

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

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

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

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

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

Members shall be considered special state employees for purposes of chapter 268A.

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

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

(d) The commission shall be a resource to the commonwealth on issues affecting African Americans. It shall be a primary function of the commission to make policy recommendations, based on research and analysis, to the general court and executive agencies that: (i) ensure African Americans equitably benefit from and have access to government services in the same manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have benefited citizens of the commonwealth to the exclusion of African Americans; and (iii) promote solutions that address the impact of discrimination against African Americans. Further, the commission shall: (A) promote research and be a

clearinghouse and source of information on issues pertaining to African Americans in the commonwealth; (B) inform the public and leaders of business, education, human services, health care, judiciary, state and local governments and the media of the historical and current implications of systemic racism on the African American community across the commonwealth and the unique cultural, social, ethnic, economic and educational issues affecting African Americans in the commonwealth; (C) serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to African Americans in the commonwealth; (D) identify and recommend qualified African Americans for appointive positions at all levels of government, including boards and commissions; (E) assess programs and practices in all state agencies as they affect African Americans using a racial equity framework; (F) advise executive agencies and the general court on the potential effect on African Americans of proposed legislation and regulations using a racial equity framework; (G) monitor executive and legislative action purported to eliminate systemic racism for its impact on African Americans using a racial equity framework; and (H) generally undertake activities designed to enable the commonwealth to realize the full benefit of the skills, talents and cultural heritage of African Americans in the commonwealth.

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

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

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

(h) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for

any of the purposes of this section. The commission shall receive settlement funds payable to the commonwealth related to matters involving racial discrimination or other bias toward African Americans; provided, however, that the commission shall not receive more than \$2,000,000 in settlement funds in any single fiscal year or cumulatively more than \$2,500,000 in settlement funds in any period of 5 fiscal years. Funds received under this subsection shall be deposited in a separate account with the state treasurer, received by the treasurer on behalf of the commonwealth and expended by the commission in accordance with law.

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

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

(c) personnel and medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of

personal privacy; provided, however, that this subclause shall not apply to records related to a law enforcement misconduct investigation.

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

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

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

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

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

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

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

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

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

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

SECTION 9. Said section 116B of said chapter 6, as so appearing, is hereby further amended by striking out, in line 6,

the words "police academies" and inserting in place thereof the following words:- police schools, academies and programs.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The course of instruction, the learning and performance objectives and the standards for training developed pursuant to this section shall be developed in consultation with experts on child and adolescent development and child trauma and with

educators and attorneys experienced in juvenile and education law.

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

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

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

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

"Biometric surveillance system", any computer software that performs facial recognition or other remote biometric recognition.

"Facial recognition", an automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on the physical

characteristics of an individual's face, head or body, that uses characteristics of an individual's face, head or body to infer emotion, associations, activities or the location of an individual. Facial recognition shall not include the use of search terms to sort images in a database.

"Law enforcement agency", as defined in section 1 of chapter 6E.

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

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

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

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

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

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

(2) Law enforcement agencies may request that the registrar of motor vehicles perform a facial recognition search: (i) to

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

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

continuing and immediate threat to public safety and shall not be valid for more than 72 hours without a further order for delayed notice.

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

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



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

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

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

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

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

CHAPTER 6E. Massachusetts Police Standards and Training  
Commission

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

"Agency", a law enforcement agency.

"Appointing agency", the agency appointing a law enforcement officer.

"Attorney general police standards division", the division of police standards and professional conduct in the office of the attorney general established pursuant to section 110 of chapter 12.

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

"Chair", the chair of the commission.

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

"Commission", the Massachusetts police standards and training commission established pursuant to section 2.

"Commissioner", a member of the commission.

"Committee", the committee on police training and certification established pursuant to section 4.

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

"Deadly physical force", physical force that can reasonably be expected to cause death or serious physical injury.

"Decertified", an officer whose certification is revoked by the commission pursuant to section 10.

