

SENATE No. 2820

Senate, July 14, 2020 -- Text of the Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (being the text of Senate, No. 2800, printed as amended)

The Commonwealth of Massachusetts

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

An Act to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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

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

3 Section 72. (a) There shall be a permanent commission on the status of African
4 Americans. The commission shall consist of: 3 persons appointed by the governor from a list of
5 not less than 5 nominees provided by the New England Area Conference of the National
6 Association for the Advancement of Colored People; 3 persons appointed by the president of the
7 senate from a list of not less than 5 nominees from the Massachusetts Black & Latino Legislative
8 Caucus; 3 persons appointed by the speaker of the house of representatives from a list of not less

9 than 5 nominees provided by the Massachusetts Black and Latino Legislative Caucus; 1 person
10 appointed by the minority leader of the senate from a list of not less than 5 nominees from the
11 Massachusetts branches of the National Association for the Advancement of Colored People
12 New England Area Conference and the Massachusetts Black and Latino Legislative Caucus; and
13 1 person appointed by the minority leader of the house of representatives from a list of not less
14 than 5 nominees from the Massachusetts branches of the National Association for the
15 Advancement of Colored People New England Area Conference and the Massachusetts Black
16 and Latino Legislative Caucus. Members of the commission shall be residents of the
17 commonwealth who have demonstrated a commitment to the African American community.
18 Members shall be considered special state employees for purposes of chapter 268A.

19 (b) Members shall serve terms of 3 years and until their successors are appointed.
20 Vacancies in the membership of the commission shall be filled by the original appointing
21 authority for the balance of the unexpired term.

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

26 (d) The commission shall be a resource to the commonwealth on issues affecting African
27 Americans. It shall be a primary function of the commission to make policy recommendations,
28 based on research and analysis, to the general court and executive agencies that: (i) ensure
29 African Americans equitably benefit from and have access to government services in the same
30 manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have

31 benefited citizens of the commonwealth to the exclusion of African Americans; and (iii) promote
32 solutions that address the impact of discrimination against African Americans. Further, the
33 commission shall: (A) promote research and be a clearinghouse and source of information on
34 issues pertaining to African Americans in the commonwealth; (B) inform the public and leaders
35 of business, education, human services, health care, judiciary, state and local governments and
36 the media of the historical and current implications of systemic racism on the African American
37 community across the commonwealth and the unique cultural, social, ethnic, economic and
38 educational issues affecting African Americans in the commonwealth; (C) serve as a liaison
39 between government and private interest groups with regard to matters of unique interest and
40 concern to African Americans in the commonwealth; (D) identify and recommend qualified
41 African Americans for appointive positions at all levels of government, including boards and
42 commissions; (E) assess programs and practices in all state agencies as they affect African
43 Americans using a racial equity framework; (F) advise executive agencies and the general court
44 on the potential effect on African Americans of proposed legislation and regulations using a
45 racial equity framework; (G) monitor executive and legislative action purported to eliminate
46 systemic racism for its impact on African Americans using a racial equity framework; and (H)
47 generally undertake activities designed to enable the commonwealth to realize the full benefit of
48 the skills, talents and cultural heritage of African Americans in the commonwealth.

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

52 (f) The powers of the commission shall include, but not be limited to: (i) directing a staff
53 to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other

54 public forums as necessary; (iii) using the voluntary and uncompensated services of private
55 individuals, agencies and organizations that may from time to time be offered and needed,
56 including provision of meeting places and refreshments; (iv) establishing and maintaining offices
57 that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance;
58 (vi) contract or collaborate with academic institutions, private sector consultants or other
59 professionals for research and analysis; and (vii) recommending policies and making
60 recommendations to agencies and officers of the state and local subdivisions of government to
61 effectuate the purposes of subsection (d).

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

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

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

76 Section 73. (a) There shall be a permanent commission on the status of Latinxs. The
77 commission shall consist of: 3 persons appointed by the governor; 3 persons appointed by the
78 president of the senate from a list of not less than 5 nominees from the Massachusetts Black &
79 Latino Legislative Caucus; and 3 persons appointed by the speaker of the house of
80 representatives from a list of not less than 5 nominees from the Massachusetts Black and Latino
81 Legislative Caucus. Members of the commission shall be residents of the commonwealth who
82 have demonstrated a commitment to the Latinx community. Members shall be considered special
83 state employees for purposes of chapter 268A.

84 (b) Members shall serve terms of 3 years and until their successors are appointed.
85 Vacancies in the membership of the commission shall be filled by the original appointing
86 authority for the balance of the unexpired term. Nominations for members shall be solicited by
87 the appointing authorities between August 1 and September 16 of each year in which the term of
88 a member appointed by the appointing authority is set to expire through an open application
89 process using a uniform application that is widely distributed throughout the state.

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

94 (d) The commission shall be a resource to the commonwealth on issues affecting Latinx
95 communities. It shall be a primary function of the commission to make policy recommendations,
96 based on research and analysis, to the general court and executive agencies that: (i) ensure
97 Latinxs equitably benefit from and have access to government services in the same manner as

98 other citizens of the commonwealth; (ii) amend laws, policies and practices that have benefited
99 citizens of the commonwealth to the exclusion of Latinxs; and (iii) promote solutions that
100 address the impact of discrimination against Latinxs. Further, the commission shall:

101 (A) promote research and be a clearinghouse and source of information on issues
102 pertaining to Latinxs in the commonwealth;

103 (B) inform the public and leaders of business, education, human services, health care, the
104 judiciary, state and local governments and the communications media of the unique cultural,
105 social, ethnic, economic and educational issues affecting Latinxs in the commonwealth;

106 (C) foster unity among Latinx communities and organizations in the commonwealth by
107 promoting cooperation and sharing of information and encouraging collaboration and joint
108 activities;

109 (D) serve as a liaison between government and private interest groups with regard to
110 matters of unique interest and concern to Latinxs in the commonwealth;

111 (E) identify and recommend qualified Latinxs for appointive positions at all levels of
112 government, including boards and commissions, as the commission considers necessary and
113 appropriate;

114 (F) assess programs and practices in all state agencies as they affect Latinxs, as the
115 commission considers necessary and appropriate;

116 (G) advise executive agencies and the general court on the potential effect on Latinxs of
117 proposed legislation, as the commission considers necessary and appropriate; and

118 (H) generally undertake activities designed to enable the commonwealth to realize the
119 full benefit of the skills, talents and cultural heritage of Latinxs in the commonwealth.

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

123 (f) The powers of the commission shall include, but not be limited, to:

124 (i) using the voluntary and uncompensated services of private individuals, agencies and
125 organizations that may from time to time be offered and needed, including provision of meeting
126 places and refreshments;

127 (ii) holding regular, public meetings and fact-finding hearings and other public forums as
128 it considers necessary;

129 (ii) directing a staff to perform its duties;

130 (iv) establishing and maintaining offices that it considers necessary, subject to
131 appropriation;

132 (v) enacting by-laws for its own governance; and

133 (vi) recommending policies and making recommendations to agencies and officers of the
134 state and local subdivisions of the commonwealth to effectuate the purposes of subsection (d).

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

137 (h) The commission may accept and solicit funds, including any gifts, donations, grants
138 or bequests or federal funds, for the purposes of this section. The funds shall be deposited into a
139 separate account with the state treasurer, received by the treasurer on behalf of the
140 commonwealth and expended by the commission in accordance with law.

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

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

147 (c) personnel and medical files or information and any other materials or data relating to
148 a specifically named individual, the disclosure of which may constitute an unwarranted invasion
149 of personal privacy; provided, however, that this subclause shall not apply to the information
150 contained in the database required under subsection (c) of section 223 of chapter 6 or to the
151 disposition of a law enforcement misconduct investigation.

152 SECTION 3. Section 116 of chapter 6 of the General Laws, as so appearing, is hereby
153 amended by striking out the fourth paragraph and inserting in place thereof the following 6
154 paragraphs:-

155 The committee shall set policies and standards for the training of: (i) municipal police
156 officers, and candidates for such appointment; (ii) police officers in the Massachusetts bay
157 transportation authority police force, and candidates for such appointment; (iii) police officers of
158 the office of law enforcement within the executive office of environmental affairs, and

159 candidates for such appointment; (iv) University of Massachusetts police officers, and candidates
160 for such appointment; (v) campus police officers attending committee-approved academies or
161 training programs; and (vi) deputy sheriffs, appointed pursuant to section 3 of chapter 37,
162 performing police duties and functions. The policies and standards shall be in accordance with
163 applicable laws and regulations, including the training mandated by section 36C of chapter 40,
164 sections 96B and 97B of chapter 41, section 24M of chapter 90 and sections 116A to 116E,
165 inclusive, 116G, 116H and 116I of this chapter.

166 The committee shall set policies and standards for background investigations for all
167 persons appointed to committee-certified municipal police training schools and initial
168 appointments of those persons; provided, however, that, at a minimum, background
169 investigations shall require verification against the National Decertification Index, as defined in
170 section 220, and the database maintained by the police officer standards and accreditation
171 committee, as described in subsection (c) of section 223.

172 The committee shall maintain an electronic database of all trainings, including trainings
173 that are not mandated by law, completed by an officer for which it establishes training policies
174 and standards under this section, issue confirmation of satisfactory completion of training,
175 provide for extensions of training requirements for good cause if a reasonable plan of
176 remediation is provided and maintain records of any such extension and the reason for such
177 extension. An appointing authority that offers in-service training to an officer shall track the
178 completed trainings for the officer through the committee's database. The committee may waive
179 a training requirement if the officer can demonstrate current competence based on commensurate
180 prior training. The committee shall provide records of completion of training to the police officer
181 standards and accreditation committee pursuant to subsection (c) of section 223.

182 The committee shall establish training requirements and develop guidance for meeting
183 the requirements through trainings provided by the committee or other independent educational
184 entities.

185 The committee shall review and recommend to the secretary of public safety and security
186 an annual appropriation for the administration of the committee, the operations of a headquarters
187 and regional training centers and the delivery of standardized training at the centers.

188 The committee may promulgate regulations in accordance with chapter 30A as necessary
189 to implement sections 116 to 118, inclusive.

190 Annually, not later than December 31, the committee shall file a report with the secretary
191 of administration and finance, the state auditor and the senate and house committees on ways and
192 means. The report shall account for the expenditures of the committee during the prior fiscal year
193 and shall include, but not be limited to, the: (i) total funds spent on training for new police officer
194 candidates; (ii) total funds spent on in-service training for existing officers; and (iii) percentage
195 of existing municipal police officers who have completed their required annual in-service
196 training requirements. Upon the request of the secretary of administration and finance, the state
197 auditor, the chair of the senate committee on ways and means or the chair of the house
198 committee on ways and means, the committee shall provide the data used to develop the report in
199 a de-identified form.

200 Not less than once every 3 years, the municipal police training committee shall complete
201 a review of its curriculum, training materials and practices. The review shall be conducted in
202 collaboration with the commission on the status of African Americans, established in section 72
203 of chapter 3, at least 1 person affiliated with an academic institution in the commonwealth who

204 has experience with, or expertise in, law enforcement practice and training, criminal law, civil
205 rights law, the criminal justice system or social science fields related to race or bias and any
206 other persons or entities the committee deems appropriate. Not more than 30 days after the
207 completion of a review under this section, a summary of the review shall be filed with the clerks
208 of senate and house of representatives, the joint committee on public safety and homeland
209 security and the secretary of public safety and security.

210 SECTION 4. Subsection (b) of section 116G of said chapter 6, as so appearing, is hereby
211 amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 5
212 clauses:-

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

218 (iii) handling emergencies and complaints, including, but not limited to, those involving
219 victims, witnesses or suspects with mental illness, substance use disorder, trauma history or
220 developmental or intellectual disabilities, which shall include training related to common
221 behavior and actions exhibited by such individuals, strategies law enforcement officers may use
222 for reducing or preventing the risk of harm and strategies that involve the least intrusive means
223 of addressing such incidences and individuals while protecting the safety of the law enforcement
224 officer and other persons; provided, however, that training presenters shall include certified
225 mental health practitioners with expertise in the delivery of direct services to individuals,

226 including victims, witnesses or suspects with mental illness, substance use disorder, trauma
227 history or developmental or intellectual disabilities in emergency situations;

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

230 (v) the history of slavery, lynching, racist legal institutions and racism in the United
231 States; and

232 (vi) practice and techniques for law enforcement officers for stress management and
233 mental health.

234 SECTION 5. Said chapter 6 is hereby further amended by inserting after section 116G
235 the following 2 sections:-

236 Section 116H. The municipal police training committee, in consultation with the
237 executive office of public safety and security, shall establish and develop basic and in-service
238 training programs designed to train officers on the regulation of physical force under section 4 of
239 chapter 147A. Such programs shall be included in basic and in-service training for all officers for
240 which the committee establishes training policies and standards under section 116 and in the
241 training programs prescribed by chapter 22C.

242 Section 116I. (a) The municipal police training committee shall establish and develop an
243 in-service training program designed to train school resource officers, as defined in section 37P
244 of chapter 71. The program shall include training on: (i) the ways in which legal standards
245 regarding police interaction and arrest procedures differ for juveniles compared to adults; (ii)
246 child and adolescent cognitive development, which shall include instruction on common child

247 and adolescent behaviors, actions and reactions, as well as the impact of trauma, mental illness
248 and developmental disabilities on child and adolescent development and behavior; (iii)
249 engagement and de-escalation tactics that are specifically effective with youth; and (iv) strategies
250 for resolving conflict and diverting youth in lieu of making an arrest.

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

255 SECTION 6. Said chapter 6 is hereby further amended by adding the following 6
256 sections:-

257 Section 220. For the purposes of sections 220 to 225, inclusive, the following words shall
258 have the following meanings unless the context clearly requires otherwise:

259 “Appointing authority”, the person or agency with authority to appoint a law enforcement
260 officer.

261 “Law enforcement officer” or “officer”, a person performing police functions or duties
262 and appointed to: (i) a municipal police department; (ii) the department of state police; (iii) the
263 office of law enforcement within the executive office of environmental affairs; (iv) the
264 Massachusetts bay transportation authority police force; (v) the University of Massachusetts
265 system police force; (vi) serve as a special state police officer pursuant to sections 56 to 68,
266 inclusive, of chapter 22C; (vii) serve as a deputy sheriff pursuant to section 3 of chapter 37; or
267 (viii) serve as a campus police officer employed by a public or private institution of higher
268 education.

269 “Municipal police training committee”, the committee established in section 116.

270 “National Decertification Index”, the national registry of certificate or license revocation
271 actions related to officer misconduct as reported by participating state government agencies.

272 “Police officer standards and accreditation committee”, the committee established in
273 section 221.

274 “Sustained complaint of misconduct”, a finding by an appointing authority or the
275 committee, after the exhaustion of all rights to appeal within the appointing authority or the
276 committee, that an officer has violated the appointing authority’s rules, policy or procedure or
277 committed other misconduct or improper action, including, but not limited to, a violation of
278 chapter 147A, based upon findings of fact resulting from an investigation conducted pursuant to
279 the appointing authority’s formal process of internal control and discipline or an independent
280 investigation by the committee.

