



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

### CHAIR

Margaret R. Hinkle

### COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Larry E. Ellison

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

### EXECUTIVE DIRECTOR

Enrique A. Zuniga

January 18, 2024

In accordance with [Sections 18-25 of Chapter 30A of the Massachusetts General Laws](#), and [Chapter 20 of the Acts of 2021](#), as amended by [Chapter 22 of the Acts of 2022](#), by [Chapter 107 of the Acts of 2022](#), and by [Chapter 2 of the Acts of 2023](#), notice is hereby given of a meeting of the Peace Officer Standards and Training Commission. The meeting will take place as noted below.

### NOTICE OF MEETING AND AGENDA

**Public Meeting #46**

**January 23, 2024**

**8:30 a.m.**

**Remote Participation via [Zoom](#)**

**Meeting ID: 998 3308 5567**

- 1) Call to Order
- 2) Approval of minutes
  - a. November 16, 2023
  - b. December 19, 2023
- 3) Executive Director Report – Enrique Zuniga
  - a. Complaint Portal Update
  - b. Finance & Administrative Update
- 4) Division of Standards Report – Matthew Landry
- 5) Performance Evaluation of the Executive Director
- 6) Matters not anticipated by the Chair at the time of posting
- 7) Executive Session in accordance with the following:

## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- M.G.L. c. 30A, § 21(a)(1), in anticipation of discussion regarding “the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, . . . or individual”;
  - M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct;
  - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; and
  - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, §§ 22(f) and (g), in anticipation of discussion and approval of the minutes of prior Executive Sessions.
- a. Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
- i) PI-2024-001
  - ii) PI-2024-002
  - iii) PI-2024-003
- b. Reports of Preliminary Inquiry in the following cases:
- i) PI-2023-06-15-001
  - ii) PI-2022-12-13-003
  - iii) PI-2023-05-11-002
  - iv) PI-2023-04-13-004
- c. Approval of the minutes of the Executive Sessions of December 19, 2023

2a.



# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

---

## MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION PUBLIC MEETING MINUTES

November 16, 2023

8:30 a.m.

### **Documents Distributed in Advance of Meeting**

- Certificate of Appreciation for Clementina M. Chéry
- Executive Director Report Presentation
- School Resource Officer Certification Form and Attestation Form
- Proposed Policy on Removal of Certain Information from the Commission's Public Database
- Maintaining, Reporting, and Auditing of Law Enforcement Records and Information Presentation of May 2023

### **In Attendance**

- Commission Chair Margaret R. Hinkle
- Commissioner Lester Baker
- Commissioner Hanya H. Bluestone
- Commissioner Lawrence Calderone
- Commissioner Larry Ellison
- Commissioner Deborah Hall
- Commissioner Marsha V. Kazarosian
- Commissioner Charlene D. Luma
- Commissioner Clyde Talley

### **1. Call to Order**

- At 8:34 a.m., Chair Hinkle welcomed the public to the Commission's forty-fourth meeting and called the meeting to order.
- Chair Hinkle took the attendance of the Commissioners. They reported as follows:
  - Commissioner Baker – Present
  - Commissioner Bluestone – Present
  - Commissioner Calderone – Present
  - Commissioner Ellison – Present
  - Commissioner Hall – Present
  - Commissioner Kazarosian – Present
  - Commissioner Luma – Present

- Commissioner Talley – Present

## **2. Certificate of Appreciation for Former Commissioner Clementina M. Chéry**

- Executive Director Enrique A. Zuniga explained that former Commissioner Chéry left the Commission for personal reasons a couple of months ago, and there was no chance to recognize her contributions and acknowledge people’s sadness to see her go. He expressed confidence that she will remain committed to her advising and advocacy work.
- He also read a certificate of appreciation for her, thanked her, and indicated that her comments on the Commission went very far.
- The Chair said she echoes the laudatory comments, she expressed her gratitude, and she wished Ms. Chéry well.
- Commissioner Ellison stated that he knew Ms. Chéry before she joined the Commission, and he was extremely happy to have her aboard because of her advocacy in the community. He also thanked her for her work inside and outside the Commission.
- Commissioner Luma said she echoes those comments. She touted Ms. Chéry’s advocacy and commitment to doing what is right in working for the Commission and for community members. She added that Ms. Chéry has long taught others of the importance to survivors of making voices heard, and that Ms. Chéry is well respected and will be missed.
- Commissioner Bluestone stated that Ms. Chéry’s warmth when the Commissioners were sworn in made her feel very comfortable, and that she has appreciated Ms. Chéry’s calm and measured tone and will miss her valuable perspective.
- Former Commissioner Chéry discussed: her gratitude; the feeling of belonging she had on the Commission; how much she learned; her efforts to contribute and bring information back to the community; her interest in remaining available and in touch; the fact that she will miss being on the Commission; and her gladness that Commissioner Hall agreed to succeed her. She further observed that the word “Peace” in the Commission’s name speaks volumes and represents a commitment to making peace a part of our culture and not an afterthought.
- The Chair thanked Ms. Chéry, calling her words lovely.

## **3. Executive Director Report – Executive Director Enrique A. Zuniga**

- Executive Director Zuniga offered a slide presentation.
  - a. School Resource Officer Certification**
  - The Executive Director provided an update on school resource officer (SRO) certification. He provided an overview of the relevant statutory and regulatory requirements and processes. He then explained as follows.
    - The Division of Police Certification, the Legal team, and the Municipal Police Training Committee (MPTC) have worked on the matter over the past few months.
    - The MPTC provides SRO training twice per year, and SRO certification began in October.
    - There are approximately 427 individuals who have completed the required training, 89 who are certified, 56 agencies with at least one certified SRO, and at least 20 departments with more than one SRO.
    - The expiration date of such certification has been made to coincide with the

expiration of the officer certification, but it will then be valid for three years.

