



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

May 26, 2022

### CHAIR

Margaret R. Hinkle

### COMMISSIONERS

Hanya H. Bluestone

Lawrence Calderone

Clementina Chéry

Larry E. Ellison

Marsha V. Kazarosian

Charlene D. Luma

Kimberly P. West

Michael Wynn

### EXECUTIVE DIRECTOR

Enrique A. Zuniga

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws and [An Act Extending Certain COVID-19 Measures Adopting During the State of Emergency](#), as amended by [An Act Making Appropriations for the Fiscal Year 2022 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects](#), 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 #21**

**June 1, 2022**

**8:30 a.m.**

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

**Meeting ID: 940 2210 8694**

1. Call to Order
2. Approval of Minutes
  - a. May 19, 2022
3. Executive Director Report – Enrique Zuniga
4. Recertification Regulations (Proposed) 555 CMR 7.00 – Attorney Povich, General Counsel Ravitz
5. Public comment
6. Matters not anticipated by the Chair at the time of posting



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7. Executive Session to discuss strategy with respect to litigation, specifically *Scott Hovsepian, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2284CV00906, Suffolk County Superior Court, and *New England Police Benevolent Association, Inc., et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2285CV00555, Worcester County Superior Court.

2a.

PEACE OFFICER STANDARDS & TRAINING COMMISSION

May 19, 2022

8:30 AM

**Peace Officer Standards and Training Commission  
Remote Participation**

PUBLIC MEETING MINUTES

**Documents Distributed in Advance of Meeting:**

- Draft Meeting Minutes of May 3, 2022
- Proposed Regulations at 555 CMR 7.00, *et seq.*

**In Attendance:**

- Chair Margaret R. Hinkle
- Commissioner Hanya Bluestone
- Commissioner Lawrence Calderone
- Commissioner Clementina M. Chéry
- Commissioner Larry Ellison
- Commissioner Marsha Kazarosian
- Commissioner Kimberly P. West
- Commissioner Michael Wynn

1. Call to Order

- The Chair recognized a quorum.

2. Approval of Minutes

a. May 3, 2022

- Commissioners Ellison and Kazarosian moved to approve the minutes from the May 3, 2022 meeting. Commissioner Chéry seconded the motion. Commissioners Bluestone, Calderone, Chéry, Ellison, Kazarosian, West, Wynn and the Chair voted to approve the minutes from the May 3, 2022 meeting.

3. Recertification Regulations (Proposed) 555 CMR 7.00 –General Counsel Ravitz

- General Counsel Ravitz reviewed proposed regulations at 555 CM 7.00, *et seq.*, regarding the standards and processes for recertifying law enforcement officers.
- Commissioner Ellison asked whether the Commission is required to render a recertification decision on an officer’s application within a certain period of time. General Counsel Ravitz clarified that the proposed regulations did not contemplate such a deadline in order to maintain flexibility and because the regulations allow an officer to retain their certification while their recertification application is under consideration, but stated the Commission could consider adopting a supplemental policy setting relevant timelines.
- Commissioner Calderone raised concerns about the propriety of considering allegations that have previously been adjudicated or resolved by another authority in the officer’s favor. General Counsel Ravitz clarified that the “good moral

character and fitness,” standard is considered under a totality of the circumstances, which may include allegations resolved in an officer’s favor. He also stated the importance of the Commission retaining ultimate authority over a decision to recertify, as the Commission may ask questions or apply standards different from those of another adjudicator. The Chair stated the Commission would consider and address Commissioner Calderone’s concerns. Executive Director Zuniga clarified that even if a chief failed to attest to an officer’s good moral character based on an adjudicated allegation, the Commission still retains the ability to review the chief’s decision and render its own determination.

- Commissioner Wynn raised a concern that “successful completion of an exam,” was not specific enough, as students take many exams and quizzes throughout their time in the police academy. Commissioner West agreed.
- The Chair stated she expects the Commission will vote on revised recertification regulations at its next meeting. Executive Director Zuniga added that if adopted, the Commission would promulgate the regulations on an emergency basis so the regulations would become effective immediately, with public notice and comment to follow.

#### 4. Executive Director Report – Enrique Zuniga

- Executive Director Zuniga stated that the Commission is nearly done aggregating and reconciling all data received on complaints against officers. However, the Commission will need to complete the last step of data validation prior to publishing the database, which requires at least two weeks to complete.
- Executive Director Zuniga stated the Commission will first publish data on officers who have been suspended, terminated, or resigned in lieu of termination. To date, there are 4,500 records on such officers. These types of records are prioritized for publication because the Commission has since promulgated regulations that do not require the submission of complaints relating to minor matters and because many officers have since retired.
- Executive Director Zuniga continues to meet with stakeholders to explain the recertification process. Executive Director Zuniga plans to publish periodic updates to answer questions on the recertification process.

#### 5. Public Comment

- A member of the public asked whether the Commission’s website specifies which types of complaints are reportable to the Commission. Executive Director Zuniga stated the website does not, and explained that the Commission no longer requires police agencies to submit reports regarding minor complaints.
- A member of the public asked the Commission to explain recent updates to the recertification spreadsheet and instructions. Executive Director Zuniga explained that spreadsheet and instructions were updated to include the date of an officer’s hiring. Executive Director Zuniga encouraged agencies to use the updated template, even if they have already completed an old template, but stated the Commission would accept prior templates if it is too burdensome for an agency to fill out the updated template.
- A member of the public asked whether agencies would be informed of the Commission’s decision to post or not to post reports of complaints of misconduct, based on the Commission’s regulations regarding minor matters. Executive

Director Zuniga stated that the Commission would only contact those agencies from whom it requires information for data validation.