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

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

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

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

“Imminent harm”, serious physical injury or death that is likely to be caused by a person with the present ability, opportunity and apparent intent to immediately cause serious physical injury or death and is a risk that, based on the information available at the time, must be instantly confronted and addressed to prevent serious physical injury or death;

provided, however, that imminent harm shall not include fear of future serious physical injury or death.

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

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

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

“Officer-involved injury or death”, any event during which an officer: (i) discharges a firearm, as defined in section 121

of chapter 140, actually or proximately causing injury or death to another; (ii) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another; (iii) uses a chokehold, actually or proximately causing injury or death of another; (iv) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another; (v) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another; (vi) attacks a person using a dog, actually or proximately causing injury or death of another; (vii) uses deadly force, actually or proximately causing injury or death of another; (viii) fails to intervene, as required by section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or (ix) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

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

“Totality of the circumstances”, the entire duration of an interaction between a law enforcement officer and a person, from

the first contact through the conclusion of the incident, including consideration of contextual factors the law enforcement officer knew or should have known during such interaction.

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

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

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

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

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



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

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

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

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

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

of the powers and duties of the executive director and shall have similar qualifications as the executive director.

(g) The executive director may, subject to the approval of the commission, appoint such persons as the executive director shall consider necessary to perform the functions of the commission; provided, however, that chapter 31 and section 9A of chapter 30 shall not apply to commission employees. If an employee serving in a position which is classified under said chapter 31 or in which an employee has tenure by reason of said section 9A of said chapter 30 shall be appointed to a position within the commission which is not subject to said chapter 31, the employee shall, upon termination of service in such position, be restored to the position which the employee held immediately prior to such appointment; provided, however, that the employee's service in such position shall be determined by the civil service commission in accordance with the standards applied by that commission in administering said chapter 31. Such restoration shall be made without impairment of the employee's civil service status or tenure under said section 9A of said chapter 30 and without loss of seniority, retirement or other rights to which uninterrupted service in such prior position would have entitled such employee. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination

for which such person would otherwise have been eligible. The executive director and employees of the commission shall be classified as group 1 pursuant to paragraph (g) of subdivision (2) of section 3 of chapter 32.

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

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

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

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

- (1) act as the primary civil enforcement agency for violations of this chapter;
- (2) establish minimum officer certification standards pursuant to section 4;
- (3) certify qualified applicants;
- (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable;
- (5) preserve all complaints and reports filed with the commission for the appropriate period of time;
- (6) establish minimum agency certification standards pursuant to section 5;
- (7) certify qualified agencies;
- (8) withhold, suspend or revoke certification of agencies;
- (9) conduct audits and investigations pursuant to section 8;
- (10) appoint officers and approve employees to be hired by the executive director;
- (11) establish and amend a plan of organization that it considers expedient;
- (12) execute all instruments necessary or convenient for accomplishing the purposes of this chapter;

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

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

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

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

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

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

an order of the commission; (iii) the conviction of a criminal offense; or (iv) the violation of any other offense which would disqualify a person from being certified;

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

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

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

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

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

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

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

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

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

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

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

(30) adopt, amend or repeal regulations in accordance with chapter 30A for the implementation, administration and enforcement of this chapter, including, but not limited to, regulations: (i) governing the conduct of proceedings hereunder; (ii) determining whether an applicant has met the standards for



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

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

of chapter 71, unless specially certified as such by the commission.

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

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

(b) The division of police training and certification shall be under the management and control of a committee on police

training and certification. The committee shall consist of: 5 chiefs of police to be appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the western Massachusetts region, 1 of whom shall be from the central Massachusetts region, 1 of whom shall be from the southeastern Massachusetts region, 1 of whom shall be from the northeastern Massachusetts region and 1 of whom shall be from the Massachusetts Bay Transportation Authority; 1 chief of police selected by the Massachusetts Chiefs of Police Association Incorporated; 1 police officer to be appointed by the governor from nominations submitted by the Massachusetts Police Association, Inc. executive board and the Massachusetts Police Training Officers Association, Inc. executive board; the commissioner of police of the city of Boston; the colonel of state police or a designee; 2 sheriffs appointed by the governor; the attorney general or a designee; and 1 person to be appointed by the secretary of public safety and security. All such appointments shall be for terms of 3 years with successors appointed in a like manner.