- SRO certifications have been published in the Commission's monthly reports.
- Commissioner Ellison expressed an interest in further discussing the SRO situation in Boston, in which there is no memorandum of understanding (MOU). He asked whether a person is an SRO if there is no MOU in the municipality.
- The Executive Director responded that an MOU is a precondition for an SRO to operate in a school, though that matter is distinct from certification, which is mainly based on the application, certain additional information, and the completion of specialized training.
- At the Executive Director's invitation, General Counsel Randall E. Ravitz stated that was correct. He added that, under the regulations, if an SRO lacks a sufficient MOU, and that matter is brought to the Commission's attention, it can look into the matter and restrict the certification. He noted that the foregoing only applies if one fits within the definition of an SRO, which involves having certain responsibilities and not, for example, going into schools to respond to emergencies or to present to classes on isolated occasions.
- Commissioner Ellison described his own circumstances and suggested there is a gap in circumstances where there is an officer with SRO training but no MOU.
- The General Counsel replied that the matter would only become an issue for the Commission if one meets all the SRO criteria but is serving without an MOU, and it is hard to see how an issue would arise in a district that did not elect to have SROs.
- Commissioner Ellison, the Executive Director, and the General Counsel expressed an interest in speaking more.
- Commissioner Baker stated that his town has SROs and MOUs, but detectives who are not certified as SROs will respond to a situation in a school if necessary.
- The Executive Director noted that early concerns on the subject were raised when the Commission held a hearing on its regulations.

#### **b. Disciplinary Records Update**

- The Executive Director provided an update on disciplinary records, stating as follows.
  - The Commission has cleaned up and reconciled an additional 946 disciplinary records, which translates into 1,330 allegations. It anticipates sending records to agency heads by the month's end and for final verification by December's end before it publishes them. The Commission also expects to issue an update of previously released data within the next couple of weeks.

#### **c. Future Certification Policy Matters**

- The Executive Director addressed future certification policy matters, stating as follows.
  - The Division of Police Certification began certifying new academy graduates in December 2021, and they will need to be recertified in 2024.
  - The largest group of individuals, those with names beginning with A through H, will need to be recertified by July 1, 2025. The certification of an estimated 10,000 individuals will expire that year.
  - It should not be assumed that the second round will be identical to the initial round. There are things that do not need to be verified twice. The Commission needs to start planning and modifying the regulations.
  - The Commission has broad discretion regarding the procedures. For example, it

can concentrate on exceptions and changes or deploy a different questionnaire and ask chiefs to administer a different oral interview. And there would need to be changes to the technology platform.

- Another area is certifying agencies, pursuant to M.G.L. c. 6E, § 5, which lists broad topics. Most departments assumedly would have some existing procedures and best practices in each of these areas, but the Commission will have to conceive and implement procedures to corroborate adherence to such standards, or it may establish and/or require agencies to adopt model policies. The Commission has researched what is done in other states, and it could deploy procedures in areas close to those in which it has already developed procedures.
  - A third area is the psychological and physical evaluation required by Chapter 6E. The Commission previously examined whether such evaluations took place at any point in the officer's career, but a statutory provision requires the Commission to determine whether an individual continues to satisfy the requirements. That raises the broad topic of officer wellness, which agencies throughout the country spend a fair amount of time and effort trying to address.
  - The International Association of Chiefs of Police has added a second annual conference focused exclusively on officer health and wellness.
  - Given the breadth of the mandate and size of the undertakings, the way to go would be on an incremental or an ongoing basis.
  - He recommends that the Commission consider forming a subcommittee that could include one or more Commissioners, and it could solicit and include direct input from other stakeholders, such as the MPTC, the Mass. Chiefs of Police, and large city chiefs. Any subcommittee would be subject to the open meeting law and would be staffed with respect to posting agendas, facilitating the discussion and presentations, inviting speakers, and maintaining minutes. He wanted to introduce the idea and get a sense from Commissioners if they are in general support of it.
- Commissioner Ellison asked how the certification of new hires named A through H would be handled.
  - The Executive Director responded that there is a new class of academy graduates every month or so, and they are certified for three years. He explained that the A through H group will get smaller over time, but in the short term they are a large group, and there will need to be a technological tool and modifications to the regulations.
  - Commissioner Ellison confirmed that the certification of those named A through H would depend on when they started and would last for three years.
  - The Executive Director stated that was correct, adding that academy graduates have been certified since December 1, 2021 and steadily each month.
  - Chair Hinkle thanked the Executive Director for an excellent presentation and asked him to explain to members of the public how they can communicate questions or comments.
  - The Executive Director stated that they can call or email [POSTCComments@mass.gov](mailto:POSTCComments@mass.gov). He added that information is on the Commission website, that it continues to get feedback from the law enforcement community, that all of it is considered valuable, that issues are discussed in monthly meetings with the MPTC, and that they will be major players because the Commission is directed to collaborate with them and will do so efficiently.

- Commissioner Bluestone spoke of the importance of officer wellness, noting that there are difficulties in collecting information because there are many different programs, and that there is new information about other states. She added that there is evidence that telehealth programming has been effective, but a lack of outcome research related to programs in place. She expressed hope that the Commission would consider how to determine if programs are effective through outcome data and not simply fund popular programs. She concluded by expressing support for a subcommittee that would focus on that topic and bring to the table different people who can share information needed to make good decisions.
- Chair Hinkle thanked the Executive Director and those who worked with him on the matters addressed.