- A member of the public asked what kind of data requires validation. Executive Director Zuniga stated that data validation was often required when an agency failed to follow submission directions.
- A member of the public asked to see the other participants of the meeting. Mr. Myrie responded, stating that the Zoom webinar product does not allow participants to view other participants.
- A member of the public asked whether agencies that have submitted an officer's complete disciplinary history, including minor matters, are required to produce those same records in response to a public records request. Executive Director Zuniga stated that question must be determined by each local agency with the assistance of its counsel.
- A member of the public asked whether the Commission has access to an officer's questionnaire where they are determined to have good moral character and fitness. Executive Director Zuniga stated that the Commission is not requiring agencies to submit an officer's questionnaire where they satisfy the good moral character and fitness requirement, but stated that the Commission could potentially ask to see an officer's questionnaire.
- A member of the public asked when an officer may appeal a recertification decision to the courts. General Counsel Ravitz stated that an officer may seek judicial review after the officer has sought further review before the Executive Director and a further hearing before the Commission in accordance with Commission regulations.
- A member of the public asked who pays an uncertified officer. Mr. Povich responded that while an officer's recertification application is under review, they maintain their certification. In the event they are not certified, the question of payment and employment is one for the officer's employing agency.
- A member of the public asked whether the Commission is subject to any independent oversight. Mr. Povich responded that the Commission is an independent commission created by statute.
- A member of the public asked if an officer could be certified if an arbitration is being heard. General Counsel Ravitz responded that officers are reviewed on a case-by-case basis, and clarified that the Commission may still find an officer possesses good character and fitness, even if an arbitration is pending.
- A member of the public asked whether officers with last names A through H who have recently been certified are required to participate in the recertification process. Mr. Povich clarified that the current recertification process applies only to officers who were certified by statute, and that an officer's certification is valid for three years.
- A member of the public asked whether Commissioners are considered law enforcement officers who need to be certified. Mr. Povich stated that except for those Commissioners who are also law enforcement officers, Commissioners are not subject to certification.
- A member of the public asked how large the Commission body is when it hears an appeal from a single commissioner decision, and whether an officer and their

attorney is allowed to present their case at the appeal. General Counsel Ravitz stated that under statute, the Commission has a quorum of seven. Executive Director Zuniga clarified that it is within the discretion of the Chair to set the number of commissioners to hear an appeal.

- A member of the public asked whether an officer is ineligible for certification based on convictions of minor felonies or false convictions year ago. General Counsel Ravitz responded that the statute prevents an officer who has been convicted of a felony from being certified, regardless of when the conviction occurred.
- A member of the public asked whether waivers would be considered for recertification. Mr. Povich and Executive Director Zuniga stated that the statute does not provide for waiver, nor do the regulations currently contemplate a waiver process.
- A member of the public asked how agencies should respond to media requests for records provided to the Commission where the Commission has not yet published any such records. Executive Director Zuniga referred the question to a prior answer – that the question is left to local agencies and their counsel.
- A member of the public asked whether a complainant would be required to make their allegations against an officer under the pains and penalties of perjury, and whether the complainant would be made available for a deposition. Mr. Povich stated that the regulations approved by the Commission do not require allegations to be made under the pains and penalties of perjury, and that the regulations do not cover complainant depositions.
- A member of the public asked when the Mass. Chiefs of Police would receive a response to their letter recently sent to the Commission. The Chair responded that some of their questions have been addressed at this meeting, and that other portions of their letter would be addressed in future meetings and website updates in the near future.
- A member of the public asked what the sanctions are for failing to complete the questionnaire. Executive Director Zuniga stated that if an officer refuses to participate in the questionnaire, then they will not have met the standard requiring completion of an oral interview and the officer cannot be recertified (distinct from decertification). He stated, however, that if an officer declines to answer only some questions, the consequences may be different.
- A member of the public asked when the Commission would address a joint letter recently provided to the Commission regarding the validity of the questionnaire. Mr. Povich stated that as a letter relating to ongoing litigation, it does not call for an answer outside of litigation.
- A member of the public asked whether the Commission would consider eliminating or amending some of the questions viewed as beyond the scope of the Commission. No response was provided to this question as it is at issue in ongoing litigation.
- A member of the public asked how citizens could best assist the Commission. Executive Director Zuniga suggested submitting comments, asking questions, writing to the Commission, and if necessary, submitting complaints to law enforcement agencies or the Commission. Commissioner Ellison also suggested

citizens could pass along information about the Commission and its efforts to others.

- A member of the public asked whether the Commission could decertify an officer who had already completed arbitration prior to submission of records to the Commission. General Counsel Ravitz responded that the Commission had already addressed a similar question.
  - Commissioner Bluestone assured members of the public that the Commission takes its mission seriously, given the stakes of law enforcement.
6. Matters not anticipated by the Chair at the time of posting
- There was no new business.
7. Executive Session to discuss strategy with respect to litigation, specifically *Scott Hovsepian, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2284CV00906, Suffolk Superior Court.
- The Chair stated that the Commission would next take a vote to enter into executive session to discuss strategy in the *Hovsepian* litigation, and that the Commission would not reconvene in an open session after executive session.
  - Commissioners Bluestone, Calderone, Chéry, Ellison, Kazarosian, West, Wynn and the Chair voted to enter into executive session to discuss the *Hovsepian* litigation.



4.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

7.01 Definitions

For the purposes of 555 CMR 7.00, the following terms have the following meanings unless the context requires otherwise:

*Authority* refers to an officer's employing agency or any supervisor therein; the civil service commission; any arbitrator or other third-party neutral with decision-making power; and any court.

*Bridge academy training* refers to the "additional training as required by the municipal police training committee" pursuant to St. 2020, c. 253, § 102(b).

*Certification period* refers to the period of time between the effective date and the expiration date of an individual's certification as a law enforcement officer, including any period of continuation, provided for under M.G.L. c. 30A, § 13 or 555 CMR 7.03, beyond the reference date.

*Commission* refers to the peace officer standards and training commission as an agency, including its commissioners and its staff.

*Conditional certification* and *conditional recertification* refer to a certification of the type described in 555 CMR 7.04.

*Decertification* and *revocation of certification* are synonymous, as provided in M.G.L. c. 6E, § 1, and such terms refer to a revocation of certification made by the commission pursuant to M.G.L. c. 6E, § 10, an action distinct from a "denial of recertification."

*Denial of recertification* refers to a commission decision not to renew an individual's certification as a law enforcement officer, made pursuant to M.G.L. c. 6E, §§ 3(a) and 4, an action distinct from "decertification" or "revocation of certification."

