

PEACE OFFICER STANDARDS & TRAINING COMMISSION

January 14, 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 November 22 and December 14, 2021
- Memorandum from Executive Director Enrique Zuniga to Commission Regarding Disciplinary Records Submittals Report
- Memorandum from Certification Specialist Gina Joyce to Commission Regarding Law Enforcement Officer Certification Standards Update
- Revised Draft Background Attestation Form and Questionnaire for Law Enforcement Officer Applicants
- Memorandum from Certification Specialist Gina Joyce to Commission Regarding Certification Process for Special State Police Officers
- Revised Draft Phase I Regulations

In Attendance:

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

1. Call to Order

- The Chair recognized a quorum.
- The Commission will review the agenda out of order and discuss the draft Phase I Regulations after voting to approve minutes from the November 22 and December 14, 2021 meetings.

2. Approval of Minutes

- Commissioner Ellison moved to approve the minutes from the November 22 and December 14, 2021 meetings.
- Commissioner Chéry seconded the motion.
- The Commission unanimously approved the minutes from the November 22 and December 14, 2021 meetings.

2. Draft Phase 1 Regulations: Review of Complaints by an Agency, Preliminary Inquiries, Suspensions and Disciplinary Hearings – Attorneys Lon Povich, Mina Makarious and Annie Lee
 - Mr. Povich explained the revision process A&K has undertaken since the last December 14, 2021 meeting, including receiving comments from Commissioners, Commission staff, and the public.
 - Mr. Povich and Mr. Makarious then explained substantive changes to the draft regulations.
 - If a police department does not forward a complaint to the Commission (like an anonymous complaint or a complaint relating to an ongoing criminal investigation), it must maintain certain materials relative to that complaint. However, a department, in its discretion, can always forward a complaint to the Commission.
 - Commissioner Ellison raised a question about the standard for choosing not to forward a complaint to the Commission. Mr. Povich explained that the departments will be subject to their own policies, but retain discretion once they have complied with those policies.
 - The regulations do not create a right to counsel – officers have the right to counsel, a union representative or other representation to the extent allowed under other policies and rules.
 - The period for completing an investigation of a complaint has been shortened from 180 days to 90 days.
 - The Commission should receive any information regarding any immunity offers during an investigation.
 - An officer can appeal to single commissioner on their own – they do not require counsel or representation to do so.
 - Hearings are presumptively public unless requested to be private.
 - Change to definition of “officer-involved injury or death”
 - General Counsel Ravitz explained the change.
 - Ms. Lee explained the process and a proposed timeline for promulgating these regulations.
 - The Chair asked for a motion to approve the regulations for a public hearing and public comment.
 - Commissioner Kazarosian moved to approve the regulations for a public hearing and public comment.
 - Commissioner Wynn seconded the motion.
 - The Commission unanimously approve the regulations for a public hearing and public comment.
3. Executive Director Report
 - a. Administrative update
 - The Commission continues to hire and recruit for numerous positions.
 - The Commission continues to establish its technology infrastructure.
 - The Commission continues to engage with local Police Chiefs regarding their various questions and concerns.

- b. Disciplinary Records Report
 - POSTCReports@mass.gov is currently receiving disciplinary records, which will be analyzed when all records have been received.
 - To date, 337 agencies have submitted their records, and 14 agencies have extensions (usually to Jan. 31).
- 4. Certification Standards Update
 - a. Certifications Issued – Gina Joyce, Senior Certification Specialist
 - The Commission has certified 115 officers from two police academics in the short term. In the future, the Commission plan to provide information regarding certification procedures to local departments so candidates are certified prior to beginning at the academy.
 - The Commission’s next certification task will be to certify currently active officers.
 - b. Certification Questionnaire and Attestations – General Counsel Ravitz
 - The background attestation and questionnaire forms have been merged into one documents; the substance of either has not been altered.
 - The Commission has reviewed the questions that sparked discussion (such as social media) against practices in other states.
 - The Chair ask for a motion to approve the background certification questionnaire and attestation. Commission Kazarosian moved to approve the background certification questionnaire and attestation. Commissioner Chéry seconded the motion. The Commission unanimously approved the background certification questionnaire and attestation.
- 5. Certification Process
 - a. Special State Police Officer (SSPO) – Gina Joyce, Senior Certification Specialist
 - Ms. Joyce suggested the Commission establish a process for warrant of appointment of SSPOs, as explained in the memorandum she provided to the Commission. In the meantime, Ms. Joyce requested approval to use a temporary process to issue certification to SSPOs. Requesting approval of temporary process to issue certification for these officers.
 - Ms. Joyce stressed the urgency for approving a temporary certification process, due to the currently understaffing experienced at institutions that employ SSPOs.
 - Commissioner Calderone moved to approve a temporary certification process for SSPOs. Commission Ellison seconded the motion. The Commission unanimously approved a temporary certification process for SSPOs.
 - b. School Resource Officer (SRO) – General Counsel Ravitz
 - General Counsel Ravitz sought approval for a protocol for certifying SROs.
 - Commission Ellison asked General Counsel Ravitz to explain how the proposed protocol differed from the certification of other LEOs.
 - Commissioner West moved to approve a protocol for certifying SROs. Commissioner Kazarosian seconded the motion. Commissioners Ellison and Bluestone abstained from the vote. The remaining Commissioners voted to approve the protocol for certifying SROs.

6. Process for Issuance of Advisories – General Counsel Ravitz
 - General Counsel Ravitz has received requests for guidance about the scope of Chapter 6E. He has explained the scope of 6E in response to requests, and will develop a process for issuing similar advisories.
7. Public comment
 - A member of the public asked who determines the adequacy of an anonymous complaint. The topic was addressed in response to Commissioner Ellison’s question and will be considered during the public comment period.
8. Matters not anticipated by the Chair at the time of posting
 - There were no new matters.
9. Executive Session to discuss a candidate for employment with the POST Commission, pursuant to M.G.L. c. 30A, s 21(a)(1), if approved by a majority of members through a roll-call vote, pursuant to M.G.L. c. 30A, s 21(b)(2)
 - The Commissioners approved the roll call vote to go into executive session. The Commission then moved into executive session.