#### **4. Legal Update – General Counsel Randall E. Ravitz**

##### **a. Process for Relinquishing Certification or Removing Information from the Public Database**

- The General Counsel offered a slide presentation on a proposed policy regarding the removal of certain information from the public database. He stated as follows.
  - The Commission’s database regulations essentially provide that officers who are no longer serving will see their information removed from the Commission’s public database at the end of their certification period. But that prompted questions about whether officers can have their information removed earlier if they relinquish their certification. At the last Commission meeting, there was a draft policy that would have allowed for the relinquishment of certification in return for the Commission’s removing information from the database, with a qualification stating that the person could still face disciplinary action if the Commission discovered evidence of misconduct in service. That raised other questions and complications. So, the revised policy just focuses on a process for former or departing officers to obtain a removal of information from the public database, leaving the subject of relinquishment to be addressed when presented in the future.
  - In the revised policy:
    - Section A provides definitions.
    - Sections B and C provide for the executive director to develop an application form and allow an officer to use it to request a removal of information from the database.
    - Section D states that an application form shall inform the applicant of certain requirements, that the Commission could invite public comments, and that the provision of inaccurate information could constitute grounds for discipline.
    - Section E provides that the applicant would be given an opportunity to withdraw the application if there are any conditions that the Commission would attach. The Commission was being asked to approve a version of that provision with certain words added. It further provides for the form to state that information removed from the public database still would be included in the Commission’s internal databases, could be made available to those with special access, could be provided in response to other legal



requests, and could be disseminated by a vote of the Commissioners.

- Section F provides that the Executive Director or a designee will circulate the application to the Commission's divisions, will review certain information, and could invite public comments. If the application is sufficient, the Executive Director would ask the Commission to vote on whether to allow it, and whether to attach any conditions upon giving the applicant notice of them and an opportunity to withdraw.
- Section G states that the Commissioners reserve the ability to rescind or amend the policy.
- The Chair invited a motion to approve the policy.
- Commissioner Bluestone so moved.
- Commissioner Luma seconded the motion.
- The Commissioners voted on the motion as follows:
  - Commissioner Baker – Yes
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Ellison – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – Yes
- The motion passed unanimously.

**b. Officer Physical and Psychological Fitness**

- Deputy General Counsel LaRonica K. Lightfoot invited Paralegal and Hearings Administrator Elizabeth B. Smith to provide an overview of work done by her and Commission interns on physical and psychological examinations of officers. She invited questions and comments from Commissioners, stakeholders, and community members.
- Paralegal Smith offered a slide presentation on a proposed plan to establish physical and psychological fitness standards for officers. Paralegal Smith:
  - Provided an overview of the statutory authority for establishing such standards.
  - Identified the goals of establishing a process for evaluating fitness, defining standards, ensuring results are non-punitive, making testing fair and accessible, and offering opportunities for retesting.
  - Thanked summer interns Benjamin Alpert, Jason Lee, and Nicholas Santiago for collecting research on other jurisdictions.
  - She explained that the effort is currently in the initial planning stage, information is being analyzed, and there is much variation between states. She added that the hope is to create opportunities for engagement with Commission members, stakeholders, other agencies, and the public to create a project plan. She further expressed a desire for input from interested people.
- Commissioner Ellison expressed an interest in seeing the data and knowing who would be conducting psychological evaluations. He also suggested that officers be given an opportunity to meet the standard, noting that State Police members are contractually given an hour during their work period for physically working out.
- Paralegal Smith stated that former officers mentioned the State Police allowance and she

recognized the importance of giving officers a fair opportunity for testing, retesting, and meeting standards.

- She then provided a non-exhaustive list of identified stakeholders, expressed interest in taking advantage of the Commission's valuable expertise, noted that all matters would be brought to the Commission for consideration and discussion at general body meetings, and indicated that research on best practices is continuing. She emphasized that the project is collaborative, feedback from the Commission personnel and the public are invited, the standards are not meant to punish officers, and the intent is to work with officers to establish fair and reasonable standards.
- In a set of comments, Commissioner Ellison asked if there was consideration of HIPAA issues that may arise from asking about people's physical health, and he inquired about any differences between pre-employment and post-employment restrictions.
- Paralegal Smith said the HIPAA issue was being examined. She noted that there are other states with physical fitness standards that work with licensed medical professionals and make sure they are HIPAA-compliant, and deference would be given to medical professionals.
- The Executive Director noted that there were early conversations about the matter when the certification process was initially being developed. He added that model policies could provide a way to incentivize health and wellness non-punitively, noting that there are challenges not exclusive to Massachusetts and a need to devise a plan.
- Commissioner Calderone thanked Paralegal Smith for reaching out and giving attention to issues of officer physical and mental health and wellbeing, noting their importance. He stated that the conversation will be long and made reference to collective bargaining aspects.
- Commissioner Bluestone also expressed appreciation for Paralegal Smith's work on the matter. She noted that a reason for variability across states with respect to psychological evaluations is that states may have differing professional standards for those who are able to administer them. In Massachusetts, they are administered by psychologists. A goal is to develop consistency about who administers them and to consider peer review. She suggested the Commission consider having different standards for different points in an officer's career.
- Commissioner Baker stated that his agency also offers an hour to work out during shifts, he thinks it is a great idea, "We need to take care of those that take care of us," and there must be adequate funding for departments large and small. He further noted the need for consistency and to maintain anything that has been started, noting that there is a physical fitness law on the books that is not being adhered to.
- Commissioner Luma echoed the expression of gratitude for the attention given to this important subject. She added that the Commission should be mindful that there are probably officers pursuing wellness privately, and that there must be a balance between respecting privacy and the necessary level of psychological fitness to do the job, noting the complexity of the issue.
- Chair Hinkle thanked Deputy General Counsel Lightfoot, Paralegal Smith, and others who have worked with them, and she thanked the Commissioners for their comments and questions, expressing confidence that they would be taken into consideration.
- Deputy General Counsel Lightfoot then invited Paralegal and Records Access Officer Kerri Johnson to give a presentation concerning another area of officer wellness.

