



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

June 14, 2024

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Eddy Chrispin

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

EXECUTIVE DIRECTOR

Enrique A. Zuniga

In accordance with [M.G.L. c. 30A, §§ 18-25](#), and [St. 2021, c. 20](#), as amended by [St. 2022, c. 22](#), by [St. 2022, c. 107](#), and by [St. 2023, c. 2](#), 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 #51

June 20, 2024

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 961 7366 0513

- 1) Call to Order
- 2) Approval of minutes
 - a. May 22, 2024
- 3) Executive Director Report – Enrique Zuniga
 - a. Certification Update
 - b. Disciplinary Records Update
 - c. Finance Update
- 4) Legal Update – Randall Ravitz
 - a. Agency Certification Discussion
- 5) Matters not anticipated by the Chair at the time of posting
- 6) Executive Session in accordance with the following:
 - 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

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MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

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. Reports of Preliminary Inquiry in the following cases:
- i) PI-2024-018
 - ii) PI-2024-001
 - iii) PI-2023-07-12-002
 - iv) PI-2023-04-13-009
 - v) PI-2023-09-14-003
- b. Division of Standards request for approval to enter into Voluntary Decertification Agreements in the following cases:
- i) PI-2024-030
- c. Division of Standards request for approval to conduct Preliminary Inquiry and for a Suspension in the following case:
- i) PI-2024-037
- d. Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
- i) PI-2024-035
 - ii) PI-2024-036
 - iii) PI-2024-038
 - iv) PI-2024-039
 - v) PI-2024-040
 - vi) PI-2024-041
- e. Approval of the minutes of the Executive Session of May 22, 2024

Note that M.G.L. c. 66, § 6A(d) provides that “[a]n electronically produced document submitted to an agency . . . for use in deliberations by a public body shall be provided in an electronic format at the time of submission.”

2a.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Public Meeting Minutes
May 22, 2024
8:30 am

Documents Distributed in Advance of Meeting

- April 18, 2024, Public Meeting Minutes
- Executive Director Report
- Legal Update
- Subcommittee on Certification Update

In Attendance

- Commission Chair Margaret R. Hinkle
- 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 50th public meeting of the Commission and called the meeting to order.
- Chair Hinkle took a roll call of the Commissioners present. Roll call proceeded as follows:
 - Commissioner Bluestone – Present
 - Commissioner Calderone – Present
 - Commissioner Ellison – Present
 - Commissioner Hall – Present
 - Commissioner Kazarosian – Present
 - Commissioner Luma – Present
 - Commissioner Talley – Present

2. Approval of March 21, 2024, minutes

- Chair Hinkle asked for a motion to approve the April minutes.
- Commissioner Kazarosian moved to approve the minutes.
- Commissioner Ellison seconded the motion.
- The Commissioners voted as follows:
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Ellison – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Talley – Yes
 - Chair Hinkle – Yes
- The March minutes were approved.

3. Executive Director Report – Enrique A. Zuniga

- Executive Director Zuniga shared a PowerPoint presentation, which started with a update on the recertification process for officers with last names Q – Z.
- He stated that the certification portal opened on May 1, 2024. The Division of Police Certification is underway with processing recertification information. The deadline to submit recertification information is June 30, 2024.
- The Division of Police Certification staff has begun collecting certification information, contacting agencies and reminding them about the recertification requirements, and providing support for any issues that arise.
- The Division of Police Certification made significant improvements to the recertification process by taking advantage of the portal’s capabilities.
- Information from the Municipal Police Training Committee (MPTC) can be read in real time, which allows POST staff to easily track compliance with training requirements. The requirements include the Bridge Academy, in-service training, and holding a current CPR certification.
- The Division of Police Certification will send recertification notices as early as July 1, 2024.
- There are approximately 4,236 officers applying for this round of recertification.
- As of May 20, 2024, the Division of Police Certification received 805 applications, which is about 19% of the expected group.
- Executive Director Zuniga stated that he will report back to the Commission on the recertification process after the June 30, 2024, deadline.
- Commissioner Ellison asked if the numbers reported include new recruits that have been processed.
- Executive Director Zuniga responded that the report included new recruits totaling about 1,500 officers. This number is inclusive of officers with last names A – H, but he offered to provide a breakdown of new recruits in a future meeting.
- Commissioner Ellison stated that he asked the question to highlight to the public the other work the Division of Police Certification is doing outside of the recertification process.
- Next, Executive Director Zuniga addressed the Disciplinary Records Project and stated that the Division of Police Standards and the Information Technology (IT) team have been working on the complaint portal for complaints submitted between January 1, 2023, and March 5, 2024.
- January 31, 2023, was the cut-off date for submitting historical disciplinary records. The submitted historical disciplinary records were made public in October 2023.
- POST staff are working on the “catch-up project” for complaints submitted prior to the launch of the complaint portal. These complaints were uploaded to the portal for agencies to update.
- About 90% of the records from the catch-up project are from incidents that occurred before the end of 2023. Most of these records should be closed as they have been open for more than 90 days.
- The deadline to update the records was extended for a second time to May 17, 2024.
- It will be an ongoing effort to enforce compliance with the time requirements of uploading complaints to the portal. As of May 17, 2024, there were about 176 open complaints, 69 of which were past due. There were about 35 departments that had at least one or more open complaints.

