



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

CERTIFICATION POLICY SUBCOMMITTEE MATERIALS FOR MEETING OF JULY 25, 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

1. Meeting agenda.
2. Proposed minutes of the Subcommittee meeting of May 23, 2024.
3. Proposed revised set of recertification regulations, 555 CMR 7.00, with explanatory notes in green.
 - A. Version not showing changes made.
 - B. Version showing changes made since the Subcommittee meeting of May 23, 2024 in red.
4. Proposal regarding the completion of in-service training as an additional certification requirement.
5. Proposal regarding the statutory certification requirement of “being of good moral character and fit for employment in law enforcement, as determined by the commission.”
6. Memo and proposed survey regarding officers’ physical and psychological fitness.

APPENDIX

Prior Proposals regarding the statutory certification requirement of “being of good moral character and fit for employment in law enforcement, as determined by the commission.”

- A. April 2024 version.
- B. May 2024 version.

1.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

July 22, 2024

CHAIR

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

NOTICE OF CERTIFICATION SUBCOMMITTEE MEETING AND AGENDA

Public Meeting #5

July 25, 2024

10:00 a.m.

84 State Street, Suite 200, Boston MA 02109

and

Remote Participation via [Zoom](#)

Meeting ID: 963 5499 7020

1. Call to Order
2. Approval of minutes
 - a. May 23, 2024
3. Draft Plan for Recertification – Executive Director and Legal Division
 - a. Criteria for Recertification
 - b. Officer Physical and Psychological Fitness
4. Public comment
5. Matters not anticipated by the Chair at the time of posting
6. Adjourn

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MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

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.”

2.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Certification Policy Subcommittee Meeting Minutes
May 23, 2024
10:00 a.m.
By Zoom and in-person

Documents Distributed in Advance of Meeting

- Minutes from 4-11-24 Subcommittee Meeting
- Draft Regulations 555 CMR 7.00: Recertification
- Character and Fitness Proposal
- In-service Training Proposal

In Attendance

- Commissioner Lawrence Calderone, Subcommittee Chair
- Commissioner Hanya H. Bluestone
- Commissioner Marsha V. Kazarosian (Virtual)
- Executive Director Enrique A. Zuniga
- General Counsel Randall E. Ravitz
- Director of Certification Steven R. Smith
- Outside Counsel Lon F. Povich

1. Call to Order

- At 10:07 a.m., Chair Calderone welcomed the public to the Commission's fourth Subcommittee meeting and called the meeting to order.

2. Draft Plan for Recertification – Enrique A. Zuniga, Executive Director

- POST Executive Director Zuniga stated that the purpose of the meeting is to receive feedback and direction from the Commissioners on how to proceed with the plan for recertification, following General Counsel Ravitz's presentation.
- Chair Calderone discussed testimony received regarding oral interviews relating to the psychological and physical fitness component and confidentiality of such interviews.
- Executive Director Zuniga clarified that ultimately the oral interviews would not be transmitted to POST, and they may be limited to surveying whether officers have access to health and wellness programs.
- Commissioner Bluestone stated her belief that the Commission did not intend to go forward with a further psychological evaluation beyond the initial psychological evaluation that takes place when an officer is being considered for employment since it is not an appropriate follow-up measure. She also pointed out that there already are some wellness programs in place such as the Peer Support Network, should the Commission choose to move forward with that model.
- Commissioner Kazarosian asked for clarification on whether the Commission voted to have only the initial psychological evaluation and not follow-up evaluations.
- Commissioner Bluestone answered that it is stipulated in the certification process, but not the recertification process.
- Commissioner Kazarosian clarified that the number of psychological evaluations is still

up for discussion since the Commission hasn't officially voted.

- Chair Calderone added that while he believes the initial psychological evaluation is a necessity, he does not believe that follow-up evaluations every three years during an officer's career is useful but perhaps there are other avenues to achieve the same result such as the Peer Support Network or the officer's PCP.

3. Approval of April 11, 2024 Minutes

- Chair Calderone asked for a motion to approve the minutes.
- Commissioner Kazarosian moved to approve the minutes.
- Commissioner Bluestone seconded the motion.
- The Commissioners voted as follows:
 - Chair Calderone – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Bluestone – Yes

4. Criteria for Recertification Presentation – Randall E. Ravitz, General Counsel

- General Counsel Ravitz provided a presentation highlighting potential revisions to the regulations regarding recertification. Topics covered were: general goals in proposing revisions; procedural provisions; restrictions and enforcement; certification requirements; and performance reviews.
- Executive Director Zuniga added that the evaluation questions could change from cycle to cycle without the Commission having to revise the regulations.

5. Public comment

- Chair Calderone asked if anyone attending from the public had any questions.
 - Frank Frederickson, retired Yarmouth Police Chief and Fraternal Order of Police representative provided in-person testimony cautioning the Commission to make sure the psychological evaluation process is not too stringent and recommended that the Commission generate a streamlined policy that departments must adhere to.
 - Executive Director Zuniga stressed that there will be multiple opportunities for the public to provide comments and this conversation is just in the early stages.
 - M. McLaughlin submitted a question online, asking what the process is for officers who have been employed for 20 plus years but never had a psychological evaluation.
 - Commissioner Bluestone answered that there is a significant challenge in doing an evaluation on an officer that has been successfully employed for 20 years, thus the Commission stepped back from requiring the officer to have an evaluation, though the Commission has not come to a consensus on the issue.
 - General Counsel Ravitz paraphrased the initial set of regulations addressing the topic, which states that implementing a policy for officers who didn't complete the requirement was left for further development, and thus noted that the topic is still up for discussion.
- Chair Calderone recommended that the Commissioners return to the next Subcommittee meeting with strong opinions on the material that was covered at the meeting and encouraged the public to submit comments and input on the material.

- Chair Calderone requested a motion to adjourn the meeting. Commissioner Kazarosian made the motion to adjourn. Commissioner Bluestone seconded the motion. The Subcommittee voted as follows.
 - Commissioner Bluestone – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Calderone – Yes
- The motion was unanimously carried, and the meeting was adjourned.

3a.

555 CMR 7.00: RECERTIFICATION

Section

- 7.01: Authority and Scope
- 7.02: Definitions
- 7.03: Submission of Information to the Commission
- 7.04: Continuation of Certification Period
- 7.05: Conditional Certification
- 7.06: Determination of Character and Fitness
- 7.07: In-service Training
- 7.08: Division Evaluation of an Application
- 7.09: Satisfaction of Certification Requirements
- 7.10: Performance Review
- 7.11: Issuance of Decision
- 7.12: Possible Action Following Decision Declining to Grant Full Certification
- 7.13: Certification Status
- 7.14: Supervision by the Executive Director
- 7.15: Enforcement and Disciplinary Action

Note:

- This draft set of regulations is intended in part to:
 - Incorporate ideas for how the recertification process can be refined beginning with the July 1, 2025 class of applicants;
 - Limit the regulations to establishing certain key rules governing the recertification process, leaving the details of the implementation to be further developed and modified;
 - Harmonize the recertification regulations with 555 CMR 9.00, which govern all initial certifications and the recertification of independent applicants; and
 - Incorporate suggestions for improvement that have been offered over time, based on the Commission’s experience in applying the recertification regulations, many of which have already been incorporated into 555 CMR 9.00.
- The redlined version of this draft shows changes that have been made since the Certification Policy Subcommittee meeting of May 23, 2024, except changes that were based on phrasing adjustments made throughout the draft, formatting, ordering of items, numbering, or punctuation.

7.01: Authority and Scope

Note:

- This “Authority and Scope” section in part confirms that these regulations would apply only to endorsed applicants for recertification, while 555 CMR 9.00 would continue to govern independent applicants for recertification, as well as initial certifications.

- (1) 555 CMR 7.00 is promulgated pursuant to M.G.L. c. 6E, §§ 3(a) and 4.
- (2) 555 CMR 7.00:
 - (a) Governs the recertification of an applicant whose application is endorsed or supported by a law enforcement agency that is a current or prospective employer of an applicant.
 - (b) Does not govern the initial certification of an individual.
 - (c) Does not govern the recertification of an individual who submits, or intends to submit, an application to the Commission without the endorsement of an endorsing law enforcement agency, and whose recertification is thus governed by 555 CMR 9.00.
- (3) Nothing in 555 CMR 7.00 is intended to:
 - (a) Establish a standard of care or create any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection on the part of any other person or entity, except as expressly provided;
 - (b) Otherwise waive any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection that may be available to the Commission; or
 - (c) Preclude the limiting, conditioning, restricting, suspending, or revoking of any certification in accordance with law.

7.02: Definitions

Note:

- This “Definitions” section is intended in part to address certain issues of terminology.
- Among other things, the regulations:
 - Make clear that a recertification is a type of certification, not a wholly different action, and thus simply speak in terms of certification, as opposed to both certification and recertification; and
 - Make clear that “recertification” and “renewal” are synonymous.
- Other changes to the terminology used in the recertification regulations can be highlighted if helpful.

(1) 555 CMR 7.00 incorporates all definitions and rules of construction set forth in 555 CMR 2.02: *Definitions* and 2.03: *Construction*, except those definitions of terms that are defined in 555 CMR 7.02(2).

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

Applicant. An individual on whose behalf an application is submitted to the Commission.

Application. A request for an individual to be certified as an officer.

Appointing Authority. The law enforcement agency that employs or seeks to employ an individual as an officer, or the person or entity with the authority to appoint an individual as the head of a law enforcement agency.

Body or Person of Authority. An officer’s appointing authority or any supervisor therein; the Civil Service Commission; any arbitrator or other third-party neutral with decision-making power; and any court.

Certification. The certification of an individual as an officer pursuant to M.G.L. c. 6E, §§ 3(a) and 4, or pursuant to St. 2020, c. 253, § 102, either as an initial certification or a recertification, and regardless of whether it is subject to any condition, limitation, restriction, or suspension.

Certification Period. The period of time between the effective date and the expiration date of an individual’s certification as an officer, including any period of continuation provided for under M.G.L. c. 30A, § 13 or 555 CMR 7.04 beyond the third anniversary of the officer’s last certification.

Character and Fitness. Good moral character and fitness for employment in law enforcement, as that phrase is used in M.G.L. c. 6E, § 4(f)(1)(ix). Character and fitness means to have qualities that the public, other members of law enforcement, and the Commission have the right to demand of an officer, which qualities include, but are not limited to, honesty, integrity, diligence, reliability, fairness, candor, trustworthiness, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Commission. The Massachusetts Peace Officer Standards and Training Commission established under M.G.L. c. 6E, including its Commissioners and its staff.

Conditional Certification. A certification of the type described in 555 CMR 7.05.

Decertification or Revocation of Certification. A revocation of certification by the Commission pursuant to M.G.L. c. 6E, §§ 3(a) and 10, an action distinct from a denial, a nonrenewal, an expiration, or a suspension of certification.

Denial of Certification. A Commission action declining to grant a certification, made pursuant to M.G.L. c. 6E, §§ 3(a) and 4, an action distinct from a revocation or a suspension of certification.

Division. The Division of Police Certification established pursuant to M.G.L. c. 6E, § 4.

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Executive Director. The Executive Director of the Commission appointed pursuant to M.G.L. c. 6E, § 2, or that person's designee for relevant purposes.

Final Decision. The ultimate Commission decision on an application, following any review or hearing pursuant to 555 CMR 7.12 or the expiration of the time afforded for an applicant to seek such review or hearing, and following the satisfaction of any conditions attached to a conditional certification or the expiration of the time to satisfy any such conditions, and thus not including a decision granting a conditional certification.

Full Certification. A decision granting certification for three years pursuant to M.G.L. c. 6E, § 4(f)(3), without any condition, limitation, restriction, or suspension imposed pursuant to M.G.L. c. 6E, § 3(a) or any other provision.

Identified CBU Head. An individual identified by an applicant or an applicant's appointing authority as being the head of the applicant's collective bargaining unit.

Law Enforcement Agency. A "law enforcement agency" as defined in M.G.L. c. 6E, § 1.

MPTC. The Municipal Police Training Committee within the Executive Office of Public Safety and Security and established pursuant to M.G.L. c. 6, § 116.

Recertification. A type of certification involving a renewal of a previously granted certification.

Suspension. A suspension of a certification, including an administrative suspension, pursuant to M.G.L. c. 6E, §§ 3, 9, and/or 10.

7.03: Submission of Information to the Commission

Note:

- This "Submission of Information to the Commission" section and others shift certain functions from the Executive Director to the Division of Police Certification. However, Section 7.14 below affirms that all staffers operate under the supervision and direction of the Executive Director.
- While applications would likely be submitted by agencies, as opposed to officers, this section gives the Division the latitude to require or allow either approach.
- This section, like 555 CMR 9.00, provides that, if an agency has not found an individual to possess character and fitness, the agency is precluded from endorsing the individual and submitting an application on the individual's behalf. Rather, the applicant would need to proceed independently under 9.00.

(1) The Division may establish the deadline by which, and the manner in which, any application, form, or information related to certification is to be submitted to the Commission by an applicant or appointing authority.

(2) The Division may extend any deadline that it establishes one or more times for good cause, provided that no single extension exceeds 30 calendar days. Any applicant or appointing authority seeking an extension must submit to the Commission, with its first request for an extension, a roster of officers as to whom it intends to seek certification and requires an extension.

(3) An appointing authority may not submit an application on behalf of an individual, or endorse an individual's application, unless the appointing authority has determined that the individual possesses character and fitness as defined in 555 CMR 7.02(2).

7.04: Continuation of Certification Period

Note:

- This "Continuation of Certification Period" section, which is similar to its predecessor, enables an officer to maintain an existing certification if the officer's recertification application has not been fully processed by the date on which the prior certification would normally expire.
- This section would also enable the Division to pursue its intended approach of shifting expiration dates to the birthdays or birth-months of applicants. At the same time, this section would not compel such an approach.

- It would allow the Division to fashion ways for agencies and officers to satisfy the application requirement.
- Where an applicant's original certification period extends beyond the applicant's birthday because the applicant is pursuing a challenge to an adverse decision, the Division will be able to make the start date for any new certification period retroactive to the applicant's birthday (or another date), provided the date is not less than three years since the applicant's last certification, pursuant to Section 7.13(2) below.
 - (1) Pursuant to M.G.L. c. 30A, § 13, the certification period for an applicant shall continue after the third anniversary of the applicant's last certification, if:
 - (a) The application, in a form prescribed by the Division, is submitted in advance of such anniversary;
 - (b) The application is submitted in advance of any applicable deadline, and in conformity with any procedures, established by the Division; and
 - (c) The Division finds the application to be sufficient.
 - (2) The Division may establish that the inclusion of an applicant's name in a roster submitted in accordance with 555 CMR 7.03(2) or Division guidelines shall be considered an application for purposes of 555 CMR 7.04(1)(a).
 - (3) A certification period continued pursuant to 555 CMR 7.04 will end upon the issuance of a final decision.

7.05: Conditional Certification

Note:

- This "Conditional Certification" section was revised with the goal of condensing it, avoiding redundancy, and addressing grounds for conditional certification globally as opposed to requirement-by-requirement.
- The section addresses two types of conditional certification:
 - Those provided where the Division has not yet found an individual to have satisfied all certification requirements but there are grounds for temporarily certifying the individual nonetheless; and
 - Those provided where the Division has found an individual to have satisfied all requirements but still finds grounds to add a condition.
- The phrase "unable to grant a full certification" is intended to apply to:
 - Situations where an individual has not satisfied all requirements; and
 - Situations where the Division has been unable to complete the certification process.
- This section, like its predecessor, provides protection for officers who, for example, failed to satisfy a requirement through no fault of their own or because of an understandable reason.
- At the same time, this section is less forgiving than its predecessor, given that officers and agencies now have had more notice of the requirements and have more familiarity with the system, and there is no longer the same need to "equalize" the three thirds of the alphabet.
- The list of grounds for granting a conditional certification should not extend to failures such as:
 - Failing a background check;
 - Lacking character and fitness;
 - Having a felony conviction;
 - Being listed in a decertification database;
 - Having a background event that would have led to decertification in Massachusetts; and
 - Failing to complete training without having been excused.
- A policy question is whether to allow for conditional certification in situations involving failures other than those listed, such as not possessing current first aid and CPR certificates.
 - (1) The Division shall conditionally certify an applicant if it is unable to grant a full certification and the inability is directly and solely attributable to one of the following or a combination of the following:
 - (a) A failure to satisfy training requirements, where the applicant has been afforded additional time to satisfy such requirements by the MPTC;
 - (b) Circumstances that are beyond the applicant's control and are attributable to a current or former employer of the applicant, the MPTC, or the Commission; or
 - (c) The applicant's having been on approved leave, the applicant's having experienced a demonstrable hardship, or circumstances beyond the applicant's control.

- (2) The Division otherwise may conditionally certify an applicant if:
 - (a) The provisions of 555 CMR 7.07(3) are satisfied;
 - (b) The applicant's application is substantially complete and does not reveal any basis for denying certification, but the Division is unable to grant a full certification because certain additional details need to be supplied or certain information needs to be verified; or
 - (c) The Division determines that an applicant has satisfied all requirements for certification, but nevertheless deems a conditional certification warranted.
- (3) Where the Division conditionally certifies an applicant, it shall set appropriate conditions that must be met in order for the applicant to maintain a certification.
- (4) An applicant shall not be required to satisfy any conditions attached to a conditional certification, nor shall any time periods associated with any such conditions begin to elapse, before the conclusion of any review or hearing pursuant to 555 CMR 7.12, or the expiration of the time afforded for the applicant to seek such review or hearing, pursuant to 555 CMR 7.12.
- (5) When an applicant fails to satisfy a condition of a conditional certification within the time allowed, taking into account the provisions of 555 CMR 7.05(4), the Division shall terminate the applicant's certification, unless good cause for an extension of time for the applicant to satisfy the condition has been shown.
- (6) When an officer satisfies all conditions of a conditional certification within the time allowed, taking into account the provisions of 555 CMR 7.05(4), and the Commission has not otherwise limited, restricted, or suspended the officer's certification, the Division shall convert the conditional certification into a full certification and may set an effective date for the certification according to 555 CMR 7.13(2).

7.06: Determination of Character and Fitness

Note:

This "Determination of Character and Fitness" section is discussed further in a separate document.

