

HOUSE No. 1305

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

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 officer-involved deaths or injuries.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>

HOUSE No. 1305

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 1305) of Byron Rushing and others relative to officer-involved injury or death law enforcement protocol and incident reporting. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to officer-involved deaths or injuries.

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 12 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after section 33 the following section:-

3 Section 34.

4 (a) Definitions. The following terms, as used in this section, shall have the following
5 meanings unless the context requires otherwise:--

6 "Deadly weapon", a firearm or any object manifestly designed, made, or adapted for the
7 purpose of inflicting death or serious bodily injury; or any object that in the manner of its use is
8 capable of causing death or serious bodily injury.

9 "Law enforcement agency", a police department, regional law enforcement council, so-
10 called, or cooperative or other joint task force or other entity with employees duly and properly
11 authorized to enforce the laws of the Commonwealth.

12 “Law enforcement officer”, an employee or agent of a law enforcement agency.

13 "Officer-involved injury or death", an event during which a law enforcement officer
14 discharges a firearm as defined by section 121 of chapter 140 of the General Laws causing injury
15 or death to another; fires any portable device or weapon from which an electrical current,
16 impulse, wave or beam may be directed as described in section 131J of chapter 140 of the
17 General Laws causing injury or death to another; or engages in a physical altercation with a
18 member of the public who sustains serious bodily injury as a result.

19 “Serious bodily injury”, bodily injury which results in a permanent disfigurement,
20 protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

21 (b) Uniform Protocol. The office of the attorney general shall create a uniform protocol
22 for reporting by law enforcement agencies related to officer-involved injuries or deaths. The
23 uniform protocol shall require reporting of the following information regarding each incident:

24 (1) the reporting law enforcement agency;

25 (2) date of the reported incident;

26 (3) location of the reported incident;

27 (4) age, gender, race and ethnicity of each officer involved;

28 (5) the age, gender, and race or ethnicity of each injured or deceased person involved,
29 if known; and, if unknown, a description of the inquiry undertaken to ascertain that information;

30 (6) whether the person was injured or died as a result of the incident;

31 (7) a description of the injuries sustained by each injured person;

32 (8) whether and in what manner each injured or deceased person used, exhibited, or
33 possessed a deadly weapon during the incident;

34 (9) whether each injured or deceased person exhibited signs or symptoms of mental
35 illness or impairment at the time of the incident;

36 (10) whether each officer involved was on duty during the incident;

37 (11) whether each officer involved was in uniform during the incident;

38 (12) whether the incident occurred during or as a result of:

39 (A) an emergency call or request for assistance, and a description of the facts and
40 circumstances;

41 (B) the execution of a warrant or other enforcement action; or

42 (C) a hostage-taking, a barricade, or other emergency situation.

43 (c) Incident Reporting. Beginning at the start of the fiscal year following the effective
44 date of this act, each law enforcement agency within the commonwealth shall report to the
45 Attorney General information regarding all officer-involved injuries or deaths. Not later than 30
46 days after an officer-involved injury or death, the law enforcement agency employing the officer
47 involved in the incident shall complete and submit to the office of the attorney general a report
48 using the uniform protocol described in subsection (b); and, if the agency maintains a website,
49 post the report online. Not later than 5 days after receiving a report, the office of the attorney
50 general shall post the report on its website. If no officer-involved injuries or deaths have
51 occurred during any three-month period of January through March, April through June, July

52 through September and October through December, the agency shall submit a “no incident”
53 report to the office of the attorney general in a manner prescribed by that office.

54 (d) Reduction of Funding. A law enforcement agency that fails to comply with
55 subsection (c) shall be ineligible to apply for federal and other grant funds. The office of the
56 attorney general shall notify the Executive Office of Public Safety and Security concerning the
57 reasons for an agency’s ineligibility and shall afford the agency an opportunity prior to any such
58 notification to contest a finding that the agency is out of compliance. The office of the attorney
59 general shall notify the Executive Office of Public Safety promptly when an agency
60 demonstrates renewed compliance for a period of three consecutive months, and the agency’s
61 eligibility to apply for grant funding shall be restored.

62 (e) Study and Annual Report Required. The attorney general shall prepare an annual
63 report regarding all officer-involved injuries or deaths that occurred during the preceding fiscal
64 year. The report shall include:

- 65 (1) the total number of officer-involved injuries or deaths;
- 66 (2) the number of officer-involved injuries or deaths by law enforcement agency;
- 67 (3) the entirety of data reported using the uniform protocol described in subsection (b);
- 68 (4) any operational, policy, regulatory, or legislative recommendations to reduce the
69 number and seriousness of officer-involved injuries or deaths.

70 On or before September 30, the attorney general shall submit the report to the governor,
71 the secretary of public safety and security, the clerks of the house of representatives and the
72 senate, the joint committee on the judiciary, the joint committee on public safety and homeland

73 security, the commissioner of public health, the Municipal Police Training Committee, and the
74 Massachusetts Chiefs of Police Association, and shall post the report on the website of the
75 attorney general's office.

76 SECTION 2. Not later than 60 days after the effective date of this act, the office of the
77 attorney general shall create the reporting forms required under this act.

78 SECTION 3. On the effective date of this act, Section 2 of Chapter 170 of the Acts of
79 2004 shall be repealed.