4. Finance and Administrative Update – Chief Financial and Administrative Officer (CFAO) Eric Rebello-Pradas

- CFAO Rebello-Pradas provided updates on the Fiscal Year 2025 budget.
- The House of Representatives finished the budget debate at the end of April. POST maintained its appropriation of \$8.75 million.
- The Senate Committee on Ways and Means announced their version of the budget on May 7, 2024. The appropriation for POST was reduced by \$90,000 to \$8.66 million.
- After discussions with Chair Hinkle and Treasurer Ellison, POST will move forward with trying to get the funding restored. POST petitioned to the Chair of the Joint Committee on the Judiciary, Senator Eldridge, to sponsor a restoration amendment.
- Debates on filed amendments started on Monday, May 20, 2024.
- CFAO Rebello-Pradas updated the Commission on FY 24 financial activity.
- With the end of the current fiscal year approaching, POST is maintaining its spending forecast of just over \$8 million for the entire year.
- The Communications team is making great progress on the development of the new website. The project is on time and on budget. Almost half of the work was completed by the IT team. They are finalizing details for procuring Tableau licenses and development support. The goal is to finish procurement before June 30, 2024.
- CFAO Rebello-Pradas provided a brief update on internal controls.
- The Commission’s internal control working group met to complete the annual review of risk assessments.
- The group is comprised of five POST staff members and Commissioners Ellison and Luma.
- The statute requires the Commission to review and update the internal control plan at least once a year. POST has until August 8, 2024, to update the plan.
- The internal control working group has been collecting feedback and suggesting updates since last summer. A packet will be put together for review by the internal control working group sometime in July.
- While creating the packet, POST will be mindful of the Office of the Comptroller’s new Internal Control Certification. This process will be maintained on an annual basis. This new protocol will provide a more streamlined process for agencies to confirm they are in compliance with an active system of internal controls.
- POST will work with the General Counsel to get approval of the plan by Executive Director Zuniga by the end of June.
- POST welcomed five additions to its staff:
 - The IT Division welcomed IT Data Analyst Sai Ram Kurshal Puranam.
 - The Division of Police Certification welcomed its second Data Analyst, Alexa Hyde.
 - The Division of Police Standards onboarded its third intake coordinator, Steven Scichilone.
 - The Legal Division welcomed Annie Lee, Legal Counsel, and Michael Bergin, Summer Legal Intern.
- Current open positions are:
 - Division of Police Standards Deputy Director
 - Division of Police Standards Enforcement Counsel

- Legal Division Counsel
- Legal Division Paralegal – Administrative
- POST currently has 45 employees and is on track to have 48 employees by June 30, 2024.
- Commissioner Ellison asked whether the budget reduction of \$90,000 affected onboarding additional employees.
- CFAO Rebello-Pradas stated he did not think the budget reduction will impact hiring because POST will have savings due to delays in hiring.
- Executive Director Zuniga added the savings due to hiring delays may have been a rationale for the budget cut.
- CFAO Rebello-Pradas said it is best to go into the conference committee with a number that matches the House and Senate numbers. If the numbers don't match, POST may have to do more work to ensure a higher number.