281 Section 221. There shall be an independent police officer standards and accreditation
282 committee within the executive office of public safety and security consisting of: 14 members
283 appointed by the governor, 1 of whom shall be nominated by the colonel of the state police, 1 of
284 whom shall be nominated by the commissioner of the Massachusetts bay transportation authority
285 police force, 1 of whom shall be nominated by the commissioner of police of the city of Boston,
286 1 of whom shall be a chief of police of a police department outside of the Boston metropolitan
287 area nominated by the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall
288 be a law enforcement officer nominated by the Massachusetts Association of Minority Law
289 Enforcement Officers, Inc., 1 of whom shall be a law enforcement officer below the rank of
290 sergeant, 1 of whom shall be nominated by the American Civil Liberties Union of

291 Massachusetts, Inc., 2 of whom shall be nominated by the New England Area Conference of the
292 National Association for the Advancement of Colored People, 1 of whom shall be nominated by
293 the Lawyers for Civil Rights, Inc., 1 of whom shall have been personally involved in or impacted
294 by the criminal justice system, 1 of whom shall be a retired judge and 2 of whom may be
295 selected from a list of not less than 5 non-law enforcement individuals nominated by the
296 Massachusetts Black and Latino Legislative Caucus; and 1 member appointed by the attorney
297 general who is affiliated with an organization that advocates on behalf of communities that have
298 disproportionately high instances of police interaction; provided, however, that non-law
299 enforcement members shall have experience with or expertise in law enforcement practice and
300 training, criminal law, civil rights law, the criminal justice system or social science fields related
301 to race or bias. Appointments to the police officer standards and accreditation committee shall be
302 for terms of 3 years and until their successors are appointed. Vacancies in the membership of the
303 committee shall be filled by the original appointing authority for the balance of the unexpired
304 term. Members of the police officer standards and accreditation committee shall be compensated
305 for work performed for the police officer standards and accreditation committee at such rate as
306 the secretary of administration and finance shall determine and shall be reimbursed for their
307 expenses necessarily incurred in the performance of their duties.

308 The governor shall appoint a chair of the committee. The police officer standards and
309 accreditation committee shall appoint an executive director of the committee. The position of
310 executive director shall be classified in accordance with section 45 of chapter 30 and the salary
311 shall be determined in accordance with section 46C of said chapter 30. The police officer
312 standards and accreditation committee shall employ such attorneys, investigators and support
313 staff as are reasonably necessary to accomplish its duties.

314 Section 222. The police officer standards and accreditation committee shall have the
315 power to certify, renew, revoke or otherwise modify the certification of any law enforcement
316 officer pursuant to sections 223 to 225, inclusive. The police officer standards and accreditation
317 committee shall have the power to issue an additional certification for an individual acting, or
318 intending to act, as a school resource officer, as defined in section 37P of chapter 71. The police
319 officer standards and accreditation committee shall have the power to receive complaints of
320 officer misconduct from any person, request an officer's appointing authority to conduct an
321 investigation of a complaint of officer misconduct and conduct independent investigations and
322 adjudications of complaints of officer misconduct to certify, renew, revoke or otherwise modify
323 the certification of a law enforcement officer. An investigation by the police officer standards
324 and accreditation committee shall not preclude an investigation by the officer's appointing
325 authority. The police officer standards and accreditation committee shall have the power to
326 promulgate regulations pursuant to chapter 30A as necessary to implement said sections 223 to
327 225, inclusive.

328 Section 223. (a) A person shall not be appointed as a law enforcement officer unless
329 certified by the police officer standards and accreditation committee. A person shall not be
330 appointed as a school resource officer, as defined in section 37P of chapter 71, unless specially
331 certified as such by the police officer standards and accreditation committee.

332 (b) A person who completes an academy or training program certified by the municipal
333 police training committee or the training programs prescribed by chapter 22C shall be certified
334 by the police officer standards and accreditation committee. A person who completes a training
335 program as prescribed by section 116I of chapter 6 shall be certified by the police officer
336 standards and accreditation committee as a school resource officer.

337 (c) The police officer standards and accreditation committee shall maintain a database
338 containing, for each certified law enforcement officer: (i) the dates of certification, renewal of
339 certification, decertification, suspension of certification or reprimand; (ii) records of completion
340 of municipal police training schools or training programs prescribed by chapter 22C; (iii) the
341 date of any separation from employment from an appointing authority and the nature of the
342 separation including, but not limited to, suspension, resignation, retirement or termination; (iv)
343 the reason for any separation from employment including, but not limited to, whether the
344 separation was based on misconduct or occurred while the appointing authority was conducting
345 an investigation of the certified individual for a violation of an appointing authority's rules,
346 policy or procedure or other misconduct or improper action; (v) any criminal conviction and the
347 date thereof; and (vi) any sustained complaint of misconduct and the date thereof. The
348 information in the database shall be made available to an appointing authority for the purpose of
349 a background investigation of a candidate for appointment as a law enforcement officer. The
350 committee shall set standards for background investigations for appointments subsequent to the
351 initial appointment. The information in the database shall be a public record as defined in clause
352 twenty-sixth of section 7 of chapter 4. The municipal police training committee and the
353 department of state police shall report to the police officer standards and accreditation committee
354 the information required in clause (ii) and each appointing authority shall report to the police
355 officer standards and accreditation committee the information required in clauses (iii) to (vi),
356 inclusive. The police officer standards and accreditation committee shall prescribe the manner,
357 form and frequency with which the information shall be provided to the police officer standards
358 and accreditation committee.

359 (d) The police officer standards and accreditation committee shall maintain a searchable
360 database of officers accessible to the public that shall include: (i) the officer's appointing
361 authority; (ii) the date of the officer's initial certification and the officer's current certification
362 status; and (iii) any sustained complaint of misconduct resulting in decertification, suspension of
363 certification or reprimand and the date thereof; provided, however, that information shall not be
364 included in the database that would allow the public to ascertain the home address of an officer
365 or another person; provided further, that information regarding an officer's or another person's
366 family member shall not be included in the database. The police officer standards and
367 accreditation committee shall make the database publicly available on its website.

368 (e) The police officer standards and accreditation committee shall maintain a searchable
369 database of all complaints against law enforcement officers. The database shall identify each
370 officer by a confidential and anonymous number and include: (i) the officer's appointing
371 authority; (ii) the date of the incident referenced in the complaint; (iii) the location of the
372 incident; (iv) the race and ethnicity of each officer involved in the incident; (v) the age, gender,
373 race and ethnicity of each person involved in the incident, if known; (vi) whether a person in the
374 complaint was injured, received emergency medical care, was hospitalized or died as a result of
375 the incident; (vii) the agency or other entity assigned to conduct an investigation of the incident;
376 (viii) whether the investigation is complete and, if complete, when it was completed; and (ix)
377 whether the complaint was sustained; provided, however, that the police officer standards and
378 accreditation committee shall redact or withhold such information as necessary to prevent the
379 disclosure of the identity of an officer. The police officer standards and accreditation committee
380 shall make the database publicly available on its website.

381 Annually, not later than February 1, the police officer standards and accreditation
382 committee shall report on the number of complaints against law enforcement officers for which
383 investigations are outstanding and not completed, aggregated by appointing authority and
384 classified as to whether the appointing authority or the police officer standards and accreditation
385 committee is conducting the investigation. The report shall differentiate outstanding complaints
386 according to the date on which the complaint was filed. The police officer standards and
387 accreditation committee shall file its report with the clerks of the senate and house of
388 representatives, the joint committee on public safety and security and the senate and house
389 committees on ways and means. The report shall also be made publicly available on the police
390 officer standards and accreditation committee's website.

391 (f) The police officer standards and accreditation committee shall determine the form and
392 manner of issuance of a certification under this section. A certification shall be valid for 3 years
393 from the date of issuance.

394 (g) A person certified as a law enforcement officer shall renew the certification for an
395 additional 3-year period by demonstrating satisfactory completion, prior to the date of expiration
396 of the current certification, by completing not less than 120 total hours of in-service training
397 approved by the municipal police training committee or prescribed by chapter 22C.

398 The police officer standards and accreditation committee shall permit a law enforcement
399 officer who has not completed the required in-service training to maintain their certification for
400 good cause shown and upon demonstration by the officer of approval by the municipal police
401 training committee or the department of state police, as applicable, of both a plan for the

402 completion of the in-service training hours and the reasonable amount of time in which the
403 training shall be completed.

404 (h) Based on nominations made by an agency or person, the police officer standards and
405 accreditation committee shall annually recognize: (i) the appointing authority that has most
406 successfully used de-escalation techniques in the field; (ii) the officer who has most successfully
407 used de-escalation techniques in the field; and (iii) the appointing authority that is most improved
408 in its use of de-escalation techniques in the field.

409 (i) Not less than twice annually, the police officer standards and accreditation committee
410 and the municipal police training committee shall meet to review and make recommendations to
411 improve current police officer training standards.

412 Section 224. (a) An appointing authority shall report a complaint of officer misconduct to
413 the police officer standards and accreditation committee and simultaneously to the officer against
414 whom the complaint is filed within 2 business days of receiving the complaint. The police officer
415 standards and accreditation committee shall report a complaint of officer misconduct to the
416 appointing authority and simultaneously to the officer against whom the complaint is filed not
417 later than 2 business days of receiving the complaint. The police officer standards and
418 accreditation committee shall provide notice to an officer of any complaint against the officer by
419 certified mail.

420 If the complaint involves serious injury or death, the police officer standards and
421 accreditation committee shall notify the district attorney and the attorney general. The police
422 officer standards and accreditation committee may conduct an independent investigation of a
423 complaint of officer misconduct or it may request that an officer's appointing authority

424 investigate the complaint pursuant to the appointing authority's formal process of internal control
425 and discipline; provided, however, that the police officer standards and accreditation committee
426 shall investigate a complaint of officer misconduct that, if sustained, would result in revocation
427 of certification under subsection (a) of section 225. The initiation of an investigation by the
428 police officer standards and accreditation committee shall not prevent the appointing authority
429 from conducting its own investigation pursuant to the appointing authority's formal process of
430 internal control and discipline. The final disposition of a misconduct investigation by the
431 appointing authority shall be reported to the police officer standards and accreditation
432 committee. The police officer standards and accreditation committee may require an appointing
433 authority to provide any additional information reasonably necessary to determine whether to
434 initiate revocation proceedings.

435 (b) The police officer standards and accreditation committee shall have the authority to
436 issue subpoenas to obtain all documents, materials and witnesses relevant to a complaint. A
437 subpoena may be issued by the chair or by any 3 committee members acting concurrently.

438 (c) As part of an independent investigation, the police officer standards and accreditation
439 committee may, on its own initiative or at the request of the law enforcement officer, hold formal
440 hearings. The police officer standards and accreditation committee may conduct a hearing as a
441 committee of the whole, by a subcommittee or by an appointed hearing officer. An officer
442 against whom a complaint is presented shall have the right to be present and to have legal
443 counsel present at any hearing. Regardless of whether a hearing is conducted as a part of the
444 investigation, the officer shall have the right to submit materials or testimony regarding the
445 complaint.

446 (d) For every complaint investigated by the police officer standards and accreditation
447 committee, the decision as to whether to sustain the complaint, in whole or in part, shall be made
448 by vote of the police officer standards and accreditation committee. The affected law
449 enforcement officer shall have the right to a hearing before the vote of the police officer
450 standards and accreditation committee. If the police officer standards and accreditation
451 committee, by its vote, finds that a law enforcement officer engaged in misconduct or other
452 inappropriate action, the officer shall be subject to discipline pursuant to section 225.

453 (e) The police officer standards and accreditation committee shall promulgate regulations
454 governing its investigative proceedings in accordance with chapter 30A.

455 Section 225. (a) The police officer standards and accreditation committee shall revoke an
456 officer's certification if: (i) the certification was issued by administrative error; (ii) the
457 certification was obtained through misrepresentation or fraud; (iii) the officer falsified a
458 document to obtain or renew any certification; (iv) the officer has had a certification or other
459 authorization revoked by another jurisdiction on grounds that would require revocation under
460 this section; (v) the officer is convicted of a felony; (vi) the officer is found not guilty of a felony
461 by reason of lack of criminal responsibility; (vii) the officer is terminated based upon intentional
462 conduct performed under the color of law to: (A) obtain a false confession; (B) make a false
463 arrest; (C) create or use falsified evidence, including false testimony or destroying evidence to
464 create a false impression; (D) engage in conduct that would constitute a hate crime as defined in
465 section 32 of chapter 22C; or (E) directly or indirectly receive a reward, gift or gratuity on
466 account of the officer's official services; (viii) the officer is convicted of a misdemeanor that
467 would render that officer ineligible for a license to carry a firearm under section 131 of chapter
468 140; or (ix) the officer has a sustained complaint of misconduct based upon conduct consisting

469 of: (A) use of deadly force in violation of chapter 147A; (B) use of force in violation of said
470 chapter 147A resulting in serious bodily injury as defined section 13K of chapter 265; (C) failing
471 to intercede to prevent the use of unreasonable force in violation of section 3 of said chapter
472 147A; (D) conduct that would constitute a hate crime, as defined in said section 32 of said
473 chapter 22C; (E) intimidation of a witness, as defined in section 13B of chapter 268; (F)
474 tampering with a record for use in an official proceeding, as defined in section 13E of said
475 chapter 268; (G) perjury, as defined in section 1 of chapter 268; or (H) filing a written police
476 report containing a false statement, knowing the statement to be materially false.

477 (b) The police officer standards and accreditation committee may revoke an officer's
478 certification if: (i) the officer has been convicted of a misdemeanor; or (ii) the officer has
479 repeated sustained complaints of misconduct, for the same or different offenses.

480 (c) The police officer standards and accreditation committee shall conduct revocation
481 proceedings and hearings and promulgate regulations for such proceedings and hearings in
482 accordance with chapter 30A. The regulations shall provide that if an officer notifies the
483 committee that they wish to suspend decertification proceedings pending the final resolution of a
484 complaint or grievance, including any appeal or arbitration, the committee shall suspend
485 decertification proceedings; provided, however, that the suspension shall not exceed 1 year.
486 Upon notification by the officer that the officer wishes to proceed and resolve the decertification
487 proceedings or 1 year after the suspension was initiated, whichever occurs first, the committee
488 shall resume proceedings and shall consider the results of any proceedings related to the
489 complaint or grievance that occurred during the suspension but shall not be bound by the
490 findings made in such proceedings.

491 (d) A revocation hearing shall take place before the police officer standards and
492 accreditation committee as a whole or before a hearing panel made up of members of the police
493 officer standards and accreditation committee, the membership of which shall be approved by a
494 vote of the police officer standards and accreditation committee. The law enforcement officer
495 shall have the right to be present with counsel at any revocation proceeding and to be heard. In
496 cases in which the police officer standards and accreditation committee has investigated the
497 complaint, the police officer standards and accreditation committee may consolidate a hearing on
498 the complaint conducted pursuant to subsection (d) of section 224 with the hearing on
499 revocation.

500 (e) The police officer standards and accreditation committee shall revoke a certification
501 upon a finding by clear and convincing evidence, by majority vote of the hearing panel, of any
502 grounds set forth in clauses (i) to (ix), inclusive, of subsection (a). A decision under this
503 subsection shall be appealable pursuant to chapter 30A.

504 (f) The police officer standards and accreditation committee may revoke a certification,
505 upon a finding by clear and convincing evidence, by a majority vote of the hearing panel, of any
506 grounds set forth in subsection (b) and there is good cause to revoke the certification. The police
507 officer standards and accreditation committee may suspend a certification or issue a reprimand,
508 upon a finding by a preponderance of the evidence, by majority vote of the hearing panel, of any
509 grounds set forth in subsection (b) and there is good cause to suspend the certification or to issue
510 a reprimand. The police officer standards and accreditation committee may set conditions
511 including the completion of additional training if a certification is suspended or a reprimand is
512 issued. Any decision under this subsection shall be appealable pursuant to chapter 30A.

513 (g) An adverse action taken against a certification by the police officer standards and
514 accreditation committee pursuant to this section shall not be appealable to the civil service
515 commission under chapter 31. An employment action taken by an appointing authority that
516 results from a revocation by the committee pursuant to subsection (a) shall not be appealable to
517 the civil service commission under chapter 31.

