

SENATE No. 1643

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to protect equality and equal protection by law enforcement departments in the Commonwealth.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 1643

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1643) of Bruce E. Tarr for legislation to protect equality and equal protection by law enforcement departments in the Commonwealth. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE [Refile Branch], NO. OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to protect equality and equal protection by law enforcement departments in the Commonwealth.

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

1 SECTION 1. Chapter 6 as appearing in the 2018 Official Edition is hereby amended by
2 inserting at the end of section 116 the following:- “Any certified and accredited law enforcement
3 school shall allow representatives appointed by the Massachusetts Commission against
4 Discrimination to attend and observe the delivery of standardized training at the centers for
5 recruit officer courses and in-service officers training”

6 SECTION 2. Chapter 31 as appearing in the 2018 Official Edition is hereby amended by
7 inserting after section 27 the following:-

8 “27A. In addition to the requirements prescribed in this chapter, any law enforcement
9 department established pursuant to the general laws shall take into consideration as part of hiring

10 and promotional decisions a candidate's record of interaction with the public, and any
11 documentation in the candidate's personnel record of instances associated with violations of a
12 person's civil rights and or equal protection under federal, state or local law, or abuse of force.
13 This section shall apply to all law enforcement departments established pursuant to the general
14 laws without regard to whether the department has been exempted from Chapter 31 of the
15 general laws.

16 SECTION 3. Chapter 41 as appearing in the 2018 Official Edition is hereby amended by
17 inserting after section 98G the following new section:- "98H. All law enforcement departments
18 established pursuant to the general laws shall develop and implement a policy and procedure for
19 the reporting by law enforcement personnel, of abuse by other law enforcement personnel
20 without fear of retaliation or actual retaliation."

21 SECTION 4. Said Chapter 41 is hereby further amended by inserting the following:-
22 "98I. All law enforcement departments established pursuant to the general laws shall designate at
23 least one officer to be responsible for compliance with constitutional provisions, laws and
24 regulations pertaining to equality and the protection of civil rights.

25 SECTION 5. Notwithstanding any general or special law to the contrary, any law
26 enforcement department established pursuant to the general laws seeking to utilize additional
27 training or policy for recruit officer courses and in-service officers training relative to the use of
28 force, in addition to the training at the training center licensed under section 96B of chapter 41
29 utilized by such department for the training of their personal shall approval by the Executive
30 Office of Public Safety and Security prior to implementing such training or policy.

31 SECTION 6. Notwithstanding any general or special law to the contrary, subject to
32 appropriation, the executive office of public safety and security shall establish and administer a
33 grant program to provide incentive grants to law enforcement departments for the training,
34 evaluation and counseling of members with regard to civil rights and equal protection under
35 federal, state and local law, and abuse of force.

36 SECTION 7. Notwithstanding any general or special law to the contrary, any entity in the
37 commonwealth offering an accreditation process for law enforcement departments shall include
38 in that process the evaluation and certification of policies regarding the protection of civil rights
39 and equal protection under the United States Constitution and the Massachusetts Constitution
40 and all federal, state, and local laws and regulations, and abuse of force.

41 Section 8. Notwithstanding any general or special law to the contrary, not less than every
42 5 years, the civil rights division of the office of the attorney general in consultation with the
43 executive office of public safety and security shall conduct a review of all policies in place in
44 law enforcement departments established pursuant to the general laws to protect civil right and
45 equal protection, and prevent abuse of force. Said review along with any recommendations for
46 legislation or remedial actions shall be submitted to the executive department and the clerks of
47 the house and senate.