HOUSE DOCKET, NO. 2128 FILED ON: 2/16/2021

HOUSE . . . . . No. 2531

The Commonwealth of Massachusetts

PRESENTED BY:

Paul F. Tucker and Kay Khan

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

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

An Act relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Paul F. Tucker	*7th Essex*	*2/16/2021*
Kay Khan	*11th Middlesex*	*2/18/2021*
Timothy R. Whelan	*1st Barnstable*	*2/23/2021*
Sean Garballey	*23rd Middlesex*	*2/26/2021*
Carlos González	*10th Hampden*	*2/26/2021*
William C. Galvin	*6th Norfolk*	*2/26/2021*
Orlando Ramos	*9th Hampden*	*2/26/2021*
Tram T. Nguyen	*18th Essex*	*3/5/2021*
Danillo A. Sena	*37th Middlesex*	*3/17/2021*
Gerard J. Cassidy	*9th Plymouth*	*3/29/2021*
James M. Murphy	*4th Norfolk*	*3/29/2021*
Tommy Vitolo	*15th Norfolk*	*3/29/2021*
Vanna Howard	*17th Middlesex*	*3/29/2021*
Mary S. Keefe	*15th Worcester*	*4/7/2021*
Michelle M. DuBois	*10th Plymouth*	*4/9/2021*
Carol A. Doherty	*3rd Bristol*	*4/13/2021*
Mindy Domb	*3rd Hampshire*	*4/14/2021*

David Paul Linsky	*5th Middlesex*	*4/14/2021*
Steven G. Xiarhos	*5th Barnstable*	*4/20/2021*
Steven Ultrino	*33rd Middlesex*	*4/20/2021*
Natalie M. Higgins	*4th Worcester*	*9/22/2021*

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By Representatives Tucker of Salem and Khan of Newton, a petition (accompanied by bill, House, No. 2531) of Paul F. Tucker, Kay Khan and others relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities.

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

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

Section 116I ½. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", the ability to make independent decisions and act in one's own best interests.

"Autism spectrum", a disorder or disability on the autism spectrum, including but not be limited to: autistic disorder, Asperger's disorder, pervasive developmental disorder - not otherwise specified, childhood disintegrative disorder, nonverbal learning disorder or Rhett's Syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association.

"Correction officer", any officer employed by a correctional facility who is tasked with the custody, care, or transport of incarcerated or detained persons.

"Correctional facility", as defined in section 1 of chapter 125.

"Intellectual and developmental disabilities", an intellectual or developmental disability, as defined in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association.

"Law enforcement agency", (i) a state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff's department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.

"Law enforcement officer" or "officer", any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer.

(b) The municipal police training committee shall establish an in-service training curriculum on or before January 1, 2022 for the training of law enforcement officers and

correction officers in appropriate interactions with persons on the autism spectrum and persons with other intellectual and developmental disabilities; provided, that this training shall not increase the currently required hours of in-service training. The municipal police training committee shall develop guidelines for law enforcement response to persons on the autism spectrum and persons with other intellectual and developmental disabilities who are victims or witnesses to crime, or suspected or convicted of crime. The course of instruction and the guidelines shall emphasize: (1) positive responses to persons on the autism spectrum and persons with other intellectual and developmental disabilities, (2) de-escalating potentially dangerous situations, (3) understanding of the different manner by which persons on the autism spectrum and persons with other intellectual and developmental disabilities process sensory stimuli and language and (4) appropriate methods of interrogation. The training shall address the best practices for interactions with the broad range of persons on the autism spectrum and persons with other intellectual and developmental disabilities, including those with intersecting marginalized identities.

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

(c) The in-service training for law enforcement officers and correction officers shall include not less than 2 hours of instruction in the procedures and techniques described below:

(1) The nature and manifestations of autism spectrum disorders and other intellectual and developmental disabilities.

(2) Appropriate techniques for interviewing or interrogating persons on the autism spectrum and persons with other intellectual and developmental disabilities, including techniques to ensure legality of statements made, and techniques to protect the rights of the interviewee.

(3) Techniques for locating persons on the autism spectrum and persons with other intellectual and developmental disabilities who runs away and are in danger, and returning the person while causing as little stress as possible to the person.

(4) The legal duties imposed on police officers to offer protection and assistance,

including guidelines for making felony and misdemeanor arrests, and appropriate techniques for arrest and restraint of persons on the autism spectrum and persons with other intellectual and developmental disabilities.

(5) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both: (i) law enforcement officers or correction officers and (ii) persons on the autism spectrum and persons with other intellectual and developmental disabilities.

(6) Techniques for differentiating between persons on the autism spectrum and persons with other intellectual and developmental disabilities from a person who is belligerent, uncooperative or otherwise displaying traits similar to the characteristics of a person on the autism spectrum and persons with other intellectual and developmental disabilities.

(7) Procedures to ensure the safety and wellbeing of persons on the autism spectrum and persons with other intellectual and developmental disabilities in a correctional facility.