518 (h) The police officer standards and accreditation committee shall publish any revocation
519 and findings. The committee shall provide revocation information to the National Decertification
520 Index and to the contributory retirement system in which the officer is a member. An officer
521 shall not be eligible for appointment as a correction officer under chapter 125 or for certification
522 after the officer's certification has been revoked pursuant to this section.

523 SECTION 7. Section 18 of chapter 6A of the General Laws, as appearing in the 2018
524 Official Edition, is hereby amended by inserting after the word "committee," in line 4, the
525 following words:- ; the police officer standards and accreditation committee.

526 SECTION 8. Section 18½ of said chapter 6A, as so appearing, is hereby amended by
527 inserting after the word "committee," in line 9, the following words:- the police officer
528 standards and accreditation committee.

529 SECTION 9. Chapter 12 of the General Laws is hereby amended by inserting after
530 section 11H the following section:

531 Section 11H½. (a) A governmental authority, or an agent thereof acting on behalf of a
532 governmental authority, shall not engage in a pattern or practice of: (i) conduct by a law
533 enforcement officer that deprives persons of rights secured by the constitution or laws of the
534 United States or the constitution or laws of the commonwealth; or (ii) discrimination on the basis

535 of race, color, religious creed, national origin, ancestry, sex, gender identity, sexual orientation or
536 disability.

537 (b) If the attorney general has reasonable cause to believe that a violation of subsection
538 (a) has occurred, the attorney general may bring a civil action for injunctive or other appropriate
539 equitable and declaratory relief to eliminate the pattern or practice. The civil action shall be
540 brought in the name of the commonwealth and shall be instituted either in the superior court for
541 the county in which the alleged conduct occurred or in the superior court for Suffolk county.

542 (c) In a civil action brought under subsection (b), the attorney general may require by
543 subpoena: (i) the production of all information, documents, reports, answers, records, accounts,
544 papers, video or audio recordings and other data in any medium, including electronically stored
545 information and any tangible thing and documentary evidence; and (ii) the attendance and
546 testimony of witnesses necessary in the performance of the attorney general under said
547 subsection (b). The subpoena, in the case of a refusal to obey, shall be enforceable by court
548 order.

549 SECTION 10. Said chapter 12 is hereby further amended by striking out section 11I, as
550 appearing in the 2018 Official Edition, and inserting in place thereof the following section: -

551 Section 11I. (a) A person whose exercise or enjoyment of rights secured by the
552 constitution or laws of the United States or the constitution or laws of the commonwealth has
553 been interfered with, or attempted to be interfered with, as described in section 11H may
554 institute and prosecute in their own name and on their own behalf a civil action for injunctive
555 and other appropriate equitable relief as provided for in said section 11H, including the award of
556 compensatory money damages. A person who prevails in an action authorized by this subsection

557 shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an
558 amount to be determined by the court.

559 (b) A person whose exercise or enjoyment of rights secured by the constitution or laws of
560 the United States or the constitution or laws of the commonwealth has been interfered with by a
561 person or entity acting under color of any statute, ordinance, regulation, custom or usage of the
562 commonwealth or, or a subdivisions thereof, may institute and prosecute in their own name and
563 on their own behalf a civil action for injunctive and other appropriate relief, including the award
564 of compensatory monetary damages. An action under this subsection shall be instituted either in
565 the superior court for the county in which the conduct complained of occurred or in the superior
566 court for the county in which the person or entity whose conduct complained of resides or has a
567 principal place of business. A person who prevails by obtaining significant relief after the filing
568 of an action under this subsection shall be entitled to an award of the costs of litigation and
569 reasonable attorneys' fees in an amount to be determined by the court.

570 (c) In an action for monetary damages under this section, qualified immunity shall not
571 apply unless no reasonable defendant could have had reason to believe that such conduct would
572 violate the law at the time the conduct occurred. Nothing in this section shall affect the
573 provisions of chapter 258 with respect to indemnification of public employees.

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

578 SECTION 12. Said section 11J of said chapter 12, as so appearing, is hereby further
579 amended by striking out, in line 30, the words “eleven H” and inserting in place thereof the
580 following figure:- 11H.

581 SECTION 13. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby
582 amended by striking out, in line 2, the word “police” and inserting in place thereof the following
583 words:- responsive.

584 SECTION 14. Paragraph (1) of subsection (c) of said section 25 of said chapter 19, as so
585 appearing, is hereby amended by striking out clauses (vi) and (vii) and inserting in place thereof
586 the following 3 clauses:- (vi) assist municipal police departments to cover backfill costs incurred
587 in sending staff to training; provided, however, that reimbursement shall not exceed the actual
588 cost of the sending department's backfill; (vii) promote the use and adequate resourcing of
589 trained community-based crisis response resources to assist residents when an exclusive police
590 response is not best suited to address the concerns raised or is inappropriate or unnecessary; and
591 (viii) stipulate that each municipal police department receiving reimbursement provide
592 information necessary for the center to evaluate the goals described in paragraph (3), including
593 the percentage of the municipality's police sergeants, lieutenants and other officers who directly
594 oversee patrol officers who have received the center's recommended training and the percentage
595 of the municipality's patrol officers who have received the center's recommended training.

596 SECTION 15. Paragraph (2) of said subsection (c) of said section 25 of said chapter 19,
597 as so appearing, is hereby amended by striking out clauses (v) and (vi) and inserting in place
598 thereof the following 3 clauses:- (v) best practices, including efforts to prioritize de-escalation
599 tactics and techniques in crisis response situation; (vi) institutional and structural racism, implicit

600 bias and the history, legacy and impact of racism in the United States; (vii) best practices for
601 responding to mass gatherings or protests that shall emphasize de-escalation and minimizing the
602 necessity for use of force; and (viii) community policing principles.

603 SECTION 16. Said section 25 of said chapter 19 is hereby further amended by striking
604 out subsection (e), as so appearing, and inserting in place thereof the following subsection:-

605 (e) There shall be a community policing and behavioral health advisory council. The
606 council shall consist of: the secretary of health and human services or the secretary's designee,
607 who shall serve as co-chair of the council; the secretary of public safety and security or the
608 secretary's designee, who shall serve as co-chair of the council; the commissioner of mental
609 health or the commissioner's designee; the commissioner of public health or the commissioner's
610 designee; a person appointed by the office of the child advocate; the colonel of the state police or
611 the colonel's designee; the commissioner of the Massachusetts bay transportation authority
612 police force or the commissioner's designee; the executive director of the municipal police
613 training committee; the executive director of the police officer standards and accreditation
614 committee or the executive director's designee; a representative of a campus police organization
615 appointed by the secretary of public safety and security; a municipal police chief or commanding
616 officer appointed by the Massachusetts Chiefs of Police Association Incorporated; a sheriff
617 appointed by the Massachusetts Sheriffs Association, Inc. who has experience developing and
618 implementing a crisis intervention facility model; 1 member appointed by the National
619 Association of Social Workers, Inc.; 1 member appointed by the Massachusetts Organization for
620 Addiction Recovery, Inc.; 1 member appointed by the National Alliance on Mental Illness of
621 Massachusetts, Inc.; 1 member appointed by the Massachusetts Association for Mental Health,
622 Inc.; 1 member appointed by the Association for Behavioral Healthcare, Inc.; 1 member

623 appointed by the Center for Public Representation, Inc.; and 3 members appointed by the
624 secretary of health and human services, 1 of whom shall be a person with experience or expertise
625 with the Massachusetts emergency response system, 1 of whom shall be a person with
626 experience or expertise with domestic violence and 1 of whom shall be a person with expertise in
627 non-police crisis response nominated by the chair of the Black and Latino Legislative Caucus.
628 Members of the council shall be appointed for terms of 3 years and may be reappointed for
629 consecutive 3-year terms. Each member shall be reimbursed by the commonwealth for all
630 expenses incurred in the performance of their official duties. The council shall advise the chairs
631 in directing the activities of the center consistent with subsection (c) and shall receive ongoing
632 reports from the center concerning its activities. The council shall solicit public comment in the
633 area of community policing and behavioral health and may convene public hearings throughout
634 the commonwealth. The council shall hold not less than 2 meetings per year and may convene
635 special meetings at the call of the chair or a majority of the council.

636 SECTION 17. Section 3 of chapter 22C of the General Laws, as so appearing, is hereby
637 amended by striking out, in lines 6 and 7, each time it appears, the word “he” and inserting in
638 place thereof, in each instance, the following words:- the colonel.

639 SECTION 18. Said section 3 of said chapter 22C, as so appearing, is hereby further
640 amended by striking out the second paragraph and inserting in place thereof the following
641 paragraph:-

642 The governor, upon the recommendation of the secretary of public safety and security,
643 shall appoint the colonel, who shall be qualified by training and experience to direct the work of
644 the department. At the time of appointment, the colonel shall have not less than 10 years of full-

645 time experience as a sworn law enforcement officer and not less than 5 years of full-time
646 experience in a senior administrative or supervisory position in a police force or a military body
647 with law enforcement responsibilities. The appointment shall constitute an appointment as a
648 uniformed member of the department and shall qualify the colonel to exercise all powers granted
649 to a uniformed member under this chapter. The colonel shall serve at the pleasure of the
650 governor and shall devote their fulltime during business hours to the duties of the office.

651 SECTION 19. Section 10 of said chapter 22C, as so appearing, is hereby amended by
652 striking out, in line 27, the words “reached his twenty-first birthday” and inserting in place
653 thereof the following words:- attained the age of 21.

654 SECTION 20. Said section 10 of said chapter 22C, as so appearing, is hereby further
655 amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and
656 inserting in place thereof the following words:- the person has attained the age of 35.

657 SECTION 21. Said section 10 of said chapter 22C, as so appearing, is hereby further
658 amended by striking out the third paragraph and inserting in place thereof the following
659 paragraph:-

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

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

669 SECTION 23. Said section 10 of said chapter 22C, as so appearing, is hereby further
670 amended by striking out, in lines 66 and 71, each time it appears, the word “his” and inserting in
671 place thereof, in each instance, the following words:- such officer’s.

672 SECTION 24. Said chapter 22C is hereby further amended by inserting after section 10
673 the following section:-

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

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

686 A person who has attained the age of 19 on or before the final date for the filing of
687 applications for the state police cadet program shall be eligible to take the qualifying

688 examination for the state police cadet program. A person who has attained the age of 26 on or
689 before the final date for the filing of applications for the state police cadet program shall not be
690 eligible to take the qualifying examination for the state police cadet program.

691 Admission as a state police cadet shall not be subject to the civil service law or rules, and
692 a state police cadet shall not be entitled to any benefits of such law or rules. The colonel shall
693 immediately report, in writing, any admission as a state police cadet made pursuant to this
694 section to the secretary of public safety and the personnel administrator. Admission shall be for a
695 term of service of not less than 12 months as determined by the department and may be
696 terminated at any time. A state police cadet's term of service shall be terminated if the state
697 police cadet fails to maintain a passing grade in any course of study required by the colonel. A
698 state police cadet shall be required to meet the physical fitness standards required for
699 appointment for initial enlistment as a uniformed member of the state police within 12 months of
700 the state police cadet's admission to the state police cadet program. A state police cadet shall be
701 an at-will employee. A state police cadet shall receive such compensation and such leave with
702 pay as the colonel shall determine in consultation with the personnel administrator. The colonel
703 shall establish requirements for successful completion of the state police cadet program.

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

708 While participating in the state police cadet program, a state police cadet shall not be
709 subject to or entitled to the benefits of any retirement or pension law, nor shall any deduction be

710 made from a state police cadet's compensation for the purpose thereof; provided, however, that a
711 state police cadet who successfully completes the state police cadet program and is appointed to
712 the department of state police pursuant to section 11 or is appointed as a police officer in a
713 municipal police department, the Massachusetts bay transportation authority police force, the
714 office of law enforcement within executive office of energy and environmental affairs or the
715 University of Massachusetts or becomes an employee, as defined in section 1 of chapter 32 shall
716 have any state police cadet service considered as creditable service, as defined in section 1 of
717 chapter 32, for purposes of retirement if the state police cadet pays into the annuity savings fund
718 of the retirement system in 1 sum or in installments, upon such terms and conditions as the board
719 may prescribe, not later than 1 year after appointment to the department of state police, such
720 amount as the retirement board determines equal to that which the state police cadet would have
721 paid had the state police cadet been a member of the retirement system during the period of
722 training as a state police cadet, together with buyback interest.

723 SECTION 25. Section 11 of said chapter 22C, as appearing in the 2018 Official Edition,
724 is hereby amended by striking out the first sentence and inserting in place thereof the following
725 sentence:- An appointment for initial enlistment as a uniformed member of the state police shall
726 be made from a list established as the result of a competitive examination conducted under the
727 direction of the colonel who shall, in consultation with the personnel administrator, determine its
728 form, method and subject matter.

729 SECTION 26. Said section 11 of said chapter 22C, as so appearing, is hereby further
730 amended by striking out, in lines 19 and 20, each time it appears, the word "his", and inserting in
731 place thereof, in each instance, the following words:- the uniformed member's.

732 SECTION 27. Said section 11 of said chapter 22C, as so appearing, is hereby further
733 amended by inserting after the third paragraph the following paragraph:-

734 Notwithstanding any provision of this section to the contrary, the colonel may appoint for
735 initial enlistment as a uniformed member of the state police any person who has successfully
736 completed the state police cadet program pursuant to section 10A and who is willing to accept
737 such appointment. Appointment for initial enlistment as a uniformed member of the state police
738 under this paragraph shall terminate that person's admission as a state police cadet. Not more
739 than 1/3 of the total number of appointments to the state police in any single recruit training
740 troop shall be made pursuant to this paragraph. The colonel shall immediately report, in writing,
741 any appointment made pursuant to this paragraph to the personnel administrator.

742 SECTION 28. Said chapter 22C is hereby further amended by striking out section 13, as
743 so appearing, and inserting in place thereof the following section:-

744 Section 13. (a) A uniformed member of the state police who has served for at least 1 year
745 and against whom charges have been preferred shall be tried by a board to be appointed by the
746 colonel or, at the request of the officer, a board consisting of the colonel. A person aggrieved by
747 the finding of the trial board under this subsection may appeal the decision of the trial board
748 under sections 41 to 45, inclusive, of chapter 31. A uniformed officer of the state police who has
749 been dismissed from the state police force after a trial under this subsection, or who resigns
750 while charges to be tried by a trial board are pending against the uniformed officer, shall not be
751 reinstated by the colonel.

752 (b) Notwithstanding subsection (a), the colonel may administratively suspend without
753 pay a uniformed member who has served for at least 1 year if: (i) the uniformed member had a

754 criminal complaint or indictment issued against them; (ii) the department has referred the
755 uniformed member to a prosecutorial agency for review for prosecution; or (iii) there are
756 reasonable grounds to believe that the uniformed member has engaged in misconduct in the
757 performance of the uniformed member's duties that violates the public trust.

758 Prior to such administrative suspension, the department shall provide the uniformed
759 member notice of, and the underlying factual basis for, the administrative suspension. After such
760 notice, the colonel or the colonel's designee shall hold a departmental hearing at which the
761 uniformed member shall have an opportunity to respond to the allegations. Following the
762 departmental hearing and upon a finding that there are reasonable grounds for such
763 administrative suspension without pay, the colonel may administratively suspend without pay
764 such uniformed member immediately. The administrative suspension without pay shall not be
765 appealable under sections 41 to 45, inclusive, of chapter 31; provided, however, that the
766 administrative suspension without pay may be appealed as provided in section 43.