- (1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an applicant possesses character and fitness, as that term is defined in 555 CMR 7.02, shall take into account on-duty and off-duty conduct. Character and fitness can be assessed through the consideration of the totality of the circumstances, weighing all factors, both favorable and unfavorable. No one factor is necessarily dispositive.
- (2) Submission by Appointing Authority.
 - (a) Each applicant's appointing authority shall provide a submission to the Commission concerning whether an officer possesses character and fitness, in accordance with Commission policy.
 - (b) In assessing character and fitness, an appointing authority may take into account whether an officer, both on duty and off duty:
 1. Follows any mission and values statement developed or approved by the Commission;
 2. Adheres to laws and orders;
 3. Demonstrates accountability and responsibility;
 4. Engages in conduct unbecoming a law enforcement officer, such as conduct that casts doubt on the officer's integrity, honesty, moral judgment, or character; brings discredit to the law enforcement agency; or impairs the law enforcement agency's efficient and effective operation;
 5. Is untruthful, as defined by M.G.L. c. 6E, § 1, in all matters;
 6. Neglects the duties of a law enforcement officer;
 7. Engages in misconduct towards the public;
 8. Engages in misconduct towards other law enforcement officers;
 9. Abuses one's law enforcement authority or position;
 10. Engages with prohibited associates or establishments; or
 11. Is worthy of the public trust and of the authority given to law enforcement officers.

- (c) In making such an assessment, the law enforcement agency also may rely on:
1. Questionnaires;
 2. Any guidance or forms approved by the Commission;
 3. Performance reviews;
 4. Relevant education;
 5. Specialized training;
 6. Professional awards;
 7. Achievements;
 8. Commendations by law enforcement agencies or officials or others;
 9. Instances of imposed discipline;
 10. Allegations of misconduct;
 11. The applicant's age at the time of the conduct;
 12. The amount of time since the conduct;
 13. The reliability of the information concerning the conduct;
 14. The seriousness of the conduct;
 15. The type of substantiated allegations (e.g., conduct unbecoming an officer, untruthfulness, excessive force);
 16. The type of discipline imposed for each substantiated complaint;
 17. Any decision from a body or person of authority;
 18. Whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
 19. The cumulative effect of conduct or information;
 20. The evidence of rehabilitation;
 21. The applicant's positive social contributions since the conduct;
 22. The applicant's positive contributions to public welfare and safety since the conduct;
 23. The applicant's candor in the certification process;
 24. The materiality of any omissions or misrepresentations;
 25. The length of service in law enforcement at the federal, state, and municipal levels; and
 26. Any other evidence of past performance.
- (d) If an appointing authority determines that an applicant possesses character and fitness, the appointing authority shall provide, upon request by the Commission, documentation supporting such a determination.
- (e) If an appointing authority determines that it cannot find that an applicant possesses character and fitness, the appointing authority shall make a written report to the Commission, a copy of which shall be simultaneously provided to the applicant and the applicant's identified CBU head.
1. The written report shall contain an explanation for the appointing authority's determination including, but not limited to, a description of specific conduct supporting the appointing authority's determination. The written report must be sufficient to permit the Commission to evaluate the basis for the appointing authority's determination, and to permit the Commission to determine whether the officer possesses character and fitness.
 2. As to each instance of specific conduct cited in the appointing authority's report as evidence that the applicant may lack character and fitness, the appointing authority shall address:
 - a. Any discipline imposed or decision issued by a body or person of authority as a result of the conduct, or the reasons why there was no discipline or decision;
 - b. The extent to which the applicant complied with any such discipline or decision;
 - c. Any similar conduct allegedly undertaken by the applicant subsequent to any such discipline or decision; and
 - d. The dates of each instance of conduct, and imposition of discipline or issuance of a decision.
- (f) Response by Applicant. Within 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 applicant may submit a written response to the Commission, a copy of which shall be simultaneously provided to the applicant's appointing authority.

(3) Assessment and Determination by Commission.

(a) The Division shall render an initial determination as to whether an applicant possesses character and fitness, 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:

1. An attestation that an applicant possesses character and fitness and accompanying information;
2. Any report by an appointing authority of the type described in 555 CMR 7.06(2)(e); and
3. Any response by an applicant of the type described in 555 CMR 7.06(2)(f).

(b) The Division may, to the extent reasonably possible, obtain additional information that may prove helpful in determining whether an applicant possesses character and fitness.

(4) Consideration of Particular Matters. In rendering a determination regarding an applicant's character and fitness, unless there have been allegations that an applicant has engaged in multiple instances of similar or related misconduct or protocols adopted by the Commission provide otherwise, neither the appointing authority nor the Division shall consider an allegation of a particular instance of misconduct, where:

- (a) A body or person of authority has made a decision in the applicant's favor on the merits of a complaint alleging such misconduct;
- (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
- (c) The applicant has complied, or is in the process of complying, with any disciplinary action or other adverse decision by a body or person of authority, in relation to the alleged misconduct, and the applicant has not engaged in any similar conduct since the discipline or decision;
- (d) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the appointing authority has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
- (e) The allegation is not specifically and credibly supported.

7.07: In-service Training

Note:

- This "In-service Training" subsection is discussed further in a separate document.

(1) The annual in-service training requirements and deadlines for the Commission shall be the same as those established by the MPTC.

(2) Where an applicant is unable to satisfy the annual in-service training requirements, the applicant may be conditionally certified and receive a temporary exemption from the administrative-suspension provisions of M.G.L. c. 6E, § 9(b) if:

- (a) The applicant applies to the applicant's appointing authority for such a conditional certification and temporary exemption;
- (b) The applicant provides documentation to the appointing authority that sufficiently establishes that the applicant has been unable to complete required in-service training due to injury, physical disability, or a leave of absence;
- (c) The applicant otherwise meets all qualifications for certification; and
- (d) The applicant's appointing authority certifies that the applicant meets the criteria for a conditional certification and temporary exemption described in 555 CMR 7.07.

7.08: Division Evaluation of an Application

Note:

- This "Division Evaluation of an Application" section is based on provisions of 555 CMR 9.00.

(1) The Division shall evaluate each substantially complete application that it receives.

(2) The Division may:

- (a) Evaluate whether an applicant has satisfied the requirements set forth in 555

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CMR 7.09 in any order that the Division considers expedient; and

(b) Refrain from evaluating whether any requirement has been satisfied after having determined that an applicant's failure to satisfy any other requirement is sufficient to warrant denial of the application.

(3) Except as provided in 555 CMR 7.05, the Division may grant an application only if the Division determines that:

- (a) The Division has received sufficient information relevant to the application; and
- (b) The applicant satisfies all requirements set forth in 555 CMR 7.09.

(4) If the Division determines that the applicant has not satisfied any of the requirements set forth in 555 CMR 7.09, and has not found the circumstances described in 555 CMR 7.05(1) or (2) to apply, the Division shall deny the application in accordance with 555 CMR 7.11.

7.09: Satisfaction of Certification Requirements

Note:

- This "Satisfaction of Certification Requirements" section now expressly references the relevant statutory provisions.
- Unlike its predecessor, this section incorporates the provisions of M.G.L. c. 6E, § 4(f)(2) (no felony conviction; no listing in a decertification database; would not have been decertified previously; and satisfying certification standards in Commission regulations) in addition to the requirements of M.G.L. c. 6E, § 4(f)(1).
- The subsections below use the phrase "if, and only if" as a way of establishing that certain actions: will be sufficient to satisfy a requirement; and must be undertaken in order for the requirement to be satisfied.
- As noted above, this section no longer addresses whether a failure to satisfy a requirement can be cured through a conditional certification or must instead lead to a denial of certification. That subject is instead addressed globally through Section 7.05 above.
- This section no longer refers to the Bridge Academy, as the program will be concluding.

Except as otherwise provided in 555 CMR 7.05 and 7.10, the Division shall evaluate whether the applicant has satisfied the requirements for certification established by M.G.L. c. 6E, §§ 4(f)(1), 4(f)(2), and 4(i), and 555 CMR 7.00, as follows.

Note:

- The predecessor of the "Age 21" subsection below automatically afforded officers until July 1, 2024 to satisfy the requirement of attaining age 21. These regulations afford no additional time, because: the prior deadline of July 1, 2024 will soon be reached; it no longer appears necessary to "equalize" officers; and it seems inconceivable that any presently serving officer could be found not to satisfy the requirement while having cause to complain of unfair surprise.
- As a practical matter, the Division will already have sufficient information from the previous certification process to evaluate this requirement.

(1) Age 21. The requirement of attaining the age of 21, established by M.G.L. c. 6E, § 4(f)(1)(i), shall be deemed satisfied if, and only if, the applicant attained the age of 21 before the third anniversary of the applicant's last certification.

Note:

- The predecessor of the "High School Education or Equivalent" subsection below automatically afforded officers until July 1, 2024 to satisfy the requirement of successfully completing high school or its equivalent. These regulations afford no additional time, for the same reasons offered above.
- As a practical matter, the Division will already have sufficient information from the previous certification process to evaluate this requirement.

(2) High School Education or Equivalent. The requirement of successful completion of a high school education or equivalent, as determined by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(ii), shall be deemed satisfied if, and only if, the applicant successfully completed a high school education or obtained a General Educational Development (GED) certificate from an accredited program before the third anniversary of the applicant's last certification.

Note:

- An officer who fails to satisfy the “Basic Training program” requirement below can, as noted above, obtain a conditional certification only in limited circumstances under Section 7.05.

(3) **Basic Training Program.** The requirement of successful completion of the basic training program approved by the MPTC, established by M.G.L. c. 6E, § 4(f)(1)(iii), shall be deemed satisfied if, and only if, at any point in time prior to the third anniversary of the applicant’s last certification, the applicant successfully completed either: a basic training program approved by the MPTC; or a reserve training program approved by the MPTC and all additional training and service required by the MPTC pursuant to St. 2020, c. 253, § 102(b).

Note:

- The “Physical and Psychological Fitness Evaluation” subsection below cites the statutory section that lists the successful completion of such an evaluation among the minimum certification requirements, M.G.L. c. 6E, § 4(1)(iv).
- Notably, another statutory section provides that “[t]he commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to” “adopt, amend or repeal regulations in accordance with chapter 30A for the implementation, administration and enforcement of [Chapter 6E], including, but not limited to, regulations” “establishing a physical and psychological fitness evaluation pursuant to section 4 that measures said fitness to ensure officers are able to perform essential job duties.” M.G.L. c. 6E, § 3(a).
- The subsection below calls for completion of a Commission-prescribed evaluation.
- The subsection further calls for the preservation of any recording or documentation of the evaluation, without requiring the making of any recording or documentation or requiring the automatic provision of any recording or documentation to the Commission.
- Also, Section 7.15 below would also authorize the Commission to require agencies to create, preserve, and provide information, records, or other items.
- Additionally, separate regulations that would require agencies to create, maintain, and provide specific forms of information are being developed.
- Another alternative would be to provide in this subsection that any recording or documentation must be preserved, but refrain from treating the preservation of such items as a prerequisite for finding that the evaluation requirement has been satisfied.
- The details regarding the implementation of these provisions could continue to be developed.
- This subsection is discussed further in a separate document.

(4) **Physical and Psychological Fitness Evaluation.** The requirement of successful completion of a physical and psychological fitness evaluation approved by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(iv), shall be deemed satisfied if, and only if:

- (a) Between the applicant’s last certification and the third anniversary of the applicant’s last certification, there has been an evaluation that conforms to Commission specifications; and
- (b) Any documentation or recording of questions posed, topics discussed, statements made, or assessments rendered in such an evaluation are preserved as directed by the Commission.

Public Comments Relevant to the “State and National Background Check” Subsection Below:

- ACLUM:
 - Agencies should be required to provide the Commission with documentation concerning the results of background checks.
 - Any questionnaire should include questions that capture additional aspects of an officer’s history, such as adverse civil judgments and judicial findings, and admissions of misconduct.

Note:

- The “State and National Background Check” subsection below does not call for a collection and evaluation of information that presumably would have been collected and evaluated in a prior certification process, either under 555 CMR 7.00 or 555 CMR 9.00.
- It instead focuses on ensuring that the Commission has received, or will receive, information on certain matters that occurred within the last certification period.
- Such information concerns discipline, arrests, criminal prosecutions, civil actions, and administrative agency actions.
- The subsection states, “as established and further described in the statute,” because the statute adds a proviso stating that, “if the applicant has been previously employed in law enforcement in any state

or United States territory or by the federal government, the applicant's full employment record, including complaints and discipline, shall be evaluated in the background check."

(5) State and National Background Check. The requirement of successful completion of a state and national background check, including, but not limited to, fingerprinting and a full employment history, established and further described by M.G.L. c. 6E, § 4(f)(1)(v), shall be deemed satisfied if, and only if:

- (a) The applicant's appointing authority either:
 1. Certifies that, between the applicant's last certification and the third anniversary of the applicant's last certification, it has provided the Commission with information conforming to Commission guidelines concerning any of the following occurring during that time period:
 - a. Discipline imposed on the applicant in relation to a matter reportable to the Commission under 555 CMR 1.01;
 - b. An arrest of the applicant;
 - c. The commencement, continuation, or termination of:
 1. A criminal prosecution against the applicant;
 2. A civil action against the applicant related to the applicant's service in law enforcement; or
 3. An administrative agency action against the applicant related to the applicant's service in law enforcement; or
 2. Provides to the Commission any information of the type described in 555 CMR 7.09(5)(a) that it has not previously provided to the Commission; and
- (b) The Division does not discern any basis for finding the requirement unmet.

Public Comments Relevant to the "Examination" subsection below:

- ACLUM:
 - The examination requirement should need to be satisfied anew in each certification period, with officers completing examinations based on current training standards.
- MCOP:
 - This requirement should be deemed to have been satisfied upon completion at the hiring stage. Thereafter, the process should focus on whether the officer is in good standing and any statutory disqualifier applies.
 - Agencies should not be required to undertake additional steps without adequate funding.

Note:

- The "Examination" subsection below requires passage of an examination each certification period, in part because:
 - It can be presumed that the Legislature intended to require as much, in light of:
 - The provision of M.G.L. c. 6E, § 4(i) stating, "The commission shall not recertify any person as a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of [M.G.L. c. 6E, § 4(f)]"; and
 - The nature of Chapter 6E and the larger session law through which it was adopted in their entirety, and the events surrounding the law's enactment;
 - Requiring as much can contribute to the goal of improving law enforcement; and
 - An examination can be administered each certification period in a manner that does not create undue burden.
- An examination:
 - Does not need to be developed by the Commission, but can be approved by the Commission after being developed by others;
 - Does not need to be written;
 - Could be developed by a committee of law enforcement professionals; and/or
 - Could be administered online, perhaps using software that the MPTC will be acquiring.
- More specifically, the Commission could take a page from the State Ethics Commission's conflict-of-interest training exam, which: is completed online; focuses on the law administered by the Commission and the consequences of violating the law; largely presents clear right/wrong issues, as opposed to debatable ones; allows those who answer questions incorrectly to keep trying, while providing explanatory information; thus focuses on educating, as opposed to passing and failing; and highlights certain rules that are more complex or less obvious.
- Thus, for example, the Commission could develop an exam that tests an officer's understanding of:
 - Matters on which Chapter 6E focuses:
 - Adherence to law, and avoidance of criminal conduct;
 - Policing without bias, particularly bias based on enumerated characteristics;

- Policing with integrity, and avoidance of corrupt practices and conduct prejudicial to the administration of justice; and
- Properly using force, refraining from using force, intervening when witnessing improper uses of force, and avoiding injuries and deaths; and
- The disciplinary, civil, and criminal consequences of violations.
- If necessary, exam questions could be drawn from fact patterns in judicial opinions.

(6) Examination. The requirement of passage of an examination approved by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(vi), shall be deemed satisfied if, and only if, the applicant successfully completes a Commission-prescribed examination between the applicant's last certification and the third anniversary of the applicant's last certification.

Note:

- The "First Aid and Cardiopulmonary Resuscitation Certificates" subsection below does not automatically allow for conditional certification of up to 90 days for those who fail to satisfy the requirement to possess such certifications, unlike the prior regulations.
- A policy question is whether to take a more forgiving approach.
 - On the one hand, officers now have had more notice of the requirement and time to comply.
 - On the other hand, an officer in this situation presumably once satisfied the requirement but simply allowed the certificates to expire without timely renewing them. And it should not be difficult for an officer to attain compliance.

(7) First Aid and Cardiopulmonary Resuscitation Certificates. The requirement of possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(vii), shall be deemed satisfied if, and only if, the applicant possesses such certificates or the equivalent that will not expire before the third anniversary of the applicant's last certification.

Public Comments Relevant to the "Oral Interview" Subsection Below:

- ACLUM:
 - Agencies should be required to record each oral interview and provide a copy of the recording to the Commission.
- MCOP:
 - This interview requirement should be deemed to have been satisfied upon completion of an interview at the hiring stage.
 - "In the first round of recertifications, there was an oral interview requirement that most departments did not complete. Reasons included that it is too burdensome on already cashstrapped and understaffed departments to dedicate personnel to compete these unnecessary tasks."
 - As to the questions that were developed previously:
 - They "serve[d] no legitimate purpose because they [were] not asked or received by the Commission . . . unless the POST request[ed] them."
 - "It is doubtful that any agency needs to ask or receive answers to these questions in order to decide whether an officer should be recommended for recertification," and "[t]here is no evidence that . . . [they] provided any useful guidance to recommendations by agencies for officers to be recertified or of POST to make recertification decisions."
 - "[T]he substance of the questions pertain to fitness and conduct issues that are best addressed locally through disciplinary process or evaluations."
 - Questions regarding personal interactions with the criminal justice system, domestic violence, neglect, physical altercations, bankruptcy, social media use, and alcohol and cannabis use concern matters that can be addressed through the disciplinary process, are unrelated to effectiveness in policing, do not involve a widespread problem, are overreaching and too broad, and/or involve issues that should be dealt with individually with a goal of assistance and recovery.

Note:

- The "Oral Interview" subsection below would require an oral interview to be conducted during each certification period.
- It would need to be conducted in accordance with Commission guidelines, which may require:
 - A set of questions to be asked and answered;
 - A set of written questionnaire questions to be answered and discussed;
 - A set of topics to be discussed; or
 - A performance review to be conducted.

