

## **The Reform, Shift + Build Act**

*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 ([S.2800](#))*

In direct response to community calls for tighter police accountability, reprioritization of public safety dollars, and banning aggressive police tactics, the Senate's Reform, Shift + Build Act includes reforms on all these fronts (and more).

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### ***Use of Force***

- ✓ Limits no-knock warrants to cases where not knocking would endanger lives, and increases the level of oversight needed to get a no-knock warrant to require sign-off by a judge.
- ✓ Requires the use of de-escalation tactics before the use of any physical or deadly force.
- ✓ Creates a duty to intervene for officers who witness abuse of force and requires the witnessing officer to report such abuse to supervisors by the end of their shift.
- ✓ Restricts use of deadly force to ONLY situations where it is necessary to prevent imminent death or serious physical injury to another. Preventing escape is no longer an acceptable reason for deadly force.
- ✓ Bans choke holds even beyond the above conditions.
- ✓ Significantly increases the strictures on police use of aggressive crowd control tactics like tear gas, rubber bullets, and dogs. Police departments may not use aggressive crowd control tactics unless ALL of these conditions apply:
  - De-escalation tactics have been tried and have failed, or were not feasible (see below for accountability to this standard).
  - There is a threat of imminent harm to people (not just property).
  - The harm likely to be inflicted by the crowd control tactic is proportionate to the imminent harm that will occur if nothing is done.
  - And if such tactics are used, the use of this weapon must be reported to the POSAC (see below), along with detail on de-escalation tactics employed in advance of the event and during the event. The POSAC is charged with making a determination as to whether the use of force was justified.
- ✓ Prohibits "qualified immunity" from being used to defend civil rights abuses that no reasonable person would believe to be legal.

### ***Community Reinvestment***

- ✓ Establishes the Justice Reinvestment Workforce Development Fund, controlled by impacted-community members and community development professionals. Requires the calculation and publication of savings accrued to the state each year due to reductions in jail and prison populations and requires part of those savings, up to \$10 million a year, be directed into the fund. The fund will make competitive grants to drive economic opportunities in communities most impacted by excessive policing and mass incarceration. The fund will also receive damages from police overtime fraud cases.
- ✓ Ends the requirement that school districts have police officers in school. Allows superintendents to put those resources into social/emotional, wrap-around, or other academic services instead.
- ✓ Expands development of community based non-police solutions to crisis response and jail diversion by researching evidence-based intervention models.
- ✓ Creates a standing African American Commission, which is designed to provide policy analysis and advocacy to the legislature and governmental agencies, and do the long-term work of advancing equity for the Commonwealth's Black community. Moreover, the commission shall receive settlement funds payable to the commonwealth related to matters involving racial discrimination or other bias toward African Americans in order to fund its work.

## ***Accountability & Community Oversight***

- ✓ Establishes the Police Officer Standards and Accreditation Committee (POSAC), an independent state entity comprised a majority of non-law-enforcement members—community representatives and civil rights advocates—in addition to law enforcement professionals, to standardize the certification, training, and decertification of police officers.
  - POSAC has independent authority to investigate complaints of police misconduct, including subpoena power.
  - Several offenses, including failure to intervene, require automatic decertification.
  - Decertifications are for life. Cannot work as a police officer anywhere else in MA.
  - Results of substantiated complaints are available in a publicly searchable database.
- ✓ Bans racial profiling by law enforcement. Requires data collection on all stops, frisks, and searches to track, manage, and allow for public scrutiny of patterns. Requires intervention when evidence demonstrates profiling.
- ✓ Requires that Department of Corrections spending—and prospective budgets—shall be disaggregated and publicly available, to enable community scrutiny and advocacy about priorities.
- ✓ Promotes demilitarization by mandating that all law enforcement agencies get permission from their local legislative or civilian authority to apply for grants of military equipment.
- ✓ Establishes a Body Camera Task Force to develop rules and regulations on body cameras.
- ✓ Revokes the certification of an officer found in violation of the use of force laws established by this bill, and other listed actions, such as involvement in hate crimes, false arrest, and witness intimidation.
- ✓ Prohibits non-disclosure agreements in settlements over police misconduct.
- ✓ Forms a separate commission to recommend a parallel certification, training, and decertification (and Use of Force) framework for correctional officers.
- ✓ Creates a commission to investigate structural racism throughout the criminal justice system and make recommendations for policies and programming to address racial inequalities and trauma (including through increased access to restorative justice, educational programming, health care, language supports, anti-racism training, and more)

## ***Safer Schools and Opportunities for Youth***

- ✓ Helps dismantle the school-to-prison pipeline by ending the requirement that school districts employ school police officers.
- ✓ Expands access to record expungement for young people.
- ✓ Prohibits schools from sharing sensitive student information with law enforcement.

## ***Training & Diversity of Police***

- ✓ Mandates increased training on the history of systemic racism, responding to mental health emergencies, de-escalation, and use of force rules.
- ✓ Reworks the community policing and behavioral health advisory council to focus more on training and collaboration between police and mental health professionals.
- ✓ Creates a State Police cadet program in order to increase diversity of law enforcement.