767 A uniformed member who is administratively suspended without pay pursuant to this
768 section may seek a review by the colonel or the colonel's designee of the administrative
769 suspension without pay after 1 year from the date of the administrative suspension and every
770 year thereafter, or sooner if the uniformed member can demonstrate a material change in
771 circumstances. The decision of the colonel or the colonel's designee after such review may be
772 appealed under said sections 41 to 45, inclusive, of said chapter 31.

773 (c) Notwithstanding subsection (a), the colonel may impose on a uniformed member who
774 has served at least 1 year any permanent discipline that does not involve a suspension of pay,
775 loss of accrued vacation time, loss of rank or seniority or termination without provision for a trial

776 by a trial board under said subsection (a). Prior to imposing such discipline, the department shall
777 provide the uniformed member notice of, and the underlying factual basis for, the discipline.
778 After such notice, the colonel or the colonel's designee shall hold a departmental hearing at
779 which the uniformed member shall have an opportunity to respond to the allegations. Following
780 the departmental hearing and upon a finding that there are reasonable grounds for discipline, the
781 colonel may impose such discipline immediately.

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

785 SECTION 29. Section 20 of said chapter 22C, as so appearing, is hereby amended by
786 striking out the first sentence and inserting in place thereof the following 2 sentences: - The
787 colonel shall prescribe a training program for persons who shall be enlisted for the first time in
788 the department. No person, except the colonel, shall exercise police powers as a uniformed
789 member of the department until they have been assigned to and satisfactorily completed the
790 training program.

791 SECTION 30. Said section 20 of said chapter 22C, as so appearing, is hereby further
792 amended by adding the following sentence:- Training prescribed under this section shall include
793 or be equivalent to the training mandated for officers by sections 116A to 116E, inclusive, 116G
794 and 116H of chapter 6, section 36C of chapter 40, section 97B of chapter 41 and section 24M of
795 chapter 90.

796 SECTION 31. Section 23 of said chapter 22C, as so appearing, is hereby amended by
797 striking out, in line 8, the word “appointments” and inserting in place thereof the following
798 words:- admissions, appointments.

799 SECTION 32. Said section 23 of said chapter 22C, as so appearing, is hereby further
800 amended by striking out, in line 10, the word “uniformed” and inserting in place thereof the
801 following words:- cadets, uniformed.

802 SECTION 33. Said chapter 22C is hereby further amended by striking out section 26, as
803 so appearing, and inserting in place thereof the following section:-

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

809 (b) For a uniformed member who is not a veteran, the uniformed member’s competitive
810 promotional examination score shall be based on the number of points awarded to the uniformed
811 member for correct answers on such examination divided by the total number of possible points
812 to be earned on the examination, multiplied by 75. For a uniformed member who is a veteran, the
813 uniformed member’s competitive promotional examination score shall be based on the number
814 of points awarded to the member for correct answers on such examination divided by the total
815 number of possible points to be earned on the examination, multiplied by 100, plus 2, multiplied
816 by 0.75.

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

820 (d) Promotional examinations shall be open to a uniformed member who is a: (i)
821 noncommissioned officer who has completed not less than 5 years of service as a uniformed
822 member immediately before the final date for the filing of applications for such examination and
823 who has completed, in the immediately preceding year, 1 full year of service in the next lower
824 rank or title; (ii) lieutenant who has completed at least 1 year of service in the next lower rank or
825 title immediately before the final date for the filing of applications for such examination and who
826 has completed not less than 8 years of service as a uniformed member prior to the final date for
827 filing applications for such examination; or (iii) a captain who has completed at least 1 year of
828 service in the next lower rank or title immediately before the final date for the filing of
829 applications for such examination and who has completed not less than 12 years of service as a
830 uniformed member prior to the final date for filing applications for such examination.

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

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

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

843 (f) Prior to making any promotions in accordance with this section, the colonel shall
844 publish and distribute in the orders of the department for each title in the department a list of the
845 members who are eligible for promotion to each such title in the order in which each member
846 shall be considered for such promotion; provided, however, that such order shall be based upon
847 the final determination by the colonel in accordance with subsections (b) and (e). Each eligible
848 list for promotion shall be used by the colonel to fill vacancies for a period of 2 years from the
849 initial date of publication; provided, however, that, if a new eligible list has not been established
850 after such 2-year period, each eligible list shall continue to be used by the colonel for promotions
851 until a new eligible list is established. A promotion to a vacancy occurring in any title for which
852 an examination is conducted in accordance with this section shall be made from the first 3
853 members on such list who are eligible for the promotion and who are willing to accept such
854 promotion.

855 SECTION 34. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby
856 amended by inserting after the definition of "Direct debt" the following definition:-

857 "Federal agency", a federal military, law enforcement or intelligence agency, department
858 or division.

859 SECTION 35. Said section 1 of said chapter 29, as so appearing, is hereby further
860 amended by inserting after the definition of "Fund" the following definition:-

861 "Law enforcement agency", (i) an agency employing a law enforcement officer as
862 defined in section 220 of chapter 6; (ii) a sheriff's department; (iii) a harbormaster; (iv) a state or
863 county correctional facility or lockup; or (v) a regional law enforcement council, cooperative or
864 other joint task force or entity with authority to enforce the laws of the commonwealth.

865 SECTION 36. Said section 1 of said chapter 29, as so appearing, is hereby further
866 amended by inserting after the definition of "Line-item" the following 2 definitions:-

867 "Local legislative body", the town meeting for the purposes of a town system, the city
868 council subject to the provisions of its charter in a city system, the district meeting in a district
869 system, the county commissioners in a county system, and the governing body of the authority in
870 an authority system.

871 "Military grade controlled property", equipment, articles, services and related technical
872 data as enumerated in the United State munitions list under 22 C.F.R. 121.1 or the department of
873 commerce control list under 15 C.F.R. 774.

874 SECTION 37. Said chapter 29 is hereby further amended by inserting after section
875 2HHHHH the following 2 sections:-

876 Section 2IIIII. (a) There shall be a Criminal Justice and Community Support Trust Fund.
877 The fund shall be administered by the commissioner of mental health, in consultation with the
878 executive office of public safety and security. The fund shall consist of amounts credited to the
879 fund from: (i) any appropriations, grants, gifts or other monies authorized by the general court or
880 other parties and specifically designated to be credited to the fund; and (ii) any income derived
881 from the investment of amounts credited to the fund. All amounts credited to the fund shall be
882 used without further appropriation for the purpose of making grants to county and community-

883 based jail diversion programs and community policing and behavioral health training initiatives.
884 The grants shall be for: (A) the support of jail diversion programs for persons suffering from a
885 mental illness or substance use disorder; (B) the development and provision of training for state,
886 county and municipal law enforcement in evidence-based or evidence-informed mental health
887 and substance use crisis response or alternative emergency response; (C) the creation of patient-
888 focused, ongoing community services for individuals who are frequent users of emergency
889 departments and suffer from serious and persistent mental illness or substance use disorder; or
890 (D) the planning and implementation of restoration centers to divert individuals suffering from
891 mental illness or substance use disorder, who interact with law enforcement or the court system
892 during a pre-arrest investigation or the pre-adjudication process, from lock-up facilities and
893 hospital emergency departments to appropriate treatment. Any unexpended balance in the fund at
894 the close of a fiscal year shall remain in the fund and shall be available for expenditure in
895 subsequent fiscal years.

896 Annually, not later than March 1, the commissioner of mental health shall issue a report
897 to the clerks of the senate and house of representatives, the joint committee on mental health,
898 substance use and recovery, the joint committee on public safety and homeland security and the
899 senate and house committees on ways and means on the fund's activities, including, but not
900 limited to, amounts credited to the fund, amounts expended from the fund and any unexpended
901 balance.

902 Section 2JJJJ. (a) There shall be a Justice Reinvestment Workforce Development Fund.
903 There shall be credited to the fund any revenue from appropriations or other monies authorized
904 by the general court and specifically designated to be credited to the fund and any gifts, grants,
905 private contributions, investment income earned on the fund's assets and all other sources.

906 Monies transferred to the fund shall be continuously expended, without regard for fiscal year,
907 exclusively for carrying out the purposes of this section. Money remaining in the fund at the end
908 of a fiscal year shall not revert to the General Fund.

909 (b)(1) For the purposes of this section, the term “target population” shall mean any
910 person who meets not less than 2 of the following characteristics: (i) is under 25 years of age; (ii)
911 is a victim of violence; (iii) is over 18 years of age and does not have a high school diploma; (iv)
912 has been convicted of a felony; (v) has been unemployed or has had family income below 250
913 per cent of the federal poverty level for not less than 6 months; or (vi) lives in a census tract
914 where over 20 per cent of the population fall below the federal poverty line.

915 (2) There shall be a board of directors for the fund to consist of 13 members to be
916 appointed by the secretary of housing and economic development, with the approval of the
917 governor. The board of directors shall consist of not less than 6 individuals who are, or have
918 been, members of the target population and a combination of appointees with professional case
919 management experience, entrepreneurial or business management experience, professional youth
920 development experience, experience providing professional or vocational training or experience
921 in labor market analysis. The members shall elect a chair and shall meet not less than bi-
922 annually. Members shall serve without compensation but shall be reimbursed by the fund for
923 expenses necessarily incurred in the performance of their duties. Upon notification by the chair
924 that a vacancy exists, the secretary of housing and economic development shall appoint, with the
925 approval of the governor, another member to fill the unexpired term.

926 (3) The executive office of housing and economic development shall provide staff
927 support to the board of directors. The total expenditure from the fund for administration,

928 including salaries and benefits of supporting staff, shall not exceed 5 per cent of the total amount
929 disbursed by the fund in any given fiscal year.

930 (c) (1) Concurrent with the submission of the governor's annual budget, the department
931 of correction shall publish on its website a breakdown of its prior fiscal year spending by
932 functional category, including, but not limited to, food, medical expenses, facility maintenance,
933 administrative costs, correctional personnel, rehabilitative programming, re-entry programming.
934 The department of correction shall also publish a breakdown of its budget for the upcoming
935 fiscal year as reflected in the governor's annual budget proposal by the same categories and the
936 governor's office shall include a link to this data on its budget website.

937 Annually, the executive office of public safety and security shall calculate the aggregate
938 annual population of inmates in state correctional facilities and the houses of correction and
939 calculate the average marginal cost rate per inmate among the department of correction and the
940 houses of correction based on the actual marginal cost rates used by the department of correction
941 and the houses of correction for their budgeting purposes. The executive office of public safety
942 and security shall publish this data on its website.

943 (2) Annually, the secretary of housing and economic development shall determine the
944 difference between the combined population of the department of correction and the houses of
945 correction in fiscal year 2019 multiplied by the rate of total population growth of the
946 commonwealth since fiscal year 2019 and the actual combined population of the department of
947 correction and the houses of correction in that year. The secretary shall multiply the difference
948 by the average marginal cost rate per inmate. Annually, not later than October, the secretary shall

949 report this calculation to the clerks of the senate and house of representatives, the senate and
950 house committees on ways and means and the secretary of administration and finance.

951 (3) An amount equal to not more than one half of the product of the calculation in
952 paragraph (2), but not more than \$10,000,000, shall be transferred, subject to appropriation, to
953 the fund annually.

954 (d) Money in the fund shall be competitively granted to develop and strengthen
955 communities with a high percentage of individuals in the target population by creating
956 opportunities for job training, job creation and job placement for those who face high barriers to
957 employment.

958 (e) Eligible grant recipients shall exhibit a model of creating employment opportunities
959 for members of the target population or, in the case of programs serving a target population aged
960 20 years and under, demonstrate a model of building the skills necessary for future employment
961 within such population. Models shall be supported by research and evaluation and may include
962 transitional employment programs, social enterprise, pre-apprenticeship or other training
963 programs, school-based or community-based high school dropout prevention and re-engagement
964 programs, cooperative and small business development programs and community-based
965 workforce development programs. Components of a successful program may include, but shall
966 not be not limited to, job training in both soft skills and skills identified as lacking in growth
967 industries, stipends or wage subsidies, serving as employer of record with private employers,
968 case management, cognitive behavioral therapy and supports such as child care vouchers or
969 transportation assistance. The fund may give priority to programs that include access to housing
970 stabilization services, addiction treatment and trauma-informed mental health care as relevant to

971 the fund's mission, but such services by themselves shall not be eligible for monies from the
972 fund. Training programs that do not include a strong presumption of full employment by a
973 specific employer or entry into a bona fide apprenticeship program recognized by the
974 commonwealth upon successful completion by each participant shall not be eligible for funding;
975 provided, however, that high school dropout prevention and re-engagement programs shall not
976 need to include such a presumption.

977 (f) Not less than once every 5 years, the board shall review and, if appropriate,
978 recommend to the legislature changes to the eligibility criteria of the fund, including the services
979 provided by grant applicants.

980 (g) Annually, not later than October 1, the board shall provide a report of the grants given
981 and a breakdown of expenditures made by the fund. The report shall be posted on the website of
982 the executive office of housing and economic development.

983 SECTION 38. Clause (3) of subsection (a) of section 6B of said chapter 29, as appearing
984 in the 2018 Official Edition, is hereby amended by striking out subclauses (ii) and (iii) and
985 inserting in place thereof the following 3 subclauses:-

986 (ii) the estimated amount of cash match, in-kind match or other monies to be supplied by
987 the state and any other source from which such match will be required, and a description of the
988 federal allocation formula and matching requirements including whether the grant is distributed
989 to the commonwealth on the basis of a federally specified formula or on the basis of the federal
990 grantor's discretion and a description of the federal constraints placed on the agency's discretion
991 to use the grant;

992 (iii) the duration of the grant, the number of fiscal years the agency has been receiving
993 assistance and the number of fiscal years in which assistance can be expected to continue under
994 the program and a statement as to the priority of the program alongside other state or federally
995 funded programs, including whether the agency would request that all or part of the program be
996 funded out of the General Fund in the event federal funds are reduced or discontinued; and

997 (iv) the projected annual maintenance costs of any military grade controlled property
998 transferred or acquired from a federal agency.

999 SECTION 39. Said section 6B of said chapter 29, as so appearing, is hereby further
1000 amended by adding the following subsection:-

1001 (k) The department of state police, the office of law enforcement within the executive
1002 office of environmental affairs or the Massachusetts bay transportation authority police force
1003 shall not apply for military grade controlled property or related funds or for acquisition by
1004 transfer of military grade controlled property from a federal agency unless the department of
1005 state police, the office of law enforcement within the executive office of environmental affairs or
1006 the Massachusetts bay transportation authority police force obtains approval from the secretary
1007 of public safety and security, secretary of energy and environmental affairs or the secretary of
1008 transportation, respectively; provided, however, that such approval shall not be granted until the
1009 approving agency holds a public hearing and solicits written public comment on the application.
1010 The department of state police, the office of law enforcement within the executive office of
1011 energy and environmental affairs and the Massachusetts bay transportation authority police force
1012 shall file a report on any approval of an application for military grade controlled property or
1013 related funds or acquisition by transfer of military grade controlled property from a federal

1014 agency, describing the type of military grade controlled property acquired and the amount of
1015 funds expended on the acquisition, with the clerks of the senate and house of representatives, the
1016 joint committee on ways and means and the joint committee on public safety and homeland
1017 security.

1018 SECTION 40. Said chapter 29 is hereby further amended by inserting after section 6B the
1019 following section:-

1020 Section 6B½. (a) A local law enforcement agency shall not apply for military grade
1021 controlled property or related funds or for acquisition by transfer of military grade controlled
1022 property from a federal agency unless: (i) the local law enforcement agency provides notice to
1023 the local legislative body of any intended application, including a detailed list of supplies and
1024 equipment sought to be acquired; (ii) the local legislative body advertises and holds a public
1025 hearing regarding the prospective application, during which the public shall be allowed the
1026 opportunity to testify and comment; (iii) the local law enforcement agency has responded in
1027 writing to any questions and matters raised by the local legislative body or residents at such
1028 public hearing; and (iv) the local legislative body votes to approve the intended application,
1029 including the particular supplies and equipment sought to be acquired. The local law
1030 enforcement agency shall include documentation of the local legislative body's approval in its
1031 application.