- The subsection would also require an agency to record an oral interview.
- It would not require an agency to automatically provide the Commission with the recording, but it would require preservation of the recording.
- Also, Section 7.15 below would also authorize the Commission to require agencies to create, preserve, and provide information, records, or other items.
- Additionally, separate regulations that would require agencies to create, maintain, and provide specific forms of information are being developed.
- The details regarding the implementation of such provisions could continue to be developed.
- The Commission could provide, for example, that the interview should cover:
 - The applicant’s achievements;
 - Challenges faced by the applicant;
 - Discipline imposed on the applicant, and how it might have been avoided;
 - An officer’s appreciation for matters on which Chapter 6E focuses, as listed above; and/or
 - Matters that the Commission believes should be better understood by members of law enforcement.
- Performance reviews are addressed in greater depth below.
- Another alternative would be to provide in this subsection that a recording must be made and preserved, but refrain from treating the making and preservation of a recording as a prerequisite for finding that the applicant has satisfied the oral interview requirement.

(8) Oral Interview. The requirement of successful completion of an oral interview administered by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(viii), shall be deemed satisfied if, and only if:

- (a) Between the applicant’s last certification and the third anniversary of the applicant’s last certification, the head of the applicant’s appointing authority or the head’s designee orally interviews the applicant in accordance with Commission guidelines, which may require: a set of questions to be asked and answered, a set of written questionnaire questions to be answered and discussed, a set of topics to be discussed, or a performance review to be conducted; and
- (b) Any such interview is audio-recorded and preserved as directed by the Commission.

Note:

- The “Character and Fitness” requirement below is discussed further in a separate document.

(9) Character and Fitness. The requirement of being of good moral character and fit for employment in law enforcement, as determined by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(ix), shall be deemed satisfied if, and only if, the Division determines that the applicant meets the criteria set out in 555 CMR 7.06.

Note:

- The “No Felony Conviction” subsection below treats the requirement as satisfied where the Division finds no conviction after a diligent search.

(10) No Felony Conviction. The requirement of not having been convicted of a felony, established by M.G.L. c. 6E, § 4(f)(2)(i), will be deemed satisfied if, and only if, the Division does not find the applicant to have ever been so convicted, after the Division diligently takes steps to ascertain such fact.

Note:

- The “No Listing in a Decertification Database” subsection below makes clear that the NDI is the database maintained by IADLEST.

(11) No Listing in a Decertification Database. The requirement of not being listed in the National Decertification Index or the database of decertified law enforcement officers maintained by the Commission pursuant to M.G.L. c. 6E, § 13(a)(i), established by M.G.L. c. 6E, § 4(f)(2)(ii), shall be deemed satisfied if, and only if, the Division does not find the applicant to have ever been so listed, after the Division diligently takes steps to ascertain such fact. The National Decertification Index to be consulted is the database of the same name maintained by the International Association of Directors of Law Enforcement Standards and Training.

Note:

- The “Would Not Have Been Decertified Previously” subsection below concerns the statutory requirement that an applicant “while previously employed in law enforcement in any state or United States territory or by the federal government, would [not] have had their certification revoked by the commission if employed by an agency in the commonwealth.”
- The subsection makes clear that the phrase “any state or United States territory or by the federal government” includes Massachusetts.
- It focuses on whether a certification would have been revoked pursuant to M.G.L. 6E, § 10(a)—which concerns mandatory decertification—if, at the relevant time, the applicant had been employed by an agency in Massachusetts and M.G.L. c. 6E, § 10(a) had been in effect.
- M.G.L. c. 6E, § 10(a) provides as follows:
 - The commission shall, after a hearing, revoke an officer’s certification if the commission finds by clear and convincing evidence that:
 - (i) the officer is convicted of a felony;
 - (ii) the certification was issued as a result of administrative error;
 - (iii) the certification was obtained through misrepresentation or fraud;
 - (iv) the officer falsified any document in order to obtain or renew certification;
 - (v) the officer has had a certification or other authorization revoked by another jurisdiction;
 - (vi) the officer is terminated by their appointing agency, and any appeal of said termination is completed, based upon intentional conduct performed under the color of office to: obtain false confessions; make a false arrest; create or use falsified evidence, including false testimony or destroying evidence to create a false impression; engage in conduct that would constitute a hate crime, as defined in [M.G.L. c. 22C, § 32]; or directly or indirectly receive a reward, gift or gratuity on account of their official services;
 - (vii) the officer has been convicted of submitting false timesheets in violation of [M.G.L. c. 231, § 85BB];
 - (viii) the officer knowingly files a written police report containing a false statement or commits perjury, as defined in [M.G.L. c. 268, § 1];
 - (ix) the officer tampers with a record for use in an official proceeding, as defined in [M.G.L. c. 268, § 13E];
 - (x) the officer used force in violation of [M.G.L. c. 6E, § 14];
 - (xi) the officer used excessive use of force resulting in death or serious bodily injury;
 - (xii) the officer used a chokehold in violation of said [M.G.L. c. 6E, § 14];
 - (xiii) the officer engaged in conduct that would constitute a hate crime, as defined in [M.G.L. c. 22C, § 32];
 - (xiv) the officer engaged in the intimidation of a witness, as defined in [M.G.L. c. 268, § 13B];
 - (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including, but not limited to, excessive or prohibited force in violation of [M.G.L. c. 6E, § 15]; [or]
 - (xvi) the officer is not fit for duty as an officer and the officer is dangerous to the public, as determined by the commission.
- A policy question is whether to extend the focus to non-mandatory grounds for decertification.

(12) Would Not Have Been Decertified Previously. The requirement that the applicant, while previously employed in law enforcement in any state or United States territory or by the federal government, would not have had their certification revoked by the Commission if employed by an agency in the Commonwealth, established by M.G.L. c. 6E, § 4(f)(2)(iii), shall be addressed as follows. The requirement will be deemed satisfied if, and only if, the Division does not conclude that the applicant, while so employed within or outside of Massachusetts, would ever have had a certification revoked pursuant to M.G.L. c. 6E, § 10(a) if, at the relevant time, the applicant had been employed by an agency in Massachusetts and M.G.L. c. 6E, § 10(a) had been in effect.

Note:

- The “In-service Training” requirement below is being addressed separately.

(13) In-service Training. An applicant must successfully complete all in-service training mandated by the MPTC as a requirement for certification. This requirement, established pursuant to M.G.L. c. 6E, §§ 3(a) and 4, shall be deemed satisfied if, and only if, the Division determines that the applicant successfully completed all in-service training required for the period of time between the effective date of the applicant’s last certification and June 30 prior to the third anniversary of the applicant’s last certification.

Public Comments Relevant to this “Performance Review” Section:

- MCOP:
 - “[P]erformance evaluations are a mandatory subject of bargaining and many, if not all, departments have some sort of formal, or informal, procedure for evaluating their officers that was properly negotiated with their bargaining units.”
 - “We are opposed to any reduction in collective bargaining rights that govern how our members are evaluated.”
 - “The POST could encourage or mandate evaluations, but it should not dictate the method, criteria or implementation of them.”

Note:

- This “Performance Review” section would generally provide that the Commission may require performance reviews as a vehicle for satisfying and evaluating the satisfaction of statutory certification requirements.
- It would essentially provide a trade-off: officers and agencies could be required to conduct performance reviews; but conducting such performance reviews could relieve them of having to satisfy certification requirements in other ways.
- A performance review could potentially encompass, for example:
 - An oral interview;
 - An examination;
 - A background check;
 - A check into first aid and CPR certificates;
 - A character and fitness evaluation;
 - A form of physical and psychological evaluation; and/or
 - Anything else that the Commission deems appropriate.
- A performance review could be designed to test an officer’s appreciation for matters on which Chapter 6E focuses, as listed above.
- A policy question is whether to further develop such a provision or to leave it more general.

(1) The Commission may require law enforcement agencies to conduct performance reviews of officers according to Commission guidelines.

(2) The Commission may establish that one or more requirements for certification set forth in 555 CMR 7.09 may be satisfied through a performance review, in lieu of any method prescribed by 555 CMR 7.09.

Note:

- Sections 7.11 through 7.13 below blend provisions found in the prior recertification regulations and those found in 555 CMR 9.00.
- Among these are provisions of 9.00 stating that:
 - A certification shall be active only while one is serving as an officer for a law enforcement agency; and
 - An individual is precluded from executing arrests or otherwise performing police duties and functions in various circumstances.
- Such sections provide additional forms of notice for identified CBU heads.

7.11: Issuance of a Certification Decision

(1) The Division shall provide notification of a decision on the application by email to each of the following:

- (a) The applicant;
- (b) The applicant’s appointing authority; and
- (c) Any identified CBU head.

(2) As a decision declining to grant full certification is distinct from decertification, the procedures prescribed by M.G.L. c. 6E, § 10 need not be followed before such a decision issued.

(3) If the Division’s decision on an application provides for anything other than full certification, the notification described in 555 CMR 7.11(1) shall also inform the applicant of:

- (a) Any condition, limitation, or restriction attached to the certification, and any associated terms; and

- (b) The ability to seek review by the Executive Director as provided for in 555 CMR 7.12(1) and a hearing as provided for in 555 CMR 1.10 and 555 CMR 7.12(2).

7.12: Possible Action Following Decision Declining to Grant Full Certification

- (1) An applicant who receives a decision from the Division declining to grant a full certification may seek review by the Executive Director as follows.
- (a) Within 21 days of service by email of the Division's decision, the applicant or the applicant's appointing authority may submit a written petition to the Executive Director requesting review of the decision.
1. If an applicant files the petition, the applicant shall provide a copy of the petition to the applicant's appointing authority and any identified CBU head at the time of its filing.
 2. If an appointing authority files the petition, the appointing authority shall provide a copy of the petition to the applicant and any identified CBU head at the time of its filing.
- (b) The Executive Director may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting concerning the matter. At any such meeting, the Executive Director shall have discretion to determine the extent to which an individual who does not have a right to appear may attend and participate.
- (c) The Executive Director shall, within a reasonable time, provide a written decision on the petition to:
1. The applicant;
 2. The applicant's appointing authority; and
 3. Any identified CBU head.
- (2) Following the process described in 555 CMR 7.12(1), an applicant or an applicant's appointing authority may request a hearing before the Commission concerning an application in accordance with 555 CMR 1.10: *Final Disciplinary Hearings and Appeals of Certification Decisions*.
- (3) The Commission may place an individual's certification on restricted status while review pursuant to 555 CMR 7.12(1) or a hearing pursuant to 555 CMR 7.12(2) is pending.
- (4) Where an applicant has received a decision declining to grant a full certification, the Commission may attach conditions, limitations, or restrictions on the applicant's ability to reapply.

7.13: Certification Status

- (1) An application process shall be deemed ongoing and not "finally determined," as that term is used in M.G.L. c. 30A, § 13, absent a final decision.
- (2) Notwithstanding the provisions of 555 CMR 7.04, a final decision to certify an applicant made after the third anniversary of the applicant's last certification may be made retroactive to a date on or after such anniversary.
- (3) The granting of a certification shall not preclude the conditioning, limiting, restricting, suspending, or revoking of the certification in accordance with law, when warranted.
- (4) Except as expressly provided herein, an individual who holds a conditional, limited, or restricted certification is "certified," as that term is used in M.G.L. c. 6E.
- (5) The Commission may reconsider, and revise or vacate, a decision on an application, when such action is warranted.
- (6) If a decision to certify an applicant is vacated, the applicant shall be deemed to have been certified during the period of time between the decision to certify and the decision to vacate.

(7) A certification granted pursuant to 555 CMR 7.00 shall be active only while the certified individual is serving as an officer for a law enforcement agency, and shall otherwise be restricted.

(8) The following individuals may not execute any type of arrest, as that term is defined in 555 CMR 9.02(2), or otherwise perform police duties and functions:

- (a) An individual who is serving as a law enforcement officer as that term is defined in M.G.L. c. 6E, § 1 – whether as an officer of a law enforcement agency; a special state police officer; a special sheriff; a deputy sheriff; a constable; or a special, reserve, or intermittent police officer – but is not certified;
- (b) An individual whose certification is suspended;
- (c) An individual whose certification has been revoked;
- (d) An individual whose certification has been conditioned, limited, or restricted in a manner that precludes the relevant form of activity; and
- (e) An individual who otherwise lacks the legal authority to engage in the relevant form of activity.

7.14: Supervision by the Executive Director

Notwithstanding any other provision of 555 CMR 7.00, each member of the Commission staff shall be subject to the supervision and direction of the Executive Director in implementing any aspect of such regulations.

7.15: Cooperation, Enforcement, and Disciplinary Action

Public Comments Relevant to this “Cooperation, Enforcement, and Disciplinary Action” Section:

- **ACLUM:**
 - Agencies should not be allowed to submit an attestation supporting an officer without providing proof that qualifications have been met.

Note:

- Neither this “Cooperation, Enforcement, and Disciplinary Action” section nor any other section of these regulations would not require agencies to automatically provide the Commission with proof that requirements have been met. But, as noted above:
 - The regulations would authorize the Commission to require agencies to create, preserve, and provide information, records, or other items;
 - These regulations would also preclude an agency from endorsing an applicant, and submitting an application for the applicant, where the agency has not found the applicant to possess character and fitness; and
 - Separate regulations that would require agencies to create, maintain, and provide specific forms of information are being developed.

(1) The Commission may direct an applicant or a law enforcement agency to take steps to facilitate the processing and evaluation of certification applications, including but not limited to, the following:

- (a) Creating, preserving, or providing information, records, or other items;
- (b) Ensuring that an individual affirms the veracity of information provided to the Commission under the pains and penalties of perjury and/or the risk of disciplinary action pursuant to M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c), 8, 9, 10, and/or 12;
- (c) Identifying the head of the applicant’s collective bargaining unit, if any; and
- (d) Providing an email address that may be used for correspondence related to the certification process for: the applicant; the agency; the applicant’s appointing authority; and any identified CBU head.

(2) An applicant or certified officer must promptly notify the Commission of any change in:

- (a) Contact information for the applicant or officer that has been provided to the Commission;
- (b) The applicant or officer’s place of employment; or
- (c) The applicant or officer’s work status, including on-leave status.

(3) The Commission may take disciplinary action against an agency or an officer, pursuant to M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c), 8, 9, 10, and/or 12, provided other applicable provisions of M.G.L. c. 6E and 555 CMR are satisfied, based on the following, in relation to the certification process:

555 CMR: PEACE OFFICER STANDARDS AND TRAINING COMMISSION

- (a) A failure to act in accordance with M.G.L. c. 6E, 555 CMR, a Commission order, or a limitation or restriction on a certification;
 - (b) A failure to be accurate in any recordkeeping or any representations to the Commission;
 - (c) Harassment, intimidation, or retaliation against any individual for taking any step, or interference with one's taking of any step, that is required by M.G.L. c. 6E, 555 CMR, or the Commission; or
 - (d) Evidence of misconduct that is uncovered by the Commission.
- (4) The Commission may, by a vote taken in accordance with M.G.L. c. 6E, § 2(e), levy and collect assessments, fees, and fines, and impose penalties and sanctions against an agency or an officer, pursuant to M.G.L. c. 6E, § 3(a), based on a ground listed in 555 CMR 7.15(3)(a)-(d).
- (5) The Commission may refer information that it obtains in the certification process to an appropriate government office for possible criminal or civil enforcement action, pursuant to M.G.L. c. 6E, §§ 3(a) and 8(c)(2).

REGULATORY AUTHORITY

555 CMR 7.00: MG.L. c. 6E.

3b.

555 CMR 7.00: RECERTIFICATION

Section

- 7.01: Authority and Scope
- 7.02: Definitions
- 7.03: Submission of Information to the Commission
- 7.04: Continuation of Certification Period
- 7.05: Conditional Certification
- 7.06: Determination of Character and Fitness
- 7.07: In-service Training
- 7.08: Division Evaluation of an Application
- 7.09: Satisfaction of Certification Requirements
- 7.10: Performance Review
- 7.11: Issuance of Decision
- 7.12: Possible Action Following Decision Declining to Grant Full Certification
- 7.13: Certification Status
- 7.14: Supervision by the Executive Director
- 7.15: Enforcement and Disciplinary Action

Note:

- This draft set of regulations is intended in part to:
 - Incorporate ideas for how the recertification process can be refined beginning with the July 1, 2025 class of applicants;
 - Limit the regulations to establishing certain key rules governing the recertification process, leaving the details of the implementation to be further developed and modified;
 - Harmonize the recertification regulations with 555 CMR 9.00, which govern all initial certifications and the recertification of independent applicants; and
 - Incorporate suggestions for improvement that have been offered over time, based on the Commission’s experience in applying the recertification regulations, many of which have already been incorporated into 555 CMR 9.00.
- The redlined version of this draft shows changes that have been made since the Certification Policy Subcommittee meeting of May 23, 2024, except changes that were based on phrasing adjustments made throughout the draft, formatting, ordering of items, numbering, or punctuation.

7.01: Authority and Scope

Note:

- This “Authority and Scope” section in part confirms that these regulations would apply only to endorsed applicants for recertification, while 555 CMR 9.00 would continue to govern independent applicants for recertification, as well as initial certifications.

- (1) 555 CMR 7.00 is promulgated pursuant to M.G.L. c. 6E, §§ 3(a) and 4.
- (2) 555 CMR 7.00:
 - (a) Governs the recertification of an applicant whose application is endorsed or supported by a law enforcement agency that is a current or prospective employer of an applicant.
 - (b) Does not govern the initial certification of an individual.
 - (c) Does not govern the recertification of an individual who submits, or intends to submit, an application to the Commission without the endorsement of an endorsing law enforcement agency, and whose recertification is thus governed by 555 CMR 9.00.
- (3) Nothing in 555 CMR 7.00 is intended to:
 - (a) Establish a standard of care or create any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection on the part of any other person or entity, except as expressly provided;
 - (b) Otherwise waive any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection that may be available to the Commission; or
 - (c) Preclude the limiting, conditioning, restricting, suspending, or revoking of any certification in accordance with law.

7.02: Definitions

Note:

- This “Definitions” section is intended in part to address certain issues of terminology.
- Among other things, the regulations:
 - Make clear that a recertification is a type of certification, not a wholly different action, and thus simply speak in terms of certification, as opposed to both certification and recertification; and
 - Make clear that “recertification” and “renewal” are synonymous.‡
- Other changes to the terminology used in the recertification regulations can be highlighted if helpful.

(1) 555 CMR 7.00 incorporates all definitions and rules of construction set forth in 555 CMR 2.02: *Definitions* and 2.03: *Construction*, except those definitions of terms that are defined in 555 CMR 7.02(2).

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

Applicant. An individual on whose behalf an application is submitted to the Commission.