5. Legal Update – General Counsel Randall E. Ravitz

- General Counsel Ravitz provided an update on regulations that would govern maintaining, reporting, and auditing law enforcement records and information.
- The topic was introduced at the May 2023 public meeting.
- There was a follow-up presentation at the November 2023 public meeting discussing the development of the regulations.
- During the December 2023 public meeting, there was a presentation on a draft set of regulations. The draft set of regulations were included in the Commission's meeting packet and were posted on the website.
- General Counsel Ravitz provided Commissioners with a revised set of draft regulations that incorporates some input received since the last draft was made available.
- The principal changes to the regulations will strengthen the provisions regarding the collection and furnishing of contact information regarding officers and contacts from their collective bargaining units.
- The Commission has encountered the issue of reaching an officer and ensuring the officer receives adequate notice of Commission actions and the officer's opportunity to respond and take action, right to counsel, and possibly secure representation through their collective bargaining unit.
- The draft regulations will ensure problems of service do not arise in the future by strengthening provisions that require officers to provide information to their agencies and the agencies provide it to the Commission.
- The regulations will also say that once addresses have been furnished and the addresses are used for the purpose of providing notice to officers to that address, it is sufficient for implementing the Commission's own governing statute and its policies.
- The regulations will require agencies to maintain and provide basic information regarding constables serving in their jurisdiction. Examples of information collected include names, contact information, and dates of service.
- The regulations will include more detail on areas that can be analyzed within an audit by the Commission of law enforcement agency records. This will clarify the scope of the authority that the Commission auditors would have.
- There is a provision of the statute that says the Division of Police Standards shall not be limited in nature of the audit.

- The additional details in the regulations will place agencies on notice of the range of topics that could be analyzed in audits, which will clarify what types of records they need to maintain and the type of reporting they need to do.
- The regulations will provide that the Commission could conduct an audit using an outside auditor or could direct the agency to line up its own auditor to conduct an internal audit pursuant to Commission guidelines.
- The previous version of the regulations provided to the Commission included a provision at the end of 555 CMR 13.00 that was intended to flesh out which staff units would handle which types of audits. Upon further consideration, the regulations will leave flexibility in that area because of the complexity of audits.
- General Counsel Ravitz offered a hypothetical scenario of how the audits could look like.
- General Counsel Ravitz concluded his presentation and opened up to the Commissioners for questions.
- Commissioner Bluestone asked whether there is a procedure through which an agency may appeal or object to the timing or nature of an audit by the Commission and whether there is consideration of a way that an agency might appeal procedural aspects or the outcome of an audit.
- General Counsel Ravitz replied the regulations do not include a provision worded in that way, but they contemplate that there will be cooperation with the agency.
- Commissioner Bluestone asked a clarifying question of whether there was a process for an agency to express their concerns over a procedure or outcome they felt was unfair.
- General Counsel Ravitz said that the agency could always take up its concerns with the Executive Director and Commissioners. Additional language can be added to the draft to reflect the ability of anybody that is audited to comment or respond to any of the findings.
- Commissioner Ellison asked how the Commission can obtain information from a small agency that does not have a separate human resources department.
- General Counsel Ravitz said as long as the complaint and allegations have the characteristics set forth in the regulations, then it should be reported to the Commission. Internal misconduct not necessarily reported to the human resources department should still be reported to the Commission.
- General Counsel Ravitz asked for a Commission vote on the draft set of regulations with the last section, section 13, struck from the draft.
- He said the Commission could vote to approve the draft regulations with the understanding that certain provisions would be added relating to the suggestions offered by Commissioner Bluestone.
- Commissioner Kazarosian moved to approve the initiation of the regulation promulgation process. Commissioner Hall seconded the motion.
- Chair Hinkle clarified the motion was to begin the promulgation process with the additions General Counsel Ravitz mentioned.
- The vote proceeded as follows:
 - Commissioner Bluestone – Yes (formally part of making the motion)
 - 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 approved.
6. Subcommittee on Certification Update
- Executive Director Zuniga presented the subcommittee updates.
 - Since the Commission voted to create the certification subcommittee, they have met four times.
 - Staff supporting the subcommittee continue to collaborate with the MPTC to create the plan for the next round of certification.
 - The first subcommittee meeting considered statutory and regulatory language and listened to testimony from different groups and organizations.
 - The public comments were summarized into three areas:
 - The Commission has broad discretion when it comes to the certification requirements in the statute.
 - There is concern over costs and resources any new plan would require.
 - There are efforts being made locally to improve officer mental health and physical fitness.
 - The recommendations to the subcommittee included that the subcommittee should recognize the efforts of departments and should standardize best practices already in place.
 - The subcommittee heard a presentation from the legal team on jurisdictional research regarding law enforcement officer psychological and physical wellness.
 - The subcommittee agreed to implement any changes to the certification process no earlier than June 30, 2025, which is the expiration of the certification of veteran officers with last names A – H. New graduates will be certified in the same manner as veteran officers.
 - The second recommendation adopted by the subcommittee is certifying officers according to birth month. This would begin in 2028.
 - This approach to recertification will better distribute the workload for agencies throughout the year. New recruits will be certified according to their graduation month.
 - Executive Director Zuniga asked Chair Calderone if he had anything to add to the subcommittee report.
 - Chair Calderone reminded the public that the next subcommittee meeting is scheduled for May 23, 2024. He said it will be held in person at the POST Commission office and can be attended remotely by Zoom.
 - Executive Director Zuniga added that the subcommittee serves in an advisory role to the Commission. Any vote that the subcommittee makes will come before the full Commission for a vote.
 - Executive Director Zuniga proposed the Commission vote on matters approved by the subcommittee.
 - Chair Calderone made the motion and opened up to the other Commissioners for discussion.