(c) The following persons shall be advisory, nonvoting members of the committee: the personnel administrator, the commissioner of correction, the commissioner of youth services, the commissioner of probation, the chair of the parole board, the executive director of the committee on criminal justice, the

chief justice of the trial court, the chief justice of the district court department, the secretary of education, the chair of the criminal justice section council of the Massachusetts Bar Association, or their respective designees, and the special agent in charge of the Boston field office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, or a designee. The governor shall appoint 5 additional advisory, nonvoting members of the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk of the superior court, 1 of whom shall be a member of the committee for public counsel services, 1 of whom shall be a sheriff of a county or a former county and 1 of whom shall be a district attorney of a district, or their respective designees.

(d) No person shall be eligible for admission to committee-certified police schools, programs or academies or for appointment as a law enforcement officer or for employment with an agency if they are listed in the national decertification index or the database of decertified law enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of section 13. The committee, subject to the approval of the commission, shall set policies and standards for the screening of all applicants for admission to committee-certified academies and shall set policies and standards for the screening for all applicants for certification and recertification as law

enforcement officers, including, but not limited to, standards on background investigations for all applicants.

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

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

(f)(1) The committee shall, subject to approval of the commission, establish minimum certification standards for all officers that shall include, but not be limited to: (i) attaining the age of 21; (ii) successful completion of a high school education or equivalent, as determined by the commission; (iii) successful completion of the basic training program designed by the committee and approved by the commission; (iv) successful completion of a physical and psychological fitness evaluation approved by the commission; (v) successful completion of a state and national background check, including, but not limited to,

fingerprinting and a full employment history; provided, that if the applicant has been previously employed in law enforcement in any state or United States territory or by the federal government, the applicant's full employment record, including complaints and discipline, shall be evaluated in the background check; (vi) passage of an examination administered by the committee and approved by the commission; (vii) possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the commission; (viii) successful completion of an oral interview; and (ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

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

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

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

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

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

(1) the date of initial certification;

(2) the date of any recertification;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(b) The committee on police training and certification may establish a course within the recruit basic training curriculum for police training schools, academies and programs to train officers on the application of section 34A of chapter 94C and section 12FF of chapter 112 and the procedures for response to calls for assistance for drug-related overdoses. The committee may periodically include within its in-service training

curriculum a course of instruction on the application of said section 34A of said chapter 94C and the procedures for response to calls for assistance for drug-related overdoses. Upon request of the committee, the executive office of public safety and security, in collaboration with the department of public health, shall facilitate the collection and sharing of resources regarding the application of said section 34A of said chapter 94C.

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

(b) The course shall include information on the mental health resources available to help law enforcement officers and

shall be designed to reduce and eliminate the stigma associated with law enforcement officers receiving mental health services.

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

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

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

(b)(1) The head of an agency shall immediately transmit any complaint received by said agency to the division of police standards, in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to: (i) the name and commission certification identification number of the subject officer; (ii) the date and location of the incident; (iii) a description of circumstances of the conduct that is the subject of the complaint; (iv) whether the complaint alleges that the officer's conduct: (A) was biased on the basis

of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level; (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or death; and (v) a copy of the original complaint submitted directly to the agency.

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

(3) Upon final disposition of the complaint, the head of each agency shall immediately transmit to the division of police standards a final report in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to: (i) any disciplinary action initially recommend by

internal affairs or the supervising officer; (ii) the final discipline imposed and a description of the adjudicatory process; and (iii) if the disciplinary action recommended or imposed included retraining, suspension or termination, a recommendation by the head of the agency for disciplinary action by the commission including, retraining or suspension or revocation of the officer's certification.

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

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

their professional judgement to the commission relative to the certification status of an officer.

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

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

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

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

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

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

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

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

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



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

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

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

(g) The division of police standards shall actively monitor the database to identify patterns of unprofessional police conduct. Upon identification of a pattern of unprofessional

police conduct, the division of police standards may recommend the evidence in its possession for review in a preliminary inquiry.