Application. A request for an individual to be certified as an officer.

Appointing Authority. The law enforcement agency that employs or seeks to employ an individual as an officer, or the person or entity with the authority to appoint an individual as the head of a law enforcement agency.

Body or Person of Authority. An officer’s appointing authority or any supervisor therein; the Civil Service Commission; any arbitrator or other third-party neutral with decision-making power; and any court.

Certification. The certification of an individual as an officer pursuant to M.G.L. c. 6E, §§ 3(a) and 4, or pursuant to St. 2020, c. 253, § 102, either as an initial certification or a recertification, and regardless of whether it is subject to any condition, limitation, restriction, or suspension.

Certification Period. The period of time between the effective date and the expiration date of an individual’s certification as an officer, including any period of continuation provided for under M.G.L. c. 30A, § 13 or 555 CMR 7.04 beyond the third anniversary of the officer’s last certification.

Character and Fitness. Good moral character and fitness for employment in law enforcement, as that phrase is used in M.G.L. c. 6E, § 4(f)(1)(ix). Character and fitness means to have qualities that the public, other members of law enforcement, and the Commission have the right to demand of an officer, which qualities include, but are not limited to, honesty, integrity, diligence, reliability, fairness, candor, trustworthiness, respect for and obedience to the law, and respect for the rights of others and the judicial process.

Commission. The Massachusetts Peace Officer Standards and Training Commission established under M.G.L. c. 6E, including its Commissioners and its staff.

Conditional Certification. A certification of the type described in 555 CMR 7.05.

Decertification or Revocation of Certification. A revocation of certification by the Commission pursuant to M.G.L. c. 6E, §§ 3(a) and 10, an action distinct from a denial, a nonrenewal, an expiration, or a suspension of certification.

Denial of Certification. A Commission action declining to grant a certification, made pursuant to M.G.L. c. 6E, §§ 3(a) and 4, an action distinct from a revocation or a suspension of certification.

Division. The Division of Police Certification established pursuant to M.G.L. c. 6E, § 4.

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Executive Director. The Executive Director of the Commission appointed pursuant to M.G.L. c. 6E, § 2, or that person's designee for relevant purposes.

Final Decision. The ultimate Commission decision on an application, following any review or hearing pursuant to 555 CMR 7.12 or the expiration of the time afforded for an applicant to seek such review or hearing, and following the satisfaction of any conditions attached to a conditional certification or the expiration of the time to satisfy any such conditions, and thus not including a decision granting a conditional certification.

Full Certification. A decision granting certification for three years pursuant to M.G.L. c. 6E, § 4(f)(3), without any condition, limitation, restriction, or suspension imposed pursuant to M.G.L. c. 6E, § 3(a) or any other provision.

Identified CBU Head. An individual identified by an applicant or an applicant's appointing authority as being the head of the applicant's collective bargaining unit.

Law Enforcement Agency. A "law enforcement agency" as defined in M.G.L. c. 6E, § 1.

MPTC. The Municipal Police Training Committee within the Executive Office of Public Safety and Security and established pursuant to M.G.L. c. 6, § 116.

Recertification. A type of certification involving a renewal of a previously granted certification.

Suspension. A suspension of a certification, including an administrative suspension, pursuant to M.G.L. c. 6E, §§ 3, 9, and/or 10.

7.03: Submission of Information to the Commission

Note:

- This "[Submission of Information to the Commission](#)" section and others shift certain functions from the Executive Director to the Division of Police Certification. However, Section 7.14 below affirms that all staffers operate under the supervision and direction of the Executive Director.
- While applications would likely be submitted by agencies, as opposed to officers, this section gives the Division the latitude to require or allow either approach.
- This section, like 555 CMR 9.00, provides that, if an agency has not found an individual to possess character and fitness, the agency is precluded from endorsing the individual and submitting an application on the individual's behalf. Rather, the applicant would need to proceed independently under 9.00.

(1) The Division may establish the deadline by which, and the manner in which, any application, form, or information related to certification is to be submitted to the Commission by an applicant or appointing authority.

(2) The Division may extend any deadline that it establishes one or more times for good cause, provided that no single extension exceeds 30 calendar days. Any applicant or appointing authority seeking an extension must submit to the Commission, with its first request for an extension, a roster of officers as to whom it intends to seek certification and requires an extension.

(3) An appointing authority may not submit an application on behalf of an individual, or endorse an individual's application, unless the appointing authority has determined that the individual possesses character and fitness as defined in 555 CMR 7.02(2).

7.04: Continuation of Certification Period

Note:

- This "[Continuation of Certification Period](#)" section, which is similar to its predecessor, enables an officer to maintain an existing certification if the officer's recertification application has not been fully processed by the date on which the prior certification would normally expire.
- This section would also enable the Division to pursue its intended approach of shifting expiration dates to the birthdays or birth-months of applicants. At the same time, this section would not compel such an approach.

- It would allow the Division to fashion ways for agencies and officers to satisfy the application requirement.
- Where an applicant's original certification period extends beyond the applicant's birthday because the applicant is pursuing a challenge to an adverse decision, the Division will be able to make the start date for any new certification period retroactive to the applicant's birthday (or another date), provided the date is not less than three years since the applicant's last certification, pursuant to Section 7.13(2) below.
 - (1) Pursuant to M.G.L. c. 30A, § 13, the certification period for an applicant shall continue after the third anniversary of the applicant's last certification, if:
 - (a) The application, in a form prescribed by the Division, is submitted in advance of such anniversary;
 - (b) The application is submitted in advance of any applicable deadline, and in conformity with any procedures, established by the Division; and
 - (c) The Division finds the application to be sufficient.
 - (2) The Division may establish that the inclusion of an applicant's name in a roster submitted in accordance with 555 CMR 7.03(2) or Division guidelines shall be considered an application for purposes of 555 CMR 7.04(1)(a).
 - (3) A certification period continued pursuant to 555 CMR 7.04 will end upon the issuance of a final decision.

7.05: Conditional Certification

Note:

- This "Conditional Certification" section was revised with the goal of condensing it, avoiding redundancy, and addressing grounds for conditional certification globally as opposed to requirement-by-requirement.
- The section addresses two types of conditional certification:
 - Those provided where the Division has not yet found an individual to have satisfied all certification requirements but there are grounds for temporarily certifying the individual nonetheless; and
 - Those provided where the Division has found an individual to have satisfied all requirements but still finds grounds to add a condition.
- The phrase "unable to grant a full certification" is intended to apply to:
 - Situations where an individual has not satisfied all requirements; and
 - Situations where the Division has been unable to complete the certification process.
- This section, like its predecessor, provides protection for officers who, for example, failed to satisfy a requirement through no fault of their own or because of an understandable reason.
- At the same time, this section is less forgiving than its predecessor, given that officers and agencies now have had more notice of the requirements and have more familiarity with the system, and there is no longer the same need to "equalize" the three thirds of the alphabet.
- The list of grounds for granting a conditional certification should not extend to failures such as:
 - Failing a background check;
 - Lacking character and fitness;
 - Having a felony conviction;
 - Being listed in a decertification database;
 - Having a background event that would have led to decertification in Massachusetts; and
 - Failing to complete training without having been excused.
- A policy question is whether to allow for conditional certification in situations involving failures other than those listed, such as not possessing current first aid and CPR certificates.
 - (1) The Division shall conditionally certify an applicant if it is unable to grant a full certification and the inability is directly and solely attributable to one of the following or a combination of the following:
 - (a) A failure to satisfy training requirements, where the applicant has been afforded additional time to satisfy such requirements by the MPTC;
 - (b) Circumstances that are beyond the applicant's control and are attributable to a current or former employer of the applicant, the MPTC, or the Commission; or
 - (c) The applicant's having been on approved leave, the applicant's having experienced a demonstrable hardship, or circumstances beyond the applicant's control.

- (2) The Division otherwise may conditionally certify an applicant if:
- (a) The provisions of 555 CMR 7.07(3) are satisfied;
 - (b) The applicant’s application is substantially complete and does not reveal any basis for denying certification, but the Division is unable to grant a full certification because certain additional details need to be supplied or certain information needs to be verified; or
 - (~~c~~b) The Division determines that an applicant has satisfied all requirements for certification, but nevertheless deems a conditional certification warranted.
- (3) Where the Division conditionally certifies an applicant, it shall set appropriate conditions that must be met in order for the applicant to maintain a certification.
- (4) An applicant shall not be required to satisfy any conditions attached to a conditional certification, nor shall any time periods associated with any such conditions begin to elapse, before the conclusion of any review or hearing pursuant to 555 CMR 7.12, or the expiration of the time afforded for the applicant to seek such review or hearing, pursuant to 555 CMR 7.12.
- (5) When an applicant fails to satisfy a condition of a conditional certification within the time allowed, taking into account the provisions of 555 CMR 7.05(4), the Division shall terminate the applicant’s certification, unless good cause for an extension of time for the applicant to satisfy the condition has been shown.
- (6) When an officer satisfies all conditions of a conditional certification within the time allowed, taking into account the provisions of 555 CMR 7.05(4), and the Commission has not otherwise limited, restricted, or suspended the officer’s certification, the Division shall convert the conditional certification into a full certification and may set an effective date for the certification according to 555 CMR 7.13(2).

7.06: Determination of Character and Fitness

Note:

• This “Determination of Character and Fitness” subject section is discussed further in a separate documentis being addressed separately.

- (1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an applicant possesses character and fitness, as that term is defined in 555 CMR 7.02, shall take into account on-duty and off-duty conduct. Character and fitness can be assessed through the consideration of the totality of the circumstances, weighing all factors, both favorable and unfavorable. No one factor is necessarily dispositive.
- (2) Submission by Appointing Authority.
- (a) Each applicant’s appointing authority shall provide a submission to the Commission concerning whether an officer possesses character and fitness, in accordance with Commission policy.
 - (b) In assessing character and fitness, an appointing authority may take into account whether an officer, both on duty and off duty:
 - 1. Follows any mission and values statement developed or approved by the Commission;
 - 2. Adheres to laws and orders;
 - 3. Demonstrates accountability and responsibility;
 - 4. Engages in conduct unbecoming a law enforcement officer, such as conduct that casts doubt on the officer’s integrity, honesty, moral judgment, or character; brings discredit to the law enforcement agency; or impairs the law enforcement agency’s efficient and effective operation;
 - 5. Is untruthful, as defined by M.G.L. c. 6E, § 1, in all matters;
 - 6. Neglects the duties of a law enforcement officer;
 - 7. Engages in misconduct towards the public;
 - 8. Engages in misconduct towards other law enforcement officers;
 - 9. Abuses one’s law enforcement authority or position;
 - 10. Engages with prohibited associates or establishments; or

11. Is worthy of the public trust and of the authority given to law enforcement officers.
- (c) In making such an assessment, the law enforcement agency also may rely on:
1. Questionnaires;
 2. Any guidance or forms approved by the Commission;
 3. Performance reviews;
 4. Relevant education;
 5. Specialized training;
 6. Professional awards;
 7. Achievements;
 8. Commendations by law enforcement agencies or officials or others;
 9. Instances of imposed discipline;
 10. ~~Patterns-Allegations~~ of misconduct;
 11. The applicant's age at the time of the conduct;
 12. The amount of time since the conduct;
 13. The reliability of the information concerning the conduct;
 14. The seriousness of the conduct;
 15. The type of substantiated allegations (e.g., conduct unbecoming an officer, untruthfulness, excessive force);
 16. The type of discipline imposed for each substantiated complaint;
 17. Any decision from a body or person of authority~~an arbitrator, the Civil Service Commission, or a court~~;
 18. Whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
 19. The cumulative effect of conduct or information;
 20. The evidence of rehabilitation;
 21. The applicant's positive social contributions since the conduct;
 22. The applicant's positive contributions to public welfare and safety since the conduct;
 23. The applicant's candor in the certification process;
 24. The materiality of any omissions or misrepresentations;
 25. The length of service in law enforcement at the federal, state, and municipal levels~~as an officer at any law enforcement agency, including, but not limited to, federal, state, and municipal law enforcement agencies~~; and
 26. Any other evidence of past performance.
- (d) If an appointing authority determines that an applicant possesses character and fitness, the appointing authority shall provide, upon request by the Commission, documentation supporting such a determination.
- (e) If an appointing authority determines that it cannot find that an applicant possesses character and fitness, the appointing authority shall make a written report to the Commission, a copy of which shall be simultaneously provided to the applicant and the applicant's identified CBU head.
1. The written report shall contain an explanation for the appointing authority's determination including, but not limited to, a description of specific conduct supporting the appointing authority's determination. The written report must be sufficient to permit the Commission to evaluate the basis for the appointing authority's determination, and to permit the Commission to determine whether the officer possesses character and fitness.
 2. As to each instance of specific conduct cited in the appointing authority's report as evidence that the applicant may lack character and fitness, the appointing authority shall address:
 - a. Any discipline imposed or decision issued by a body or person of authority as a result of the conduct, or the reason(s) why there was no discipline or decision;
 - b. The extent to which the applicant complied with any such discipline or decision;
 - c. Any similar conduct allegedly undertaken by the applicant subsequent to any such discipline or decision; and
 - d. The dates of each instance of conduct, and imposition of discipline or issuance of a decision.
- (f) Response by Applicant. Within 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 applicant may submit a written response to the

Commission, a copy of which shall be simultaneously provided to the applicant's appointing authority.

(3) Assessment and Determination by Commission.

(a) The Division shall render an initial determination as to whether an applicant possesses character and fitness, 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:

1. An attestation that an applicant possesses character and fitness and accompanying information;
2. Any report by an appointing authority of the type described in 555 CMR 7.06(2)(e); and
3. Any response by an applicant of the type described in 555 CMR 7.06(2)(f).

(b) The Division may, to the extent reasonably possible, obtain additional information that may prove helpful in determining whether an applicant possesses character and fitness.

(4) Consideration of Particular Matters. In rendering a determination regarding an applicant's character and fitness, unless there have been allegations that an applicant has engaged in multiple instances of similar or related misconduct or protocols adopted by the Commission provide otherwise, neither the appointing authority nor the Division shall consider an allegation of a particular instance of misconduct, where:

- (a) A body or person of authority has made a decision in the applicant's favor on the merits of a complaint alleging such misconduct;
- (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
- (c) The applicant has complied, or is in the process of complying, with any disciplinary action or other adverse decision by a body or person of authority, in relation to the alleged misconduct, and the applicant has not engaged in any similar conduct since the discipline or decision;
- (d) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the appointing authority has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
- (e) The allegation is not specifically and credibly supported.

7.07: In-service Training

Note:

- This "In-service Training" subsection is discussed further in a separate document ~~subject is being addressed separately.~~

(1) The annual in-service training requirements and deadlines for the Commission shall be the same as those established by the MPTC.

~~(2) In order to receive a certification free of any condition, limitation, restriction, or suspension, an applicant must have completed, in advance of the third anniversary of the applicant's last certification, all annual in-service training that the applicant was required to complete by that point.~~

~~(3)~~(2) Where an applicant is unable to satisfy the annual in-service training requirements, the applicant may be conditionally certified and receive a temporary exemption from the administrative-suspension provisions of M.G.L. c. 6E, § 9(b) if:

- (a) The applicant applies to the applicant's appointing authority for such a conditional certification and temporary exemption;
- (b) The applicant provides documentation to the appointing authority that sufficiently establishes that the applicant has been unable to complete required in-service training due to injury, physical disability, or a leave of absence;
- (c) The applicant otherwise meets all qualifications for certification; and
- (d) The applicant's appointing authority certifies that the applicant meets the criteria for a conditional certification and temporary exemption described in 555 CMR 7.07~~(3)~~.

7.08: Division Evaluation of an Application

Note:

- This “Division Evaluation of an Application” section is based on provisions of 555 CMR 9.00.
 - (1) The Division shall evaluate each substantially complete application that it receives.
 - (2) The Division may:
 - (a) Evaluate whether an applicant has satisfied the requirements set forth in 555 CMR 7.09 in any order that the Division considers expedient; and
 - (b) Refrain from evaluating whether any requirement has been satisfied after having determined that an applicant’s failure to satisfy any other requirement is sufficient to warrant denial of the application.
 - (3) Except as provided in 555 CMR 7.05, the Division may grant an application only if the Division determines that:
 - (a) The Division has received sufficient information relevant to the application; and
 - (b) The applicant satisfies all requirements set forth in 555 CMR 7.09.
 - (4) If the Division determines that the applicant has not satisfied any of the requirements set forth in 555 CMR 7.09, and has not found the circumstances described in 555 CMR 7.05(1) or (2) to apply, the Division shall deny the application in accordance with 555 CMR 7.11.

7.09: Satisfaction of Certification Requirements

Note:

- This “Satisfaction of Certification Requirements” section now expressly references the relevant statutory provisions.
- Unlike its predecessor, this section incorporates the provisions of M.G.L. c. 6E, § 4(f)(2) (no felony conviction; no listing in a decertification database; would not have been decertified previously; and satisfying certification standards in Commission regulations) in addition to the requirements of M.G.L. c. 6E, § 4(f)(1).
- The subsections below use the phrase “if, and only if” as a way of establishing that certain actions will be sufficient to satisfy a requirement; and must be undertaken in order for the requirement to be satisfied.
- As noted above, this section no longer addresses whether a failure to satisfy a requirement can be cured through a conditional certification or must instead lead to a denial of certification. That subject is instead addressed globally through Section 7.05 above.
- This section no longer refers to the Bridge Academy, as the program will be concluding.

Except as otherwise provided in 555 CMR 7.05 and 7.10, the Division shall evaluate whether the applicant has satisfied the requirements for certification established by M.G.L. c. 6E, §§ 4(f)(1), 4(f)(2), and 4(i), and 555 CMR 7.00, as follows.

Note:

- The predecessor of the “Age 21” subsection below automatically afforded officers until July 1, 2024 to satisfy the requirement of attaining age 21. These regulations afford no additional time, because: the prior deadline of July 1, 2024 will soon be reached; it no longer appears necessary to “equalize” officers; and it seems inconceivable that any presently serving officer could be found not to satisfy the requirement while having cause to complain of unfair surprise.
- As a practical matter, the Division will already have sufficient information from the previous certification process to evaluate this requirement.
 - (1) Age 21. The requirement of attaining the age of 21, established by M.G.L. c. 6E, § 4(f)(1)(i), shall be deemed satisfied if, and only if, the applicant attained the age of 21 before the third anniversary of the applicant’s last certification.