1032 (b) A regional law enforcement council or other multi-jurisdictional law enforcement
1033 agency, including those constituted by entities or representatives from multiple agencies, shall
1034 not apply for military grade controlled property or related funds or for acquisition by transfer of
1035 military grade controlled property from a federal agency unless it has: (i) provided notice to each

1036 of the local legislative bodies for the cities and towns participating in the regional or multi-
1037 jurisdiction law enforcement agency regarding any prospective application; and (ii) obtained
1038 approval from the secretary of public safety and security, who shall take into consideration any
1039 information, comments and recommendations from the local legislative bodies for the cities and
1040 towns participating in the regional or multi-jurisdiction law enforcement agency. The regional
1041 law enforcement council or multi-jurisdiction agency shall include documentation of the
1042 approval of the secretary of public safety and security in its application. The regional law
1043 enforcement council or other multi-jurisdictional law enforcement agency shall file a report on
1044 any approval of an application for military grade controlled property or related funds or the
1045 acquisition by transfer of military grade controlled property from a federal agency, describing the
1046 type of military grade controlled property acquired and the amount of funds expended on the
1047 acquisition, with the clerks of the senate and house of representatives, the joint committee on
1048 ways and means and the joint committee on public safety and homeland security.

1049 (c) A sheriff's department shall not apply for military grade controlled property or related
1050 funds or for acquisition by transfer of military grade controlled property from a federal agency
1051 unless it has obtained approval from the secretary of public safety and security; provided,
1052 however, that such approval shall not be granted until the secretary holds a public hearing and
1053 solicits written public comment on the application. The sheriff's department shall include
1054 documentation of the approval of the secretary of public safety and security in its application.
1055 The sheriff's department shall file a report on any approval of an application for military grade
1056 controlled property or related funds or the acquisition by transfer of military grade controlled
1057 property from a federal agency, describing the type of military grade controlled property
1058 acquired and the amount of funds expended on the acquisition, with the clerks of the senate and

1059 house of representatives, the joint committee on ways and means and the joint committee on
1060 public safety and homeland security.

1061 SECTION 41. Section 2 of chapter 31 of the General Laws, as appearing in the 2018
1062 Official Edition, is hereby amended by striking out, in line 49, the words “eight of chapter thirty-
1063 one A” and inserting in place thereof the following words:- 8 of chapter 31A; provided, however,
1064 that the commission shall not have jurisdiction to hear an appeal of a decision by the police
1065 officer standards and accreditation committee to take adverse action against a law enforcement
1066 officer under subsections (e) or subsection (f) of section 225 of chapter 6.

1067 SECTION 42. The first paragraph of section 42 of said chapter 31, as so appearing, is
1068 hereby amended by adding the following sentence:- This section shall not apply to a person who
1069 is the subject of disciplinary action or other employment-related consequences by an appointing
1070 authority, as defined in section 220 of chapter 6, that results from decertification under
1071 subsection (e) or subsection (f) of section 225 of said chapter 6.

1072 SECTION 43. Section 43 of said chapter 31, as so appearing, is hereby amended by
1073 adding the following paragraph:- This section shall not apply to a person who is the subject of
1074 disciplinary action or employment-related consequences by an appointing authority, as defined in
1075 section 220 of chapter 6, that results from decertification under subsection (e) or subsection (f) of
1076 section 225 of said chapter 6.

1077 SECTION 44. Section 96B of chapter 41 of the General Laws, as so appearing, is hereby
1078 amended by striking out, in lines 24 and 34, the word “his”, each time it appears, and inserting in
1079 place thereof, in each instance, the following words:- the person’s.

1080 SECTION 45. Said section 96B of said chapter 41, as so appearing, is hereby further
1081 amended by striking out, in line 30, the words “department of criminal justice training” and
1082 inserting in place thereof the following words:- municipal police training committee.

1083 SECTION 46. Said section 96B of said chapter 41, as so appearing, is hereby further
1084 amended by striking out, in line 2, 10, 12 and 32, the word “he” and inserting in place thereof the
1085 following words:- the person.

1086 SECTION 47. Said section 96B of said chapter 41, as so appearing, is hereby further
1087 amended by striking out, in lines 39 and 43, the word “his”, each time it appears, and inserting in
1088 place thereof, in each instance, the following words:- the appointed person’s.

1089 SECTION 48. Said chapter 41 is hereby further amended by inserting after section 98G
1090 the following section:-

1091 Section 98H. An agency employing a law enforcement officer, as defined section 220 of
1092 chapter 6, shall not include or permit the inclusion of a nondisclosure, non-disparagement or
1093 other similar clause in a settlement agreement between the agency and a complainant; provided,
1094 however, that such settlement may include, but not be limited to, a provision that prevents the
1095 agency from disclosing the identity of the complainant and all facts that could lead to the
1096 discovery of the complainant’s identity if such provision is requested and approved by the
1097 complaint.

1098 SECTION 49. Section 37L of chapter 71 of the General Laws, as appearing in the 2018
1099 Official Edition, is hereby amended by inserting after the third paragraph the following
1100 paragraph:-

1101 School department personnel and school resource officers, as defined in section 37P,
1102 shall not disclose to a law enforcement officer or agency, including local, municipal, regional,
1103 county, state and federal law enforcement, through an official report or unofficial channels,
1104 including, but not limited to text, phone, email, database and in-person communication, or
1105 submit to a the Commonwealth Fusion Center, the Boston Regional Intelligence Center or any
1106 other database or system that tracks gang affiliation or involvement any information relating to a
1107 student or a student's family member from its databases or other record-keeping systems
1108 including, but not limited to: (i) immigration status; (ii) citizenship; (iii) neighborhood of
1109 residence; (iv) religion; (v) national origin; (vi) ethnicity; (vii) native or spoken language; (viii)
1110 suspected, alleged or confirmed gang affiliation, association or membership; (ix) participation in
1111 school activities, extracurricular activities both inside and outside of school, sports teams or
1112 school clubs or organizations; (x) degrees, honors or awards; and (xi) post-high school plans.
1113 Nothing in this paragraph shall prohibit the sharing of information for the purposes of
1114 completing a report pursuant to sections 51A or 57 of chapter 119 or filing a weapon report with
1115 the local chief of police pursuant to this section.

1116 SECTION 50. Subsection (b) of section 37P of said chapter 71, as so appearing, is hereby
1117 amended by striking out the first paragraph and inserting in place thereof the following
1118 paragraph: -

1119 A chief of police, at the request of the superintendent and subject to appropriation, shall
1120 assign at least 1 school resource officer to serve the city, town, commonwealth charter school,
1121 regional school district or county agricultural school. In the case of a regional school district,
1122 commonwealth charter school or county agriculture school, the chief of police of the city or town
1123 in which the school is located shall, at the request of the superintendent, assign the school

1124 resource officer who may be the same officer for all schools in the city or town, subject to annual
1125 approval by public vote of the relevant school committee. Annually, not later than August 1, the
1126 superintendent shall report to the department of elementary and secondary education and
1127 publicly present to the relevant school committee: (i) the cost to the school district of assigning a
1128 school resource officer; (ii) a description of the proposed budget for mental, social or emotional
1129 health support personnel for the school; and (iii) the number of school-based arrests, citations
1130 and court referrals made in the previous year disaggregated as required by the department of
1131 elementary and secondary education.

1132 SECTION 51. Said section 37P of said chapter 71, as so appearing, is hereby further
1133 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

1134 (c) The department of elementary and secondary education shall collect data on the
1135 number of mental and social emotional health support personnel and the number of school
1136 resource officers employed by each local education agency and shall publish a report of the data
1137 on its website.

1138 SECTION 52. Chapter 90 of the General Laws is hereby amended by striking out section
1139 63, as added by section 10 of chapter 122 of the acts of 2019, and inserting in place thereof the
1140 following section:-

1141 Section 63. (a) As used in this section, the following words shall have the following
1142 meanings unless the context clearly requires otherwise:

1143 "Law enforcement officer", a law enforcement officer as defined in section 220 of
1144 chapter 6.

1145 “Racial or other profiling”, differential treatment by a law enforcement officer based on
1146 actual or perceived race, color, ethnicity, national origin, immigration or citizenship status,
1147 religion, gender, gender identity or sexual orientation in conducting a law enforcement action,
1148 whether intentional or evidenced by statistically-significant data showing disparate treatment;
1149 provided, however, that “racial or other profiling” shall not include the use of such
1150 characteristics, in combination with other factors, to apprehend a specific suspect based on a
1151 description that is individualized, timely and reliable.

1152 “Frisk”, a pat-down of a person’s body to locate a weapon or contraband.

1153 “Secretary”, the secretary of public safety and security.

1154 (b) A law enforcement entity shall not engage in racial or other profiling. The attorney
1155 general may bring a civil action in the superior court for injunctive or other equitable relief to
1156 enforce this subsection.

1157 (c) The registry of motor vehicles shall collect data from any issued Massachusetts
1158 Uniform Citation regarding: (i) identifying characteristics of the individuals who receive a
1159 warning or citation or who are arrested, including the age, race and gender of the individual; (ii)
1160 the traffic infraction; (iii) the date and time of the offense and the municipality in which the
1161 offense was committed; (iv) whether a search was initiated as a result of the stop; and (v)
1162 whether the stop resulted in a warning, citation or arrest. The registry of motor vehicles shall
1163 maintain statistical information on the data required by this section and shall report that
1164 information annually to the secretary of public safety and security.

1165 (d)(1) If a law enforcement officer stops a vehicle or stops and frisks or searches a
1166 person, regardless of whether the frisk or search was consensual, the law enforcement officer

1167 shall record: (i) reason for the stop; (ii) the date, time and duration of the encounter; (iii) the
1168 street address or approximate location of the encounter; (iv) the number of occupants of the
1169 vehicle, if the incident included a vehicle stop; (v) identifying characteristics of the individuals,
1170 including the perceived age, race, ethnicity and gender of the individual; (vi) whether any
1171 investigatory action was initiated, including a frisk or a search of an individual or vehicle, and
1172 whether any such investigatory action was conducted with consent; (vii) whether contraband was
1173 found or any materials were seized; (viii) whether the stop resulted in a warning, citation, arrest
1174 or no subsequent action; and (ix) the name and badge number of the officer initiating the stop.

1175 (2) The secretary shall create and update as appropriate an instrument to be used by law
1176 enforcement officers to record the statistical data required in this subsection. The secretary shall
1177 give due regard to census figures and definitions when setting forth the race and ethnicity
1178 categories in the instrument; provided, however, that, in all cases, the method of identification of
1179 such data specified by the secretary must be the same across all law enforcement entities.

1180 (3) If the law enforcement officer conducting a stop under this subsection does not issue a
1181 citation or warning, the officer shall provide a receipt to the person at the conclusion of the stop.
1182 The receipt shall be a record of the stop and shall include, but not be limited to: (i) the reason for
1183 the stop; (ii) the date, time and duration of the stop; (iii) the street address or approximate
1184 location of the stop; (iv) the name and badge number of the officer initiating the stop; (v)
1185 information about how to register commendations or complaints regarding the incident.

1186 (4) Quarterly, each law enforcement agency shall conduct a review of each officer's stop
1187 and search documentation to ensure compliance with this subsection and take appropriate action
1188 to remedy any non-compliance.

1189 (5) Semi-annually, each municipal law enforcement department shall: (i) review the
1190 entire department's stop and search data collected under this subsection; (ii) analyze any racial or
1191 other disparities in the data; (iii) submit a report on the data, which shall include an analysis of
1192 the data, to the legislative body of the municipality; and (iv) make the report publicly available
1193 on the website of the municipality.

1194 (6) A law enforcement agency shall transmit all data collected pursuant to paragraph (1)
1195 to the executive office of public safety and security at intervals and in a manner to be determined
1196 by the secretary, but not less than semi-annually.

1197 (7) An electronic system purchased by a law enforcement agency to issue citations or to
1198 gather, record, report and study information concerning vehicle accidents, violations, traffic or
1199 pedestrian stops or citations, shall be designed to: (i) collect the data required by paragraph (1);
1200 (ii) automatically transmit the data to the executive office of public safety and security; and (iii)
1201 electronically generate citations and police encounter receipts required under paragraph (3).

1202 (e) Data or information collected, transmitted or received under this section shall be used
1203 only for statistical purposes and shall not contain information that may reveal the identity of any
1204 individual who is stopped or any law enforcement officer.

1205 (f) The secretary shall maintain a standardized process to facilitate data collection for law
1206 enforcement agencies and procedures for law enforcement officials to collect data under this
1207 section. The failure of a law enforcement officer to collect such data shall not affect the validity
1208 of the underlying stop.

1209 (g) Annually, the secretary shall transmit the necessary data collected by the registry of
1210 motor vehicles under subsection (c) and by the executive office or public safety and security

1211 under paragraph (6) of subsection (d) to a university, non-profit organization or institution,
1212 whether private or public, in the commonwealth with experience in the analysis of such data for
1213 annual preparation of an analysis and report of its findings. Upon receipt, the secretary shall
1214 immediately make the annual analysis and report, including any aggregate analysis of the data,
1215 publicly available by publishing such annual analysis and report online and shall transmit a copy
1216 of such annual analysis and report to the attorney general, the department of state police, the
1217 Massachusetts Chiefs of Police Association Incorporated and the clerks of the senate and house
1218 of representatives. The secretary shall, in consultation with the attorney general, mandate an
1219 appropriate intervention or corrective action if the annual analysis and report suggest that a law
1220 enforcement agency appears to have engaged in racial or other profiling.

1221 (h) Notwithstanding any general or special law to the contrary, data collected, transmitted
1222 or received pursuant to subsections (c), (d) and (g) shall be stored in a properly secured system in
1223 a cryptographically encrypted form and shall only be provided upon the execution of a written
1224 confidentiality agreement with the secretary of public safety and security that is protective of
1225 privacy and prohibits the further distribution of the data; provided, however, that nothing in the
1226 confidentiality agreement shall prohibit the publication of aggregate analysis of the data.
1227 Unencrypted data shall not be accessed, copied or otherwise communicated without the active
1228 concurrence and the express written approval of the secretary. Any processing of the data
1229 collected or received pursuant to this section shall only result in aggregated information that does
1230 not reveal the identity of any person or law enforcement officer.

1231 (i) The secretary shall publish an annual public report, derived from the data used for the
1232 annual analysis and report prepared under subsection (g), containing aggregate numbers, listed
1233 by municipality and law enforcement agency, for the information categories identified in

1234 subsections (c) and (d); provided, however, that data concerning age shall be aggregated into
1235 categories for persons aged 29 and younger and aged 30 and older; provided further, that data
1236 concerning time of day shall be aggregated into categories for offenses committed from 12:01
1237 am to 6:00 am, from 6:01 am to 12:00 pm, from 12:01 pm to 6:00 pm and from 6:01 pm to 12:00
1238 am. The secretary shall take reasonable steps to ensure that any information in the report cannot
1239 be used, directly or indirectly, either alone or together with other information, to identify or
1240 derive information about any stop made by a particular law enforcement officer or any individual
1241 involved in a stop made by a law enforcement officer. The secretary shall make the information
1242 contained in the report available to the public online in machine readable format.

1243 (j) Not later than 30 days following the date on which the annual analysis and report
1244 under subsection (g) is received by the secretary of public safety and security, the secretary shall
1245 hold not less than 3 public hearings in different regions of the commonwealth to present the
1246 annual analysis and report and to accept public testimony regarding the report. The executive
1247 office of public safety and security shall provide the public with notice not less than 14 days
1248 before the date of each hearing by publishing the hearing date on the executive office's website
1249 and any official social media accounts and by providing written notice to the joint committee on
1250 public safety and security, the joint committee on the judiciary and the clerks of the senate and
1251 house of representatives.