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

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

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

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

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

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

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

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

- (vii) the officer submitted false timesheets in violation of section 85BB of chapter 231;
- (viii) the officer knowingly filed a written police report containing a false statement or commits perjury, as defined in section 1 of chapter 268;
- (ix) the officer tampered with a record for use in an official proceeding, as defined in section 13E of chapter 268;
- (x) the officer used prohibited force;
- (xi) the officer used excessive force resulting in death or serious bodily injury;
- (xii) the officer used a chokehold in violation of section 14;
- (xiii) the officer engaged in conduct that would constitute a hate crime, as defined in section 32 of chapter 22C;
- (xiv) the officer engaged in the intimidation of a witness, as defined in section 13B of chapter 268;
- (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including, but not limited

to, excessive or prohibited force in violation of section 15;

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

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

(i) has been convicted of any misdemeanor;

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

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

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

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

(c) The commission may reinstate the certification of an officer suspended pursuant to subsection (b) at the expiration of

the suspension, if the commission finds that all conditions of the suspension have been met.

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

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

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

(iii) used excessive force;

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

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

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

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

(viii) failed to intervene to prevent another officer from engaging in prohibited conduct or behavior, except for a failure

to intervene that mandates revocation pursuant to subsection (a);  
or

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

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

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

(g) The committee shall publish any revocation order and findings. The committee shall provide all revocation information to the national decertification index. No officer may apply for



certification after that officer's certification has been revoked pursuant to this section.

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

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

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

completed, the type of retraining ordered, the officer's appointing agency and the reason for the retraining order.

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

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

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

(c) A law enforcement officer shall not use a chokehold. A law enforcement officer shall not be trained to use a lateral

vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

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

(e) A law enforcement officer shall not discharge tear gas or any other chemical weapon, discharge rubber pellets from a propulsion device or release a dog to control or influence a person's behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm. If a law enforcement officer utilizes tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the commission detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-

escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog. The commission shall review the report and may make any additional investigation. After such review and investigation the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of such tear gas or other chemical weapon, rubber pellets or dog was justified.

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

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

protocols. The officer's written statement shall be included in the supervisor's report to their direct supervisor.

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

Section 16. The commission shall annually report to the general court, the governor and the attorney general concerning: (1) all officer-involved injuries or deaths that occurred during the preceding fiscal year, including: (i) the total number of officer-involved injuries or deaths; (ii) the number of officer-involved injuries or deaths reported by each agency; and (iii) any operational, policy, regulatory or legislative recommendations to reduce the number and seriousness of officer-involved injuries or deaths; (2) all officers who were decertified during the preceding fiscal year, including: (i) the total number of officers who were decertified; (ii) the reasons for revocation of the certificate and the frequency of each reason; (iii) the average number of complaints an officer who was decertified received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level; (v) the frequency with which said complaints

alleged use of excessive or prohibited force or officer-involved injuries or deaths; (vi) the frequency with which an officer who was decertified failed to meet training requirements established by the commission and their appointing agency; and (vii) the frequency with which an officer who was decertified was subject to discipline, including, but not limited to, retraining or suspension, by the commission and their appointing agency prior to decertification; (3) all suspensions that occurred during the preceding fiscal year, including: (i) the total number of suspensions; (ii) the reasons for suspensions of the certificate and the frequency of each reason; (iii) the average number of complaints an officer who was suspended received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level; (v) the frequency with which said complaints alleged use of excessive or prohibited force or officer-involved injuries or deaths; (vi) the frequency with which an officer who was suspended failed to meet training requirements established by the commission and their appointing agency; and (vii) the frequency with which an officer who was suspended was subject to discipline, including, but not limited to, retraining or previous suspension, by the commission and

their appointing agency prior to suspension; (4) all retraining orders imposed by the commission that occurred during the preceding fiscal year, including: (i) the total number of retraining orders, by type of retraining ordered; (ii) the reasons for retraining and the frequency of each reason, by type of retraining ordered; (iii) the average number of complaints an officer who was subject to a retraining order, by type of retraining ordered, received over the course of their tenure as an officer and on a per annum basis; (iv) the frequency with which said complaints alleged bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level, by type of retraining ordered; (v) the frequency with which said complaints alleged use of excessive or prohibited force or officer-involved injuries or deaths, by type of retraining; (vi) the frequency with which an officer who was subject to a retraining order, by type of retraining ordered, failed to meet training requirements established by the commission and their appointing agency; and (vii) the frequency with which an officer who was subject to a retraining order was previously subject to discipline, by type of retraining ordered, including, but not limited to, retraining or suspension, by the commission and their appointing agency; and (5) any other action the commission has taken. The commission

shall make such further reports on matters within its jurisdiction as necessary.

