



Police Reform Overview

Racial Justice

DECEMBER 1, 2020

Restrict use of force

- ✓ Bans training and use of chokeholds
- ✓ Require de-escalation before force
- ✓ Eliminate arrest or escape as reasons for deadly force;
- ✓ Prohibit firing at moving vehicle
- ✓ Regulatory authorization minor uses of force in non-arrest situations.
 - ✓ Necessary
 - ✓ Proportionate
 - ✓ Non-deadly
 - ✓ De-escalation

Restrict Use of Force

- ✓ Restrict use of crowd control tools to cases where people are threatened
 - ✓ Encourage prospective de-escalation planning
 - ✓ Require reporting and review
- ✓ Ban no-knock warrants for evidentiary preservation
 - ✓ Allow only for safety
 - ✓ Not if any reason to believe kids or seniors present
 - ✓ Only issue by judge
- ✓ Duty to intervene and/or report
- ✓ Create commission on force rules in corrections

- Not within EOPPS
- Acts by majority vote
- Full staff and powers
- Strong executive dir. – manager, not from law enforcement

Committee on Police Training and Certification (MPTC successor – members mostly police)

Police Standards and Training Commission
 3 police (Chief, Rank&File, MAMLEO) 6 civilians with no prior law enforcement (including nominees from MCAD, NASW, MBA civil rights section)

Any state or federal criminal prosecutor

Refer

Certify and decertify officers and agencies.

Agencies

- Training
- Background checking
- Certification
- Database of all officers

Division of Police Training and Certification
 (defines standards; keep database)