*Employing agency* refers to the law enforcement agency for which an officer is employed or the appointing authority that is responsible for submitting documentation concerning an officer's recertification to the commission.

*Final decision* refers to the ultimate commission decision on recertification, following any review or hearing or the expiration of the time afforded for an officer to seek such review or hearing, and following the satisfaction of any conditions attached to a conditional recertification or the expiration of the time to satisfy any such conditions; and does not include a decision granting a conditional recertification.

*Full certification* and *full recertification* refer to a decision granting certification for three years pursuant to M.G.L. c. 6E, § 4(f)(3), without any limitation, condition, restriction, or suspension imposed pursuant to M.G.L. c. 6E, § 3(a) or another provision.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

*Good character and fitness for employment* refers to “good moral character and fitness for employment in law enforcement,” M.G.L. c. 6E, § 4(f)(1)(ix).

*Municipal police training committee* and *MPTC* refer to the agency of the same name within the executive office of public safety, as established in M.G.L. c. 6, § 116.

*Reference date.* The end date for an officer’s certification provided for in St. 2020, c. 253, § 1 or the end date of a prior certification issued to an officer by the commission, whichever is later, without regard to any period of continuation provided for by M.G.L. c. 30A, § 13 or 555 CMR 7.03.

**7.02 Submission of Employing Agency Information to the Commission.**

- (1) The executive director shall distribute to employing agencies all information and forms required for recertification of law enforcement officers as approved by the commission.
- (2) The executive director shall set the dates by which such information and forms shall be submitted to the commission by employing agencies, and may extend any such due date for good cause shown. Subsequent extensions may be requested and granted, but in no case can any one extension allowed by the executive director exceed thirty (30) calendar days.
- (3) Notwithstanding 555 CMR 7.02(2), any employing agency seeking an extension must submit to the commission, with its first request for an extension, a roster of officers for whom it intends to seek recertification.

**7.03 Continuation of Certification Period.**

- (1) Pursuant to M.G.L. c. 30A, § 13, the certification period for an officer shall continue after the reference date for the officer, if:
  - (a) The application, in a form approved by the commission, is submitted in advance of the reference date for the officer;
  - (b) The application is submitted in advance of any applicable deadline, and in conformity with any procedures, established by the commission; and
  - (c) The commission finds the application to be substantially complete.
- (2) The inclusion of an officer’s name in a roster submitted in accordance with 555 CMR 7.02(3) shall be considered an application on behalf of the officer for purposes of 555 CMR 7.03(1)(a).
- (3) A certification period continued pursuant to this section 555 CMR 7.03 will end upon the issuance of a final decision regarding recertification.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

7.04 Conditional Recertification.

- (1) The division of certification shall conditionally recertify an officer if the officer is unable to meet the standards for recertification solely due to circumstances beyond the officer's control and which are attributable to the officer's employing agency, the municipal police training committee, or the commission.
- (2) The division of certification may conditionally recertify an officer in other appropriate circumstances, including, but not limited to, where:
  - (a) The officer's application for recertification is substantially complete and does not reveal any basis for denying recertification, but certain additional details need to be supplied or certain information needs to be verified;
  - (b) The officer was unable to satisfy a requirement for recertification because the officer was on approved leave during the relevant time or because of another valid reason;
  - (c) The officer has experienced a demonstrable hardship which has interfered directly with the officer's ability to meet a requirement for recertification; or
  - (d) The officer has taken all required steps in connection with the recertification process, but circumstances beyond the officer's control have delayed a final decision on the officer's application.
- (3) An officer shall not be required to satisfy any conditions attached to a conditional recertification, nor shall any time periods associated with any such conditions begin to elapse, before the conclusion of any review or hearing, or the expiration of the time afforded for the officer to seek such review or hearing, pursuant to 555 CMR 7.10.
- (4) Change in Certification Status.
  - (a) When an officer fails to satisfy a condition of a conditional recertification within the time allowed, taking into account the provisions of 555 CMR 7.10(3), the division of certification shall terminate the officer's certification, unless good cause for an extension of time for the officer to satisfy the condition has been shown.
  - (b) When an officer satisfies all conditions of a conditional recertification within the time allowed, taking into account the provisions of 555 CMR 7.10(3), and the commission has not otherwise limited, restricted, or suspended the officer's certification, the division of certification shall convert the conditional recertification into a full certification with an

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

expiration date of three (3) calendar years from the reference date for the officer.

- (5) In all other respects, an officer who holds a conditional certification is “certified,” as that term is used in M.G.L. c. 6E.

7.05 Determination of Good Character and Fitness for Employment.

- (1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an officer possesses good character and fitness for employment shall take into account on-duty and off-duty conduct.
- (2) Submission by Employing Agency.
- (a) Each officer’s employing agency shall provide a submission to the commission concerning whether an officer possesses good character and fitness for employment, in accordance with commission policy.
- (i) In assessing good character and fitness for employment, an employing agency shall take into account whether an officer promotes public confidence in law enforcement, and whether the officer presently exhibits morality, integrity, candor, forthrightness, trustworthiness, attention to duty, self-restraint, and an appreciation of the distinctions between right and wrong in the conduct of people toward each other. In making such an assessment, the agency also may rely on questionnaires, any guidance or forms approved by the Commission, performance reviews, relevant education, specialized training, professional awards, achievements, commendations by law enforcement agencies or officials or others, instances of imposed discipline, patterns of misconduct, and any other evidence of past performance.
- (b) If an employing agency determines that an officer possesses good character and fitness for employment, the agency shall provide, upon request by the commission, documentation supporting such a determination.
- (c) If an employing agency determines that it cannot find that an officer possesses good character and fitness for employment, the employing agency shall make a written report to the commission, a copy of which shall be simultaneously provided to the officer and the head of the officer’s collective bargaining unit.
- (i) The written report shall contain an explanation for the agency’s determination, including, but not limited to, a description of specific conduct supporting the agency’s determination. The

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

written report must be sufficient to permit the commission to evaluate the basis for the employing agency's determination, and to permit the commission to determine whether the officer possesses good character and fitness for employment.