- Chair Hinkle clarified that the motion is intended to approve the certification timeframe included in the packet.
 - Commissioner Bluestone seconded the motion.
 - The vote went as follows:
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Ellison – Yes
 - Commissioner Hall – Yes
 - Commissioner Luma – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Talley – Yes
 - Chair Hinkle – Yes
 - The motion unanimously carried and the recertification dates were adopted.
7. **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 the posting of the meeting notice.
8. **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 the prior executive session.
 - The Chair informed members of the public that the Commission would not reconvene its public meeting after the executive session. There was a motion by Commissioner Ellison, seconded by Commissioner Calderone.
 - The Chair took a roll call vote on the motion. The Commissioners voted as follows.
 - 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 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 9:38 a.m.

3.



Executive Director Report

June 20, 2024



Agenda

1. Certification Update (Q-Z)
2. Disciplinary Records Update
3. Finance & Administrative Update

Certification Update



Certification Efforts (Officers with last name Q-Z)

- Submission deadline June 30, 2024 is fast approaching
- Agencies must request extension before deadline
- Last reminder to agencies was sent June 7th
- POST actively contacting agencies without submission
- Next week POST will publish agencies who have yet to submit certification information (or are required to ask for an extension)

Certification Update (Q-Z)



Certification Efforts

- The Division has begun processing applications in real time and will begin sending notices as early as July 1, 2024
- Below are preliminary figures as of June 17

Certification Figures	Total	Submitted	Pending
Expected Certification Requests (Q-Z)	4,154*	2,194	1,960
Number of Agencies with information submitted		301	84**

* This total is less than reported last month (4,236) because Certification team has ascertained that 82 individuals have dropped off from the certification requirement given retirements and/or lack of bridge academy

** 14 of these agencies have only one officer to submit. Some agencies will not be submitting any officer for recertification

Disciplinary Records Update



2023 Catch-Up Project (records between 1/31/23 and 3/5/24)

- POST and agencies continue to make progress closing out complaints that had been pre-populated to the portal
- We have reminded agencies of requirement to close out complaints (multiple times)
- In some cases, Standards have granted time extensions
- Where office is no longer with agency, Standards updates information on behalf of agencies (but still needs info from agency)

Disciplinary Records Update



2023 Catch-Up Project

- Up to 27 agencies still need to close out previously submitted complaints/reports
- Division of Standards reaching out to agencies individually to ensure compliance
- Some have not closed out complaints and those are past due
- POST will begin publicly reporting the names of those agencies

Disciplinary Records Project



July 2024 Database Update

- 555 CMR 8.06 (4)(b)(13) Information concerning an individual who is no longer serving as an officer who last received a certification more than three years earlier – *shall not be part of the public database*
- After July 1, 2024 a few records will come off the database
- Individuals certified by statute (effective July 1, 2021), but never submitted for POST certification (i.e., subsequently retired)
- Their records will not be part of public database, unless individual has been decertified