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

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

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

(b) The fund shall consist of: (i) funds transferred from the Marijuana Regulation Fund established in section 14 of chapter 94G; (ii) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (iii) interest earned on money in the fund; (iv) funds from private sources, including, but not limited to, gifts, grants and donations received by the commonwealth that are specifically designated to be credited to the fund; (v) revenues, not more than \$10,000,000 in a calendar year, collected from the



surcharge imposed by section 32E% of chapter 90; and (vi) funds transferred from the Public Safety Training Fund for the committee on police training and certification, pursuant to section 2JJJJ of chapter 29. Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The state treasurer shall annually, not later than December 31, report on the activity of the fund to the clerks of the house of representatives and the senate and the house and senate committees on ways and means.

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

(d) The Massachusetts police standards and training commission established in section 2 of chapter 6E shall, annually, not later than December 1, file a report with the house and senate committees on ways and means detailing the following:

(i) the full cost of operating the Massachusetts police standards and training commission; (ii) the total number of staff employed by the Massachusetts police standards and training commission; (iii) the revenue generated in the prior fiscal year from the police training surcharge imposed by section 32E% of chapter 90; (iv) the total funds transferred from the Marijuana Regulation Fund; (v) the total funds transferred from the Public Safety Training Fund; (vi) the total fees paid to the Massachusetts police standards and training commission by each municipality; (vii) any funds paid to the Massachusetts police standards and training commission by private sources; (viii) any funds remaining in the fund at the end of each fiscal year; (ix) participation rates for each training program offered by the Massachusetts police standards and training commission, broken down by types of trainees; (x) average cost for each trainee to participate in a training; (xi) the number of trainees per agency; and (xii) recommendations to promote efficiency in the management of annual total revenue received by the Massachusetts police standards and training commission, including funds received by the Public Safety Training Fund from the surcharge imposed by section 12 of chapter 89 and section 20 of chapter 90.

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

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

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

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

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

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

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

Section 110. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Commission", the Massachusetts police standards and training commission established in section 2 of chapter 6E.

"Division", the division of police standards and professional conduct enforcement established in subsection (b).

"Officer", as defined in section 1 of chapter 6E.

(b) There shall be in the department of the attorney general a division of police standards and professional conduct

enforcement. The attorney general shall designate an assistant attorney general as the director of police standards and professional conduct enforcement. The director may appoint and remove, subject to the approval of the attorney general, such expert, investigative, clerical or other assistants as the work of the division may require.

(c) The division shall enforce criminal offenses committed by officers which shall include, but not be limited to: (i) investigating and prosecuting allegations of criminal offenses committed by officers; (ii) investigating and prosecuting any and all instances arising from the actions of an officer resulting in the death or serious bodily injury of another; (iii) receiving and taking appropriate action on referrals for criminal prosecution from the commission or any other law enforcement body; (iv) providing assistance, upon request, to the commission in the consideration and promulgation of rules and regulations; (v) providing assistance and recommendation, upon request, to the commission in the consideration and investigation of officer misconduct that would be grounds for revocation or suspension of the officer's certification pursuant to chapter 6E; and (vi) ensuring that there shall be no duplication of duties and responsibilities between the division and the commission.

