HOUSE DOCKET, NO. 1492 FILED ON: 1/15/2015

HOUSE . . . . . No. 2098

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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

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

An Act relative to the criminal justice training regarding autistic persons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Paul Brodeur	*32nd Middlesex*	*1/15/2015*
Marjorie C. Decker	*25th Middlesex*	*2/3/2015*
Marcos A. Devers	*16th Essex*	*2/3/2015*
Gloria L. Fox	*7th Suffolk*	*2/2/2015*
Kenneth I. Gordon	*21st Middlesex*	*2/1/2015*
Tom Sannicandro	*7th Middlesex*	*2/3/2015*
Chris Walsh	*6th Middlesex*	*2/4/2015*

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HOUSE . . . . . No. 2098

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2098) of Paul Brodeur and others for legislation to require training for police and correction officers interacting with persons with Autism Spectrum Disorder. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2125* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the criminal justice training regarding autistic persons.

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

SECTION 1. Section 116 of Chapter 6 of the General Laws, as appearing in the 2008 Official edition, is hereby amended by inserting the following section after Section 116E:—

Section 116F: (Subsection A) The municipal police training committee shall establish within the recruit basic training curriculum a course for regional and municipal police training schools on or before January first, two thousand and fifteen for the training of law enforcement officers and correction officers in the commonwealth in appropriate interactions with persons on the autism spectrum, and also shall develop guidelines for law enforcement response to individuals on the autism spectrum who are victims or witnesses to crime, or suspected or convicted of crime.

The course of instruction and the guidelines shall stress positive responses to such individuals, de-escalating potentially dangerous situations, understanding of the different manner in which such individuals process sensory stimuli and language, and appropriate methods of interrogation.

The training presenters shall always include autistic adults. Where appropriate, the training presenters shall also include experts on autism spectrum disorders who also have expertise in the law enforcement or corrections field.

As used in this section, “law enforcement officer” shall mean any officer of a local police department, capital and state police and any campus police officer of the University of Massachusetts and state universities who exercise police powers and “correction officer” shall mean any officer tasked with the custody, care, or transport of incarcerated or detained persons. As used in this section, “autism spectrum disorder” shall mean a disability on the autism spectrum, which includes but may not be limited to autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, nonverbal learning disorder, or Rhett's Syndrome, as defined in current and future versions of such professional guidelines as the Diagnostic and Statistical Manual of the American Psychiatric Association. As used in this section, “agency” shall mean the ability to make independent decisions and act in one’s own best interests.

(Subsection B) The course of basic training for law enforcement officers and correction officers shall, no later than January first, two thousand and thirteen, include at least eight hours of instruction in the procedures and techniques described below:

(aa) The nature and manifestations of autism spectrum disorders.

(bb) Appropriate techniques for interviewing or interrogating an individual on the autism spectrum, including techniques to ensure legality of statements made, and techniques to protect the rights of the interviewee.

(cc) Techniques for locating an individual on the autism spectrum who runs away and is in danger, and returning said individual while causing as little stress as possible to the individual.

(dd) Techniques for recognizing an autistic individual's agency while identifying potentially abusive or coercive situations.

(ee) The legal duties imposed on police officers to offer protection and assistance, including guidelines for making felony and misdemeanor arrests, and appropriate techniques for arrest and restraint on an autistic individual.

(ff) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both the law enforcement officer or correction officer and the autistic individual.

(gg) Techniques for differentiating between an individual on the autism spectrum from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an autistic individual.

(hh) Procedures to ensure the safety and wellbeing of autistic individuals in a correctional facility.

(ii) The impact of interaction with law enforcement officers or correction officers on autistic individuals.

(Subsection C) All law enforcement recruits shall receive the course of basic training for law enforcement officers, established in subsections (A) and (B), as part of their required certification process.

(Subsection D) The course of basic training for law enforcement officers shall be taught as part of the "crisis intervention and conflict resolution" and "people with special needs" components of the recruit academy training, so that there will not be an increase in the currently required four hundred and eighty hours of recruit training curriculum.

(Subsection E) All correction officer recruits shall receive the course of basic training for correction officers, established in Subsections (A) and (B), as part of their required certification process.

(Subsection F) The Commissioner of Corrections periodically may include within the in-service training curriculum a course of instruction on autistic persons consistent with the provisions of Subsection B(aa) through Subsection B(hh) of this act.

(Subsection G) The municipal police training committee periodically may include within its in-service training curriculum a course of instruction on autistic persons disorder consistent with the provisions of Subsection B(aa) through Subsection B(hh) of this act.