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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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) directing a staff to perform its duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Municipal police training committee", the committee established in section 116.

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

"Police officer standards and accreditation committee", the committee established in section 221.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Frisk", a pat-down of a person's body to locate a weapon or contraband.

"Secretary", the secretary of public safety and security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 147A.

REGULATION OF PHYSICAL FORCE BY LAW ENFORCEMENT OFFICERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Facial recognition software", a category of biometric software that maps an individual's facial features mathematically and stores the date as a faceprint.

"Law enforcement agency", an agency with law enforcement officers, including county sheriff's departments or municipal, special district, hospital or institution of higher education police departments.

"Law enforcement officer", a sworn officer employed by a law enforcement agency to exercise police authority.

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

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

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

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

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

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

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

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

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

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

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

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

"Facial recognition", an automated or semi-automated process that assists in identifying an individual or capturing information about an individual based on the physical characteristics of the individual's face or that logs characteristics of an individual's face, head or body to infer emotion, associations, activities or the location of the individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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