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

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

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

The governor, upon the recommendation of the secretary of public safety and security, shall appoint the colonel, who shall be qualified by training and experience, to direct the work of the department. At the time of appointment, the colonel shall have not less than 10 years of full-time experience as a sworn law enforcement officer and not less than 5 years of full-time experience in a senior administrative or supervisory position in a police force or a military body with law enforcement responsibilities. The appointment shall constitute an appointment

as a uniformed member of the department and shall qualify the colonel to exercise all powers granted to a uniformed member under this chapter. The colonel shall serve at the pleasure of the governor and shall devote their full time during business hours to the duties of the office.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

SECTION 51. Section 64 of said chapter 22C, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such special

state police officers shall: (i) serve for 1 year, subject to removal by the colonel; (ii) shall receive such training and certification as the Massachusetts police standards and training commission established in chapter 6E shall direct; and (iii) shall have the same power to make arrests as the state police of any criminal offense committed in or upon lands or structures located in the town of Framingham within the charge of said director.

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

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

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

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

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

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

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

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

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

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

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

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

Every law enforcement officer, as defined in section 1 of chapter 6E, appointed to a position in any such agency, shall be assigned to and shall attend a prescribed course of study approved by the committee on police training and certification

for in-service officers training at such intervals and for such periods as said committee, subject to approval of the Massachusetts police standards and training commission established in section 2 of said chapter 6E, may determine. Any such police officer who receives an appointment to a position of higher rank shall also complete such other courses of supervisory training as the committee, subject to approval of the commission, may determine. While attending such school, academy or program or completing such courses, such persons shall be paid their regular wages as a law enforcement officer and shall receive such reasonable expenses as may be determined by the appointing authority.

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

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



of police training established pursuant to section 4 of chapter 6E.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The model memorandum of understanding shall, at minimum, describe the following: (i) the mission statement, goals and

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

The model memorandum of understanding shall expressly state that school resource officers shall not: (i) serve as school disciplinarians, enforcers of school regulations or in place of

licensed school psychologists, psychiatrists or counselors; and (ii) use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

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

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

Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The commissioner of elementary and secondary education shall furnish reasonable staff and other support for the work of the commission. Prior to issuing its recommendations, the commission shall provide the opportunity to seek public input across regions of the commonwealth. It shall not constitute a

violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial impact on the district or municipality employing that person. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing those persons.

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

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



after receiving public input, shall assign the school resource officer, which may be the same officer for all schools in the city or town.

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

The superintendent and the chief of police shall adopt, at minimum, the model memorandum of understanding developed by the commission pursuant to subsection (b), and may add further

provisions as they mutually deem fit; provided, that no further provision included in the memorandum of understanding adopted by said superintendent and said chief of police shall conflict with or omit any provisions of this section. The final memorandum of understanding adopted by the superintendent and the chief of police shall be made public and placed on file annually with the department of elementary and secondary education and in the offices of the school superintendent and the chief of police.

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

(i) the school resource officer uniform;

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

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

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

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

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

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

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

(f) Upon written application by a school department of a city or town, in consultation with the chief of police, a regional school district or a county agricultural school, the commissioner of elementary and secondary education may waive the requirements of this section if the commissioner believes a school resource officer would not assist that particular city or

town, regional school district or county agricultural school to ensure school safety. The written application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting the waiver request; and (iii) a description of, and supporting data for, alternative procedures and resources relied upon to ensure safe schools.

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

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

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

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

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

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

SECTION 69. Section 32E7/8 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "Municipal Police Training Fund established in section 35EEE" and inserting in place thereof the following words:-  
Police Training Fund established in section 35000.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

(b) In any action brought pursuant to this section, the party bringing the action shall be required to prove all

essential elements of the cause of action, including damages, by a preponderance of the evidence.

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

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

SECTION 77. Section 10A of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3 and lines 17 and 18, the words "municipal police training committee" and inserting in place thereof, in each instance, the

following words:- committee on police training and certification.

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

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

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

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

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

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

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

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

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

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

The certification of a law enforcement officer who has graduated from an academy or training program certified by the

municipal police training committee or the training programs prescribed by said chapter 22C who is certified as a result of this section and whose last names begin with: (i) A to H, inclusive, shall expire 1 year after the effective date of this section; (ii) I to P, inclusive, shall expire 2 years after the effective date of this section; and (iii) Q to Z, inclusive, shall expire 3 years after the effective date of this section.