- Paralegal Johnson reported as follows.
  - She has been working with team members on an initiative to provide support to individuals who have suffered traumatic events in order to minimize distress and offer direction on obtaining assistance, whether those individuals are officers, minors, part of marginalized groups, or other members of the public.
  - There have been many conversations and meetings with team members who have victim awareness backgrounds and those who have served in law enforcement, and there seems to be a general agreement that promoting awareness and assistance is a worthy goal and within the Commission's authority.
  - The Commission has expressed sympathy and offered different perspectives, with Commissioner Chéry being a strong voice who should be thanked and recognized.
  - The hope is to continue collaboration with divisions, agencies, psychologists, victim liaisons, and officers, and to heighten awareness and direct people to information and services.
- Commissioner Luma thanked Paralegal Johnson for reaching out and highlighting the issue, noting its importance.
- Commissioner Ellison expressed an appreciation for the attention to the matter, a willingness to volunteer his time, and an interest in officers not seeing such steps as punitive.
- The General Counsel expressed gratitude for great presentations on important issues and the excellent work of those who presented.

**c. Update on Maintaining, Reporting, and Auditing Law Enforcement Records**

- The General Counsel offered a slide presentation on maintaining, reporting, and auditing of law enforcement records and information.
- He stated that the presentation was a follow-up to one given earlier in the year. He then provided an overview of the Commission's statutory mandate and authority with respect to the areas addressed, discussing M.G.L. c. 6E, §§ 3(a), 4, 8, and 16.
- The General Counsel continued by stating as follows.
  - Another impetus for developing regulations is the Commission's own experience in receiving certification information, historical disciplinary records, and reports of new complaints and investigations.
  - The Commission has found that there are differences in agency recordkeeping practices, people have complained of errors, and there is a benefit to standardized terminology.
  - There is also information that would be helpful for the Commission to obtain, to the extent it must be included in its databases, it must be reported, or the statute expressly or implicitly requires prompt action.
  - It will also benefit agencies and the Commission to streamline communications through agency liaisons and dedicated email addresses.
  - Further, the work and approaches of certain officers and agencies are deserving of recognition and should be replicated.
  - The drafting process has been consistent with the presentation delivered in May 2023 and has taken into account thoughts from inside and outside the Commission as well as sources and best practices on auditing of government and law enforcement records.
  - The draft being developed is not limited to the subjects referenced in M.G.L. c.

6E, § 8(d), in light of other statutory provisions; it is not intended to address every form of recordkeeping; it gives particular attention to certain areas, such as those that are identified in § 8(d), that are featured prominently in c. 6E, that the Commission must maintain or report, and that are related to agency interactions with the Commission.

- The draft auditing provisions would allow flexibility for the Division of Police Standards and authorize it to take certain steps and examine certain areas. They would also provide for examinations of not only recordkeeping and reporting, but also whether agencies are compliant with other legal requirements and how they handle matters—that is, through performance auditing. The Division could also provide recommendations and create action plans, working cooperatively with the audited agency.
- At the same time, the regulations would put agencies on notice of what auditors may look for and how they may proceed. But they focus on things that belong in regulations, and do not necessarily provide a step-by-step guide to auditing, which could be developed separately.
- All of this is subject to the Commissioners' views and decisions; there will be more research and solicitation of ideas and reactions from those inside and outside our agency; any thoughts from inside or outside are encouraged; the drafting process will continue; and there will be attention called to larger policy questions, one example of which is whether these regulations should allow for auditing of records maintained by individual officers.
- Commissioner Ellison asked if there have been any audits since the Commission's establishment. He added that there has not been as much discussion about whether discipline is being meted out equally by the agency, and he is concerned about equal and fair treatment.
- The General Counsel responded that, while there are times when information and records are collected and reviewed, there have not been formal audits thus far. So, auditing would be new, but it is contemplated by the statute. He added that auditors would be able to look at not only recordkeeping and reporting, but also at what those practices say about how agencies are functioning and how they compare to one another. And auditing could help every agency operate in a way that is consistent with best practices.
- Commissioner Ellison stated that some at the top feel that they are immune from accountability and are not held to the same standards as officers, that he would like to see more emphasis on the area, and that he thinks auditing allows for it.
- Chair Hinkle thanked the members of the Legal staff for the materials presented, stating that the hard work put into them was apparent from their breadth and that the Commissioners recognize the importance of the matters.

## **5. Matters Not Anticipated by the Chair at the Time of Posting**

- The Chair indicated that there were no matters not anticipated at the time of posting.

## **6. Executive Session**

- The Chair stated that she would entertain a motion to go into executive session in accordance with the relevant statutes set forth in the public meeting agenda in order to

consider a request to revoke suspension, a request for approval to conduct preliminary inquiries in three cases, the commencement of adjudicatory proceedings for two cases, and the minutes of the executive session of October 24, 2023.