- (ii) As to each instance of specific conduct cited in the agency's report as evidence that the officer may lack good character and fitness for employment, the employing agency shall address:
  - (1) Any discipline imposed or decision issued by an authority as a result of the conduct, or the reason(s) why there was no discipline or decision;
  - (2) The extent to which the officer complied with any such discipline or decision;
  - (3) Any similar conduct allegedly undertaken by the officer subsequent to any such discipline or decision; and
  - (4) The dates of each instance of conduct, and imposition of discipline or issuance of a decision.
- (d) Response by Officer. Within fourteen (14) calendar days of the submission of the report to the commission, or a longer period of time allowed by the commission upon a showing of good cause, the officer may submit a written response to the commission, a copy of which shall be simultaneously provided to the officer's employing agency.
- (3) Assessment and Determination by Commission.
  - (a) The division of certification shall render an initial determination as to whether an officer possesses good character and fitness for employment, in accordance with any protocols adopted by the commission, upon giving due consideration to all information available to it, including, but not limited to, the following:
    - (i) An attestation that an officer possesses good character and fitness for employment and accompanying information;
    - (ii) Any report by an employing agency of the type described in 555 CMR 7.05(2)(c); and
    - (iii) Any response by an officer of the type described in 555 CMR 7.05(2)(d).
  - (b) In rendering a determination regarding an officer's good character and fitness for employment, unless there have been allegations that an officer

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, the division of certification shall not consider an allegation of a particular instance of misconduct, where:

- (i) An authority has made a decision in the officer's favor on the merits of a complaint alleging such misconduct;
  - (ii) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
  - (iii) The officer has complied, or is in the process of complying, with any disciplinary action or other adverse decision by an authority, in relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision;
  - (iv) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the employing agency has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
  - (v) The allegation is not specifically and credibly supported.
- (c) The division of certification may, to the extent reasonably possible, obtain additional information that may prove helpful in determining whether an officer possesses good character and fitness for employment.

**7.06 Evaluation of Recertification Standards.**

The Commission shall treat the statutory recertification standards as follows:

- (1) Attaining the Age of 21. This standard shall be deemed satisfied if the officer attained the age of 21 at any point in time before the reference date for the officer. If the officer has not attained the age of 21 at any point in time before the reference date for the officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified on the condition that the officer shall attain the age of 21 by July 1, 2024.
- (2) Successful Completion of a High School Education or Equivalent. This standard shall be deemed satisfied if the officer successfully completed a high school education or equivalent at any point in time before the reference date for the officer. If the officer has not successfully completed a high school education or equivalent at any point in time before the reference date for the officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a high school

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

education or obtain a General Educational Development (GED) certification from an accredited program by July 1, 2024.

- (3) Successful Completion of Basic Training Program.
  - (a) Regular Basic Training Other than Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed a regular basic training program (not bridge academy training) at any point in time before the reference date for the officer. If the officer has not successfully completed a regular basic training program (not bridge academy training) at any point in time before the reference date for the officer, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a regular basic training program (not bridge academy training) within ninety (90) calendar days or such other time as is allowed by the MPTC.
  - (b) Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed bridge academy training at any point in time before the reference date for the officer. If the officer has not successfully completed bridge academy training due to a documented hardship recognized under commission or MPTC policy, the officer shall be conditionally recertified in accordance with commission policy. Where commission policy is not applicable, the officer will be conditionally recertified on the condition that the officer shall successfully complete bridge academy training by the date stipulated by the MPTC for that officer.
- (4) Successful Completion of a Physical and Psychological Fitness Evaluation. This standard shall be deemed satisfied if the officer successfully completed a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the reference date for the officer. The commission will implement a policy concerning officers who were certified pursuant to St. 2020, c. 253, § 102 but did not successfully complete a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the applicable reference date.
- (5) Successful Completion of a State and National Background Check. This standard shall be deemed satisfied if the following criteria are met:
  - (a) A background check of the type described in M.G.L. c. 6E, § 4(f)(1)(v) was successfully completed at any point in time before the reference date for the officer;



**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

- (b) The commission has received all disciplinary records as described by commission policy relative to an officer prior the reference date for the officer;
- (c) The commission has received an attestation to certain key facts regarding the officer's background; and
- (d) The commission does not discern any basis, based on information it has received, for finding the standard unmet.

If this standard is not satisfied because no background check has been conducted, the officer shall be conditionally recertified on the condition that this standard must be met within ninety (90) calendar days. In all other circumstances where the officer has not satisfied this standard, the officer shall not be recertified.

(6) Successful Completion of an Examination.

(a) Examination Part of Regular Basic Training (Not Bridge Academy Training). This standard shall be deemed satisfied if the officer successfully completed an examination required for completion of regular basic training (not bridge academy training) at any point in time before the reference date for the officer. If the officer has not successfully completed an examination required for completion of regular basic training (not bridge academy training) at any point in time before the reference date for the officer, the officer shall be conditionally recertified on the condition that the officer shall successfully complete an examination as part of regular basic training (not bridge academy training) within ninety (90) calendar days or such other time as is allowed by the MPTC.

(b) Examination Part of Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed an examination required for completion of bridge academy training at any point in time before the reference date for the officer. If the officer has not successfully completed an examination required for completion of bridge academy training due to a documented hardship recognized under commission or MPTC policy, the officer shall be conditionally recertified in accordance with commission policy. Where commission policy is not applicable, the officer will be conditionally recertified on the condition that the officer shall successfully complete an examination as part of bridge academy training within the timeframe determined by the MPTC.

(7) Possession of Current First Aid and Cardiopulmonary Resuscitation Certification. This standard shall be deemed satisfied if the officer currently possesses such certificates or the equivalent. If the officer does not currently possess such certificates or the equivalent, the officer will be conditionally recertified on the

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

condition that the officer shall obtain such certificates or the equivalent within ninety (90) calendar days.