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

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

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

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



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

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

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

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

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

“Law enforcement-related activities”, activities by a law enforcement officer, including, but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations,

investigations, pursuits, crowd control, traffic control or non-community caretaking interactions with an individual while on patrol; provided, however, that law enforcement-related activities shall not include completion of paperwork alone or only in the presence of other law enforcement officers or civilian law enforcement personnel.

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

(b) The executive office of public safety and security, in collaboration with the executive office of technology services and security, shall establish the law enforcement body camera task force. The task force shall propose regulations establishing a uniform code for the procurement and use of body-worn cameras by law enforcement officers to provide consistency throughout the commonwealth. The task force shall propose minimum requirements for the storage and transfer of audio and video recordings collected by body-worn cameras. The task force shall conduct no fewer than 5 public hearings in various parts of the commonwealth to hear testimony and comments from the public.

(c) The task force shall consist of 17 members: the secretary of public safety and security or a designee; the secretary of technology services and security or a designee; the attorney general or a designee; a member appointed by the

committee for public counsel services; a district court judge appointed by the chief justice of the supreme judicial court; 2 members appointed by the Massachusetts Black and Latino legislative caucus who shall have expertise in constitutional or civil rights law; the colonel of the state police or a designee; the president of the Massachusetts District Attorney Association or a designee; the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; the president of the Boston branch of the National Association for the Advancement of Colored People New England Area Conference or a designee; the president of the Massachusetts Defense Lawyers Association, Inc., or a designee; and 5 members appointed by the governor, 1 of whom shall be a police chief in a municipality with a body camera pilot program and a population no fewer than 100,000 people, 1 of whom shall be a police chief in a municipality with a body camera pilot program and a population no more than 50,000 people, 1 of whom shall be an expert on constitutional or privacy law who is employed by a law school in the commonwealth, 1 of whom shall be an elected official in a municipality with a body camera pilot program and 1 of whom shall be a representative of a law enforcement labor organization.

(d) The task force shall elect a chair and vice-chair. A meeting of the task force may be called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of

business shall consist of 7 members. All members of the task force shall serve without compensation. The executive agencies convening the task force shall assign administrative personnel to assist the work of the task force. The task force shall meet not less than 12 times. In addition to taking public testimony, the task force shall seek the advice of experts specializing in the fields of criminology, education, criminal or family law or other related fields, as appropriate.

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

recorded and what notice, if any, shall be given to those being recorded; and (B) when a camera should be activated and when to discontinue recording; (v) a requirement that a camera be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation; (vi) a requirement preventing an officer from accessing or viewing any recording of an incident involving the officer before the officer is required to make a statement about the incident; (vii) standards for the identification, retention, storage, maintenance and handling of recordings from body cameras, including a requirement that recordings be retained for not less than 180 days but not more than 30 months for a recording not relating to a court proceeding or ongoing criminal investigation or for the same period of time that evidence is retained in the normal course of the court's business for a recording related to a court proceeding; (viii) standards pertaining to the recordings of use of force, detention or arrest by a law enforcement officer or pertaining to ongoing investigations and prosecutions to assure that recordings are retained for a period sufficient to meet the needs of all parties with an interest in the recordings; (ix) standards for the security of facilities in which recordings are kept; (x) requirements for state procurement of contracts for body-worn cameras and for data storage through which qualified law enforcement agencies may purchase goods and services; (xi) best

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

(f) Not later than January 31, 2021, the task force shall file an interim report on its work product, including its

proposed regulations under subsection (e) and any proposed legislation that is necessary to effectuate the regulations with the clerks of the house of representatives and the senate and the joint committee on public safety and homeland security.

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

the executive director of the Massachusetts Technology Collaborative or a designee.

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



adequate training and oversight on the use of facial recognition technology.