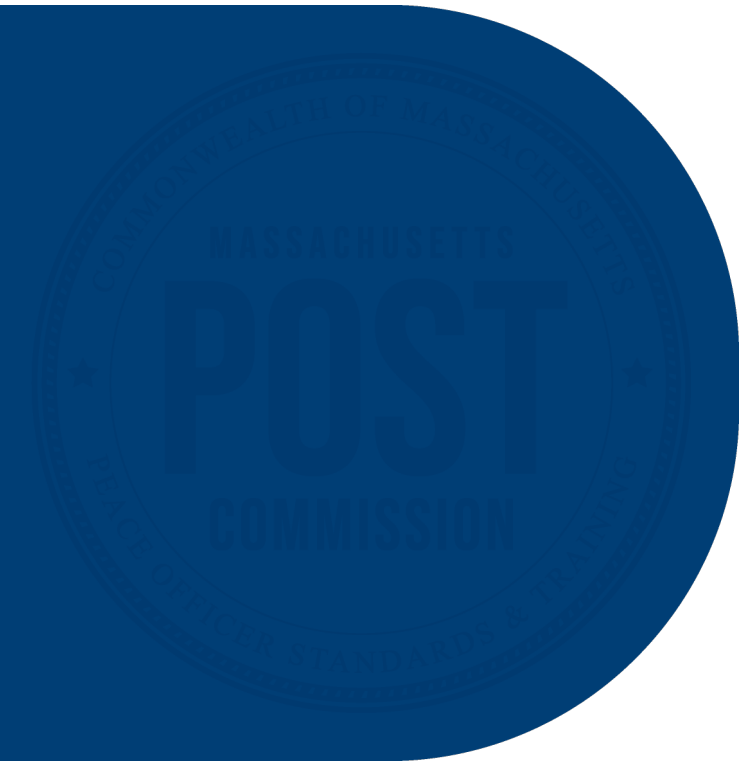
Disciplinary Records Project



July 2024 Database Update

- Next update will begin including POST imposed discipline
- This information was previously available in the “Decisions & Orders” page, but will also appear as part of disciplinary records report
- One of the incremental steps that POST is taking towards consolidating information in a “publicly searchable database”
- Additional efforts include the procurement of a business intelligence tool, which implementation is slated for FY25

Finance & Administrative Update



F&A Update



FY25 Budget Development

- Conference Committee Phase of Budget Development Process
 - Fully appointed June 3rd
 - \$8.75M (HOU) vs \$8.66M (SEN)
- ***Next Steps:*** Release of *Conference Committee Report*, Vote by Legislature, and Governor Review

FY24 Activity

- More savings in Payroll and IT
- Revised Spending Estimate: **\$7.75M**
- Overestimated Tableau Licenses; 45 vs 48 FTEs for the Fiscal Year

F&A Update



Hiring

- Welcome Recent Intern Hires:
 - Michael Brune – LGL
 - Noah Richardson – LGL
 - Max Smith-Stern - IT
- Open/Posted Positions:
 - DPS Deputy Director
 - Enforcement Counsel
 - Counsel
 - Paralegal - Admin

F&A Update



Diversity Update

Diversity Metrics

Demographic	Statewide Population*	POST		State Employees**
		ALL	SFI	
American Indian or Native Alaskan	0.5%	0.0%	0.0%	0.2%
Asian	7.7%	10.0%	0.0%	4.6%
Black or African American	9.5%	15.0%	31.3%	17.9%
Hispanic or Latino	13.1%	6.7%	6.3%	9.6%
Native Hawaiian or Other Pacific Islander	0.1%	0.0%	0.0%	0.1%
White	79.4%	68.3%	62.5%	62.4%
Two or More Races	2.7%	0.0%	0.0%	1.0%
Female	51.0%	45.0%	37.5%	54.1%
Veterans	3.8%	8.3%	6.3%	3.6%
Disability	8.1%	1.7%	0.0%	3.5%

*As reported by the U.S. Census Bureau; Estimates as of 7/1/2023

**As reported by the Office of Diversity and Equal Opportunity; Figures as of FY24 Q3



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3c.