- (8) Successful Completion of an Oral Interview Administered by the Commission. This standard shall be deemed satisfied if an officer is interviewed or discusses a set of questions, in accordance with commission policy, or responds to a questionnaire with the head of the officer's agency or the head's designee, or in the case of the head of the agency, the head's appointing authority. If this standard is not satisfied because of certain action or inaction by the employing agency, or because the officer was on approved leave, the officer will be conditionally certified on the condition that the standard is satisfied within the later of ninety (90) calendar days or ninety (90) calendar days following the officer's return to active service, as applicable. If this standard is not satisfied for any other reason, the officer shall not be recertified.
- (9) Good Character and Fitness for Employment. This standard shall be deemed satisfied if the division of certification determines the officer meets the criteria set out in 555 CMR 7.04. If this standard is not satisfied, the officer shall be not recertified.

7.07 Issuance of Decision.

- (1) The division of certification shall review each officer's application for recertification and provide written notification of a decision on the application for recertification to the officer and the officer's employing agency and the head of the officer's collective bargaining unit in accordance with commission policy, or where there is no commission policy, a policy adopted by the executive director.
- (2) A decision that does not provide for full recertification shall be distinct from decertification and shall not implicate M.G.L. c. 6E, § 10.
- (3) If the decision provides for anything other than full recertification, the notification described in 555 CMR 7.06(1) shall also inform the officer of the ability to seek review by the executive director as provided for in 555 CMR 7.10(1) and a hearing as provided for in 555 CMR 7.10 and 555 CMR 7.10(2).

7.08 Retroactivity of Recertification. A decision to recertify an officer made after the reference date for the officer, notwithstanding 555 CMR 7.03, will apply retroactively to that date, regardless of whether the recertification is subject to any limitations, conditions, or restrictions.

7.09 Restriction or Revocation of Certification. The granting of a recertification shall not preclude the limiting, conditioning, restricting, suspending, or revoking of the certification in accordance with law, when warranted, including but not limited to circumstances where an officer has made a material misrepresentation to the

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00  
RECERTIFICATION**

commission or the officer's employing agency in connection with the recertification process.

7.10 Possible Action Following Decision Declining to Grant Full Recertification.

(1) Executive Director Review.

- (a) Within twenty-one (21) days of a decision by the division of certification declining to grant full recertification, an officer may submit a written petition to the executive director requesting review of the decision, a copy of which the officer shall provide to the officer's employing agency.
- (b) The executive director, or that person's designee, may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting concerning the matter.
- (c) The executive director, or that person's designee, shall provide the officer and the officer's employing agency with a written decision on the petition within a reasonable time.

(2) Opportunity for Hearing. Following the process described in 555 CMR 7.10(1), an officer may request a hearing before the commission concerning an application for recertification in accordance with 555 CMR 1.10.

(3) Vacating of Prior Decision to Recertify. If a decision to recertify an officer is vacated, the officer shall be deemed to have been certified during the period of time between the decision to recertify and the decision to vacate.

(4) Reapplication by Officer. Where an officer has received a decision denying a full recertification, the commission may attach limitations, conditions, or restrictions on the officer's ability to reapply.

7.11 Final Determinations.

- (1) An officer's application shall not be deemed "finally determined," as that term is used in M.G.L. c. 30A, § 13, absent a final decision by the commission.



**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

7.01 Definitions

For the purposes of 555 CMR 7.00, ~~et seq.~~, the following terms have the following meanings unless the context requires otherwise:

*Authority* refers, ~~without limitation,~~ to an officer's employing agency or any supervisor therein; the civil service commission; any arbitrator or other third-party neutral with decision-making power; and any court.

*Bridge academy training* refers to the "additional training as required by the municipal police training committee" pursuant to St. 2020, c. 253, § 102(b).

*Certification period* refers to the period of time between the effective date and the expiration date of an individual's certification as a law enforcement officer, including any period of continuation, provided for under M.G.L. c. 30A, § 13 or 555 CMR 7.03, beyond the reference date.

*Commission* refers to the peace officer standards and training commission as an agency, including its commissioners and its staff.

*Commissioners* refers to the commissioners of the commission, acting collectively.  
*Conditional certification and conditional recertification* refer to a certification of the type described in 555 CMR 7.04.

*Decertification and revocation of certification* are synonymous, as provided in M.G.L. c. 6E, § 1, and such terms refer to a revocation of certification made by the ~~Commission~~commission pursuant to M.G.L. c. 6E, § 10, an action distinct from a ~~"denial of certification"~~ or a "denial of recertification."

*Denial of ~~certification and denial of recertification~~* ~~refer~~refers to a commission decision not to renew an individual's certification as a law enforcement officer, made pursuant to M.G.L. c. 6E, §§ 3(a) and 4, an action distinct from "decertification" or "revocation of certification."

*Employing agency* refers to the law enforcement agency for which an officer is employed or the appointing authority that is responsible for submitting documentation concerning an officer's recertification to the commission.

*Final decision* refers to the ultimate commission decision on recertification, following any review or hearing or the expiration of the time afforded for an officer to seek such review or hearing, and following the satisfaction of any conditions attached to a conditional recertification or the expiration of the time to satisfy any such conditions; and does not include a decision granting a conditional recertification.

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**HIGHLIGHTS OF REVISIONS**

- Most of the revisions are intended not to make substantive changes, but only to promote clarity and consistency.
- New Section 7.10(3) and 7.11(1) provide that, before the conclusion of review or a hearing, or the expiration of the time for seeking the same, an officer's application for recertification is not "finally determined," and thus the officer's prior certification period continues; and during such time, the officer is relieved of having to satisfy any conditions attached to a conditional recertification.
- Section 7.05, regarding character and fitness, now expressly provides for an agency to take into account commendations and the like; and it provides for the division of certification not to consider an allegation of a particular instance of misconduct in certain circumstances, unless there have been allegations that an officer has engaged in multiple instances of similar or related misconduct, or protocols adopted by the commission provide otherwise.
- Section 7.06(8) provides that, where an officer has not satisfied the oral interview requirement (which includes completion of a questionnaire) because of action or inaction by the employing agency, or because the officer was on approved leave, the officer will be conditionally certified, and certain time will be allowed for satisfaction of the requirement.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

~~Full certification or~~ and full recertification ~~refers refer~~ to a decision granting ~~recertification~~ certification for three years pursuant to M.G.L. c. 6E, § 4(f)(3), without any limitation, condition, restriction, or suspension imposed pursuant to M.G.L. c. 6E, § 3(a) or another provision.