- Commissioners Kazarosian and Ellison brought and seconded the motion.
- The Chair stated that the Commission would not be reconvening its public meeting after the executive session.
- The Chair then took a roll call vote to adjourn and enter executive session. The Commissioners voted as follows.
  - Commissioner Baker – Yes
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Ellison – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – Yes
- The motion was approved unanimously.
- The Chair thanked the staff who worked so hard on the matters addressed.
- The public meeting was adjourned at about 10:10 a.m.

2b.

# MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION

## Public Meeting Minutes

December 19, 2023

8:30 a.m.

### Documents Distributed in Advance of Meeting

- Minutes of Public Meeting of October 24, 2023 (Proposed)
- Executive Director Report
- FY25 Budget
- Recommendation to Establish a Subcommittee on Certification Policy
- Draft Regulations – Maintaining, Reporting & Auditing of Records (Proposed)

### In Attendance

- Commission Chair Margaret R. Hinkle
- Commissioner Lester Baker
- Commissioner Hanya H. Bluestone
- Commissioner Lawrence Calderone
- Commissioner Larry Ellison
- Commissioner Deborah Hall
- Commissioner Marsha V. Kazarosian
- Commissioner Charlene D. Luma
- Commissioner Clyde Talley

### **1. Call to Order**

- At 8:38 a.m., Chair Hinkle welcomed the public to the Commission's forty-fifth meeting and called the meeting to order.
- Chair Hinkle took a roll call of the Commissioners present. It proceeded as follows:
  - Commissioner Baker – Present
  - Commissioner Bluestone – Present
  - Commissioner Calderone – Present
  - Commissioner Ellison – Present
  - Commissioner Hall – Present
  - Commissioner Kazarosian – Present
  - Commissioner Luma – Present
  - Commissioner Talley – Present
- Chair Hinkle stated that all members of the Commission were present, and she recognized a quorum.

### **2. Approval of October 24, 2023, minutes**

- Chair Hinkle asked for a motion to approve the minutes of the October 24, 2023, meeting.
- Commissioner Kazarosian moved to approve the minutes.
- Commissioner Talley seconded the motion.
- The Chair took a roll call vote on the motion. The Commissioners voted as follows:
  - Commissioner Baker – Yes
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Ellison – Yes
  - Commissioner Hall – Yes

- Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – Yes
  - The October minutes were unanimously approved.
- 3. Executive Director Report – Enrique A. Zuniga**
- Executive Director Zuniga offered a PowerPoint presentation, and he stated as follows.
  - Disciplinary Records & Complaint Portal
    - The next version of corrected disciplinary records is planned for release around December 22, 2023.
    - POST received requests for corrections to disciplinary records. Evidence was needed to change information already submitted to POST. The evidence gathering process is time consuming, but staff is working hard to ensure the process is compliant with POST’s outlined procedures.
    - A total of 894 disciplinary records or 1,311 allegations were sent to chiefs for the final stage of verification and updates. These records were sent to about 135 agencies. The responses are due on December 22, 2023. The planned release date of this data is in January 2024.
    - Most of these records were not previously published due to validation errors. However, some of these records may relate to additional allegations from a previously published record.
    - A new question from agencies has been raised as to what matters are reportable to POST. Specifically, they asked whether all incidents of vehicle collisions should be submitted, or if they should only report incidents that prompt an Internal Affairs (IA) investigation.
    - These types of incidents are not mentioned in the regulations, and guidance has not yet been issued on this matter.
    - These incidents are generally categorized as those that are deemed to be unavoidable and those that are avoidable. Avoidable incidents generally prompt an IA investigation.
    - Executive Director Zuniga recommended POST continue requiring agencies to submit information on avoidable incidents.
    - The timeframe for submitting these reports to POST is two business days. This was written in the regulations.
    - POST also received requests to remove records that were minor or should not have been reported from the public database. The regulations provide that records will not be removed from the database unless the record has been reversed, vacated, or resolved in favor of the officer. 555 CMR 8.04 § 4(b)(1)(i) and (j).
    - Executive Director Zuniga gave an update on the status of the complaint portal.
    - The agency complaint portal rollout was temporarily put on hold so staff could work on the disciplinary records project.
    - Staff have been uploading information from complaints that were recently submitted to POST in 2023.
    - Rollout of the portal is projected for February 1, 2024.
    - As part of the rollout, POST may reach out to agencies for feedback on the portal’s user interface.



- Executive Director Zuniga provided an overview of historical records data from 2023.
- The first release of historical records was on January 31, 2023.
- While records from agencies were coming into the dedicated inbox, staff were pre-populating 2023 records into the agency portal. When the portal is rolled out, partial information from these records will be available to agencies. They will be able to update the records directly in the portal.
- Administrative Update
  - Executive Director Zuniga provided a brief hiring update.
  - Offers for two intake coordinator positions and an enforcement counsel have been accepted. All three individuals start in early January.
  - The Information Technology (IT) Division is in the process of interviewing for two positions.
  - The postings for two positions within the Legal Division have closed.
  - Executive Director Zuniga paused for questions.
  - Commissioner Ellison asked what the two postings for the Legal Division were.
  - Executive Director Zuniga said one was for certification counsel and the other was a staff attorney.
  - General Counsel Ravitz expanded on that, saying the certification counsel would work closely with the Certification Division on certification matters at the different stages, while the staff attorney is a more general attorney position that could work on a variety of things.
  - Commissioner Luma asked Executive Director Zuniga what types of vehicle incidents would rise to IA investigations.
  - Executive Director Zuniga stated there are a variety of things that could put the officer at fault. Typically, these types of incidents prompt an IA investigation.
  - Executive Director Zuniga compared this to the use of force reporting agencies currently do. Use of force incidents that prompt an IA investigation should be reported to POST, but those that do not warrant an investigation do not necessarily have to be reported by agencies.

