired justice of the appeals court; 1 of
2351 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
2352 Inc. or a designee; 1 of whom shall be the president of the Massachusetts Bar Association or a
2353 designee; 1 of whom shall be the executive director of the Massachusetts Municipal Association,
2354 Inc. or a designee; and 1 of whom shall be the president of the Boston branch of the National
2355 Association for the Advancement of Colored People New England Area Conference or a
2356 designee.

2357 (c) The special legislative commission shall submit a report of its study and
2358 recommendations, together with legislation, if any, to the clerks of the house of representatives
2359 and the senate on or before March 31, 2021.

2360 SECTION 99. Section 8 of chapter 111B of the General Laws is hereby amended by
2361 inserting after the word "station", in each instance, the following words:- or the Dukes County
2362 Sheriff's office.

2363 SECTION 100. (a) Notwithstanding any general or special law to the contrary, the police
2364 standards and training commission, established in section 2 of chapter 6E of the General Laws,
2365 shall authorize the transfer of each employee of the municipal police training committee
2366 employed prior to the effective date of this act to become an employee of the police standards
2367 and training commission, subject to the provisions of chapter 6E of the General Laws.

2368 (b) All employees of the municipal police training committee transferred to the service of
2369 the commission shall be transferred without impairment of seniority, retirement or other statutory
2370 rights of employees, without loss of accrued rights to holidays, sick leave, vacation and other
2371 benefits, and without change in union representation or certified collective bargaining unit as
2372 certified by the state labor relations commission or in local union representation or affiliation,
2373 except as otherwise provided in this act. Terms of service of employees of the program shall not
2374 be deemed to be interrupted by virtue of transfer to the commission.

2375 (c) Nothing in this section shall be construed to confer upon any employee of the
2376 municipal police training program any right not held immediately before the date of said transfer
2377 to the commission or to prohibit any reduction of salary grade, transfer, reassignment,
2378 suspension, discharge, layoff or abolition of position not prohibited before such date.

2379 (d) The terms and conditions of any collective bargaining agreement that is in effect upon
2380 such transfers authorized by this section shall continue in effect until the stated expiration date of
2381 such agreement, at which point the agreement shall expire; provided, however, that all such
2382 employees shall continue to retain their right to collectively bargain under chapter 150E of the
2383 General Laws and shall be considered employees of the police standards and training
2384 commission established pursuant to chapter 6E of the General Laws for the purposes of said
2385 chapter 150E.

2386 ; by striking out the emergency preamble and inserting in place thereof the following
2387 emergency preamble:

2388 “Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
2389 forthwith provide justice, equity and accountability in law enforcement, therefore, it is hereby
2390 declared to be an emergency law, necessary for the immediate preservation of the public safety.”;
2391 and by striking out the title and inserting in place thereof the following title: “An Act relative to
2392 justice, equity and accountability in law enforcement in the Commonwealth.”.