*Good character and fitness for employment* refers to “good moral character and fitness for employment in law enforcement,” M.G.L. c. 6E, § 4(f)(1)(ix).

~~Municipal Police Training Committee or~~ police training committee and MPTC ~~refers refer~~ to the agency of the same name within the executive office of public safety, as established in M.G.L. c. 6, § 116.

~~Statutory~~ Reference date. ~~The end date for an officer’s certification period refers to provided for in St. 2020, c. 253, § 1 or the end date of a prior certification period granted issued to an officer by St. the commission, whichever is later, without regard to any period of continuation provided for by M.G.L. c. 30A, § 13 or 555 CMR 7.03~~ 2020, c. 253, § 102.

**7.02 Submission of Employing Agency Information to the Commission.**

- (1) The executive director shall distribute to employing agencies all information and forms required for recertification of law enforcement officers as approved by the commission.
- (2) The executive director shall set the dates by which such information and forms shall be submitted to the commission by employing agencies, and may extend any such due date for good cause shown. Subsequent extensions may be requested and granted, but in no case can any one extension allowed by the executive director exceed thirty (30) calendar days.
- (3) Notwithstanding 555 CMR 7.02(2), any employing agency seeking an extension must submit to the commission, with its first request for an extension, a roster of officers for whom it intends to seek recertification.

**7.03 Continuation of ~~Statutory~~-Certification Period.**

- (1) Pursuant to M.G.L. c. 30A, § 13, the ~~statutory~~-certification period for an officer shall continue after the ~~officer’s certification has expired~~ reference date for the officer, if:
  - (a) ~~The application, in a form approved by the commission, is submitted in advance of the expiration of the statutory certification period,~~
  - (i) (a) If an officer’s name is contained a roster submitted in accordance with 555 CMR 7.02(3), inclusion shall be consider an application for purposes of this paragraph reference date for the officer;

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**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

- (b) The application is submitted in advance of any applicable deadline, and in conformity with any procedures, established by the commission; and
- (c) The commission finds the application to be substantially complete.

~~(2) A continued statutory~~ The inclusion of an officer's name in a roster submitted in accordance with 555 CMR 7.02(3) shall be considered an application on behalf of the officer for purposes of 555 CMR 7.03(1)(a).

~~(2)~~ A certification period continued pursuant to this section 555 CMR 7.03 will end on the latest of upon the following:

~~(a) A issuance of a final decision by the commission denying regarding recertification; or~~

~~(b)(3) A final decision by the commission or division of certification granting recertification without any condition.~~

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**7.04 Conditional Recertification.**

- (1) The division of certification shall conditionally recertify an officer if the officer is unable to meet the standards for recertification solely due to circumstances beyond the officer's control and which are attributable to the officer's employing agency, the municipal police training committee (~~"MPTC"~~), or the commission.
- (2) The division of certification may conditionally recertify an officer in other appropriate circumstances, including, but not limited to, where:
  - (a) The officer's application for recertification is substantially complete and does not reveal any basis for denying recertification, but certain additional details need to be supplied or certain information needs to be verified;
  - (b) The officer ~~cannot~~ was unable to satisfy a requirement for recertification, ~~but can offer a~~ because the officer was on approved leave during the relevant time or because of another valid reason ~~for failing to satisfy the requirement;~~
  - (c) The officer has experienced a demonstrable hardship which has interfered directly with the officer's ability to meet a requirement for recertification; or
  - (d) The officer has taken all required steps in connection with the recertification process, but circumstances beyond the officer's control have delayed a final decision on the officer's application.

~~(3) Where an~~ An officer is conditionally recertified:

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RE-CERTIFICATION**

~~(a) The officer's application shall not be deemed "finally determined" by the commission, as that term is used in M.G.L. c. 30A, § 13;~~

~~(b) Therequired to satisfy any conditions attached to a conditional recertification, nor shall immediately expire when:~~

~~(3) Theany time periods associated with any such conditions begin to elapse, before the conclusion of any review or hearing, or the expiration of the time afforded for the officer to seek such review or hearing, pursuant to 555 CMR 7.10.~~

(4) Change in Certification Status.

~~(i)(a) When an officer fails to satisfy a condition of theira conditional recertification within the time allowed; or, taking into account the provisions of 555 CMR 7.10(3), the division of certification shall terminate the officer's certification, unless good cause for an extension of time for the officer to satisfy the condition has been shown.~~

~~(ii)(b) TheWhen an officer satisfies all conditions of theira conditional recertification within the time allowed, at which time, iftaking into account the provisions of 555 CMR 7.10(3), and the commission has not otherwise limited, restricted, or suspended the officer's certification, the division of certification shall convert the conditional certification, the conditional certification shall be convertedrecertification into a full certification with an expiration date of July 1 three (3) calendar years from the reference date of expiration of the officer's prior certification. for the officer.~~

~~(4)(5) In all other respects, an officer who holds a conditional certification is "certified," as that term is used in M.G.L. c. 6E.~~

7.05 Determination of Good Character and Fitness for Employment.

(1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an officer possesses good character and fitness for employment shall take into account on-duty and off-duty conduct.

(2) Submission by Employing Agency.

(a) Each officer's employing agency shall provide a submission to the commission concerning whether an officer possesses good character and fitness for employment, in accordance with commission policy.

(i) ~~While the assessment of~~ In assessing good character and fitness for employment ~~is subjective, in such,~~ an assessment it is appropriate ~~to~~ employing agency shall take into account whether an officer

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**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

promotes public confidence in law enforcement, and whether the officer presently exhibits morality, integrity, candor, forthrightness, trustworthiness, attention to duty, self-restraint, and an appreciation of the distinctions between right and wrong in the conduct of people toward each other. In making such an assessment, the agency also may rely ~~also~~ on questionnaires ~~and/or~~, any ~~other~~ guidance or forms approved by the Commission, ~~and on the officer's past performance, including but not limited to,~~ performance reviews, relevant education, specialized training, professional awards, achievements, commendations by law enforcement agencies or officials or others, instances of imposed discipline, ~~and~~ patterns of misconduct, and any other evidence of past performance.