1252 SECTION 53. Section 1 of chapter 111 of the General Laws, as appearing in the 2018
1253 Official Edition, is hereby amended by inserting after the definition of "Inland waters" the
1254 following definition:-

1255 “Law enforcement-related injuries and deaths”, injuries and deaths caused by a law
1256 enforcement officer or correction officer, whether employed by the commonwealth, a county, a
1257 municipality or other public or private entity, and occupational fatalities of a law enforcement
1258 officer or correction officer.

1259 SECTION 54. Said chapter 111 is hereby further amended by inserting after section 6D
1260 the following section:-

1261 Section 6E. The department shall collect and report data on law enforcement-related
1262 injuries and deaths. The commissioner shall promulgate regulations necessary to implement this
1263 section including, but not limited to, protocols and procedures for the reporting of law
1264 enforcement-related injuries and deaths to the department by physicians and other licensed health
1265 care professionals.

1266 SECTION 55. The General Laws are hereby amended by inserting after chapter 147 the
1267 following chapter:-

1268 CHAPTER 147A.

1269 REGULATION OF PHYSICAL FORCE BY LAW ENFORCEMENT OFFICERS.

1270 Section 1. As used in this chapter, the following words shall have the following meanings
1271 unless the context clearly requires otherwise:

1272 “Choke hold”, the use of a lateral vascular neck restraint, carotid restraint or other action
1273 that involves the placement of any part of law enforcement officer’s body on or around a
1274 person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or
1275 with the result of causing unconsciousness or death.

1276 “Deadly physical force”, physical force that can be reasonably expected to cause death or
1277 serious physical injury.

1278 “De-escalation tactics and techniques”, proactive actions and approaches used by a law
1279 enforcement officer to stabilize a situation so that more time, options and resources are available
1280 to gain a person’s voluntary compliance and to reduce or eliminate the need to use force,
1281 including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident,
1282 waiting out a person, creating distance between the law enforcement officer and a threat and
1283 requesting additional resources to resolve the incident including, but not limited to, calling in
1284 medical or mental health professionals to address a potential medical or mental health crisis.

1285 “Imminent harm”, serious physical injury or death that is likely to be caused by a person
1286 with the present ability, opportunity and apparent intent to immediately cause serious physical
1287 injury or death and is a risk that, based on the information available at the time, must be instantly
1288 confronted and addressed to prevent serious physical injury or death; provided, however, that
1289 “imminent harm” shall not include fear of future serious physical injury or death, .

1290 “Law enforcement officer”, a law enforcement officer as defined in section 220 of
1291 chapter 6.

1292 “Necessary”, required due to a lack of an available, effective alternative that was known
1293 or should have been known to a reasonable person in the circumstances.

1294 “Totality of the circumstances”, the entire duration of an interaction between a law
1295 enforcement officer and a person, from the first contact through the conclusion of the incident,
1296 including consideration of contextual factors the law enforcement officer knew or should have
1297 known preceding and during such interaction.

1298 Section 2. (a) All persons in the commonwealth shall have a right, including for purposes
1299 of sections 11H and 11I of chapter 12, against the use of force prohibited by this section. A
1300 violation of this section shall be a per se violation of said sections 11H and 11I of said chapter
1301 12.

1302 (b) A law enforcement officer shall not use physical force upon another person unless de-
1303 escalation tactics have been attempted and failed or are not feasible based on the totality of the
1304 circumstances and such force is necessary to: (i) effect the lawful arrest of a person; (ii) prevent
1305 the escape from custody of a person; or (iii) prevent imminent harm to a person and the amount
1306 of force used is proportional to the threat of imminent harm.

1307 (c) A law enforcement officer shall not use deadly physical force upon a person unless
1308 de-escalation tactics have been attempted and failed or are not feasible based on the totality of
1309 the circumstances and such force is necessary to prevent imminent harm to a person and the
1310 amount of force used is proportional to the threat of imminent harm.

1311 (d) A law enforcement officer shall not use a choke hold. A law enforcement officer shall
1312 not be trained to use a lateral vascular neck restraint, carotid restraint or other action that
1313 involves the placement of any part of law enforcement officer's body on or around a person's
1314 neck in a manner that limits the person's breathing or blood flow.

1315 (e) A law enforcement officer shall not discharge any firearm into or at a fleeing motor
1316 vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent
1317 imminent harm to a person and the discharge is proportional to the threat of imminent harm to a
1318 person. For purposes of this subsection, use of the vehicle itself shall not constitute imminent
1319 harm.

1320 (f) When a police department has advance knowledge of a planned mass demonstration, it
1321 shall attempt in good faith to communicate with organizers of the event to discuss logistical
1322 plans, strategies to avoid conflict and potential communication needs between police and event
1323 participants. The department shall make plans to avoid and de-escalate potential conflicts and
1324 designate an officer in charge of de-escalation planning and communication about the plans
1325 within the department. A law enforcement officer shall not discharge or order the discharge of
1326 tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a
1327 propulsion device or release or order the release of a dog to control or influence a person's
1328 behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based
1329 on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent
1330 harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets
1331 or dog is proportionate to the threat of imminent harm. If a law enforcement officer utilizes or
1332 orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd,
1333 the law enforcement officer's appointing authority shall file a report with the police office
1334 standards and accreditation committee detailing all measures that were taken in advance of the
1335 event to reduce the probability of disorder and all measures that were taken at the time of the
1336 event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical
1337 weapon, rubber pellets or dog. The police officer standards and accreditation committee shall
1338 review the report and may undertake an additional investigation. After such review and
1339 investigation the police officer standards and accreditation committee shall, if applicable, make a
1340 finding as to whether the de-escalation efforts taken in advance of the event and at the time of the
1341 event were adequate and whether the use of or order to use tear gas or other chemical weapon,
1342 rubber pellets or dog was justified.

1343 Section 3. (a) An officer present and observing another officer using physical force,
1344 including deadly physical force, beyond that which is necessary or objectively reasonable based
1345 on the totality of the circumstances, shall intervene to prevent the use of unreasonable force
1346 unless intervening would result in imminent harm to the officer or another identifiable
1347 individual.

1348 (b) An officer who observes another officer using physical force, including deadly
1349 physical force, beyond that which is necessary or objectively reasonable based on the totality of
1350 the circumstances shall report the incident to an appropriate supervisor as soon as reasonably
1351 possible but not later than the end of the officer's shift. The officer shall prepare a detailed
1352 written statement describing the incident consistent with uniform protocols. The officer's written
1353 statement shall be included in the supervisor's report.

1354 (c) Any person in the commonwealth shall have a right to the intervention by officers in
1355 the circumstances described in this section. An officer who has a duty to intervene and fails to do
1356 so may be held liable under sections 11H and 11I of chapter 12 jointly and severally with any
1357 officer who used unreasonable force for any injuries or death caused by such officer's
1358 unreasonable use of force.

1359 (d) A law enforcement department established pursuant to the General Laws shall
1360 develop and implement a policy and procedure for law enforcement personnel to report abuse by
1361 other law enforcement personnel without fear of retaliation or actual retaliation.

1362 Section 4. The municipal police training committee shall promulgate detailed use of force
1363 regulations to implement this chapter.

1364 SECTION 56. Chapter 231 of the General Laws is hereby amended by inserting after
1365 section 85AA the following section:-

1366 Section 85BB. (a) For purposes of this section, a “police officer” shall mean a police
1367 officer employed by a state agency or state authority, as those terms are defined in section 1 of
1368 chapter 29, or by a city or town.

1369 (b) A police officer who knowingly submits to a state agency, state authority, city or
1370 town a false or fraudulent claim of hours worked for payment and receives payment therefor or
1371 knowingly makes, uses or causes to be made or used a false record or statement material to a
1372 false or fraudulent claim of hours worked for payment that results in a police officer receiving
1373 payment therefor or any person who conspires to commit a violation of this section shall be
1374 liable to the state agency, state authority, city or town for a civil penalty of 3 times the amount of
1375 damages that the state agency, state authority, city or town sustains because of such violation and
1376 shall in addition be liable for the attorney’s fees and court costs of the state agency, state
1377 authority, city or town.

1378 (c) A civil action for damages under this section may be brought in the superior court.

1379 (d) A civil action for damages under this section shall not be brought more than 4 years
1380 after the date when facts material to the right of action are known or reasonably should have
1381 been known by an official of the state agency, state authority, city or town who is authorized to
1382 approve the initiation of an action for damages and not more than 6 years after the date on which
1383 the violation is committed. A civil action for damages under this section may be brought for acts
1384 that occurred prior to the effective date of this section, subject to the limitations period set forth
1385 in this section.

1386 (e) Notwithstanding any other general or special law, rule of procedure or rule of
1387 evidence to the contrary, a final judgment rendered in favor of the commonwealth in a criminal
1388 proceeding charging fraud or false statements, whether upon a verdict after trial, a plea of guilty
1389 or a continuance without a finding following the defendant's admission to sufficient facts to
1390 support a conviction, shall stop the defendant from denying the essential elements of the offense
1391 in any action that involves the same act, transaction or occurrence as in the criminal proceedings
1392 and that is brought under this section.

1393 (f) In any action brought pursuant to this section, the party bringing the action shall be
1394 required to prove all essential elements of the cause of action, including damages, by a
1395 preponderance of the evidence.

1396 SECTION 57. Section 22 of chapter 265 of the General Laws, as appearing in the 2018
1397 Official Edition, is hereby amended by adding the following subsection:-

1398 (c) A law enforcement officer who has sexual intercourse with a person in the custody or
1399 control of the law enforcement officer shall be found to be in violation of subsection (b);
1400 provided, however, that for the purposes of this subsection, "sexual intercourse" shall include
1401 vaginal, oral or anal intercourse, including fellatio, cunnilingus or other intrusion of a part of a
1402 person's body or an object into the genital or anal opening of another person's body. For the
1403 purposes of this paragraph, "law enforcement officer" shall mean a police officer, an auxiliary,
1404 intermittent, special, part-time or reserve police officer, a police officer in the employ of a public
1405 institution of higher education under section 5 of chapter 15A, a public prosecutor, a municipal
1406 or public emergency medical technician, a deputy sheriff, a correction officer, a court officer, a
1407 probation officer, a parole officer, an officer of the department of youth services, constables, a

1408 campus police officer who holds authority as special state police officer or a person
1409 impersonating one of the foregoing.

1410 SECTION 58. Chapter 276 of the General Laws is hereby amended by inserting after
1411 section 2C the following section:-

1412 Section 2D. (a) A warrant that does not require a law enforcement officer to knock and
1413 announce their presence and purpose before forcibly entering a residence shall not be issued
1414 except by a judge and only if the affidavit supporting the request for the warrant establishes
1415 probable cause that if the law enforcement officer announces their presence their life or the lives
1416 of others will be endangered.

1417 (b) A police officer executing a search warrant shall knock and announce their presence
1418 and purpose before forcibly entering a residence unless authorized by warrant to enter pursuant
1419 to subsection (a).

1420 (c) An officer shall not dispense with the requirements of subsections (a) and (b) except
1421 to prevent a credible risk of imminent harm as defined in section 1 of chapter 147A.

1422 (d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if
1423 a law enforcement officer violates this section.

1424 (e) The executive office of public safety and security shall promulgate regulations
1425 regarding data collection on the execution of any warrant issued pursuant to this section
1426 including, but not limited to: (i) the total number of warrants issued; and (ii) for each issued
1427 warrant: (A) any alleged offense serving as the basis of the warrant; (B) the date and time of
1428 execution of the warrant and the municipality in which the warrant was executed; (C) whether

1429 execution of the warrant resulted in the discovery or seizure of any weapons or contraband or
1430 resulted in the arrest of any individuals; and (D) whether execution of the warrant resulted in any
1431 injuries or deaths. Annually, not later than December 31, the executive office of public safety
1432 and security shall file a report of the data collected pursuant to this subsection in an aggregated
1433 and de-identified format with the clerks of the senate and house of representatives, the senate and
1434 house committees on ways and means, the joint committee on the judiciary and the joint
1435 committee on public safety and homeland security.

1436 SECTION 59. Subsection (a) of section 100F of said chapter 276, as appearing in the
1437 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place
1438 thereof the following sentence:- A petitioner who has a record or records as an adjudicated
1439 delinquent or adjudicated youthful offender may, on a form furnished by the commissioner and
1440 signed under the penalties of perjury, petition that the commissioner expunge the record or
1441 records.

1442 SECTION 60. Subsection (a) of section 100G of said chapter 276, as so appearing, is
1443 hereby amended by striking out the first sentence and inserting in place thereof the following
1444 sentence:- A petitioner who has a record or records of conviction may, on a form furnished by
1445 the commissioner and signed under the penalties of perjury, petition that the commissioner
1446 expunge the record or records.

1447 SECTION 61. Said chapter 276 is hereby further amended by striking out section 100I, as
1448 so appearing, and inserting in place thereof the following section:-

1449 100I. A petitioner may seek expungement of a past criminal or juvenile court records and
1450 the commissioner shall certify that the records related to any charge, charges, case or cases that

1451 are the subject of the petition filed pursuant to sections 100F, 100G or 100H are eligible for
1452 expungement; provided, however, that:

1453 (i) the charge, charges, case or cases that are the subject of the petition did not result in a
1454 felony conviction or adjudication of a criminal offense included in section 100J;

1455 (ii) the charge, charges, case or cases that are the subject of the petition to expunge the
1456 record occurred before the petitioner's twenty-first birthday;

1457 (iii) the charge, charges, case or cases that are the subject of the petition, including any
1458 period of incarceration, custody or probation, occurred not less than 7 years before the date on
1459 which the petition was filed if the offense that is the subject of the petition is a felony and not
1460 less than 3 years before the date on which the petition was filed if the offense that is the subject
1461 of the petition is a misdemeanor;

1462 (iv) other than motor vehicle offenses for which the penalty does not exceed a fine of \$50
1463 and the offenses that are the subject of the petition to expunge, the petitioner has no record of
1464 being found guilty and no record as an adjudicated delinquent or adjudicated youthful offender
1465 on file with the commissioner for a felony less than 7 years before the date on which the petition
1466 was filed or a misdemeanor less than 3 years before the date on which the petition was filed;

1467 (v) other than motor vehicle offenses for which the penalty does not exceed a fine of \$50,
1468 the petitioner has no record of being found guilty and no record as an adjudicated delinquent or
1469 adjudicated youthful offender on file in any other state, United States possession or in a court of
1470 federal jurisdiction for a felony less than 7 years before the date on which the petition was filed
1471 or a misdemeanor less than 3 years before the date on which the petition was filed ; and

1472 (vi) the petition includes a certification by the petitioner that, to the petitioner's
1473 knowledge, the petitioner is not currently the subject of an active criminal investigation by any
1474 criminal justice agency.

1475 Any violation of section 7 of chapter 209A or section 9 of chapter 258E shall be treated
1476 as a felony for purposes of this section.

1477 SECTION 62. The executive office of public safety and security shall create and
1478 implement a process by which state police details are assigned by a civilian employee or
1479 contractor.