Treasurer's Report: FY24

	FY24 FIN SP	MAY			ANNUAL
	BUDGET	YTD EXPENDED	YTD INCURRED (open enc amt)	YTD COMMITTED	PROJECTED EXPEND TOTAL
EMPLOYEE COMPENSATION (AA) TOTAL	5,737,656	3,929,559	10,000	3,939,559	4,568,076
EMPLOYEE TRAVEL (BB) TOTAL	25,000	5,772	0	5,772	5,772
CONTRACT EMPLOYEES (CC) TOTAL	60,000	29,161	0	29,161	35,161
PAYROLL TAX/FRINGE (DD) TOTAL	142,265	83,458	0	83,458	97,058
OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL	242,300	136,496	47,396	183,892	183,892
FACILITY OPERATIONS (FF) TOTAL	51,000	27,256	9,756	37,012	37,012
OFFICE SPACE LEASE (GG) TOTAL	507,540	427,655	53,082	480,737	478,625
CONSULTANTS/LEGAL SERVICES (HH) TOTAL	239,101	105,405	56,095	161,500	135,305
SUPPORT/AUXILIARY SERVICES (JJ) TOTAL	40,000	18,429	9,141	27,570	27,570
OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL	140,000	52,859	2,187	55,046	55,046
OFFICE EQUIPMENT LEASE (LL) TOTAL	5,440	1,255	541	1,796	1,796
OFFICE MAINTENANCE/REPAIRS (NN) TOTAL	89,050	75,526	15,175	90,701	90,701
INFORMATION TECHNOLOGY (UU) TOTAL	2,499,182	1,145,850	295,182	1,441,032	2,034,525
Grand Total :	9,778,534	6,038,682	498,555	6,537,237	7,750,540



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

TO: Commissioners
FROM: Finance & Administration
DATE: June 17, 2024
RE: Diversity Statistics Update

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

As part of its commitment to onboarding and sustaining a diverse workforce, the POST Commission regularly reviews its recruitment process and analyzes diversity statistics. The purpose of this memo is to provide an update on diversity statistics. The last report was provided on December 15, 2023.

Diversity Statistics

To report the makeup of the entire POST Commission, we have included any and all individuals who receive direct compensation for work performed on the agency’s behalf. These individuals include (a) nine Commissioners; (b) employees (i.e., part-time, full-time, and post-retiree); (c) fellows and interns; and, (d) *ad hoc* contractors (i.e., bailiffs), and are denoted by “ALL” in the below chart.¹ Per suggestion from the December meeting, we added a column in the chart which isolates individuals who must file a Statement of Financial Interest (SFI).

Demographic	Statewide Population*	POST		State Employees**
		ALL	SFI	
American Indian or Native Alaskan	0.5%	0.0%	0.0%	0.2%
Asian	7.7%	10.0%	0.0%	4.6%
Black or African American	9.5%	15.0%	31.3%	17.9%
Hispanic or Latino	13.1%	6.7%	6.3%	9.6%
Native Hawaiian or Other Pacific Islander	0.1%	0.0%	0.0%	0.1%
White	79.4%	68.3%	62.5%	62.4%
Two or More Races	2.7%	0.0%	0.0%	1.0%
Female	51.0%	45.0%	37.5%	54.1%
Veterans	3.8%	8.3%	6.3%	3.6%
Disability	8.1%	1.7%	0.0%	3.5%

*As reported by the U.S. Census Bureau; Estimates as of 7/1/2023
 **As reported by the Office of Diversity and Equal Opportunity; Figures as of FY24 Q3

Based on these metrics, it may be fair to say that the collective makeup of the agency continues to reflect the community it serves. In working to maintain this status, F&A will regularly review the agency’s makeup, and report the results to the Commission.

¹ Fellows and interns who are not compensated by the Commission are not included; only individuals directly compensated by the Commission are included.

4a.



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

To: Chair Margaret R. Hinkle
Commissioner Lester Baker
Commissioner Hanya H. Bluestone
Commissioner Lawrence Calderone
Commissioner Eddy Chrispin
Commissioner Deborah Hall
Commissioner Marsha V. Kazarosian
Commissioner Charlene D. Luma
Commissioner Clyde Talley

CC: Randall E. Ravitz, General Counsel

From: Annie E. Lee, Counsel

Re: Framework for 555 CMR 13.00: Law Enforcement Agency Certification Standards

Date: June 20, 2024

The following is a framework for a future regulation concerning law enforcement agency (“LEA”) certification standards. Pursuant to M.G.L. c. 6E, § 5, the Commission is tasked with certifying all LEAs in accordance with standards developed by the Division of Police Certification (“Certification”) in consultation with the Municipal Police Training Committee and approved by the Commission. The following framework is intended to guide the Commission through the necessary parts of a comprehensive LEA certification regulation, and to facilitate conversation around key policy decisions necessary to the development of a LEA certification scheme.