- (b) If an employing agency determines that an officer possesses good character and fitness for employment, the agency shall provide, upon request by the commission, documentation supporting such a determination.
- (c) If an employing agency determines that ~~it cannot find that~~ an officer ~~does not possess~~possesses good character and fitness for employment, the employing agency shall make a written report to the commission, a copy of which shall be simultaneously provided to the officer and the head of the officer's collective bargaining unit.
  - (i) The written report shall contain an explanation for the agency's determination, including, but not limited to, a description of ~~the~~ specific ~~circumstances~~conduct supporting the agency's determination. The written report must be sufficient to permit the commission to evaluate the basis for the employing agency's determination, and to permit the commission to determine whether the officer ~~is~~possesses good character and ~~fit~~fitness for employment.
  - (ii) As to each instance of specific conduct cited in the agency's report as evidence that the officer may lack good character and fitness for employment, the employing agency shall address:
    - (1) Any discipline imposed or decision issued by an authority as a result of the conduct, or the ~~reasons~~reason(s) why there was no discipline or decision;
    - (2) The extent to which the officer complied with any such discipline or decision;

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

- (3) Any similar conduct allegedly undertaken by the officer subsequent to any such discipline or decision; and
- (4) The dates of each instance of conduct, and imposition of discipline or issuance of a decision.
- (d) Response by Officer. Within ~~ten (10)~~fourteen (14) calendar days of the submission of the report to the commission, or a longer period of time allowed by the commission upon a showing of good cause, the officer may submit a written response to the commission, a copy of which shall be simultaneously provided to the officer's employing agency.
- (3) Assessment and Determination by Commission.
  - (a) The division of certification shall render an initial determination as to whether an officer possesses good character and fitness for employment, in accordance with any protocols adopted by the ~~Commission~~commission, upon giving due consideration to all information available to it, including, but not limited to, the following:
    - (i) An attestation that an officer possesses good character and fitness for employment and accompanying information;
    - (ii) Any report by an employing agency of the type described in 555 CMR 7.05(2)(c); and
    - (iii) Any response by an officer of the type described in 555 CMR 7.05(2)(d).
  - ~~(b) The division of certification may determine that an officer possesses good character and fitness for employment, notwithstanding the following:~~
  - (b) In rendering a determination regarding an officer's good character and fitness for employment, unless there have been allegations that an officer has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, the division of certification shall not consider an allegation of a particular instance of misconduct, where:
    - (i) An authority has made a decision in the officer's favor on the merits of a complaint alleging such misconduct ~~in the officer's favor~~;
    - (ii) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;

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**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

- (iii) The officer has complied, or is in the process of complying, with any disciplinary action or other adverse decision by an authority, in relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision;
  - (iv) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the employing agency has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
  - (v) The allegation is not specifically and credibly supported.
- (c) The division of certification may, to the extent reasonably possible, obtain additional information that may prove helpful in determining whether an officer possesses good character and fitness for employment.

**7.06 Evaluation of Recertification Standards.**

The Commission shall treat the statutory recertification standards as follows:

- (1) Attaining the Age of 21. This standard shall be deemed satisfied if the officer attained the age of 21 at any point in time before the ~~expiration of reference date for the officer's certification~~ officer. If the officer has not attained the age of 21 at any point in time before the ~~expiration of reference date for the officer's certification~~ officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified, on the condition that the officer shall attain the age of 21 by July 1, 2024.
- (2) Successful Completion of a High School Education or Equivalent. This standard shall be deemed satisfied if the officer successfully completed a high school education or equivalent at any point in time before the ~~expiration of reference date for the officer's certification~~ officer. If the officer has not successfully completed a high school education or equivalent at any point in time before the ~~expiration of the officer's certification~~ reference date for the officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a high school education or ~~equivalent~~ obtain a General Educational Development (GED) certification from an accredited program by July 1, 2024.
- (3) Successful Completion of Basic Training Program.
  - (a) Regular Basic Training Other than Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed a regular basic training program (not bridge academy training) at any point in time before the ~~expiration of reference date for the officer's certification~~ officer. If the officer has not successfully completed a regular

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RE-CERTIFICATION**

basic training program (not bridge academy training) at any point in time before the ~~expiration of the officer's certification~~reference date for the officer, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a regular basic training program (not bridge academy training) within ninety (90) ~~days of the issuance of the conditional recertification~~calendar days or such other time as is allowed by the MPTC.

- (b) Bridge Academy ~~Basic~~ Training. This standard shall be deemed satisfied if the officer successfully completed a bridge academy ~~basic~~ training at any point in time before the ~~expiration of reference date for the officer's certification~~reference date for the officer. If the officer has not successfully completed a bridge academy ~~basic~~ training due to a documented hardship ~~in accordance with recognized under~~ commission or MPTC policy, the officer shall be conditionally recertified in accordance with commission policy. Where commission policy is not applicable, the officer will be conditionally recertified on the condition that the officer shall successfully complete a bridge academy ~~basic~~ training by the date stipulated by the MPTC for that officer.
- (4) Successful Completion of a Physical and Psychological Fitness Evaluation. This standard shall be deemed satisfied if the officer successfully completed a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the ~~expiration of the officer's certification~~. ~~Reference date for the officer has. The commission will implement a policy concerning officers who were certified pursuant to St. 2020, c. 253, § 102 but did not successfully completed~~complete a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C ~~prior to the expiration of the officer's certification, the officer will be conditionally recertified on the condition that the officer complete a standard that may be approved by the commission by July 1, 2024. However, if the officer did not satisfy the requirement because the commission did not approve an evaluation, the officer need not satisfy the requirement.~~22C prior to the applicable reference date.
- (5) Successful Completion of a State and National Background Check. This standard shall be deemed satisfied if the following criteria are met:
- (i)(a) A background check of the type described in M.G.L. c. 6E, § 4(f)(1)(v) was successfully completed at any point in time before the ~~expiration of an officer's certification~~reference date for the officer;
- (i)(b) The commission has received all disciplinary records as described by commission policy relative to an officer prior the ~~expiration of reference date for the officer's certification~~reference date for the officer;

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**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RE-CERTIFICATION**

~~(iii)~~(c) The commission has received an attestation to certain key facts regarding the officer's background; and

~~(iv)~~(d) The commission does not discern any basis, based on information it has received, for finding the standard unmet.