1480 SECTION 63. There shall be a commission to review and make recommendations on: (i)
1481 improving, modernizing and developing comprehensive protocols for the training of state and
1482 county correction officers and juvenile detention officers; (ii) establishing clear limitations on the
1483 use of physical force by state and county correction officers and juvenile detention officers; (iii)
1484 requiring that an inmate and the inmate's legally designated representative have the right to
1485 obtain a copy of all records relating to any use of force incident involving the inmate including,
1486 but not limited to, written reports, investigations, video and audio recordings and photographs;
1487 (iv) making a public record, and to what extent, records relating to any use of force incident
1488 involving an inmate; and (v) creating an independent body with the power to certify, renew,
1489 revoke or otherwise modify the certification of state and county correction officers and juvenile
1490 detention officers and the power to receive, investigate and adjudicate complaints of officer
1491 misconduct.

1492 The commission shall consist of: a former judge appointed by the chief justice of the
1493 supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1

1494 correctional officer who shall be appointed by the New England Police Benevolent Association,
1495 Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the
1496 commissioner of the department of youth services or a designee; 1 correction officer who shall
1497 be appointed by the president of the Massachusetts Correction Officers Federated Union; 1
1498 member appointed by American Federation of State, County and Municipal Employees Council
1499 93 who shall be an employee of the department of youth services and who shall have not less
1500 than 5 years of experience working in a department of youth services secure facility; the
1501 executive director of Citizens for Juvenile Justice, Inc., or a designee; the executive director of
1502 Prisoner's Legal Services or a designee; the president of the New England Area Conference of
1503 the National Association for the Advancement of Colored People or a designee; the executive
1504 director of Lawyers for Civil Rights, Inc., or a designee; 1 member appointed by the
1505 Massachusetts Black and Latino Legislative Caucus who shall not be a member of the caucus;
1506 the executive director of the American Civil Liberties Union of Massachusetts, Inc., or a
1507 designee; 1 member appointed by Families for Justice as Healing Inc.; and 1 person who shall be
1508 appointed by the governor and who shall be a formerly-incarcerated woman. In order to establish
1509 clear limitations on the use of physical force by correctional officers, the commission shall
1510 collect and analyze data on the use of force against inmates. Further, the department of
1511 correction and sheriffs' departments shall provide the commission access to any and all reports
1512 written pursuant to 103 CMR 505.13 (1) and (2), or successor provisions. The commission shall
1513 ascertain whether the information provided is uniform, standardized and reasonably complete
1514 and, if not, shall recommend policies to increase uniformity, standardization and completeness.

1515 The commission shall report and file its findings and recommendations, including any
1516 legislation, with the clerks of the senate and house of representatives and the joint committee on
1517 public safety and security not later than July 31, 2021.

1518 SECTION 64. (a) As used in this section, the following words shall have the following
1519 meanings unless the context clearly requires otherwise:

1520 “Biometric data”, computerized data relating to the physical, physiological or behavioral
1521 characteristics of a natural person, which allow or confirm the unique identification of such
1522 person, including, but not limited to, facial recognition, fingerprints, palm veins,
1523 deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

1524 “Body-worn camera”, a portable electronic recording device worn on a law enforcement
1525 officer’s person that creates, generates, sends, receives, stores, displays and processes
1526 audiovisual recordings or records audio and video data of law enforcement-related encounters
1527 and activities.

1528 “Facial recognition software”, a category of biometric software that maps an individual’s
1529 facial features mathematically and stores the data as a faceprint.

1530 “Law enforcement agency”, an agency with law enforcement officers, including county
1531 sheriff’s departments or municipal, special district, hospital or institution of higher education
1532 police departments.

1533 “Law enforcement officer”, a sworn officer employed by a law enforcement agency to
1534 exercise police authority.

1535 “Law enforcement-related activities”, activities by a law enforcement officer including,
1536 but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations,
1537 pursuits, crowd control, traffic control or non-community caretaking interactions with an
1538 individual while on patrol; provided, however, that “law enforcement-related activities” shall not
1539 include completion of paperwork alone or only in the presence of other law enforcement officers
1540 or civilian law enforcement personnel.

1541 “Recording”, the process of capturing data or information stored on a recording medium.

1542 (b) The executive office of public safety and security, in collaboration with the executive
1543 office of technology services and security, shall establish the law enforcement body camera
1544 taskforce. The taskforce shall propose regulations establishing a uniform code for the
1545 procurement and use of body-worn cameras by law enforcement officers to provide consistency
1546 throughout the commonwealth. The taskforce shall propose minimum requirements for the
1547 storage and transfer of audio and video recordings collected by body-worn cameras. The
1548 taskforce shall conduct not less than 5 public hearings in various parts of the commonwealth to
1549 hear testimony and comments from the public.

1550 (c) The taskforce shall consist of: the secretary of public safety and security or a
1551 designee; the secretary of technology services and security or a designee; the attorney general or
1552 a designee; a member appointed by the committee for public counsel services; the president of
1553 the Massachusetts District Attorney Association or a designee; a district court judge appointed
1554 by the chief justice of the supreme judicial court; the executive director of the American Civil
1555 Liberties Union of Massachusetts, Inc., or a designee; the president of the New England Area
1556 Conference of the National Association for the Advancement of Colored People or a designee;

1557 the colonel of the state police or a designee; the president of the Massachusetts Defense Lawyers
1558 Association, Inc., or a designee; 2 members nominated by the Black and Latino Legislative
1559 Caucus who shall have expertise in constitutional or civil rights law; and 5 members appointed
1560 by the governor, 1 of whom shall be a police chief with a body camera pilot program in a
1561 municipality with a population not less than 100,000 people, 1 of whom shall be a police chief
1562 with a body camera pilot program in a municipality with a population not more than 50,000
1563 people, 1 of whom shall be an expert on constitutional or privacy law who is employed by a law
1564 school in the commonwealth, 1 of whom shall be an elected official in a municipality with a
1565 body camera pilot program and 1 of whom shall be a representative of a law enforcement labor
1566 organization.

1567 (d) The taskforce shall elect a chair and vice-chair. A meeting of the taskforce may be
1568 called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of
1569 business shall consist of 7 members. All members of the taskforce shall serve without
1570 compensation. The executive agencies convening the taskforce shall assign administrative
1571 personnel to assist the work of the taskforce. The taskforce shall meet not less than 12 times. In
1572 addition to taking public testimony, the taskforce shall seek the advice of experts specializing in
1573 the fields of criminology, educations, criminal or family law or other related fields, as
1574 appropriate.

1575 (e) Not later than January 31, 2022, the taskforce shall, by majority vote, adopt
1576 recommended regulations for appropriate executive agencies. The regulations recommended by
1577 the taskforce shall include, but not be limited to: (i) standards for the procurement of body-worn
1578 cameras and vehicle dashboard cameras by law enforcement agencies, including a requirement
1579 that such cameras or associated processing software include technology for redacting the images

1580 and voices of victims and bystanders; (ii) regulations regarding the use of facial recognition or
1581 other biometric-matching software or other technology to analyze recordings obtained through
1582 the use of such cameras; provided, however, that such regulations may prohibit or allow such use
1583 subject to requirements based on best practices and protocols; (iii) basic standards for training
1584 law enforcement officers in the use of such cameras; (iv) specifications of: (A) the types of law
1585 enforcement encounters and interactions that shall be recorded and what notice, if any, is to be
1586 given to those being recorded; and (B) when a camera should be activated and when to
1587 discontinue recording; (v) a requirement that a camera be equipped with pre-event recording,
1588 capable of recording at least the 30 seconds prior to camera activation; (vi) provisions preventing
1589 an officer from accessing or viewing any recording of an incident involving the officer before the
1590 officer is required to make a statement about the incident; (vii) standards for the identification,
1591 retention, storage, maintenance and handling of recordings from body cameras, including a
1592 requirement that recordings be retained for not less than 180 days but not more than 30 months
1593 for a recording not relating to a court proceeding or ongoing criminal investigation or for the
1594 same period of time that evidence is retained in the normal course of the court's business for a
1595 recording related to a court proceeding; (viii) standards pertaining to the recordings of use of
1596 force, detention or arrest by a law enforcement officer or pertaining to ongoing investigations
1597 and prosecutions to assure that recordings are retained for a period sufficient to meet the needs of
1598 all parties with an interest in the recordings; (ix) guidelines for the security of facilities in which
1599 recordings are kept; (x) requirements for state procurement of contracts for body-worn cameras
1600 and for data storage through which qualified law enforcement agencies may purchase goods and
1601 services; (xi) best practice language for contracts with third-party vendors for data storage, which
1602 shall provide that recordings from such cameras are the property of the law enforcement agency,

1603 are not owned by the vendor and cannot be used by the vendor for any purpose inconsistent with
1604 the policies and procedures of the law enforcement agency; (xii) procedures for supervisory
1605 internal review and audit; (xiii) sanctions for improper use of cameras, including a requirement
1606 that a law enforcement officer who does not activate a body-worn camera in response to a call
1607 for assistance shall include that fact in their incident report and note in the case file or record the
1608 reason for not activating the camera; (xiv) sanctions for tampering with a camera or recordings
1609 and for improper destruction of recordings; (xv) regulations pertaining to handling requests for
1610 the release of information recorded by a body-worn camera to the public; (xvi) requirements for
1611 reporting by law enforcement agencies utilizing body-worn cameras; (xvii) a retention schedule
1612 for recordings to ensure that storage policies and practices are in compliance with all relevant
1613 laws and adequately preserve evidentiary chains of custody and identify potential discovery
1614 issues; and (xviii) a process by which body camera footage may be included in the public record.

1615 (f) Not later than January 31, 2021, the taskforce shall file a report on its work product,
1616 including its proposed regulations under subsection (e) and any proposed legislation that is
1617 necessary to effectuate the regulations, with the clerks of the senate and house of representatives,
1618 the joint committee on the judiciary and the joint committee on public safety and homeland
1619 security.

1620 SECTION 65. (a) As used in this section, the following words shall have the following
1621 meanings unless the context clearly requires otherwise:

1622 “Biometric surveillance system”, computer software that performs facial recognition or
1623 other remote biometric recognition.

1624 “Facial recognition”, an automated or semi-automated process that assists in identifying
1625 an individual or capturing information about an individual based on the physical characteristics
1626 of the individual’s face or that logs characteristics of an individual’s face, head or body to infer
1627 emotion, associations, activities or the location of the individual.

1628 “Other remote biometric recognition”, an automated or semi-automated process that
1629 assists in identifying an individual or capturing information about an individual based on the
1630 characteristics of the individual’s gait, voice or other immutable characteristic ascertained from a
1631 distance or that logs such characteristics to infer emotion, associations, activities or the location
1632 of the individual; provided, however, that other remote biometric recognition shall not include
1633 recognition based on deoxyribonucleic acid, fingerprints or palm prints.

1634 (b) From the effective date of this act until December 31, 2021, inclusive, an agency,
1635 executive office, department, board, commission, bureau, division or authority of the
1636 commonwealth or a political subdivision thereof, or any agent, contractor or subcontractor
1637 thereof, shall not acquire, possess, access or use any biometric surveillance system or any
1638 information derived from a biometric surveillance system operated by another entity; provided,
1639 however, that this paragraph shall not apply to the: (i) acquisition, possession or use of facial
1640 recognition technology by the registrar of motor vehicles for the purposes of verifying a person’s
1641 identity when issuing licenses, permits or other documents under chapter 90 of the General
1642 Laws; (ii) acquisition or possession of personal electronic devices, such as a cell phone or tablet,
1643 that uses facial recognition technology for the sole purpose of user authentication; (iii)
1644 acquisition, possession or use of automated video or image redaction software if such software
1645 does not have the capability of performing facial recognition or other remote biometric
1646 recognition; or (iv) the receipt of evidence related to the investigation of a crime derived from a

1647 biometric surveillance system if such evidence was not knowingly solicited by or obtained with
1648 the assistance of the agency, executive office, department, board, commission, bureau, division
1649 or authority of the commonwealth or a political subdivision thereof, or any agent, contractor or
1650 subcontractor thereof.

1651 Except in a judicial proceeding alleging a violation of this subsection, information
1652 obtained in violation of this subsection shall not be admissible in any criminal, civil,
1653 administrative or other proceeding.

1654 (c) There shall be a special commission to study the use of facial recognition by the
1655 department of transportation and law enforcement agencies. The commission shall consist of: the
1656 senate and house chairs of the joint committee on the judiciary, who shall serve as co-chairs; 1
1657 member appointed by the speaker of the house of representatives who shall have academic
1658 expertise in bias in machine learning; 1 member appointed by the president of the senate who
1659 shall have academic expertise in privacy, technology and the law; the secretary of transportation
1660 or a designee; the secretary of public safety security or a designee; the attorney general or a
1661 designee; the state auditor or a designee; the chief counsel of the committee for public counsel
1662 services or a designee; and 5 members appointed by the governor, 1 of whom shall be the
1663 executive director of Massachusetts Chiefs of Police Association Incorporated or a designee, 1 of
1664 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,
1665 Inc., or a designee, 1 of whom shall be the executive director of the New England Innocence
1666 Project, Inc., or a designee, 1 of whom shall be the executive director of Jane Doe Inc.: The
1667 Massachusetts Coalition against Sexual Assault and Domestic Violence or a designee, and a
1668 representative of the New England chapter of the American Immigration Lawyer Association.

1669 The commission shall review the use of facial recognition and make recommendations to
1670 the legislature. The commission shall: (i) study the facial recognition system operated by the
1671 registry of motor vehicles and make recommendations for regular independent bias testing and
1672 standards to ensure accuracy and equity based on age, race, gender and religion; (ii) evaluate
1673 access to the system and management of information derived from the system including, but not
1674 limited to, data retention, data sharing and audit trails; (iii) recommend ways to ensure that the
1675 system is used in a manner that protects privacy and promotes accountability; (iv) identify which
1676 federal agencies, if any, have access to Massachusetts databases that catalogue images of faces
1677 and the authorization for and terms of such access; (v) assess whether law enforcement should be
1678 permitted to request the registry of motor vehicles to perform facial recognition searches under
1679 any circumstances and, if so, what substantive and procedural limitations should be imposed
1680 thereon; (vi) recommend ways to ensure rigorous due process protections for criminal defendants
1681 when facial recognition is used in any part of an investigation; and (vii) make recommendations
1682 to ensure compliance with limitations imposed upon the use of facial recognition, including
1683 training and enforcement mechanisms.

1684 Not later than July 1, 2021, the commission shall submit its report and recommendations
1685 to the governor, the secretary of transportation, the clerks of the senate and house of
1686 representatives and the joint committee on public safety and homeland security.

1687 SECTION 66. (a) The community policing and behavioral health advisory council,
1688 established in subsection (e) of section 25 of chapter 19 of the General Laws, shall study and
1689 make recommendations for creating a crisis response and continuity of care system that delivers
1690 alternative emergency services and programs across the commonwealth that reflect specific
1691 regional, racial, ethnic and sexual orientation needs and differences in delivering such services.

1692 The study shall include, but not be limited to: (i) a comprehensive review and evaluation of
1693 existing crisis intervention, alternative emergency response and jail diversion models, services
1694 and programs in the commonwealth at the state, county and municipal level and models used
1695 effectively in other jurisdictions; (ii) a method for evaluating the effectiveness of existing crisis
1696 intervention, alternative emergency response and jail diversion models, services and programs in
1697 diverting individuals from the criminal justice system and emergency departments to appropriate
1698 care; (iii) recommendations for expanding effective crisis intervention and jail diversion models,
1699 services and programs identified in clause (ii) across the commonwealth; (iv) identification of
1700 crisis response training programs and protocols for law enforcement officers and 911
1701 telecommunicators that reflect best practices and a plan for standardizing systems and aligning
1702 such programs and protocols across the commonwealth; (v) identification of outcome
1703 measurements and data collection procedures to be used to evaluate the effectiveness of the crisis
1704 response system and its components; (vi) an analysis of the federal Substance Abuse and Mental
1705 Health Services Administration national guidelines for behavioral health crisis care, including
1706 regional crisis call centers and mobile crisis teams; and (vii) an estimate of the additional costs or
1707 cost savings of implementing the council’s recommendations under this section and possible
1708 sources of funding for delivering the crisis response and continuity of care system at the state,
1709 county and municipal levels. In developing recommendations for a crisis response and jail
1710 diversion system, the council, where appropriate, shall prioritize non-police community-based
1711 programs.

