SENATE DOCKET, NO. 709 FILED ON: 1/20/2011

# SENATE . . . . . No. 1199

## The Commonwealth of Massachusetts

PRESENTED BY:

***Cynthia S. Creem***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to training for law enforcement in dealing with individuals suffering from mental illness..

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Cynthia S. Creem* | ☐ *[District]* ☐ |
| *Frank I. Smizik* | *15th Norfolk* |
| *Jennifer E. Benson* | *37th Middlesex* |
| *Jennifer L. Flanagan* | ☐ *[District]* ☐ |
| *Elizabeth A. Malia* | *11th Suffolk* |
| *Ruth B. Balser* | *12th Middlesex* |
| *Thomas M. McGee* | *Third Essex and Middlesex* |
| *Kay Khan* | *11th Middlesex* |

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# SENATE . . . . . No. 1199

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1199) of Cynthia S. Creem, Frank I. Smizik, Jennifer E. Benson, Jennifer L. Flanagan and other members of the General Court for legislation to train law enforcement in dealing with individuals suffering from mental illness. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *936* OF 2009-2010.]

## The Commonwealth of Massachusetts

An Act relative to training for law enforcement in dealing with individuals suffering from mental illness..

*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 6 of the General Laws is hereby amended by inserting after section 116E the following section:--

Section 116F. (a) The municipal police training committee shall establish within the recruit basic training curriculum a course for regional and municipal police training schools on or before January 1, 2012, for the training of law enforcement officers in the commonwealth in the handling of complaints involving mental health emergencies and victims, witnesses or suspects with mental illness or mental retardation and also shall develop guidelines for law enforcement responses to incidents involving such persons. The course of instruction and the guidelines shall emphasize:

(1) The enforcement of criminal laws for the benefit of victims and witnesses with mental illness or mental retardation, the availability of civil remedies and community resources for persons experiencing mental health emergencies, and the protection of persons with mental illness or mental retardation and for law enforcement officers engaging such persons;

14 (2) The laws regarding the defenses of responsibility and competency to stand
15 trial, and the diversion of persons with mental illness or mental retardation for treatment instead
16 of criminal prosecution;

17 (3) The provision of information to law enforcement officers about individuals
18 suffering from mental illness or mental retardation, including common behaviors and actions
19 exhibited by such individuals; strategies law enforcement officers can use for reducing or
20 preventing the risk of harm arising from persons experiencing mental health emergencies, or
21 from victims, witnesses or suspects with mental illness or mental retardation with the aim of
22 seeking the least intrusive, restrictive and violent means of addressing such incidences and
23 individuals while protecting the safety of the law enforcement officer and other persons present
24 at the complaint scene.

25 Training presenters shall include certified mental health practitioners with expertise in the
26 delivery of direct services to individuals experiencing mental health emergencies and victims,
27 witnesses and suspects with mental illness and mental retardation and consumer-survivors i.e.
28 individuals with mental illness and mental retardation. Training presentations may utilize the
29 staff of community-based mental health or retardation treatment facilities.

30 As used in this section, "law enforcement officer" shall mean any officer of a municipal
31 police department, the department of the state police or the Massachusetts Bay Transportation
32 Authority police department. "Consumer-survivor" shall mean any individual suffering from
33 mental health disability or mental retardation.

34 (b) All law enforcement recruits shall receive the course of basic training for law
35 enforcement officers, established in paragraph (a) of this section, as part of their required
36 certification process.

37 (c) The course of instruction, the learning and performance objectives, the
38 standards for training, and the guidelines shall be developed by the municipal police training
39 committee in consultation with groups and individuals having an interest and expertise in the
40 field of mental health and community-based treatment.

41 (d) The municipal police training committee periodically shall include within its
42 in-service training curriculum a course of instruction on handling complaints from or against
43 persons with mental illness and mental retardation, consistent with the provisions of sub-
44 paragraphs one through three of paragraph (a) of this act.