#### **4. Finance Update – CFAO Eric Rebello-Pradas**

- FY25 Budget
  - CFAO Rebello-Pradas provided an update on the Commission’s budget.
  - He provided a memo to Commissioners in preparation for the vote for the approval of the submitted FY25 budget.
  - The current year’s spending plan for FY24 totals \$9.8 million. The FY25 budget request is for \$9.2 million.
  - The largest areas of the Commission’s budget were payroll and IT. The Commission expects to have a total of 46 positions by the end of FY24. For FY25, the Commission intends to add 7 positions and onboard 3 additional Hearing Officers.
  - For FY24, there was a significant decrease in costs. This was mostly due to shrinking Salesforce development costs. With major Salesforce development complete, costs are mostly for maintenance like licensing, storage, and bug fixes.
  - CFAO Rebello-Pradas showed an organizational chart that included the 7 positions the Commission plans to fill.

- Diversity Update
  - CFAO Rebello-Pradas provided an update to the Commission on its recent inquiry into the diversity metrics of POST.
  - A memo that details how diversity is incorporated into the recruitment process was included in the Commission packet. It also provided the methodology used to gather the data. Self-reported demographic information was used to calculate POST metrics. This was then compared to the statewide population and other state agencies. Upon analysis of these records, POST loosely reflects the population it serves.
  - CFAO Rebello-Pradas invited questions from Commissioners.
  - Commissioner Ellison, Treasurer for the Commission, provided an update on the budget. He said POST is utilizing an evolving budget while still achieving full operational status. The FY25 budget is projected to be \$9.2 million, which represents a 6.2% reduction in spending. POST used an incremental approach to the budget, especially with payroll, which allows for small-scale growth without overwhelming available resources. POST is the first commission in the state to utilize this operating method.
  - Commissioner Ellison thanked CFAO Rebello-Pradas and Executive Director Zuniga for keeping him informed so he can relay the information to his fellow Commissioners and the public.
  - Commissioner Bluestone commented that POST is trending slightly lower than the overall statistics for state employees and there is additional work to be done.
  - Commissioner Bluestone asked how the statistics are reflected in the management as compared with the general staff. The Commission should consider adding this metric for future diversity reporting.
  - Executive Director Zuniga said the Commission can report on this for a future meeting. He also suggested adding a metric for those who must submit a statement of financial interest. He hopes to provide periodic reports on diversity metrics, especially as POST grows.
  - He said the 3 people that accepted positions all identify as female.

## **5. Recommendation to Establish a Subcommittee on Certification Policy**

- Executive Director Zuniga provided a recommendation that the Commission establish a subcommittee on certification policy. He anticipated several important policy recommendations would be brought before the Commission. These recommendations will require consultation and collaboration with stakeholders.
  - The main policy areas identified in the memo are the approach to the second round of recertification, officer psychological and physical wellness, and alternatives to agency certification.
  - He recommended the Commission establish a subcommittee that include 2-3 Commissioners to address these policy concerns. These types of subcommittees are subject to the Open Meeting Law. He gave Commissioners the opportunity to self-nominate or nominate others.
  - Commissioner Calderone volunteered to be on a subcommittee.
  - Chair Hinkle suggested the Commission take a vote on the establishment of a subcommittee and then discuss interest in volunteering.
  - Commissioner Luma asked if Executive Director Zuniga's proposal was for the

establishment of multiple subcommittees.

- Executive Director Zuniga said the Commission could establish multiple subcommittees, but his proposal was for one subcommittee to focus on recertification. He suggested establishing one subcommittee as a trial.
- Commissioner Bluestone commented that multiple subcommittees may better serve the Commission's interests as the Commissioners specialize in different aspects of certification. Commissioner Bluestone stated she was happy to participate but did not feel the need to if there are others who are also interested.
- Chair Hinkle asked for a motion to approve Executive Director Zuniga's proposal to establish a single subcommittee on certification.
- Commissioner Calderone moved to approve the establishment of a single subcommittee on certification.
- Commissioner Kazarosian seconded the motion.
- The Chair took a roll call vote on the motion. The Commissioners voted as follows:
  - Commissioner Baker – Yes
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Ellison – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – Yes
- The motion was unanimously carried.
- Commissioner Kazarosian volunteered for the subcommittee.
- Chair Hinkle stated that the Commission would proceed with Executive Director Zuniga's suggestion to start with one subcommittee and focus on segmentation in the future.
- There were no objections by the Commissioners with proceeding with Commissioners Calderone, Kazarosian, and Bluestone as members of the subcommittee.

#### **6. Legal Update – General Counsel Randall E. Ravitz**

- Draft Proposed Regulations – Maintaining, Reporting & Auditing of Records
- General Counsel Ravitz provided an update on the draft regulations. The subject was previously presented to the Commission in May 2023 and November 2023.
- The regulations were presented to the Commission to generate discussion. They were not put before the Commission for a vote.
- General Counsel Ravitz identified possible refinements to the draft regulations. He also mentioned the possibility of incorporating more references to other regulations and eliciting more information from agencies regarding use of force, injuries, and death.
- General Counsel Ravitz outlined goals of the draft regulations.
  - One was to ensure the recording by law enforcement agencies and their preservation of important information without limiting other recording and preservation obligations.
  - Another goal was to provide direction for consistency in terminology and recordkeeping. The Commission has seen a wide variety of how agencies classify

and record things. It would be beneficial to find ways to achieve more consistency in reporting.