Note:

- The predecessor of the “High School Education or Equivalent” subsection below automatically afforded officers until July 1, 2024 to satisfy the requirement of successfully completing high school

or its equivalent. These regulations afford no additional time, for the same reasons offered above.

- As a practical matter, the Division will already have sufficient information from the previous certification process to evaluate this requirement.

(2) High School Education or Equivalent. The requirement of successful completion of a high school education or equivalent, as determined by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(ii), shall be deemed satisfied if, and only if, the applicant successfully completed a high school education or obtained a General Educational Development (GED) certificate from an accredited program before the third anniversary of the applicant’s last certification.

Note:

- An officer who fails to satisfy the “Basic Training program” requirement below can, as noted above, obtain a conditional certification only in limited circumstances under Section 7.05. As noted above, Section 7.05 allows an officer who failed to satisfy the training requirement below to obtain a conditional certification only in limited circumstances.

(3) Basic Training Program. The requirement of successful completion of the basic training program approved by the MPTC, established by M.G.L. c. 6E, § 4(f)(1)(iii), shall be deemed satisfied if, and only if, at any point in time prior to the third anniversary of the applicant’s last certification, the applicant successfully completed either: a basic training program approved by the MPTC; or a reserve training program approved by the MPTC and all additional training and service required by the MPTC pursuant to St. 2020, c. 253, § 102(b).

Note:

- The “Physical and Psychological Fitness Evaluation” subsection below cites the statutory section that lists the successful completion of such an evaluation among the minimum certification requirements, M.G.L. c. 6E, § 4(1)(iv).
- Notably, another statutory section provides that “[t]he commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to” “adopt, amend or repeal regulations in accordance with chapter 30A for the implementation, administration and enforcement of [Chapter 6E], including, but not limited to, regulations” “establishing a physical and psychological fitness evaluation pursuant to section 4 that measures said fitness to ensure officers are able to perform essential job duties.” M.G.L. c. 6E, § 3(a).
- The subsection below calls for completion of a Commission-prescribed evaluation.
- The subsection further calls for the preservation of any recording or documentation of the evaluation, without requiring the making of any recording or documentation or requiring the automatic provision of any recording or documentation to the Commission.
- Also, Section 7.15 below would also authorize the Commission to require agencies to create, preserve, and provide information, records, or other items.
- Additionally, separate regulations that would require agencies to create, maintain, and provide specific forms of information are being developed.
- Another alternative would be to provide in this subsection that any recording or documentation must be preserved, but refrain from treating the preservation of such items as a prerequisite for finding that the evaluation requirement has been satisfied.
- The details regarding the implementation of these provisions could continue to be developed.
- This subsection is discussed further in a separate document. The requirement below is being addressed separately.

(4) Physical and Psychological Fitness Evaluation. The requirement of successful completion of a physical and psychological fitness evaluation approved by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(iv), shall be deemed satisfied if, and only if:

(a) Between the applicant’s last certification and the third anniversary of the applicant’s last certification, there has been an evaluation that conforms to Commission specifications; and

(b) Any documentation or recording of questions posed, topics discussed, statements made, or assessments rendered in such an evaluation are preserved as directed by the Commission.

Public Comments Relevant to the “State and National Background Check” Subsection Below:

- ACLUM:
 - Agencies should be required to provide the Commission with documentation concerning the

results of background checks.

- Any questionnaire should include questions that capture additional aspects of an officer’s history, such as adverse civil judgments and judicial findings, and admissions of misconduct.

Note:

- The “State and National Background Check” ~~background-check~~ subsection below does not call for a collection and evaluation of information that presumably would have been collected and evaluated in a prior certification process, either under 555 CMR 7.00 or 555 CMR 9.00.
- It instead focuses on ensuring that the Commission has received, or will receive, information on certain matters that occurred within the last certification period.
- Such information concerns discipline, arrests, criminal prosecutions, civil actions, and administrative agency actions.
- The subsection states, “as established and further described in the statute,” because the statute adds a proviso stating that, “if the applicant has been previously employed in law enforcement in any state or United States territory or by the federal government, the applicant’s full employment record, including complaints and discipline, shall be evaluated in the background check.”

(5) State and National Background Check. The requirement of successful completion of a state and national background check, including, but not limited to, fingerprinting and a full employment history, established and further described by M.G.L. c. 6E, § 4(f)(1)(v), shall be deemed satisfied if, and only if:

- (a) The applicant’s appointing authority either:
 1. Certifies that, between the applicant’s last certification and the third anniversary of the applicant’s last certification, it has provided the Commission with information conforming to Commission guidelines concerning any of the following occurring during that time period:
 - a. Discipline imposed on the applicant in relation to a matter reportable to the Commission under 555 CMR 1.01;
 - b. An arrest of the applicant;
 - c. The commencement, continuation, or termination of:
 1. A criminal prosecution against the applicant;
 2. A civil action against the applicant related to the applicant’s service in law enforcement; or
 3. An administrative agency action against the applicant related to the applicant’s service in law enforcement; or
 2. Provides to the Commission any information of the type described in 555 CMR 7.09(5)(a) that it has not previously provided to the Commission; and
- (b) The Division does not discern any basis for finding the requirement unmet.

Public Comments Relevant to the “Examination” subsection below:

- ACLUM:
 - The examination requirement should need to be satisfied anew in each certification period, with officers completing examinations based on current training standards.
- MCOP:
 - This requirement should be deemed to have been satisfied upon completion at the hiring stage. Thereafter, the process should focus on whether the officer is in good standing and any statutory disqualifier applies.
 - Agencies should not be required to undertake additional steps without adequate funding.

Note:

- The “Examination” subsection below requires passage of an examination each certification period, in part because:
 - It can be presumed that the Legislature intended to require as much, in light of:
 - The provision of M.G.L. c. 6E, § 4(i) stating, “The commission shall not recertify any person as a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of [M.G.L. c. 6E, § 4(f)]”; and
 - The nature of Chapter 6E and the larger session law through which it was adopted in their entirety, and the events surrounding the law’s enactment; ~~and~~
 - Requiring as much can contribute to the goal of improving law enforcement; ~~and~~
 - An examination can be administered each certification period in a manner that does not create undue burden; ~~and~~
- An examination:
 - Does not need to be developed by the Commission, but can be approved by the Commission after being developed by others;

- Does not need to be written;
- Could be developed by a committee of law enforcement professionals; and/or
- Could be administered online, perhaps using software that the MPTC will be acquiring.
- More specifically, the Commission could take a page from the State Ethics Commission’s conflict-of-interest training exam, which: is completed online; focuses on the law administered by the Commission and the consequences of violating the law; largely presents clear right/wrong issues, as opposed to debatable ones; allows those who answer questions incorrectly to keep trying, while providing explanatory information; thus focuses on educating, as opposed to passing and failing; and highlights certain rules that are more complex or less obvious.
- Thus, for example, the Commission could develop an exam that tests an officer’s understanding of:
 - Matters on which Chapter 6E focuses:
 - Adherence to law, and avoidance of criminal conduct;
 - Policing without bias, particularly bias based on enumerated characteristics;
 - Policing with integrity, and avoidance of corrupt practices and conduct prejudicial to the administration of justice; and
 - Properly using force, refraining from using force, intervening when witnessing improper uses of force, and avoiding injuries and deaths; and
 - The disciplinary, civil, and criminal consequences of violations.
- If necessary, exam questions could be drawn from fact patterns in judicial opinions.

(6) Examination. The requirement of passage of an examination approved by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(vi), shall be deemed satisfied if, and only if, the applicant successfully completes a Commission-prescribed examination between the applicant’s last certification and the third anniversary of the applicant’s last certification.

Note:

- The “First Aid and Cardiopulmonary Resuscitation Certificates” subsection below ~~The prior regulations does not~~ automatically allow ~~ed~~ for conditional certification of up to 90 days for those who failed to satisfy the ~~first aid and CPR~~ requirement ~~below~~ to possess such certifications, unlike the prior regulations. ~~These regulations do not do so.~~
- A policy question is whether to take a more forgiving approach.
 - On the one hand, officers now have had more notice of the requirement and time to comply.
 - On the other hand, an officer in this situation presumably once satisfied the requirement but simply allowed the certificates to expire without timely renewing them. And it should not be difficult for an officer to attain compliance.

(7) First Aid and Cardiopulmonary Resuscitation Certificates. The requirement of possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(vii), shall be deemed satisfied if, and only if, the applicant possesses such certificates or the equivalent that will not expire before the third anniversary of the applicant’s last certification.

Public Comments Relevant to the “Oral Interview” Subsection Below:

- ACLUM:
 - Agencies should be required to record each oral interview and provide a copy of the recording to the Commission.
- MCOP:
 - This interview requirement should be deemed to have been satisfied upon completion of an interview at the hiring stage.
 - “In the first round of recertifications, there was an oral interview requirement that most departments did not complete. Reasons included that it is too burdensome on already cashstrapped and understaffed departments to dedicate personnel to compete these unnecessary tasks.”
 - As to the questions that were developed previously:
 - They “serve[d] no legitimate purpose because they [were] not asked or received by the Commission . . . unless the POST request[ed] them.”
 - “It is doubtful that any agency needs to ask or receive answers to these questions in order to decide whether an officer should be recommended for recertification,” and “[t]here is no evidence that . . . [they] provided any useful guidance to recommendations by agencies for officers to be recertified or of POST to make recertification decisions.”
 - “[T]he substance of the questions pertain to fitness and conduct issues that are best addressed locally through disciplinary process or evaluations.”

- Questions regarding personal interactions with the criminal justice system, domestic violence, neglect, physical altercations, bankruptcy, social media use, and alcohol and cannabis use concern matters that can be addressed through the disciplinary process, are unrelated to effectiveness in policing, do not involve a widespread problem, are overreaching and too broad, and/or involve issues that should be dealt with individually with a goal of assistance and recovery.

Note:

- The “Oral Interview” subsection below would require an oral interview to be conducted during each certification period.
- It would need to be conducted in accordance with Commission guidelines, which may require:
 - A set of questions to be asked and answered;
 - A set of written questionnaire questions to be answered and discussed;
 - A set of topics to be discussed; or
 - A performance review to be conducted.
- The subsection would also require an agency to record an oral interview.
- It would not require an agency to automatically provide the Commission with the recording, but it would require preservation of the recording.
- Also, Section 7.15 below would also authorize the Commission to require agencies to create, preserve, and provide information, records, or other items.
- Additionally, separate regulations that would require agencies to create, maintain, and provide specific forms of information are being developed.
- The details regarding the implementation of such provisions could continue to be developed.
- The Commission could provide, for example, that the interview should cover:
 - The applicant’s achievements;
 - Challenges faced by the applicant;
 - Discipline imposed on the applicant, and how it might have been avoided;
 - An officer’s appreciation for matters on which Chapter 6E focuses, as listed above; and/or
 - Matters that the Commission believes should be better understood by members of law enforcement.
- Performance reviews are addressed in greater depth below.
- Another alternative would be to provide in this subsection that a recording must be made and preserved, but refrain from treating the making and preservation of a recording as a prerequisite for finding that the applicant has satisfied the oral interview requirement.

- (8) Oral Interview. The requirement of successful completion of an oral interview administered by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(viii), shall be deemed satisfied if, and only if:
- (a) Between the applicant’s last certification and the third anniversary of the applicant’s last certification, the head of the applicant’s appointing authority or the head’s designee orally interviews the applicant in accordance with Commission guidelines, which may require: a set of questions to be asked and answered, a set of written questionnaire questions to be answered and discussed, a set of topics to be discussed, or a performance review to be conducted; and
 - (b) Any such interview is audio-recorded and preserved as directed by the Commission.

Note:

- The “Character and Fitness” requirement below is discussed further in a separate document-being-addressed-separately.

- (9) Character and Fitness. The requirement of being of good moral character and fit for employment in law enforcement, as determined by the Commission, established by M.G.L. c. 6E, § 4(f)(1)(ix), shall be deemed satisfied if, and only if, the Division determines that the applicant meets the criteria set out in 555 CMR 7.06.

Note:

- The “No Felony Conviction” subsection below treats the requirement as satisfied where the Division finds no conviction after a diligent search.

- (10) No Felony Conviction. The requirement of not having been convicted of a felony, established by M.G.L. c. 6E, § 4(f)(2)(ii), will be deemed satisfied if, and only if, the Division does not find the applicant to have ever been so convicted, after the Division diligently takes steps to ascertain such fact.

Note:

- The “No Listing in a Decertification Database” subsection below makes clear that the NDI is the database maintained by IADLEST.

(11) No Listing in a Decertification Database. The requirement of not being listed in the National Decertification Index or the database of decertified law enforcement officers maintained by the Commission pursuant to M.G.L. c. 6E, § 13(a)(i), established by M.G.L. c. 6E, § 4(f)(2)(ii), shall be deemed satisfied if, and only if, the Division does not find the applicant to have ever been so listed, after the Division diligently takes steps to ascertain such fact. The National Decertification Index to be consulted is the database of the same name maintained by the International Association of Directors of Law Enforcement Standards and Training.

Note:

- The “Would Not Have Been Decertified Previously” subsection below concerns the statutory requirement that an applicant “while previously employed in law enforcement in any state or United States territory or by the federal government, would [not] have had their certification revoked by the commission if employed by an agency in the commonwealth.”
- The subsection makes clear that the phrase “any state or United States territory or by the federal government” includes Massachusetts.
- It focuses on whether a certification would have been revoked pursuant to M.G.L. 6E, § 10(a)—which concerns mandatory decertification—if, at the relevant time, the applicant had been employed by an agency in Massachusetts and M.G.L. c. 6E, § 10(a) had been in effect.
- M.G.L. c. 6E, § 10(a) provides as follows:

The commission shall, after a hearing, revoke an officer’s certification if the commission finds by clear and convincing evidence that:

 - (i) the officer is convicted of a felony;
 - (ii) the certification was issued as a result of administrative error;
 - (iii) the certification was obtained through misrepresentation or fraud;
 - (iv) the officer falsified any document in order to obtain or renew certification;
 - (v) the officer has had a certification or other authorization revoked by another jurisdiction;
 - (vi) the officer is terminated by their appointing agency, and any appeal of said termination is completed, based upon intentional conduct performed under the color of office to: obtain false confessions; make a false arrest; create or use falsified evidence, including false testimony or destroying evidence to create a false impression; engage in conduct that would constitute a hate crime, as defined in [M.G.L. c. 22C, § 32]section 32 of chapter 22C; or directly or indirectly receive a reward, gift or gratuity on account of their official services;
 - (vii) the officer has been convicted of submitting false timesheets in violation of [M.G.L. c. 231, § 85BB]section 85BB of chapter 231;
 - (viii) the officer knowingly files a written police report containing a false statement or commits perjury, as defined in [M.G.L. c. 268, § 1]section 1 of chapter 268;
 - (ix) the officer tampers with a record for use in an official proceeding, as defined in [M.G.L. c. 268, § 13E]section 13E of chapter 268;
 - (x) the officer used force in violation of [M.G.L. c. 6E, § 14]section 14;
 - (xi) the officer used excessive use of force resulting in death or serious bodily injury;
 - (xii) the officer used a chokehold in violation of said [M.G.L. c. 6E, § 14]section 14;
 - (xiii) the officer engaged in conduct that would constitute a hate crime, as defined in [M.G.L. c. 22C, § 32]section 32 of chapter 22C;
 - (xiv) the officer engaged in the intimidation of a witness, as defined in [M.G.L. c. 268, § 13B]section 13B of chapter 268;
 - (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including, but not limited to, excessive or prohibited force in violation of [M.G.L. c. 6E, § 15]section 15; [or]
 - (xvi) the officer is not fit for duty as an officer and the officer is dangerous to the public, as determined by the commission.
- A policy question is whether to extend the focus to non-mandatory grounds for decertification.

(12) Would Not Have Been Decertified Previously. The requirement that the applicant, while previously employed in law enforcement in any state or United States territory or by the federal government, would not have had their certification revoked by the Commission if employed by an agency in the Commonwealth, established by M.G.L. c. 6E, § 4(f)(2)(iii), shall be addressed as follows. The requirement will deemed satisfied if, and only if, the

Division does not conclude that the applicant, while so employed within or outside of Massachusetts, would ever have had a certification revoked pursuant to M.G.L. c. 6E, § 10(a) if, at the relevant time, the applicant had been employed by an agency in Massachusetts and M.G.L. c. 6E, § 10(a) had been in effect.

Note:

- The “In-service Training” requirement below is being addressed separately.

(13) In-service Training. An applicant must successfully complete all in-service training mandated by the MPTC as a requirement for certification. This requirement, established pursuant to M.G.L. c. 6E, §§ 3(a) and 4, shall be deemed satisfied if, and only if, the Division determines that the applicant successfully completed all in-service training required for the period of time between the effective date of the applicant’s last certification and June 30 prior to the third anniversary of the applicant’s last certification.

7.10: Performance Review

Public Comments Relevant to this “Performance Review” Section:

- MCOP:
 - “[P]erformance evaluations are a mandatory subject of bargaining and many, if not all, departments have some sort of formal, or informal, procedure for evaluating their officers that was properly negotiated with their bargaining units.”
 - “We are opposed to any reduction in collective bargaining rights that govern how our members are evaluated.”
 - “The POST could encourage or mandate evaluations, but it should not dictate the method, criteria or implementation of them.”

Note:

- This “Performance Review” section would generally provide that the Commission may require performance reviews as a vehicle for satisfying and evaluating the satisfaction of statutory certification requirements.
- It would essentially provide a trade-off: officers and agencies could be required to conduct performance reviews; but conducting such performance reviews could relieve them of having to satisfy certification requirements in other ways.
- A performance review could potentially encompass, for example:
 - An oral interview;
 - An examination;
 - A background check;
 - A check into first aid and CPR certificates;
 - A character and fitness evaluation;
 - A form of physical and psychological evaluation; and/or
 - Anything else that the Commission deems appropriate.
- A performance review could be designed to test an officer’s appreciation for matters on which Chapter 6E focuses, as listed above.
- A policy question is whether to further develop such a provision or to leave it more general.

(1) The Commission may require law enforcement agencies to conduct performance reviews of officers according to Commission guidelines.

(2) The Commission may establish that one or more requirements for certification set forth in 555 CMR 7.09 may be satisfied through a performance review, in lieu of any method prescribed by 555 CMR 7.09.