If this standard is not satisfied because no background check has been conducted, the officer shall be conditionally recertified on the condition that ~~the officer must meet~~ this standard must be met within ninety (90) calendar days ~~of the issuance of conditional recertification~~. In all other circumstances where the officer has not satisfied this standard, the officer shall not be recertified.

(6) Successful Completion of an Examination.

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(a) Examination Part of Regular Basic Training (Not Bridge Academy Training). This standard shall be deemed satisfied if the officer successfully completed an examination ~~as part required for completion~~ of regular basic training (not bridge academy training) at any point in time before the ~~expiration of reference date for the officer's certification~~ officer. If the officer has not successfully completed an examination ~~as part required for completion~~ of regular basic training (not bridge academy training) at any point in time before the ~~expiration of reference date for the officer's certification~~ officer, the officer shall be conditionally recertified on the condition that the officer shall successfully complete an examination as part of regular basic training (not bridge academy training) within ninety (90) calendar days ~~of the issuance of conditional recertification~~ or such other time as is allowed by the MPTC.

(b) Examination Part of Bridge Academy ~~Basic~~ Training. This standard shall be deemed satisfied if the officer successfully completed an examination ~~as part required for completion~~ of bridge academy ~~basic~~ training at any point in time before the ~~expiration of reference date for the officer's certification~~ officer. If the officer has not successfully completed an examination ~~as part required for completion~~ of bridge academy ~~basic~~ training due to a documented hardship ~~in accordance with recognized~~ under commission or MPTC policy, the officer shall be conditionally recertified in accordance with commission policy. Where commission policy is not applicable, the officer will be conditionally recertified on the condition that the officer shall successfully complete an examination as part of bridge academy ~~basic~~ training within the timeframe determined by the MPTC.

(7) Possession of Current First Aid and Cardiopulmonary Resuscitation Certification. This standard shall be deemed satisfied if the officer currently possesses such certificates or the equivalent. If the officer does not currently possess such certificates or the equivalent, the officer will be conditionally recertified on the

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

condition that the officer shall obtain such certificates or the equivalent within ninety (90) ~~days of the issuance of conditional recertification~~ calendar days.

- (8) Successful Completion of an Oral Interview Administered by the Commission. This standard shall be deemed satisfied if an officer is ~~interviewed~~ interviews or discusses a set of questions, in accordance with commission policy, or ~~responses~~ responds to a questionnaire with the head of the officer's agency or ~~the head's~~ designee, or in the case of the head of the agency, ~~the head's~~ appointing authority. If this standard is not satisfied because of certain action or inaction by the employing agency, or because the officer was on approved leave, the officer will be conditionally certified on the condition that the standard is satisfied within the later of ninety (90) calendar days or ninety (90) calendar days following the officer's return to active service, as applicable. If this standard is not satisfied for any other reason, the officer shall not be recertified.
- (9) Good Character and Fitness for Employment. This standard shall be deemed satisfied if the division of certification determines the officer meets the criteria set out in 555 CMR 7.04. If this standard is not satisfied, the officer shall be not recertified.

7.07 Issuance of Decision.

- (1) The division of certification shall review each officer's application for recertification and provide written notification of a decision on the application for recertification to the officer and the officer's employing agency and the head of the officer's collective bargaining unit in accordance with commission policy, or where there is no commission policy, a policy adopted by the executive director.
- (2) ~~If the action provides~~ A decision that does not provide for ~~anything other than~~ full recertification, ~~the decision~~ shall be distinct from decertification and shall not implicate M.G.L. c. 6E, § 10.
- (3) If the decision provides for anything other than full recertification, the notification described in 555 CMR 7.06(1) shall also inform the officer of the ability to seek review by the executive director as provided for in 555 CMR ~~7.09~~ 10(1) and a hearing as provided for in 555 CMR 1.10 ~~and 555 CMR 7.10(2).~~

7.08 Retroactivity of Recertification. ~~Recertification decisions~~ A decision to recertify an officer made after the ~~officer's prior certification expired~~ reference date for the officer, notwithstanding 555 CMR ~~7.02~~ 03, will apply retroactively to that date, regardless of ~~the issuance of a conditional~~ whether the recertification under this chapter is subject to any limitations, conditions, or restrictions.

7.09 Restriction or Revocation of Certification. The granting of a recertification shall not preclude the limiting, conditioning, ~~or~~ restricting, suspending, or revoking of the certification in accordance with law, when warranted, including but not

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, ~~et seq.~~  
RECERTIFICATION**

limited to circumstances where an officer has made a material misrepresentation to the commission or ~~its~~the officer's employing agency in connection with the recertification process.

7.10 Possible Action Following Decision Declining to Grant Full Recertification.

(1) Executive Director Review.

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- (a) Within twenty ~~(20-one (21))~~ days of a decision by the division of ~~certification's decision~~certification declining to grant full recertification, an officer may submit a written petition to the executive director requesting review of the decision, a copy of which the officer shall provide to the officer's employing agency.
- (b) The executive director, or ~~their~~that person's designee, may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting ~~with the executive director~~ concerning the matter.
- (c) The executive director, or ~~their~~that person's designee, shall provide the officer and the officer's employing agency with a written decision on the petition within a reasonable time.

- (2) Opportunity for Hearing. Following the process described in 555 CMR 7.10(1), an officer may request a hearing before the commission concerning an application for recertification in accordance with 555 CMR 1.10.

- (3) Vacating of Prior Decision to Recertify. If a decision to recertify an officer is vacated, the officer shall be deemed to have been certified during the period of time between the decision to recertify and the decision to vacate.

- (4) Reapplication by Officer. Where an officer has received a decision denying a full recertification, the commission may ~~preclude the officer from reapplying for certification for a certain period of time without providing a recommendation for certification by an employing agency, or without satisfying other appropriate conditions~~attach limitations, conditions, or restrictions on the officer's ability to reapply.

7.11 Final Determinations.

- (1) An officer's application shall not be deemed "finally determined," as that term is used in M.G.L. c. 30A, § 13, absent a final decision by the commission.