Govern

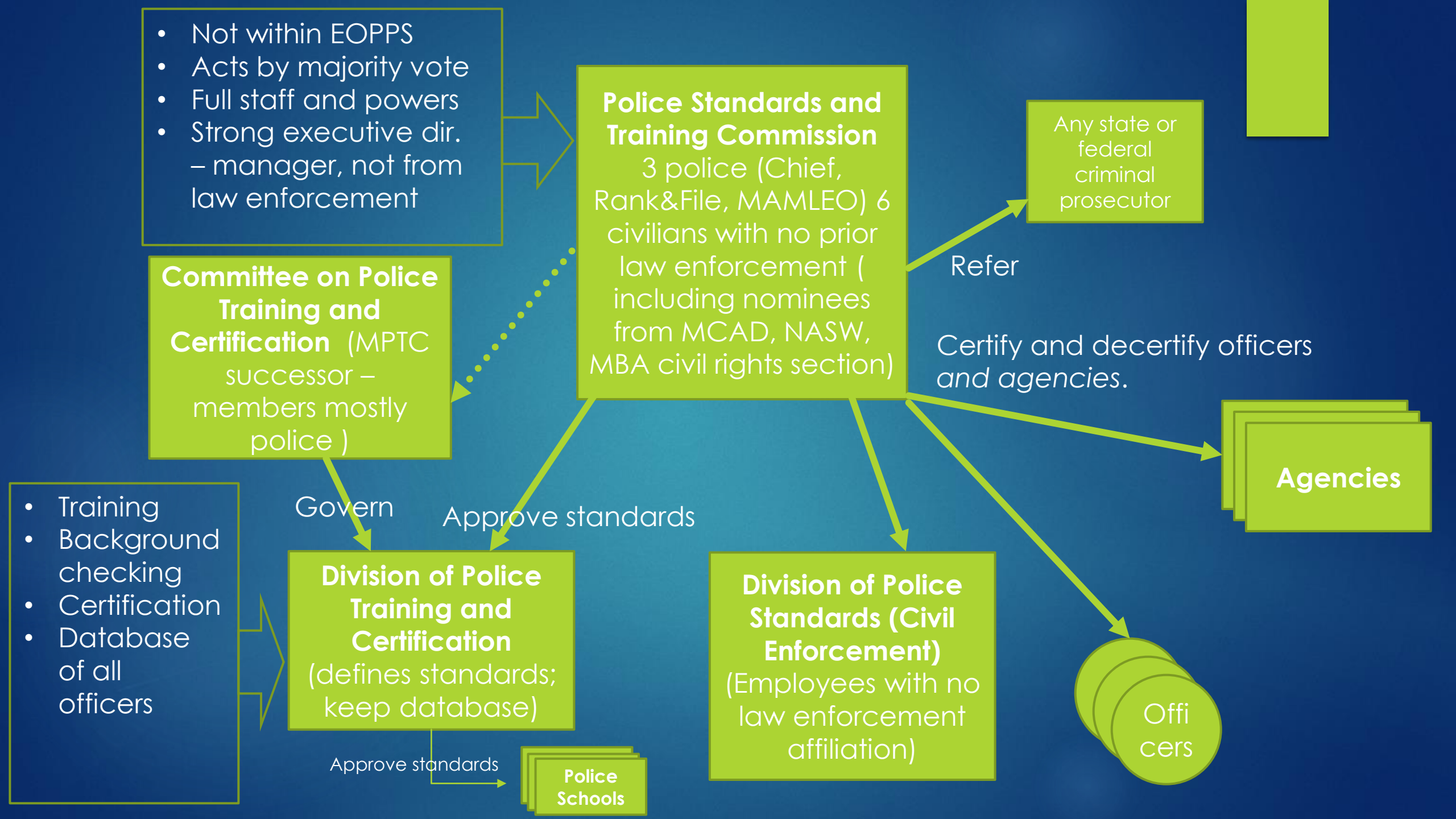
Approve standards

Approve standards

Police Schools

Division of Police Standards (Civil Enforcement)
 (Employees with no law enforcement affiliation)

Officers



Peace Officer Standards and Training Commission

- ✓ Fully independent authority with executive powers
- ✓ Civilian majority controlled (6-3)
- ✓ Approves certification standards and training developed by CPTC
- ✓ Receives all misconduct complaints from any source (direct and indirect)
- ✓ Authorized to investigate any complaint
- ✓ Subpoena and audit powers and authority to employ investigative staff
- ✓ Scope includes all law enforcement including state police (but not corrections)

POST – powerful but procedurally fair

- ✓ Tracks all complaints and local investigations; can receive complaints directly.
- ✓ May investigate on evidence it deems sufficient and must investigate most serious cases. Preliminary invest is confidential, but may refer.
Authority to suspend certification after preliminary investigation
- ✓ (preponderance of the evidence); employment consequences of preliminary suspension subject to bargaining and civil service.
- ✓ Final decertification or suspension goes forward after agency action (or one year) plus, upon request, one year for appeals of agency action
 - ✓ Likely suspended already
 - ✓ Indefinite delay to resolve criminal charges
- ✓ Decertify or suspend after finding of serious violations
 - ✓ Clear and convincing evidence
 - ✓ Majority vote
- ✓ No civil service appeal of either decertification or termination due to decertification. No employment of decertified officers.

POST – powerful but procedurally fair

- ✓ Public disclosure database of all final decertifications, suspensions, retraining orders
- ✓ Additional public database to be developed by regulation with consideration for officer safety
- ✓ Law enforcement misconduct investigation materials not exempted from public records (once complete)
- ✓ No law enforcement or correctional employment of decertified officers
- ✓ Participation in national decertification index
- ✓ Mandate to track all complaints in own database monitor patterns
- ✓ Authority to audit complaint handling of law enforcement agencies

State police reform

- ✓ Allow Governor to select colonel from outside
- ✓ Create state police cadet program as alternative pathway to employment
- ✓ Redefine state police promotion process – eligibility formulae
- ✓ Strengthen colonel's hand in applying discipline
- ✓ Place training under control of Committee on Police Training and Certification
- ✓ Additional provisions tracking Governor's bill as modified by committee

Court enforcement of police misconduct

- ✓ Revise qualified immunity defense
- ✓ Prohibit NDAs in police misconduct settlement (“unless the complainant requests such provision in writing”)
- ✓ Treble damages for overtime fraud (new criminal offense)
- ✓ Criminal penalties for sex with people in custody
- ✓ Allow Attorney General to bring pattern and practice cases

School to prison pipeline

- ✓ Make school resource officers optional at choice of superintendent
- ✓ Strengthen MOU between SRO and school by setting up a model MOU review commission to create a template
- ✓ Prohibit school departments from sharing student information with police unless its germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report
- ✓ Specialized training and certification for School Resource Officers

Reducing burden of policing on people of color

- ✓ Ban racial profiling; allow lawsuit by AG for injunction to enforce
- ✓ Broaden interpretation of youth expungement – up to two incidents, with multiple charges on same day considered one incident.

Reducing burden of police on communities

- ✓ Prohibition on public agency use of biometric surveillance, except RMV data used for licensing or accessed with
- ✓ warrant
- ✓ Expand mental health diversions
 - ✓ Expand mandate of the Center for Police Training in Crisis Intervention
 - ✓ Study to develop new evidence-based crisis response models
 - ✓ Emergency hospitalization commission

Commissions and training mandates

Permanent Commissions

- ✓ Create African-American Commission
- ✓ Latinx Commission
- ✓ Commission on status of persons with disabilities
- ✓ Commission on Black men and boys

Temporary Commissions

- ✓ Civil service commission to examine all aspects of hiring, promotion, etc.
- ✓ Commission on structural racism (x3 – probation, parole, corrections)
- ✓ Body camera taskforce
- ✓ Use of force in corrections
- ✓ MassDOT use of facial recognition
- ✓ Statewide law enforcement cadet program
- ✓ Qualified immunity

Many new training mandates