Note:

- Sections 7.11 through 7.13 below blend provisions found in the prior recertification regulations and those found in 555 CMR 9.00.
- Among these are provisions of 9.00 stating that:
 - A certification shall be active only while one is serving as an officer for a law enforcement agency; and
 - An individual is precluded from executing arrests or otherwise performing police duties and functions in various circumstances.
- Such sections provide additional forms of notice for identified CBU heads.

7.11: Issuance of a Certification Decision

- (1) The Division shall provide notification of a decision on the application by email to each of the following:
 - (a) The applicant;
 - (b) The applicant's appointing authority; and
 - (c) Any identified CBU head.
- (2) As a decision declining to grant full certification is distinct from decertification, the procedures prescribed by M.G.L. c. 6E, § 10 need not be followed before such a decision issued.
- (3) If the Division's decision on an application provides for anything other than full certification, the notification described in 555 CMR 7.11(1) shall also inform the applicant of:
 - (a) Any condition, limitation, or restriction attached to the certification, and any associated terms; and
 - (b) The ability to seek review by the Executive Director as provided for in 555 CMR 7.12(1) and a hearing as provided for in 555 CMR 1.10 and 555 CMR 7.12(2).

7.12: Possible Action Following Decision Declining to Grant Full Certification

- (1) An applicant who receives a decision from the Division declining to grant a full certification may seek review by the Executive Director as follows.
 - (a) Within 21 days of service by email of the Division's decision, the applicant or the applicant's appointing authority may submit a written petition to the Executive Director requesting review of the decision.
 1. If an applicant files the petition, the applicant shall provide a copy of the petition to the applicant's appointing authority and any identified CBU head at the time of its filing.
 2. If an appointing authority files the petition, the appointing authority shall provide a copy of the petition to the applicant and any identified CBU head at the time of its filing.
 - (b) The Executive Director may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting concerning the matter. At any such meeting, the Executive Director shall have discretion to determine the extent to which an individual who does not have a right to appear may attend and participate.
 - (c) The Executive Director shall, within a reasonable time, provide a written decision on the petition to:
 1. The applicant;
 2. The applicant's appointing authority; and
 3. Any identified CBU head.
- (2) Following the process described in 555 CMR 7.12(1), an applicant or an applicant's appointing authority may request a hearing before the Commission concerning an application in accordance with 555 CMR 1.10: *Final Disciplinary Hearings and Appeals of Certification Decisions*.
- (3) The Commission may place an individual's certification on restricted status while review pursuant to 555 CMR 7.12(1) or a hearing pursuant to 555 CMR 7.12(2) is pending.
- (4) Where an applicant has received a decision declining to grant a full certification, the Commission may attach conditions, limitations, or restrictions on the applicant's ability to reapply.

7.13: Certification Status

- (1) An application process shall be deemed ongoing and not "finally determined," as that term is used in M.G.L. c. 30A, § 13, absent a final decision.
- (2) Notwithstanding the provisions of 555 CMR 7.04, a final decision to certify an applicant made after the third anniversary of the applicant's last certification may be made retroactive to a date on or after such anniversary.

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- (3) The granting of a certification shall not preclude the conditioning, limiting, restricting, suspending, or revoking of the certification in accordance with law, when warranted.
- (4) Except as expressly provided herein, an individual who holds a conditional, limited, or restricted certification is “certified,” as that term is used in M.G.L. c. 6E.
- (5) The Commission may reconsider, and revise or vacate, a decision on an application, when such action is warranted.
- (6) If a decision to certify an applicant is vacated, the applicant shall be deemed to have been certified during the period of time between the decision to certify and the decision to vacate.
- (7) A certification granted pursuant to 555 CMR 7.00 shall be active only while the certified individual is serving as an officer for a law enforcement agency, and shall otherwise be restricted.
- (8) The following individuals may not execute any type of arrest, as that term is defined in 555 CMR 9.02(2), or otherwise perform police duties and functions:
 - (a) An individual who is serving as a law enforcement officer as that term is defined in M.G.L. c. 6E, § 1 – whether as an officer of a law enforcement agency; a special state police officer; a special sheriff; a deputy sheriff; a constable; or a special, reserve, or intermittent police officer – but is not certified;
 - (b) An individual whose certification is suspended;
 - (c) An individual whose certification has been revoked;
 - (d) An individual whose certification has been conditioned, limited, or restricted in a manner that precludes the relevant form of activity; and
 - (e) An individual who otherwise lacks the legal authority to engage in the relevant form of activity.

7.14: Supervision by the Executive Director

Notwithstanding any other provision of 555 CMR 7.00, each member of the Commission staff shall be subject to the supervision and direction of the Executive Director in implementing any aspect of such regulations.

7.15: Cooperation, Enforcement, and Disciplinary Action

Public Comments Relevant to this “Cooperation, Enforcement, and Disciplinary Action” Section:

- ACLUM:
 - Agencies should not be allowed to submit an attestation supporting an officer without providing proof that qualifications have been met.

Note:

- Neither this “Cooperation, Enforcement, and Disciplinary Action” section nor any other section of these regulations would not ~~These regulations would not~~ require agencies to automatically provide the Commission with proof that requirements have been met. But, as noted above:
 - The regulations would authorize the Commission to require agencies to create, preserve, and provide information, records, or other items;
 - These regulations would also preclude an agency from endorsing an applicant, and submitting an application for the applicant, where the agency has not found the applicant to possess character and fitness; and
 - Separate regulations that would require agencies to create, maintain, and provide specific forms of information are being developed.

- (1) The Commission may direct an applicant or a law enforcement agency to take steps to facilitate the processing and evaluation of certification applications, including but not limited to, the following:
 - (a) Creating, preserving, or providing information, records, or other items;
 - (b) Ensuring that an individual affirms the veracity of information provided to the Commission under the pains and penalties of perjury and/or the risk of disciplinary action pursuant to M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c), 8, 9, 10, and/or 12;
 - (c) Identifying the head of the applicant’s collective bargaining unit, if any; and
 - (d) Providing an email address that may be used for correspondence related to the

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certification process for: the applicant; the agency; the applicant's appointing authority; and any identified CBU head.

- (2) An applicant or certified officer must promptly notify the Commission of any change in:
 - (a) Contact information for the applicant or officer that has been provided to the Commission;
 - (b) The applicant or officer's place of employment; or
 - (c) The applicant or officer's work status, including on-leave status.

- (3) The Commission may take disciplinary action against an agency or an officer, pursuant to M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c), 8, 9, 10, and/or 12, provided other applicable provisions of M.G.L. c. 6E and 555 CMR are satisfied, based on the following, in relation to the certification process:
 - (a) A failure to act in accordance with M.G.L. c. 6E, 555 CMR, a Commission order, or a limitation or restriction on a certification;
 - (b) A failure to be accurate in any recordkeeping or any representations to the Commission;
 - (c) Harassment, intimidation, or retaliation against any individual for taking any step, or interference with one's taking of any step, that is required by M.G.L. c. 6E, 555 CMR, or the Commission; or
 - (d) Evidence of misconduct that is uncovered by the Commission.

- (4) The Commission may, by a vote taken in accordance with M.G.L. c. 6E, § 2(e), levy and collect assessments, fees, and fines, and impose penalties and sanctions against an agency or an officer, pursuant to M.G.L. c. 6E, § 3(a), based on a ground listed in 555 CMR 7.15(3)(a)-(d).

- (5) The Commission may refer information that it obtains in the certification process to an appropriate government office for possible criminal or civil enforcement action, pursuant to M.G.L. c. 6E, §§ 3(a) and 8(c)(2).

REGULATORY AUTHORITY

555 CMR 7.00: MG.L. c. 6E.

4.

In-service Training

Proposal: Add to the certification requirements the successful completion of annual in-service training.

Proposed Vote: Move to require that, in in order to be certified, law enforcement officers successfully complete the annual in-service training requirements.

- I. The POST Commission has the statutory authority to add additional standards to the certification requirements.
 - A. M.G.L. c. 6E, § 3(a)(28)(ii): “The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to...adopt, amend or repeal regulations in accordance with chapter 30A for the implementation, administration and enforcement of this chapter, including, but not limited to, regulations: ... determining whether an applicant has met the standards for certification”
 - B. M.G.L. c. 6E, § 4(a)(1): “There shall be within the commission a division of police certification. The purpose of the division of police certification shall be to establish uniform policies and standards for the certification of all law enforcement officers, subject to the approval of the commission....”
 - C. M.G.L. c. 6E, § 4(f)(1): “The division of police certification and the municipal police training committee established in section 116 of chapter 6 shall jointly establish minimum certification standards for all officers that shall include, but not be limited to:” (emphasis added)
 - D. M.G.L. c. 6E, § 4(f)(2)(i): “The commission shall not issue a certificate to an applicant who ... does not meet the minimum standards enumerated in paragraph (1) or the regulations of the commission.”
 - E. M.G.L. c. 6E, § 4(i): “Each certified law enforcement officer shall apply for renewal of certification prior to its date of expiration as prescribed by the commission. The commission shall not recertify any person as a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of subsection (f).”
- II. Certain in-service training requirements:

- A. If an officer is found not to be in compliance, then the POST Commission has the statutory authority to administratively suspend the officer.¹
- B. The Commission adopted the requirements and deadlines for in-service training established by the MPTC as the requirements and deadlines of the Commission.²
- C. The Commission adopted the exemptions that the Commission approved on March 16, 2022 in the *Requirements and Plan for Recertification of Certain Law Enforcement Officers*.³
- D. The MPTC follows a fiscal year starting July 1 and ending on June 30. An officer must complete a total of 40 hours of in-service training each fiscal year.
- E. This is an annual training requirement, even if a certification term lasts three years. During the term of a certification, if a law enforcement officer is found to be non-compliant, the POST Commission can administratively suspend the officer pursuant to M.G.L. c. 6E, § 9(b).

III. Potential regulatory changes:

7.096: ~~Evaluation of Recertification Standards~~ Satisfaction of Certification Requirements

Except as otherwise provided in ~~555 CMR 7.04, the Commission~~ 555 CMR 7.05 and 7.10, the Division shall ~~treat the statutory recertification standards~~ evaluate whether the applicant has satisfied the requirements for certification established by M.G.L. c. 6E, §§ 4(f)(1), 4(f)(2), and 4(i), and 555 CMR 7.00, as follows.:

...

(13) In-service Training. An applicant must successfully complete all in-service training mandated by the MPTC as a requirement for certification. This requirement, established pursuant to M.G.L. c. 6E, §§ 3(a) and 4, shall be deemed satisfied if, and only if, the Division determines that the applicant successfully completed all in-service training required for the period of time between the effective date of the applicant's last certification and June 30 prior to the third anniversary of the applicant's last certification.

¹ At its November 22, 2022 meeting, the Commission voted to delegate to the Executive Director, or the Executive Director's designee, the authority to administratively suspend law enforcement officers who fail to complete in-service training requirements.

² November 22, 2022 meeting.

³ November 22, 2022 meeting.

7.07 In-service Training

- (1) The annual in-service training requirements and deadlines for the Commission shall be the same as those established by the MPTC.
- (2) Where an applicant is unable to satisfy the annual in-service training requirements, the applicant may be conditionally certified and receive a temporary exemption from the administrative-suspension provisions of M.G.L. c. 6E, § 9(b) if:
 - (a) The applicant applies to the applicant's appointing authority for such a conditional certification and temporary exemption;
 - (b) The applicant provides documentation to the appointing authority that sufficiently establishes that the applicant has been unable to complete required in-service training due to injury, physical disability, or a leave of absence;
 - (c) The applicant otherwise meets all qualifications for certification; and
 - (d) The applicant's appointing authority certifies that the applicant meets the criteria for a conditional certification and temporary exemption described in 555 CMR 7.07.

5.

Good Moral Character and Fitness

I. Public Comments

A. We received comments from the ACLU, which they have summarized below:

1. a clear definition of “good character and fitness” to be added to 555 CMR 7.01;
2. nondiscretionary criteria that an agency must consider when assessing character to be added to 555 CMR 7.05(2)(a);
3. a requirement under 555 CMR 7.05(2)(b) that agencies provide a written explanation for a determination that an officer possesses good character where that officer engaged in recent misconduct or has a pattern of complaints alleging the same or similar misconduct;
4. an adoption of a new recertification plan that enacts the above requirement retroactively such that an agency must explain their determination that an officer that has engaged in misconduct since 2015 meets the character standard;
5. the addition of questions to the questionnaire to capture all aspects of an officer’s history, including any adverse judicial credibility determinations consistent with [*Graham v. District Attorney*, 493 Mass. 348, 383 (2024)], civil findings of liability for civil rights violations, and other admissions of misconduct;
6. no longer allowing agencies to attest without providing proof that a qualification standard has been met.

II. **Proposal 1: Define “being of good moral character and fit for employment in law enforcement” to provide clarity and make the provision as objectively concrete as possible, while recognizing the inherent need for some measure of flexibility.**

A. Proposal:

Good moral character means to have qualities that the public, other members of law enforcement, and the Commission have the right to demand of an officer. “Good moral character” includes but is not limited to qualities of honesty, integrity, diligence, reliability, fairness, candor, trustworthiness, respect for and obedience to the law, and respect for the rights of others and the judicial process.

III. Proposal 2: Instead of incorporating by reference the standards and code established by the IACP, expressly define the standards for character and fitness in our regulations.

The benefits of this proposal include:

- Having one document – the regulations – to turn to for the standards, rather than multiple documents to learn about the requirements.
- Establishing our own standards rather than relying on any specific organization’s standards.
- Updating the standards so they relate to an officer and the officer’s profession.

Note: there will be global changes made to the regulations including the list below. These changes are largely to ensure that terms are used consistently throughout the regulations and may be considered ministerial. These changes have been made, but are not redlined, below. The redlining shown in the regulatory amendment below provides the proposed standards and process for evaluating an applicant’s character and fitness.

Some of the global changes to the regulations that are not redlined below:

1. Where “character and fitness” is referenced in the regulation, make clear in the regulations that it means “character and fitness as defined in 555 CMR 7.02(2).”
2. An individual seeking certification is called the “applicant” instead of “officer.”
3. Use the term “appointing authority” instead of “employing agency” where appropriate.
4. Capitalize the “c” in the word “Commission.”
5. Instead of “agency” alone, make clear it means “law enforcement agency”

Also note: for consistency, any change that is adopted regarding the character and fitness standards would also carry to 555 CMR 9.00: *Initial Certification of Officers; and Renewed Certification of Independently Applying Officers.*

Proposed regulatory amendment:

7.06: Determination of Character and Fitness

General Standards Utilized by Employing Agency and Commission. Any assessment of whether an applicant possesses character and fitness, as that term is defined in 555 CMR 7.02, shall take into account on-duty and off-duty conduct. Good moral character can be assessed through the consideration of the totality of the circumstances, weighing all factors, both favorable and unfavorable. No one factor is necessarily dispositive.

- (1) Submission by Appointing Authority.

- (a) Each applicant's appointing authority shall provide a submission to the Commission concerning whether an officer possesses character and fitness, in accordance with Commission policy.
- (b) In assessing character and fitness, an appointing authority may take into account whether an officer, both on duty and off duty,

1. Follows any mission and values statement developed or approved by the Commission;
 - ~~1-2.~~ Adheres to state and federal laws and orders;
 3. Demonstrates accountability and responsibility;
 4. Engages in conduct unbecoming a law enforcement officer, such as conduct that casts doubt on the officer's integrity, honesty, moral judgment, or character; brings discredit to the law enforcement agency; or impairs the law enforcement agency's efficient and effective operation;
 5. Is untruthful, as defined by M.G.L. c. 6E, § 1, in all matters;
 6. Neglects the duties of a law enforcement officer;
 7. Engages in misconduct towards the public;
 - ~~2-8.~~ Engages in misconduct towards other law enforcement officers;
 - ~~3-9.~~ Abuses one's law enforcement authority or position;
 - ~~4-~~ Engages with prohibited associates or establishments; or
 - ~~5.-~~
- ~~6-10.~~ Is worthy of the public trust and of the authority given to law enforcement officers.

- (c) In making such an assessment, the law enforcement agency also may rely on

1. Questionnaires,
2. Any guidance or forms approved by the Commission,
3. Performance reviews,
4. Relevant education,
5. Specialized training,
6. Professional awards,
7. Achievements,
8. Commendations by law enforcement agencies or officials or others,
9. Instances of imposed discipline,
10. ~~patterns~~ Allegations of misconduct,
11. The applicant's age at the time of the conduct;
12. The amount of time since the conduct;
13. The reliability of the information concerning the conduct;

14. The seriousness of the conduct;
15. The type of substantiated allegations (e.g., conduct unbecoming an officer, untruthfulness, excessive force);
16. The type of discipline imposed for each substantiated complaint;
17. Any decision from a body or person of authority;
18. Whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
19. The cumulative effect of conduct or information;
20. The evidence of rehabilitation;
21. The applicant's positive social contributions since the conduct;
22. The applicant's positive contributions to public welfare and safety since the conduct;
23. The applicant's candor in the certification process;
24. The materiality of any omissions or misrepresentations;
25. The length of service in law enforcement at the federal, state, and municipal levels; and
26. Any other evidence of past performance.

IV. Sources

A. Statute:

M.G.L. c. 6E, § 1:

“Untruthful” or “untruthfulness”, knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact: (i) on an official criminal justice record, including, but not limited to, a police report; (ii) while testifying under oath; (iii) to the commission or an employee of the commission; or (iv) during an internal affairs investigation, administrative investigation or disciplinary process.

M.G.L. c. 6E, § 4(f)(1):

The division of police certification and the municipal police training committee established in section 116 of chapter 6 shall jointly establish minimum certification standards for all officers that shall include, but not be limited to:

...

(ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

B. Regulation:

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.

In assessing good character and fitness for employment, an employing agency may take into account whether an officer

adheres to state and federal law,

acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and

is worthy of the public trust and of the authority given to law enforcement officers.

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.

...

(4) Consideration of Particular Matters. 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, neither the employing agency nor the division of certification shall consider an allegation of a particular instance of misconduct, where:

- (a) An authority has made a decision in the officer's favor on the merits of a complaint alleging such misconduct;

- (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
- (c) 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;
- (d) 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
- (e) The allegation is not specifically and credibly supported.

C. Incorporated into the POST Commission's regulations by reference:

1. International Association of Chiefs of Police (IACP), Law Enforcement Code of Ethics: <https://www.theiacp.org/resources/law-enforcement-code-of-ethics>
2. International Association of Chiefs of Police (IACP), Standards of Conduct, <https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>

6.