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

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

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

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

services or the secretary's designee; 1 of whom shall be the executive director of the Massachusetts Municipal Association, Inc. or the executive director's designee; 1 of whom shall be the chair of the Massachusetts Black and Latino legislative caucus; 4 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall be the house chair of the joint committee on public service or designee, 1 of whom shall be appointed by the minority leader of the house of representatives; 4 members of the senate, 2 of whom shall be appointed by the senate president, 1 of whom shall be the senate chair of the joint committee on public service or designee, 1 of whom shall be appointed by the minority leader of the senate; and the attorney general or the attorney general's designee. The speaker of the house of representatives shall appoint one co-chair from the house appointees to the commission and the senate president shall appoint one co-chair from the senate appointees to the commission.

(c) The commission shall study the employment, promotion, performance evaluation and disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the statutory merit preference status and the hiring from those eligible lists; (iii) all current civil service examinations and the use of the

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

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

(e) The commission shall study employment, promotion, performance evaluation and disciplinary procedures of the Massachusetts state police, including, but not limited to: (i) hiring and recruitment laws and procedures; (ii) the requirements of chapter 22C of the General Laws; (iii) all examinations used by the state police for hiring and promotions; (iv) collective

bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to officers of the Massachusetts state police; and (vi) identifying any barriers that exist in hiring, recruiting or promoting officers of the Massachusetts state police.

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

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

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

SECTION 86. (a) Notwithstanding any special or general law to the contrary, there shall be a special legislative commission established pursuant to section 2A of chapter 4 of the General Laws to study the establishment of a statewide law enforcement officer cadet program. The commission shall consist of 19 members: 2 of whom shall be the chairs of the joint committee on public safety and homeland security or their designees, who shall serve as co-chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1 of whom shall be the chair of the Massachusetts Black and Latino legislative caucus or a designee; 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public safety and security or a designee; 1 of whom shall be the colonel of the state police or a designee; 1 of whom shall be the commissioner of correction or a designee; 1 of whom shall be the training

director of the Massachusetts police standards and training commission or a designee; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Boston branch of the National Association for the Advancement of Colored People New England Area Conference or a designee; and 7 of whom shall be appointed by the governor, 1 of whom shall be from the State Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the Massachusetts Coalition of Police, Inc., 1 of whom shall be from the Massachusetts Sheriffs Association, Inc., 1 of whom shall be from the Massachusetts Association of Minority Law Enforcement Officers, Inc.; 1 of whom shall be from the Massachusetts Association of Women in Law Enforcement, Inc. and 1 of whom shall be from the Association of Chiefs of Police - State Universities of Massachusetts.

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

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



particular agency or by a city or town; and (ix) any other information the commission deems relevant.

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

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

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

(b) The special legislative commission shall consist of 15 members: 2 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus; 2 of whom shall be members of the senate to be appointed by the senate president, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus; 2 of whom shall be appointed by the governor, 1 of whom shall be the secretary of public safety and security; 1 of whom shall be the president of the Massachusetts Sheriffs Association, Inc. or a designee; 1 of whom shall be the president of the Massachusetts Correction Officers Federated Union or a designee; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Urban League of Eastern Massachusetts, Inc. or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC or a designee; 1 of whom shall be the executive director of Prisoners' Legal Services or a designee; 1 of whom shall be the executive director of GLBTQ Legal Advocates & Defenders, Inc. or a designee and 1 of whom shall be the chair of the New England Chapter of the American Immigration Lawyers Association or a designee.

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

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

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

process and determine the role of structural racism in those disparities.

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

(c) The special commission shall conduct a thorough review of the parole process to determine if there are disparities in the treatment of persons of color in the granting or denying of parole and if structural racism is a cause of those disparities.

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

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

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

(b) The special legislative commission shall consist of 11 members: 2 of whom shall be members of the house of representatives to be appointed by the speaker of the house of representatives, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus; 2 of whom shall be members

of the senate to be appointed by the president of the senate, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus; 1 of whom shall be appointed by the governor; 1 of whom shall be the commissioner of probation; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Boston branch of the National Association for the Advancement of Colored People New England Area Conference or a designee; 1 of whom shall be the executive director of Roca, Inc. or a designee; 1 of whom shall be the chief executive officer of UTEC or a designee; and 1 of whom shall be the chief counsel of the committee for public counsel services or a designee.

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

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

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