- It would also facilitate the collection of information that the legislature expects the Commission to report.
- The regulations would also allow the Commission to obtain information it has found it needs. For example, if the Commission suspended a certification for failure to complete in-service training, it would need to know when the individual completes their in-service training. The regulations would provide the Commission with a way to get that information.
- The Commission would also fulfill its statutory obligation to promulgate rules and regulations establishing an audit procedure which the statute says, “shall not limit the ability of the division of police standards to initiate an audit at any time and for any reason.”
- They would facilitate the implementation of other provisions of the statute that relate to investigation, inspection of records, gathering of information, and other general functions assigned to the Commission in Chapter 6E.
- General Counsel Ravitz presented policy questions for Commissioners to discuss.
  - One question is whether the regulations should include provisions on agency maintenance and reporting of in-service training information. The regulations were written with direction to agencies regarding the maintenance and reporting of in-service training information. The Municipal Police Training Committee (MPTC) already collects this information and has provided guidance on training.
  - The regulations are intended to be broad so they can encompass different topics that might be considered.
  - Should the regulations include provisions regarding recordkeeping, reporting, and auditing of officers and certified individuals who are not serving?
  - As the regulations are written, the Commission does not just examine matters related to complaints and investigations, but could also look at performance audits, school resource officers, search and seizure procedures, body camera procedures, human resource practices, or other various aspects of agency management that are not strictly law enforcement related.
  - The Commission could also take a narrower approach and not get into the full range of information related to law enforcement.
  - The regulations would allow for the Commission to collect information that is not focused on agency performance but is related to policymaking or a matter of public interest.
  - A main category deals with the creation and maintenance of records by law enforcement agencies. They provide for each officer and agency to create and maintain certain records.
  - Another provision in the draft regulation addresses the maintenance of records dealing with commendations received by officers. Other regulations and policies provide for the inclusion of commendations and positive service of officers.
  - The draft regulations provide for an agency to maintain records that it has already created, for misconduct, official communications of policies, contracts, and job descriptions. The agency is required to comply with the personnel reporting statute to ensure accuracy and the ability to correct incorrect information.

- Certain information on allegations of misconduct is required to be transmitted by the agency immediately, and agencies would need to provide updates on suspensions, training and certification requirements.
- There would be an agency liaison to the Commission to handle duties of record-keeping and reporting. The current draft also requires reporting by individuals.
- An area provides for procedures for audits and authorizes Commission auditors to require certain steps, which are consistent with generally accepted auditing standards and related to the Commission's statutory charge, including areas of agency and individual functioning. Other areas also include recordkeeping and reporting; compliance with laws, directives, and standards; adequacy of investigations and determinations, and other aspects of performance.
- A section would give the Commission the power to obtain statements from members of agencies authenticating records, and another section would allow the Commission to enforce the regulations and take action.
- Commissioner Ellison asked if the Commission has a method of verifying the information received from the agencies.
- General Counsel Ravitz stated that the Commission does not have a set of regulations that examines records, and this would spell that out and provide a mechanism to examine the records and explore ways to improve through audits.
- In response to another question from Commissioner Ellison, General Counsel Ravitz stated that, if an officer is performing all of the requirements of a School Resource Officer (SRO) under the definition in the statute, they may still be an SRO despite there not being a Memorandum of Understanding in place.
- General Counsel Ravitz stated that the statute does not provide a deadline to implement the provisions of the regulation. In developing the draft, he relied on generally accepted government auditing standards developed by the federal government and referenced in some statutes in Massachusetts; publications that address auditing of law enforcement records and inspections; and regulations of the Department of Criminal Justice Information Services.
- Executive Director Zuniga said that the audit procedures in the draft regulations signal to the agencies what are priorities for the Commission and having the audit regulation does not mean that the agencies will be audited on the items listed. He added that the regulations are presented as an early draft, subject to comments from members of the Commission and public stakeholders through the regular promulgation process before the Commission votes on the proposed regulation.

## **7. Vote on the FY25 Budget**

- Executive Director Zuniga suggested that the Commission take a vote on the budget based on the budget presentation.
- Commissioner Ellison moved that the Commission approve the FY25 budget.
- Commissioner Luma seconded the motion.
- The Chair took a roll call vote on the motion. The Commissioners voted as follows.
  - Commissioner Baker – Yes
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Ellison – Yes
  - Commissioner Hall – Yes

- Commissioner Kazarosian – Yes
- Commissioner Luma – Yes
- Commissioner Talley – Yes
- The motion unanimously carried.

**8. Matters Not Anticipated by the Chair at the Time of Posting**

- The Chair indicated that she did not believe there were any matters not anticipated at the time of posting.

**9. Executive Session**

- The Chair raised the issue of moving into executive session in accordance with M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct; under M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § (8)(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same and regarding certain criminal offender record information; and M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, § 22(f) and (g), in anticipation of discussion and approval of the minutes of prior executive sessions.
- She added that the agenda listed topics for discussion in the executive session.
- Commissioner Kazarosian moved to go into executive session and adjourn the public meeting.
- Commissioner Baker seconded the motion.
- The Chair took a roll call vote on the motion. The Commissioners voted as follows.
  - Commissioner Baker – Yes
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Ellison – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
- The motion unanimously carried.
- The Chair informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- The Chair thanked the public, and the public meeting was adjourned at 9:55 a.m.

