

An Act Relative to Saving Black Lives and Transforming Public Safety
Bill summary
Rep.Liz Miranda and Sen. Cindy Creem
HD5128 and SD2968
June 2020

Section 1. Records of Police Misconduct

Updates existing law to ensure that police misconduct investigations and their outcomes are public records. Under current law, some investigatory materials are public but the final outcome is not.

Section 2: AG Oversight, Data Collection and Reporting

Creates new, comprehensive data collection and reporting requirements on officer-involved injuries and deaths and requires the AG to investigate.

Key elements:

- Directs AG to create a uniform reporting protocol for collecting detailed reports of officer involved injuries and deaths
- Directs AG to publish data and reports
- Requires AG to investigate uses of force in all incidents that result in emergency medical care, hospitalization, or death
- Makes law enforcement agencies that do not comply ineligible for certain grants and other funding

Sections 3 and 4. DPH reporting

Explicitly recognizes that officer-involved injuries and deaths are dangerous to the public health. Directs DPH to promulgate regulations to create a mechanism for physicians and health care providers to report officer-involved injuries and deaths.

Section 5: Use of Force limits and standards; Duty to Intervene; Law Enforcement Agency Required Policies.

Key elements – Use of Force

- Creates an individual right against an unnecessary use of force
- Applies to all law enforcement, campus police, and correctional officers in Massachusetts
- Prohibits the use of choke holds, tear gas and other chemical weapons, rubber bullets, attack dogs. Use of these tactics will result in the officer being

decommissioned, fired, and prohibited from future employment as an officer in Massachusetts

- Requires officers to attempt to de-escalate before using or increasing force
- Requires officers to exhaust all alternatives before using or increasing force
- Limits the use of force to that which is necessary and proportionate
- Allows the use of deadly force only as a last resort if there is a real and imminent threat to an identifiable person's life
- Makes clear that unnecessary use of force will result in discipline or firing in all cases and possible liability. An unnecessary use of force that causes serious bodily injury or death will result in decommissioning, firing, and disqualification from being hired by another law enforcement agency in the state and possible liability

Key elements – Duty to Intervene

- Creates an affirmative duty for any officer present to intervene if he or she observes another officer using unnecessary force
- Requires any officer who witnesses an unnecessary use of force to report it to his or her supervisor
- Creates an individual right to have an officer intervene when another officer is using unnecessary force. Allows any officer who should have intervened but didn't to be disciplined and held jointly liable for any injury or death caused by the other officer

Key elements – Policies

- Requires all law enforcement agencies to adopt and publicly post policies on use of force w/in 90 days of the law taking effect

Section 6. Eliminating no-knock warrants

Requires police executing warrants to knock and announce before entering a home. Suppresses any evidence seized or obtained in violation of the knock and announce requirement.

Section 7, housekeeping provision repeals an existing, narrower reporting requirement that is encompassed in Section 2 above.

Section 8. Requires AG to create reporting forms within 60 days of enactment.

Section 9. Requires law enforcement agencies to start reporting officer-involved injuries and deaths within 90 days of enactment.

Section 10. Requires law enforcement agencies to adopt and publicly post use of force policies as required by section 5 above within 90 days of enactment.