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

MEMORANDUM

TO: Certification Subcommittee Members
FROM: LaRonica K. Lightfoot, Esq., Deputy General Counsel
Elizabeth B. Smith, Paralegal
DATE: July 22, 2024
RE: Proposed Physical Questionnaire for Appointing Authorities

I. Executive Summary

Pursuant to M.G.L. c. 6E, §§ 3(a)(28), 4(f)(1)(iv), as adopted through 2020 Mass. Acts Chapter 253, § 30, the Massachusetts Peace Officer Standards and Training Commission (“Commission”) is tasked with establishing minimum standards for evaluating officer physical and psychological fitness to serve. The statutory provisions expressly charge the Commission with establishing physical and psychological determinatives to measure an officer’s ability to perform the job duties assigned to law enforcement officers as the term is defined in M.G.L. c. 6E, § 1. This memorandum provides a brief summary of some examples of current physical fitness resources for officers in the Commonwealth and a proposal for gathering information from appointing authorities on financially feasible, nonpunitive evaluations and programs. Psychological fitness will be addressed in the following format, but during a later phase.

II. Purpose

This memorandum is limited in scope to proposing a physical fitness questionnaire for distribution to appointing authorities to gain insight into programs that are successful at the agency level and capable of replication or expansion, if implemented universally by the Commission. Collaboration with the leaders of the agencies is vital to achieving any established fitness goals, as the agency heads are the primary liaisons between officers and the Commission, and they are most in touch with the needs of their officers in their respective jurisdictions, in tune with the availability of resources to support any plans that may be instituted by the Commission, and aware of the impediments to complying with certain standards. Due to funding restraints, the financial impact of any standards created by the Commission should be considered, although that factor is not outcome determinative of any proposed initiative. The Commission should familiarize itself with the initial fitness requirements that are directly connected to essential functions of the job for officers as they enter service. This will provide a useful platform to determine standards that should be developed for officers as they continue in service and assume various responsibilities and roles throughout their careers.

Pursuant to M.G.L. c. 31 § 61A, the Human Resources Division (“HRD”) is required to establish health and physical fitness standards for all police officers and firefighters when they are appointed to permanent, temporary, intermittent or reserve positions in cities, towns or other governmental units. An officer cannot be appointed to serve without having to meet the standards. Included in those medical and physical fitness standards is the Physical Abilities Test (PAT) and a medical examination process.*

* Attached is the 2020 Initial-Hire Guide from HRD that addresses, among other things: essential job functions for officers and the PAT evaluations that initial hires must undergo before being deemed fit to serve. Attachment 1.

The goal is to develop creative alternatives that will allow agencies to use existing resources that have proven track records and present agencies with new opportunities for enhancing the officer's health to satisfy mandated statutory and regulatory requirements. Public comments at subcommittee meetings, primarily from law enforcement, provided some insight into what a few agencies are currently doing. However, all agencies need to be given an opportunity to provide input into a process that will fundamentally impact them directly and policing in general.

III. Current Resources in Massachusetts

While the Commission considers its options for establishing physical fitness standards, it can provide resources to officers on its website. There are support resources available at a local level, so the Commission can help increase access to these necessary resources by including links to existing resources. This is a brief list of initiatives as stated during subcommittee meetings and further conversations with agency heads. This is by no means an exhaustive list. It is intended to provide examples of existing fitness opportunities at the department level.

A. Station Workout Facility

More departments are investing in workout equipment and facilities for officers to use on and off-duty. There is much research available that shows increased exercise can not only enhance physical fitness, but also reduce stress, improve sleep, and reduce injury. Some departments like the Reading and Tewksbury Police Departments allow officers one hour per shift to work out at the station gym. The workout equipment is free to use for officers and is accessible 24/7. Tewksbury PD received funds from the town totaling \$35,712 to renovate the station gym. The survey includes a question to gauge how many departments have workout facilities and how frequently they are used. For stations that do not have workout equipment available, the Tewksbury PD may have insight into how to request funding from the town. Smaller departments may be interested in creating a gym or some type of exchange program with neighboring towns to offset the cost.

B. The Municipal Police Training Committee ("MPTC") and In-service Training

A health and wellness curriculum is taught biennially through the MPTC. The construct of that program is perpetually evolving, as the MPTC becomes aware of improvements to fitness science. Collaborating with the MPTC is not only necessary pursuant to the legislative mandate but also advantageous for providing information on resources offered to recruits and in-service training for incumbent officers. As the MPTC embarks upon a culture shift with recruits, to allow for continuous fitness training throughout their careers, the Commission is poised with the opportunity to provide officers with continuity through model physical fitness standards. Conversations with the MPTC, for the development of fitness standards, will continue to take place on the following topics:

For recruits:

- Personal knowledge of their own health and appropriate programs for fitness,
- Understanding stress and its effect on the body,
- Offering a registered dietician to teach nutrition, and
- Providing a physical therapist to work with recruits and injuries.

For in-service training:

- Developing the curriculum for in-service training,
- Providing physical standards for incumbents,
- Building resilience training, and
- Learning about injury prevention workouts and rehabilitation.

IV. Sample Agency Questionnaire

At the most recent subcommittee meeting on May 23, 2024, members discussed sending a questionnaire to agencies to collect information on existing wellness resources. Questions related to physical fitness, as outlined below, are included in the Sample Agency Questionnaire:

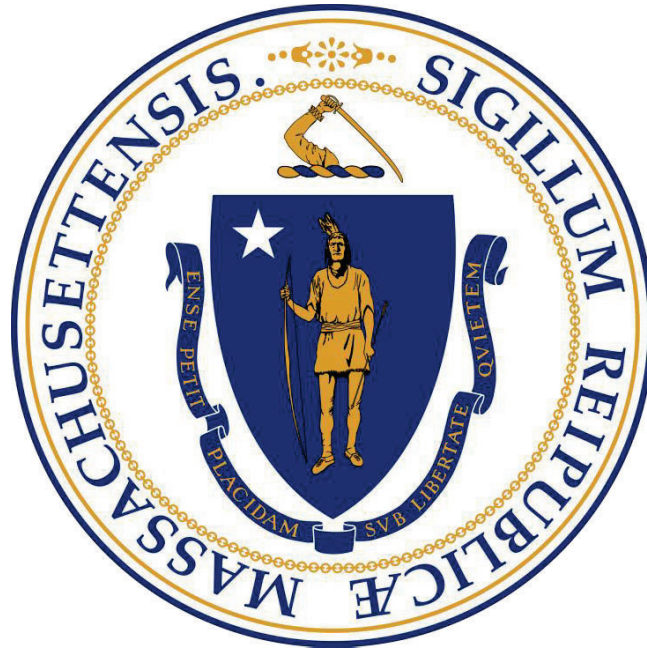
[LINK](#) to draft questionnaire

1. Name of agency and number of officers.
2. Do you think Massachusetts officers would benefit from having access to a comprehensive physical fitness program? If so, how should participation be structured?
Voluntary
Mandatory
Other
3. What do you think is the biggest impediment to offering resources to officers in the area of physical fitness? Select all that apply.
Finances
Time
Facility size
Other
4. How often do you think an officer's physical fitness should be evaluated?
Three years
Five years
Other
5. Who should collect data on officers regarding their physical fitness?
Agencies should collect the information and submit it to the Commission
Officers should provide the information directly to the Commission
Other
6. Should the Commission explore adjusting requirements for officers based on length of service and exempt them from program participation and/or mandatory requirements? If so, after how many years?
10 years of service
20 years of service
Other
7. Should the Commission grant waivers to officers based on certain circumstances, including medical ones? If so, for how long?
For three months
For six months
No waivers
Other

8. Would you be willing to participate in a pilot program aimed at developing a comprehensive physical fitness program that would be made available to all Massachusetts police officers?
Personally attend
Assign a designee
Not participate
Other
9. While participation in the pilot program will be voluntary, agencies would be encouraged to report the results of the physical exercises and programs undertaken by their officers so that the program can be accurately tailored to the job duties. Would you be open to reporting the participation of your officers? If so, how often?
Monthly
Quarterly
Not at all
Other
10. If you participate in the pilot program, would you be willing to help spread awareness and encourage participation in the full program when it is made widely available to Massachusetts officers?
Provide information to the Commission at a public meeting
Meet with other agency heads to discuss results
Other
11. Are there any specific services that you think the physical fitness program should include or prioritize based on your observations of the needs of your agency and the officer's fitness to serve?

V. Recommendation

POST will collaborate directly with stakeholders, initially heads of agencies, and the MPTC to develop a plan for the officer to attain appropriate fitness levels that enable them to perform essential job duties. We ask that the subcommittee pose suggestions to the questions presented for the appointing agencies and allow the distribution of the questionnaire, as soon as possible. Upon approval, we will work with Division of Police Certification to send out the questionnaire to all agencies. The target date to roll out the fitness plan for physical and psychological standards would coincide with the recertification process beginning July 1, 2025.



Commonwealth of Massachusetts
Human Resources Division

Initial-Hire Medical and Physical Ability Test Standards
And Physician's Guide 2020

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Introduction

Massachusetts General Law c. 31 § 61A requires the Human Resources Division establish health and physical fitness standards for all police officers and firefighters when they are appointed to permanent, temporary, intermittent or reserve positions in cities, towns or other governmental units. No person can be appointed to perform the duties of one of these positions without having met these standards. The Medical and Physical Fitness Standards, including the Physical Abilities Test (PAT) as well as the Medical Examination process are outlined in this Guide.

In addition, this Guide provides examining physicians the medical standards for initial-hire evaluation of applicants for municipal police and fire fighter positions. The Guide also provides reference material to assist the physicians and applicants in the form of:

- Essential Job Functions for both police and fire fighters,
- Linkage of MA-HRD police and fire fighter Physical Abilities Test events to essential job tasks,
- Physical Fitness Standards Test Course for Police Officers/Physical Ability Test
- Physical Fitness Standards Test Course for Fire Fighters/Physical Ability Test

The Police Officer Essential Job Functions and Physical Ability Test has been updated and effective as of December 24, 2019. The Firefighter Essential Job Functions and Physical Ability Test has been updated and effective as of April 3, 2020.

The Initial Hire Medical Standards for Municipal Police were updated and effective as of December 1, 2014. The Initial Medical Standards for Municipal Fire Fighters were updated for consistency with the standards found in the 2018 version of NFPA 1582 and were effective as of October 19, 2018.

Special Notes for Physicians:

The purpose of the standard Medical Examination Form is to obtain a medical history from the examinee, to record the medical examination and test results, and to report on the results of the medical determination. The Category B Medical Alert Form is to be used to report any Category B conditions that are not disqualifying at the time of the initial-hire examination, but that are known to have a progressive course that may, at some time in the future, have an adverse effect on a police officer or fire fighter's ability to safely and effectively perform essential job functions.

All medical examination records are the property of the appointing authority. They must be kept accessible for the duration of the examining physician's contract in the event of an audit, appeal or disability proceeding. If the contract terminates or expires, the physician will be instructed to transfer these records to his or her successor. The physician may, however, retain copies of the examination reports.

Before conducting a medical examination, please be familiar with the essential functions, including the physical demands, of the job. In addition, review the Medical Standards for the appropriate job. Finally, please conduct a thorough medical examination as prescribed by these Medical Standards. Once the medical examination is completed, certify in the Medical Verification Section of the Medical Examination Form whether or not the examinee passed the medical exam. The appointing authority will notify the examinee of the results of the exam and will forward pages one and eight of the Medical Examination Form to HRD.

General Information

A physician approved by the community for which the examinee seeks to work must sign off medical examinations and any subsequent re-examinations.

Municipal physicians are responsible for reviewing the results of the examination and advising the department whether or not an examinee has passed the medical examination under the applicable medical standards.

Information and records concerning an examinee's medical examination must be kept confidential and in conformance with medical records requirements.

Any community that concludes that a physician has conducted an incomplete or less than thorough medical examination is required to notify HRD and return the results of the exam to the physician with an explanation of the reasons why. The physician is then required to review the community's concerns and respond to those concerns in a thorough and complete manner.

An examinee who fails the medical examination is permitted one re-examination under the Initial Medical Standards Program. The subsequent re-examination should focus on the standards not met by the candidate in the initial examination and should entail a specialist examination. However, should the candidate's failure in the initial examination involve procedural issues (e.g. a laboratory or diagnostic test not completed or not completed properly by the candidate), the subsequent re-examination must address the procedural issues in question, which may or may not necessitate a specialist exam. In either case, the outcome of the subsequent re-examination will take precedence over the outcome of the initial examination in determining whether a candidate meets the initial- hire medical standards.

The Medical Examination Form is subject to audit by HRD. HRD has the right to obtain copies of documentation of medical examinations from examining physicians for review by HRD's medical consultants. This audit is to assess the quality and uniformity of examinations, to ensure compliance with consistent application of HRD's medical protocol for conducting medical examinations, and to provide information needed to improve and update the examination process and forms. All deficiencies in examinations performed will be discussed with examining physicians. By signing page one of the Medical Examination Form, the candidate grants HRD access to his or her medical examination records. Pages one and eight of the Medical Examination Form must be sent to HRD by the appointing authority.

Unless there is a prior agreement between the candidate and the community in terms of who will be responsible for the expenses incurred in the examination process, the candidate is responsible for paying the expenses.

Before administering the medical examination process, the examining physician should advise the examinee of the costs associated with the process, especially if a specialist exam and/or additional testing are involved.

Any questions examining physicians have for the Massachusetts Human Resources Division should be directed to the Medical and Physical Fitness Standards Team at PAT@mass.gov.

The Medical Examination Process

The referring department will complete Section A of the Medical Examination Form and will give the Medical Examination Form to the examinee to complete Section C (Consent and Certification) and Section E (Medical History) before reporting for the examination. If these sections are not completed, please have the examinee complete them. Carefully review the medical history with the examinee and record in detail in Section H (Additional Notes) any additional information you obtain. **Please note that the examinee is now asked whether he/she is currently receiving any disability benefits.** There should be sufficient data recorded regarding any positive medical history to justify the fitness determination made.

Each examinee must receive a comprehensive medical examination, which must include all systems necessary to ensure that he or she meets the applicable Medical Standards. The basic medical examination should be inclusive of, but not limited to all items listed in Section F (Medical Examination) of the Medical Examination Form. The examination should include other areas, as indicated based upon the medical history, even if they are not listed in Section F. Please elaborate on any positive medical findings in sufficient detail to justify the determination of whether the candidate passes the criterion or not. Examination of the breasts, rectum or prostate should be included only when they are clinically indicated in the physician's judgment, based upon the history provided by the examinee. Otherwise, these examinations should be offered to examinees for their own wellness and performed if the examinee consents. Providers are strongly encouraged to provide education on glaucoma.

A nurse practitioner registered to practice in an expanded role by the Massachusetts Board of Registration in Nursing, or a physician's assistant registered to practice under a physician's supervision by the Massachusetts Board of Registration in Medicine may perform the medical examination. The final review and determination of whether the candidate passes the examination must be by an MD or DO physician licensed in Massachusetts.

HRD requires that each examinee receive the following tests: pure-tone audiogram, visual acuity, color vision, peripheral vision screening, spirometry with at least determination of FEV₁ and FEV₁/FVC, and a screening test for tuberculosis. Space is provided on the Medical Examination Form for any additional laboratory and diagnostic tests that may be requested by the appointing authority. Testing for the presence of illicit or controlled drugs may be required by the appointing authority. HIV testing is not indicated for routine pre- placement screening. It is important that any additional tests that are required by the municipality be specified prior to the start of the medical examination.

Once the examination is completed, additional information such as hospital records, specialized tests (e.g., an exercise tolerance test) or an examination by a medical specialist may be needed to make a determination regarding whether or not an examinee meets the Medical Standards.

Please advise and provide the candidate with specific guidance regarding the type of information needed and acceptable sources where it can be obtained. In the case of specialist opinions, the examinee should be advised to consult a specialist who is Board Certified in the appropriate specialty by a specialty board recognized by the American Board of Medical Specialists.

When the medical history has been reviewed, the medical examination has been performed, all laboratory and diagnostic test results have been reviewed and any necessary additional information obtained and assessed, the municipal physician should complete Section I (Medical Verification Section). This part may **not** be completed by a nurse practitioner or a physician's assistant. The determination of passage or failure of the exam should be based upon the ability of the examinee to meet the requirements of the applicable Medical Standards at the time of the medical examination.

Medical conditions listed in the Medical Standards are classified as "Category A" or "Category B" conditions. Category A conditions are considered absolutely disqualifying. For Category B conditions the

physician is required to consider whether the particular examinee's condition would prevent him or her from safely and effectively performing the essential functions of the position. Both the Medical Standards and the Essential Functions are found in this Physician's Guide (pgs.5-31 and 32-43, respectively). If an examinee is found not qualified, you will need to indicate whether the condition is Category A or Category B and cite the applicable section of the Medical Standards in the Medical Verification Section. The examining physician must carefully document the rationale for finding the examinee not qualified.

If a physician finds that an examinee failed to provide a complete and accurate medical history, an explanation is required under Section I of the Medical Examination Form (Appendix B), "Physician's Notice of Examinee's Failure to Provide Complete & Accurate Medical History." By itself, failure to provide a complete and accurate medical history will not necessarily disqualify the examinee from meeting the medical standards but may subject the examinee to administrative disqualification of employment or other adverse action by the appointing authority.

If an examinee is found qualified despite a potentially disqualifying condition, the logic behind this determination should be documented in Section H (Additional Notes) of the Medical Examination Form.

When an examinee is found to be in need of further evaluation or treatment, the municipal physician may refer the person to local clinics, hospitals or specialists. Except in the case of a bona fide emergency when a delay in treatment might prove harmful, the municipal physician should offer to provide a list of several sources and leave the selection of a specific provider up to the examinee.

Medical Standards for Municipal Police Officers

- (1) Medical Evaluation: Each municipal police department shall establish and implement a pre-placement medical evaluation process for candidates. During the medical evaluation, the physician shall evaluate each individual to ascertain the presence of any medical conditions listed in these standards, or any medical conditions not listed which would prevent the individual from performing the essential job functions without posing significant risk to the safety and health of him/herself or others. Professional judgment regarding medical conditions that are not specifically listed should be used.

The examining physician shall not certify as having met the medical requirements of these standards any candidate who is determined to have a Category A condition.