1712 (b) The council may commission an independent research or academic organization with
1713 expertise in clinical social work, criminal justice, behavioral health jail diversion modalities and
1714 accessible analysis of quantitative and qualitative data and communication of study results to

1715 conduct the study. The council shall facilitate the collection of data needed to complete the study
1716 pursuant to a memoranda of understanding with the department of mental health, the executive
1717 office of public safety and security, the executive office of health and human services and
1718 relevant social service agencies.

1719 (c) The study shall be designed in consultation with interested stakeholders, including,
1720 but not limited to, the president of the New England Area Conference of the National
1721 Association for the Advancement of Colored People, the American Civil Liberties Union of
1722 Massachusetts, Inc., the National Association of Social Workers, the Massachusetts Association
1723 for Mental Health, Inc., the Association for Behavioral Health, Inc. and members of the general
1724 court.

1725 (d) Not later than January 1, 2022, the council shall submit the study's findings to the
1726 clerks of the senate and house of representatives, the joint committee on mental health, substance
1727 use and recovery, the joint committee on public health, the joint committee on health care
1728 financing, the joint committee on public safety and homeland security and the center for
1729 responsive training in crisis intervention. The study's findings shall be published on the
1730 department of mental health's website. Not later than 3 months after receiving the study's
1731 findings, the council shall solicit public comment and hold not less than 4 public hearings, 1 of
1732 which shall be held in Berkshire, Franklin, Hampshire or Hampden county and 1 of which shall
1733 be held in the Worcester area.

1734 (e) The council shall report on existing and innovative crisis response models and
1735 recommend legislation or regulations to advance and strengthen non-police solutions to crisis
1736 response and jail diversion. The report shall incorporate the study's findings and issues raised in

1737 public comments and hearings. The report and recommendations shall be submitted to the clerks
1738 of the senate and house of representatives and the joint committee on mental health, substance
1739 use and recovery not later than January 2, 2023.

1740 (f) The center for responsive training in crisis intervention shall incorporate the council's
1741 recommendations into regional training opportunities and training curricula.

1742 SECTION 67. (a) There shall be a commission to make an investigation and study to: (i)
1743 dismantle structural racism in a systemic way that eliminates the violence of arrest, disparities of
1744 incarceration and barriers to positive community re-entry; (ii) systematically, comprehensively
1745 and iteratively review where and how the systemic presence of structural and institutional racism
1746 in the department of correction has generated a culture or practices and policies that produce
1747 racial inequality, trauma or disparate impacts and outcomes by race among and between
1748 incarcerated persons, correction officers or other department of correction staff or families of
1749 incarcerated persons; provided, however, that the scope of such review shall include mapping the
1750 various subsystems interacting within the criminal justice system, including, but not limited to,
1751 policing, parole and re-entry, that in their intersection with the work and mission of the
1752 department of correction produce or accelerate racial inequality or disparate impacts by race; (iii)
1753 recommend policies within the department of correction that focus on restorative justice program
1754 access, health care continuums, public health and behavioral health impacting people of color in
1755 the commonwealth such as socially determinative conditions regarding incarceration, probation,
1756 parole and community reentry, including, but not limited to, social indicators of health before,
1757 during and after incarceration that include health issues such as post-traumatic stress disorder
1758 that department staff and incarcerated persons experience in corrections and physical or
1759 behavioral health issues as a result of violence in policing and use of force; (iv) propose

1760 programs for implementation by the department of correction that benefit correction community
1761 members, including, but not limited to: (A) language supports for incarcerated English learners;
1762 (B) anti-racism training for all department community members regardless of position or ethnic
1763 identity; and (C) educational opportunities for correction officers and incarcerated persons; and
1764 (v) provide a road map for the establishment of a publicly-funded permanent government entity
1765 with expertise to dismantle structural racism that shall: (1) recommend actual internal changes to
1766 the department of correction; (2) make administrative or policy recommendations to the governor
1767 and specific executive agencies; and (3) make legislative recommendations to the general court.
1768 The programs described in clause (iv) may include programs to promote interpersonal trust,
1769 relationships, wellness and quality of life of incarcerated persons and staff, to provide
1770 educational and personal development opportunities and historical bias and anti-racism training
1771 and to improve the correctional physical and administrative structure such as green space,
1772 adequate staffing space, facilities resources, communications and management.

1773 (b) The commission shall consist of the following 31 members: 3 members of the
1774 Massachusetts Black and Latino Legislative Caucus appointed by the caucus, 1 of whom shall be
1775 the chair of the commission as selected by the caucus; 3 persons appointed by the speaker of the
1776 house of representatives, 1 of whom shall be selected from a list of nominees from Citizens for
1777 Juvenile Justice, Inc., 1 of whom shall be a member of the Legislative Criminal Justice Reform
1778 Caucus and 1 of whom shall be selected from a list of nominees from Prisoners' Legal Services;
1779 2 persons appointed by the senate president; the secretary of public safety and security or a
1780 designee; the undersecretary of criminal justice or a designee; 7 persons appointed by the
1781 governor, 1 of whom shall be selected from a list of nominees from the Boston branch of the
1782 National Association for the Advancement of Colored People New England Area Conference, 1

1783 of whom shall be selected from a list of nominees from the Urban League of Eastern
1784 Massachusetts, Inc, 1 of whom shall be selected from a list of nominees from the American Civil
1785 Liberties Union Racial Justice Program, 1 of whom shall be selected from a list of nominees
1786 from the Dimock Health Center, Inc., 1 of whom shall have medical and behavioral health
1787 expertise in the incarceration setting, 1 of whom shall be a member of the Charles Hamilton
1788 Houston Institute for Race and Justice and 1 of whom shall have expertise in trauma and adverse
1789 child experiences; 3 persons appointed jointly by the undersecretary of criminal justice and the
1790 commission chair who shall be incarcerated persons, at least 1 of whom shall be selected from a
1791 list of nominees from the African American Coalition Committee and at least 1 of whom shall be
1792 a person who has demonstrated a commitment to persons that are foreign born; 3 persons
1793 appointed jointly by the undersecretary of criminal justice and the commission chair, all of
1794 whom shall be correctional officers and at least 1 of whom shall be a member of the
1795 Massachusetts Correction Officers Federated Union; 3 members appointed jointly by the
1796 undersecretary of criminal justice and the commission chair, all of whom shall be members of
1797 the department of correction administration; 3 members appointed jointly by the undersecretary
1798 of criminal justice and the commission chair, all of whom shall be family members of persons
1799 currently incarcerated; and 2 members appointed jointly by the undersecretary of criminal justice
1800 and the commission chair, both of whom shall be formerly incarcerated persons. An appointing
1801 authority with 2 or more appointments shall ensure that their appointments draw from socially
1802 and economically disadvantaged and historically underrepresented groups.

1803 All appointments shall be made not later than 30 days following the effective date of this
1804 section and the chair of the commission shall convene the first meeting of the commission not
1805 later than 60 days after such effective date. The commission shall meet not less than 4 times.

1806 (c) The department of correction shall assist the commission in facilitating the
1807 participation of department staff and incarcerated persons, including, but not limited to,
1808 providing necessary transportation of incarcerated persons, videoconferencing or other
1809 appropriate online or electronic communication and access to available and appropriate space at
1810 a correctional facility or administrative office. Participation by department staff may be
1811 considered by the department to be included in such employees' regular workday activities. The
1812 department, or any other state agency as defined in section 1 of chapter 29 of the General Laws,
1813 shall assist the commission in gathering relevant information about current operations, programs,
1814 staffing and budgets.

1815 (d) Not later than March 31, 2021, the commission shall submit a report with
1816 recommendations for legislation, if any, together with drafts of legislation necessary to carry its
1817 recommendations into effect, with the clerks of the house of representatives and the senate, the
1818 joint committee on the judiciary, the joint committee on public safety and homeland security and
1819 the house and senate committees on ways and means.

1820 (e) Not later than 6 weeks after March 31, 2021 or 6 weeks from the date of the filing of
1821 the report in subsection (d), whichever is later, the department of correction shall file a report on
1822 actions being taken to respond to the commission's report with the clerks of the house of
1823 representatives and the senate, the Massachusetts Black and Latino Legislative Caucus, the joint
1824 committee on the judiciary, the joint committee on public safety and homeland security and the
1825 house and senate committees on ways and means.

1826 SECTION 68. The executive office of public safety and security shall study the
1827 feasibility and recommend a plan on ensuring that all municipal law enforcement departments

1828 achieve a minimum level of accreditation form the Massachusetts Police Accreditation
1829 Commission, Inc. or an equivalent accrediting entity. The study shall include, but not be limited
1830 to: (i) a cost assessment of requiring such accreditation; (ii) a survey of any grants available to
1831 assist a law enforcement department in achieving such accreditation; (iii) an estimate of a
1832 reasonable time period in which a law enforcement department could achieve such accreditation;
1833 and (iv) an assessment as to whether the available accrediting entities evaluate a law enforcement
1834 department's compliance with federal and state civil rights and equal protection laws as a part of
1835 the entity's accreditation process.

1836 Not later than July 1, 2021, the executive office of public safety and security shall file a
1837 report of its findings, including any recommendations, with the clerks of the senate and house of
1838 representatives, the senate and house committees on ways and means and the joint committee on
1839 public safety and homeland security.

1840 SECTION 69. Notwithstanding section 223 of chapter 6 of the General Laws, a law
1841 enforcement officer, as defined in section 220 of said chapter 6, who has completed an academy
1842 or training program certified by the municipal police training committee or the training programs
1843 prescribed by chapter 22C of the General Laws on or before effective date of this section and is
1844 appointed as a law enforcement officer as of the effective date of this section, shall be certified as
1845 of the effective date of this section.

1846 All law enforcement officers who have completed a reserve training program on or
1847 before the effective date of this section shall be certified as of the effective date of this section.
1848 Prior to the expiration of that certification, the officer shall complete additional training as

1849 required by the municipal police training committee or be granted a waiver pursuant to section
1850 96B of chapter 41 of the General Laws.

1851 Any training waiver or exemption granted by the municipal police training committee
1852 prior to the effective date of this section shall expire 6 months after the effective date of this
1853 section. Any person who has not completed an academy or training program certified by
1854 municipal police training committee or the training programs prescribed by said chapter 22C on
1855 or before the effective date of this section and has been appointed to a law enforcement position
1856 as of the effective date of this section, shall not exercise police powers following the expiration
1857 of any training waiver or exemption under this section. Prior to the expiration of this 6-month
1858 period, the person may obtain from the municipal police training committee a waiver pursuant to
1859 said section 96B of said chapter 41 or an extension of time necessary to complete training
1860 according to a work plan approved by the municipal police training committee.

1861 The certifications of law enforcement officers who have graduated from an academy or
1862 training program certified by the municipal police training committee or the training programs
1863 prescribed by said chapter 22C who are certified as a result of subsection (c) of section 223 of
1864 said chapter 6 and whose last names begin with: (i) A to H, inclusive, shall expire 1 year after the
1865 effective date of this section; (ii) I to P, inclusive, shall expire 2 years after the effective date of
1866 this section; and (iii) Q to Z, inclusive, shall expire 3 years after the effective date of this section.

1867 SECTION 70. Notwithstanding any general or special law to the contrary, in making
1868 initial appointments to the police officer standards and accreditation committee established
1869 pursuant to section 221 of chapter 6 of the General Laws the governor shall appoint 3 members
1870 for a term of 3 years, 5 members for a term of 2 years and 5 members for a term of 1 year.

1871 SECTION 71. Notwithstanding paragraph (2) of section 2JJJJ of chapter 29 of the
1872 General Laws, the initial terms of the board of directors of the Justice Reinvestment Workforce
1873 Development Fund shall be as follows: 3 shall be appointed for a term of 1 year, 3 shall be
1874 appointed for a term of 2 years, 3 shall be appointed for a term of 3 years and 3 shall be
1875 appointed for a term of 4 years.

1876 SECTION 72. Notwithstanding any general or special law to the contrary, section 100I of
1877 chapter 276 of the General Laws, as inserted by section 61, shall apply to any pending petition
1878 for expungement filed pursuant to sections 100F, 100G or 100H of said chapter 276 that was
1879 filed on or before the effective date of this act. Any petition for expungement filed pursuant to
1880 said sections 100F, 100G or 100H of said chapter 276 that was denied before the effective date
1881 of this act solely because the petitioner had more than 1 record as an adjudicated delinquent or
1882 adjudicated youthful offender or of a conviction may immediately refile the petition under
1883 section 100I of said chapter 276.

1884 SECTION 73. Notwithstanding any general or special law to the contrary, not later than
1885 October 1, 2020, the municipal police training committee shall issue guidance on
1886 developmentally appropriate de-escalation and disengagement tactics, techniques and procedures
1887 and other alternatives to the use of force for minor children that may take into account contextual
1888 factors including, but not limited to, the person's age, disability status, developmental status,
1889 mental health, linguistic limitations or other mental or physical condition.

1890 SECTION 74. Notwithstanding any general or special law to the contrary, a person who
1891 is appointed as a school resource officer, as defined in section 37P of chapter 71, as of the
1892 effective date of this act may continue in such appointment without receiving a certification to

1893 serve as such pursuant to subsection (a) of section 223 of chapter 6 of the General Laws;
1894 provided, however, that such person shall receive said certification not later than August 1, 2021.

1895 SECTION 75. The municipal police training committee shall complete a 10-year strategic
1896 plan establishing its goals and objectives, approved by not less than two-thirds of its voting
1897 members. The strategic plan shall include, but not be limited to: (i) a description of how the
1898 committee plans to prioritize its financial resources; (ii) the scope of training the committee plans
1899 to offer new and existing officers; and (iii) an analysis of whether the committee will be able to
1900 provide the required, mandated in-service training to existing officers. Not later than July 1,
1901 2021, a report on the strategic plan shall be filed with the clerks of the senate and house of
1902 representatives, the senate and house committees on ways and means and the joint committee on
1903 public safety and homeland security. The committee shall publish the report on its website.

1904 SECTION 76. Notwithstanding any general or special law to the contrary, the first review
1905 of the municipal police training committee's curriculum, training materials and practices, as
1906 required by section 116 of chapter 6 of the General Laws, shall be completed not later than
1907 January 1, 2023.

1908 SECTION 77. Not later than July 1, 2021, the police officer standards and accreditation
1909 committee shall develop the regulations required under section 4 of chapter 147A of the General
1910 Laws; provided, however, that nothing in this section shall prevent the provisions of said chapter
1911 147A from taking effect upon the effective date of this act.

1912 SECTION 78. Notwithstanding any general or special law to the contrary, the executive
1913 office of public safety and security shall promulgate regulations requiring police departments to
1914 participate in critical incident stress management and peer support programs to address police

1915 officer mental wellness and suicide prevention as well as critical incident stress and the effect on
1916 public safety. The programs shall be created internally within a department or departments may
1917 collaborate within a regional system. The programs shall include, but shall not be limited to,
1918 mental wellness and stress management pre-incident and post-incident education, peer support,
1919 availability and referral to professional resources and assistance. The secretary shall ensure that
1920 each officer is notified of the program during each 3-year certification cycle under this act.

1921 SECTION 79. Paragraph (3) of subsection (c) of section 2JJJJ of chapter 29 of the
1922 General Laws shall take effect for fiscal year 2022.

1923 SECTION 80. Section 52 shall take effect 1 year after the effective date of this act.