3.



# Executive Director Report

January 23, 2024





# Agenda

1. Disciplinary Records & Portal Update
2. Finance & Administrative Update

# Disciplinary Records Update

---



## Complaint Portal for Agencies

- A few agencies identified for soft launch - February 1, 2024
- Statewide rollout of portal is projected for March 1, 2024
- Training will be scheduled in the coming days
- POST will begin communicating requirement to submit new complaints/incident reports via the portal
- Deployment of portal is major milestone for POST and agencies
- Portal will enhance POST and agencies' ability to interact, communicate and exchange information

# Disciplinary Records Update

---



## Data from 2023

- Data from 2023 (February 1, 2023 - March 1, 2024) will be uploaded into Portal for agencies to review and update
- Focus on uploading 2023 is on agencies identified in soft launch
- Agencies will have to identify categories and subcategories for disciplinary matters
- As data is validated and a record is completed (disposition is entered), new records will become available in public database

# Disciplinary Records Update

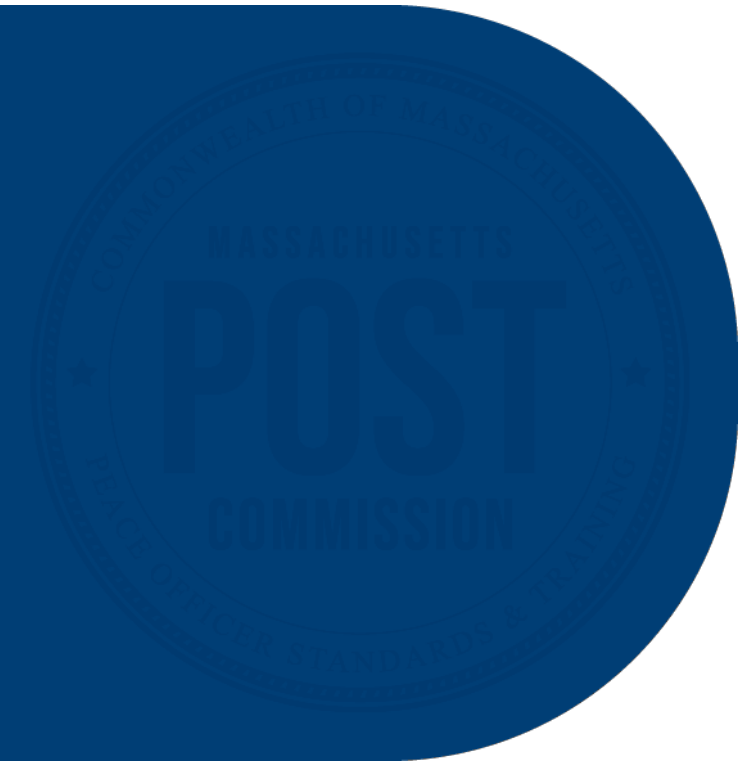
---



## Objections Concerning Data

- 555 CMR 8.08 describe the process to raise objections related to the dissemination of disciplinary records
- One case going through that process (first level of review is the Executive Director, then the Chair) with notification to Commissioners

# Finance & Administrative Update



# F&A Update

---



## FY24 Activity

- Q2 – 44% of the Budget is Committed to Date
  - Total actual expenditures are under projections, largely due to delayed hiring and fewer IT expenses
- Expecting multiple one-time expenditures for IT-related projects, including Salesforce enhancements, audio/visual equipment, website development, and DCJIS integration
- New cadence for monthly treasurer's report
  - Released on the **2nd** Friday of every month to more accurately reflect the previous month's expenditures
- Potential reversions to be forecasted after Q3
- Governor's FY25 budget to be filed on Wednesday, January 24th

# F&A Update

---



## Hiring

- Welcome Recent Hires:
  - Ivy Cipullo – Intake Coordinator
  - Martine Yoyo – Intake Coordinator
  - Tara Chisholm – Enforcement Counsel
- Promotions:
  - Brian Cooper - Senior Project Advisor under the IT Division
  - Jessica Rush - Certification Manager under Division of Certification

# Division of Standards Report





# Division of Police Standards Update

---



## Complaint Case Load for Fiscal Year 2024

Complaints & Incident Reports	Number*
Complaints submitted directly to POST (since 7/1/23 until 1/10/24)	561
Complaints, notices, and reports submitted from law enforcement agencies to POST (since 7/1/23)	350

\* Numbers are preliminary

- Division receives approximately 20-25 new public complaints weekly
- Agencies submit approximately 20 notices/reports weekly for review
- New online portal for agencies to submit and track their complaints scheduled for launch in February 2024

# Division of Police Standards Update



## Current Caseload

Division of Standards Cases	Count*	Notes
Active Preliminary Inquiries (as of 1/9/2024)	<b>26</b>	
Preliminary Inquiries concluded with recommendation of discipline per M.G.L. c. 6E, § 10	<b>27</b>	Includes cases with final disposition, and cases still in the adjudicatory hearing process
Preliminary Inquiries concluded without further Commission action	<b>6</b>	
Suspensions (Active)	<b>43</b>	
Discipline Imposed	<b>11</b>	9 decertifications / 2 suspensions



---

Massachusetts Peace Officer Standards & Training  
POSTC-comments@mass.gov  
[www.mass.gov/orgs/post-commission](http://www.mass.gov/orgs/post-commission)  
617-701-8401

---