The framework and key policy questions are as follows:

- **Purpose and Scope.** In contrast to law enforcement officer (“LEO”) certification, the scope of LEA certification is narrower. LEA certification is statutorily limited to (1) local police departments; (2) state police agencies (i.e., Environmental Police, UMass Police, State Police, MassPort Police, MBTA Police); (3) sheriff’s offices; (4) university and college police departments; (5) hospital police departments; and (6) humane society police departments. M.G.L. c. 6E, §§ 1, 5(b).
- **Definitions.** Many definitions are set in the General Laws, but there will likely be a need to update those definitions for the purposes of LEA certification and, in some instances, define new terms altogether.

- Standards. The General Laws call for the Commission to certify LEAs in accordance with minimum certification standards applicable to all law enforcement agencies. The General Laws set 8 topics for which the Commission should approve standards: (1) use of force and reporting of the same; (2) officer code of conduct; (3) officer response procedures; (4) criminal investigation procedures; (5) juvenile operations; (6) internal affairs and investigation procedures; (7) detainee transportation; and (8) collection and preservation of evidence. Compared to other certification programs in the nation, however, this list of topics is quite limited; other certification programs require LEAs to meet over 100 standards, generally in the categories of administration, personnel, training, and operations.

The Commission will have to determine:

- Should the Commission set standards in addition to the eight mandated by statute?
 - What additional topics, if any, should the Commission set standards for?
 - Should some standards be mandatory or optional?
- Compliance. Once standards are set, the Commission will have to articulate what it means to be in compliance with this regulation.

The Commission will have to determine:

- Should compliance be limited to implementing policies that meet the Commission's standards, or should the Commission also consider the LEA's compliance with other laws, rules, and regulations?
- Assessment. The Commission will have to define the process by which it will assess a LEA's compliance with this regulation. Consistent with the legislative intent of M.G.L. c. 6E, it will be key to conduct independent assessments, rather than rely on the LEA's self-evaluation.

The Commission will have to determine:

- What should the Commission's role in the assessment process?
 - How should LEAs be assessed?
 - When successfully certified, how long is a LEA's certification period?
- Maintaining Compliance. Compliance is an ongoing requirement, and not only to be achieved prior to assessment. LEAs should therefore be required to maintain compliance with this regulation, with the Commission providing oversight.

The Commission will have to determine:

- How can LEAs update or amend compliant policies while maintaining compliance with this regulation in between assessments?
 - How should the Commission oversee LEAs in between assessments?
- Re-Assessment. Because compliance is an on-going requirement, LEAs will have to be periodically reassessed in order to determine their compliance with this regulation.

The Commission will have to determine:

- Should the re-assessment process differ from the initial assessment process?
- Waiver. Although the intent is to create flexible standards that work for all LEAs, there will invariably be some LEAs that require relief from some standards, either because some standards are not applicable to the particular LEA or because complying with a standard creates a hardship or burden for the LEA in a way that does not jeopardize the health, safety, and welfare of the public.

The Commission will have to determine:

- How should the Commission treat LEAs that are already accredited or certified, or in the process of obtaining accreditation or certification, by third parties, such as the Commission on Accreditation of Law Enforcement Agencies or the Massachusetts Police Accreditation Commission?
- Should all LEAs be granted an automatic waiver for purposes of coming into initial compliance with this regulation?
- Enforcement and Disciplinary Action. Consistent with the legislative intent of M.G.L. c. 6E, LEAs should be held accountable for their non-compliance with the Commission's regulations. Although LEAs do not have a traditional due process right to certification like LEOs, other agencies in the Commonwealth that license entities employ an adjudicatory process in accordance with M.G.L. c. 30A when taking enforcement action against certified entities.

The Commission will have to determine:

- Should the Commission employ an enforcement process similar to the process set out in 555 CMR 1.00 regarding LEOs?
- What range of sanctions should LEAs be subject to?
- Severability. As the first mandatory LEA certification program in the nation, there is potential for this regulation to be subject to legal challenges.

Given the breadth and impact of this future regulation, we welcome and encourage the participation of members of law enforcement and the public throughout this process. To that end, if members of law enforcement and the public have any comments and suggestions they would like the Commission to consider as it develops LEA certification standards and processes, we direct those individuals to submit their feedback to POSTC-comments@mass.gov.



LAW
ENFORCEMENT
AGENCY (“LEA”)
CERTIFICATION

Annie E. Lee, Counsel
June 2024



STATUTORY MANDATE

M.G.L. c. 6E, § 5(a) tasks Commission with certifying “all law enforcement agencies.”

“Law enforcement agencies” meaning:

- (1) Local police departments;
- (2) State police agencies;
- (3) Sheriff’s offices;
- (4) University and college police departments;
- (5) Hospital police departments; and
- (6) Humane society police departments.

M.G.L. c. 6E, § § 1, 5(b).



STATUTORY MANDATE

M.G.L. c. 6E, § 5(b) calls on the Commission to certify LEAs in accordance with “minimum certification standards,” including:

- (1) Use of force and reporting of use of force;
- (2) Officer code of conduct;
- (3) Officer response procedures;
- (4) Criminal investigation procedures;
- (5) Juvenile operations;
- (6) Internal affairs and officer complaint investigation procedures;
- (7) Detainee transportation; and
- (8) Collection and preservation of evidence



PROCESS

Phase I: Design

- Standards
- Compliance

Phase II: Implementation

- Assessment
- Maintaining compliance
- Re-assessment
- Waivers

Phase III: Enforcement

- Procedures
- Sanctions



KEY POLICY QUESTIONS

Phase I: Design

- Standards
 - Should the Commission set standards in addition to the statutorily mandated 8?
 - Should standards be mandatory, or should some be optional?



KEY POLICY QUESTIONS

Phase I: Design

- Compliance

- Should the Commission also take into consideration the LEA's past compliance with other laws, rules, and regulations?



KEY POLICY QUESTIONS

Phase II: Implementation

- Assessment
 - What should the Commission's role be in the assessment process?
 - When should LEAs be assessed?
 - What is required for a successful assessment?
 - How long is the certification period?



KEY POLICY QUESTIONS

Phase II: Implementation

- Maintaining Compliance

- How can LEAs update or amend compliant policies during their certification period?
- How should the Commission oversee LEAs during their certification period?

- Re-assessment

- Should the re-assessment process differ from the initial assessment process?



KEY POLICY QUESTIONS

Phase II: Implementation

- Waivers

- Should the Commission grant waivers to LEAs already, or in the process of obtaining, accreditation or certification from third-parties?
- Should the Commission grant hardship waivers?
- Should the Commission grant automatic waivers for the purposes of initial implementation?



KEY POLICY QUESTIONS

Phase III: Enforcement

- Procedures

- Should the Commission employ an enforcement process like the process that applies to individual officers?



KEY POLICY QUESTIONS

Phase III: Enforcement

- Sanctions

- What range of sanctions should LEAs be subject to in the event of non-compliance?
- What happens in the most extreme scenario?



PROCESS

Phase I: Design

- Standards
- Compliance

Phase II: Implementation

- Assessment
- Maintaining compliance
- Re-assessment
- Waivers

Phase III: Enforcement

- Procedures
- Sanctions



STANDARDS

- Other certification programs require 100+ standards
 - Non-profit organizations (CALEA and MPAC) require minimum ~180 standards, up to 461
 - State-run programs require 110-116 standards
- Standards generally address:
 - Administration
 - Personnel
 - Training
 - Operations



KEY POLICY QUESTION

Should the Commission set standards in addition to the statutorily mandated 8?

G.L. c. 6E, § 5(b) requires at least:

- (1) Use of force and reporting of use of force;
- (2) Officer code of conduct;
- (3) Officer response procedures;
- (4) Criminal investigation procedures;
- (5) Juvenile operations;
- (6) Internal affairs and officer complaint investigation procedures;
- (7) Detainee transportation; and
- (8) Collection and preservation of evidence

Other common certification topics:

Administration

- Role and authority
- Written directives
- Chain of command
- Community engagement
- Communications
- Records retention
- Planning and research
- Fiscal management
- Agency wellness

Personnel and Training

- Workplace code of conduct
- Equal opportunity
- Anti-sexual harassment
- Recruitment
- Hiring
- Retention
- Promotion
- Training
- Performance evaluation
- Early warning and intervention

Operations

- Compliance with constitutional requirements
- Bias-free policing
- De-escalation
- Crisis intervention
- Patrol practices
- Traffic operations
- Pursuits
- Body-worn cameras
- Mass protests and demonstrations
- Complaint intake and management
- Persons in custody
- Court security
- Critical incidents



Members of law enforcement and the public are encouraged to submit comments and suggestions to POSTC-comments@mass.gov