The examining physician shall not certify as having met the medical requirements of these standards any candidate who is determined to have a Category B condition that is of sufficient severity, either from the condition or the treatment, to prevent the candidate from performing the essential functions of a police officer without posing a significant risk to the safety and health of him/herself or others.

- (2) The medical evaluation shall minimally include the following:

- a comprehensive medical history in addition to the medical history check-off list completed as Section E of the MA-HRD Medical Examination Form, to include significant past exposures, including, but not limited to, noise, blasts (concussive forces), indoor shooting range (lead), and any prior injuries, with particular attention to head injuries, any hospitalizations and surgeries and any medications used on a regular basis or repeatedly for any perceived medical condition (e.g.: over-the-counter allergy medications or over-the-counter pain medications).
- height and weight
- vital signs: pulse, respiration, blood pressure, and, if indicated, temperature
- dermatological system
- ears, eyes, nose, mouth, throat
- cardiovascular system
- respiratory system
- gastrointestinal system
- genitourinary system
- endocrine and metabolic systems
- musculoskeletal system
- neurological system
- audiometry. Audiograms should be performed in a sound-treated booth compliant with the most recent version of ANSI S3.1 (Criteria for permissible ambient noise during audiometric testing) with equipment calibrated to the most recent version of ANSI standard S3.6 (Specification for Audiometers). If a booth is unavailable, the test room sound pressure levels should not exceed those specified in the Federal OSHA “Audiometric test rooms” standard (29 CFR 1910.95, Appendix D).
- visual acuity, color vision and peripheral vision testing.
- pulmonary function screening. Screening pulmonary function evaluation shall consist of spirometry with no use of short acting bronchodilator agents for 8 hours prior to testing. Testing should be performed in accordance with the most recent version of the American Thoracic Society “Standardization of Lung Function Testing.” Screening spirometry should be administered by an individual both trained in the use of the spirometry instruments and experienced in performing the

examinations.

- a review of hepatitis B immunization status.
- a Purified Protein Derivative (PPD) test or interferon-gamma release assay (IGRA) for tuberculosis, and other diagnostic testing where indicated.
- basic mental status evaluation to include, at a minimum, the following¹:
 - general appearance (e.g.: kempt, disheveled), affect, state of alertness, orientation to place, person and time, comprehensibility in expression, insight, coherence of thought processes.

(3) The medical evaluation process may also include:

- a review of tetanus immunization status.

(4) All medical information collected as part of a medical evaluation shall be considered confidential medical information and shall be released by the physician only with the specific written consent of the candidate. The physician shall report the results of the medical evaluation to the candidate, including any medical condition(s) disclosed during the medical evaluation and the recommendation whether the candidate is medically certified to perform as a police officer. The physician shall inform the police department and HRD only whether or not the candidate is medically certified to perform as a police officer. The specific written consent of the candidate shall be required to release confidential medical information to the police department and HRD, following guidelines set forth under the Americans With Disabilities Act (ADA) and other relevant policies.

(5) Category A and Category B Medical Conditions

- A Category A Medical Condition is a medical condition that would preclude an individual from performing the essential job functions of a municipal police officer or present a significant risk to the safety and health of that individual or others.
- A Category B Medical Condition is a medical condition that, based on its severity or degree, may or may not preclude an individual from performing the essential job functions of a municipal police officer, or present a significant risk to the safety and health of that individual or others.

The following biological systems shall be components of the Initial Medical Standards for police officers:

I) Musculoskeletal

1) Head and Skull

A) Category A medical conditions shall include:

- (i) uncorrected decompression craniectomy with residual defect larger than 1 square inch.

B) Category B medical conditions shall include:

- (i) deformities of the skull, loss or congenital absence of the bony substance of the skull which limit the ability to wear a mask and/or protective breathing apparatus,
- (ii) thoracic outlet syndrome sufficient to compromise required activity,
- (iii) congenital cysts, chronic draining fistulas, or similar lesions,
- (iv) any other head condition that results in an individual not being able to safely and effectively perform the job of police officer.

2) Neck and Cervical Spine

A) Category A medical conditions shall include:

- (i) none.

¹ The initial examiner is encouraged to refer any applicant found to have an apparent abnormality in mental status evaluation to a doctoral level mental health professional (psychologist or psychiatrist) for further evaluation. Current or recent use of psychotropic medications shall be reviewed by a board-certified psychiatrist. Candidates with current or past psychiatric diagnoses in the domains noted in Section IV.(6)(o) must be referred to a board-certified psychiatrist, preferably one with experience evaluating individuals for safety-sensitive job positions, for final determination of appropriateness to function as a police officer or fire fighter.

- B) Category B medical conditions shall include:
 - (i) cervical arthrodesis/fusion/instability,
 - (ii) cervical canal stenosis,
 - (iii) cervical radiculopathy or myelopathy,
 - (iv) herniated disc,
 - (v) degenerative disc disease,
 - (vi) abnormal chronic contraction of neck muscles,
 - (vii) decompression laminectomy,
 - (viii) any other neck condition that results in an individual not being able to safely and effectively perform the job of police officer.
- 3) Thoracic/lumbar/sacral Spine
 - A) Category A medical conditions shall include:
 - (i) symptomatic spondylolisthesis, whether or not surgically corrected.
 - B) Category B medical conditions shall include:
 - (i) lumbar laminectomy or discectomy, with or without fusion,
 - (ii) degenerative disease/spondylolysis/pars defect
 - (iii) structural abnormality, fracture, or dislocation,
 - (iv) degenerative disk disease,
 - (v) herniated disk/sciatica/radiculopathy,
 - (vi) spinal stenosis,
 - (vii) spinal surgery not covered in Category A,
 - (viii) any other spinal condition that results in an individual not being able to safety and effectively perform the job of police officer.
- 4) Extremities
 - A) Category A medical conditions shall include:
 - (i) hemipelvectomy,
 - (ii) hip disarticulation,
 - (iii) above-the-knee amputation,
 - (iv) lack of either hand,
 - (v) lack of either thumb proximal to the nail cuticle.
 - B) Category B medical conditions shall include:
 - (i) severe limitation of motion of a joint, fibrosis, or arthrodesis,
 - (ii) amputations not covered in Category A:
 - (a) whole or partial digit amputation other than the thumb,
 - (b) amputation of multiple digits,
 - (c) partial foot amputations including multiple toes on the same foot,
 - (d) transtibial amputation,
 - (e) any other amputation not covered in Category A.
 - (iii) total joint arthroplasty:
 - (a) shoulder,
 - (b) elbow,
 - (c) wrist,
 - (d) thumb, first, or second digit,
 - (e) hip,
 - (f) knee,
 - (g) ankle,
 - (iv) deformity or dislocation of a joint or limb,
 - (v) joint reconstruction, ligamentous instability, or joint replacement not covered in (iii),
 - (vi) chronic osteoarthritis or traumatic arthritis,
 - (vii) inflammatory arthritis,
 - (viii) osteomyelitis,
 - (ix) compressive neuropathies including carpal tunnel syndrome or ulnar nerve palsy,
 - (x) required use of stabilizing orthopedic braces,

- (xi) any other extremity condition that results in an individual not being able to safely and effectively perform the job of police officer.

II) Eyes And Vision

The medical evaluation shall minimally include visual acuity (Snellen) and peripheral vision testing using a standardized testing device (Titmus or Optec Vision Screener or other similar vision screening device).

Contact lenses are not permitted to meet the uncorrected standard.

X-chrom contact lens use is not permitted to meet the color standard.

When the candidate is being tested, he/she must present without wearing contact lenses for at least several hours, so that uncorrected vision can be accurately tested.

A) Category A medical conditions shall include:

- (i) Uncorrected distance vision worse than 20/100 in either eye.
- (ii) corrected distant vision worse than 20/20 in the better eye UNLESS – the vision in the better eye alone is at least 20/25 AND the vision with both eyes together is 20/20 or better,
- (iii) Peripheral vision of less than 70 degrees temporally and 45 degrees nasally in either eye on screening examination AND/OR any history of conditions limiting field of vision will necessitate additional assessment by an eye care professional who will perform a formal detailed quantitative visual field assessment to determine if the binocular visual field is 140 degrees (at least 70 degrees temporally in each eye) above and below the meridian,
- (iv) Demonstration of color vision deficit on testing by Ishihara or Richmond pseudo-isochromatic plates.
- (v) Candidates who demonstrate a color deficiency with Ishihara or Richmond testing may be re-tested with a Farnsworth D-15. Two or more major “cross-over” errors (defined as a sequence jump of 4 or more in the cap sequence created by the test subject) on the Farnsworth D-15 is a Category A condition.
- (vi) Vision (refraction) corrective surgery that has not stabilized in terms of diopter changes documented at least 2 weeks apart or if there is residual glare, halos, starburst, monocular diplopia, continued use of steroid drops, presence of haze on examination, microstriae, dryness affecting functional vision, active infection or loose epithelium.

B) Category B medical conditions shall include:

- (i) diseases of the eye such as cataracts, retinal detachment, progressive retinopathy, glaucoma or optic neuritis, which, if present, and not severe enough to be disqualifying should be followed on a regular basis to ascertain continued adequate visual capability to safely and effectively perform the essential police duties,
- (ii) any other ophthalmological surgical procedures, such as, but not limited to retinal detachment repair, periorbital muscle procedures,
- (iii) any other vision disorder or eye condition that results in an individual not being able to safely and effectively perform the job of police officer.

III) Ears And Hearing

The medical evaluation shall minimally include audiograms performed in a sound-treated booth compliant with the most recent version of ANSI S3.1 (Criteria for permissible ambient noise during audiometric testing) with equipment calibrated to the most recent version of ANSI standard S3.6 (Specification for Audiometers). If a booth is unavailable, the test room sound pressure levels should not exceed those specified in the Federal OSHA “Audiometric test rooms” standard (29 CFR 1910.95, Appendix D).

A) Category A medical conditions shall include:

- (i) Hearing deficit in pure tone thresholds in both ears, the deficit in each ear averaging 35 dB HL or worse at 500, 1000, 2000 and 3000 Hz,
 - (a) Candidates failing the Category A pure tone threshold standard and who still wish to be considered for appointment will be required to have follow-up examinations that include:

- (b) full audiological examination, including speech reception threshold (SRT) and speech discrimination testing (NU-6 word lists) in both ears individually, **AND** full otological examination.
 - (1) In order to pass they must demonstrate:
 - (2) Pure tone thresholds in better ear indicating average hearing deficit at 500, 1000, 2000, and 3000 Hz to be lower than 35 dB HL, **AND** Performance score of 80% or better on the speech discrimination test in the better ear.

HEARING AIDS: Initial hearing examinations must take place unaided.

Candidates who cannot pass the initial examination should be referred to a licensed audiologist for the follow-up examination. Candidates may use hearing aids for the follow-up examination. Candidates using hearing aids must pass the follow-up examination based on sound field-testing, using the criteria listed above.

- B) Category B medical conditions shall include:
 - (i) perforated tympanum,
 - (ii) auditory canal - atresia, severe stenosis, or tumor,
 - (iii) severe external otitis,
 - (iv) auricle - severe agenesis or traumatic deformity,
 - (v) mastoid - severe mastoiditis or surgical deformity,
 - (vi) Meniere's disease, labyrinthitis or any disorder of equilibrium,
 - (vii) otitis media,
 - (viii) any other hearing disorder or ear condition that results in an individual not being able to safely and effectively perform the job of police officer.

IV) Nose, Mouth, And Throat

- A) Category A medical conditions shall include:
 - (i) tracheostomy,
 - (ii) aphonia,
 - (iii) absent sense of smell,
 - (iv) congenital or acquired deformities which interfere with wearing a gas mask.
- B) Category B medical conditions shall include:
 - (i) congenital or acquired deformities not covered in Category A,
 - (ii) defects of articulation that materially interfere with verbal communication,
 - (iii) defects of rate (stuttering, stammering, or cluttering) that interfere with verbal communication,
 - (iv) chronic severe rhinitis,
 - (v) any other nose, oropharynx, trachea, esophagus, or larynx condition that interferes with breathing or speech or otherwise results in an individual not being able to safely and effectively perform the job of police officer.

V) Respiratory

- A) Category A medical conditions shall include:
 - (i) current lung abscess or current empyema,
 - (ii) active untreated pulmonary tuberculosis,
 - (iii) current pneumothorax,
 - (iv) interstitial disease with abnormal exercise oxygen desaturation(<90%),
 - (v) obstructive pulmonary disease, meeting the following criteria:
 - (a) cough and low grade wheezing between exacerbations,
 - (b) FEV1/FVC < 0.7 AND FEV1 < 50% predicted at testing with spirometry performed as described in Section IV(2)(o)1,²
 - (c) required use of short-acting bronchodilatory medications prior to exercise.
- B) Category B medical conditions shall include:

D) ² 1 Vestbo J, Hurd SS, Agusti AG, et al. Global Strategy for the Diagnosis, Management and Prevention of Chronic Obstructive Pulmonary Disease, GOLD Executive Summary. Am J Respir Crit Care Med. 2012.

- (i) lobectomy or pneumonectomy,
- (ii) obstructive disease not meeting Category A criteria,
- (iii) chronic bronchitis,
- (iv) emphysema,
- (v) bronchiectasis,
- (vi) history of bronchiectasis, bronchitis, fibrous pleuritis, fibrosis, cystic disease, tuberculosis, mycotic lung disease, or pneumothorax,
- (vii) interstitial disease with normal exercise oxygen saturation,
- (viii) any other respiratory condition that results in an individual not being able to safely and effectively perform the job of police officer.

VI) Cardiovascular

A) Category A medical conditions shall include:

- (i) current diagnosis of angina pectoris,
- (ii) current congestive heart failure,
- (iii) ventricular aneurysm,
- (iv) acute or chronic pericarditis, endocarditis, or myocarditis. Endocarditis with resultant significant valvular lesions, or myocarditis leading to myocardial insufficiency,
- (v) cardiac or multi-organ transplant or left ventricular assist device or other mechanical aide to circulation,
- (vi) third degree AV block without cardiac pacemaker,
- (vii) coronary artery disease, cardiac hypertrophy, or other cardiac condition without evidence of a functional capacity equal to or greater than 12 METs without evidence of ischemia,
- (viii) recurrent syncope,
- (ix) history of sudden cardiac death syndrome,
- (x) hemodynamically significant valvular heart disease,
- (xi) Non-rheumatic atrial fibrillation with CHADS 2 score ≥ 2 or CHA2DS2-VASc score ≥ 1 not taking anticoagulant medication. (for persons taking anticoagulant medication, see section IV.(l)1.(c)),
- (xii) automatic implantable cardioverter defibrillator (AICD).

B) Category B medical conditions shall include:

- (i) coronary artery disease not covered in Category A,
- (ii) significant arrhythmias (either hemodynamically significant or in representing an elevated risk of hemodynamically compromising rhythm alteration),
- (iii) cardiac hypertrophy,
- (iv) history of myocardial infarction, coronary artery bypass, coronary angioplasty, stent placement, or atherectomy,
- (v) congenital abnormality,
- (vi) cardiac pacemaker,
- (vii) any other cardiac condition that results in an individual not being able to safely and effectively perform the job of police officer.

VII) Vascular System

A) Category A medical conditions shall include:

- (i) congenital or acquired lesions of the aorta and major vessels,
- (ii) marked circulatory instability as indicated by orthostatic hypotension, persistent tachycardia, and severe peripheral vasomotor disturbances,
- (iii) aneurysm of a major vessel, congenital or acquired,
- (iv) untreated persistent hypertension (systolic blood pressure of 160 mmHg or greater or diastolic blood pressure of 100 mmHg or greater),
- (v) current diagnosis of embolism or thrombophlebitis.

B) Category B medical conditions shall include:

- (i) persistent hypertension controlled through medication (systolic blood pressure less than 160 mmHg and diastolic blood pressure less than 100 mmHg),

- (ii) peripheral vascular disease, including intermittent claudication, Raynaud's disease, and Buerger's disease,
- (iii) recurrent thrombophlebitis,
- (iv) chronic lymphedema,
- (v) severe or symptomatic varicose veins or venous insufficiency,
- (vi) any other vascular condition that results in an individual not being able to safely and effectively perform the job of police officer.

VIII) Gastrointestinal

A) Category A medical conditions shall include:

- (i) liver or multi-organ transplantation,
- (ii) active gastrointestinal bleeding.

B) Category B medical conditions shall include:

- (i) cholecystitis,
- (ii) gastritis,
- (iii) chronic or acute hepatitis,
- (iv) hernia,
- (v) inflammatory bowel disease,
- (vi) intestinal obstruction,
- (vii) pancreatitis,
- (viii) bowel resection,
- (ix) gastrointestinal ulcer,
- (x) cirrhosis,
- (xi) diverticulitis,
- (xii) any other gastrointestinal condition that results in an individual not being able to safely and effectively perform the job of police officer.

IX) Reproductive

A) Category A medical conditions shall include:

- (i) none.

B) Category B medical conditions shall include:

- (i) pregnancy, for its duration. Any candidate who is pregnant shall be evaluated based on the candidate's ability to perform as a police officer. Such evaluation shall be based in part on the timing of training and duties as related to pregnancy duration and postpartum recovery. Furthermore, a pregnant candidate shall be informed of the potential risks to her fetus in the performance of essential job functions, due to possible exposures to hazardous materials and physical contact,
- (ii) any other reproductive condition that results in an individual not being able to safely and effectively perform the job of police officer.

X) Genitourinary

A) Category A medical conditions shall include:

- (i) renal disease requiring dialysis,
- (ii) renal or multi-organ transplantation.

B) Category B medical conditions shall include:

- (i) any other renal, urinary, or genital condition that results in an individual not being able to safely and effectively perform the job of police officer.

XI) Neurological

A) Category A medical conditions shall include:

- (i) ataxia,
- (ii) cerebrovascular disease with documented episodes of neurologic impairment such as cerebrovascular accidents (CVAs) and transient ischemic attacks (TIAs),
- (iii) multiple sclerosis with activity or evidence of progression within previous three years,
- (iv) muscular dystrophy,
- (v) myasthenia gravis,
- (vi) ALS,

- (vii) all epilepsy syndromes to include psychomotor, focal, petit mal, or grand mal seizures other than for those with all of the following:
 - (a) no seizure for 1 year off all anti-epileptic medications or 5 years on a constant dose of the same medication,
 - (b) normal CT and epilepsy protocol MRI of the brain,
 - (c) normal neurological examinations, and
 - (d) a definitive statement from a qualified neurologist specializing in seizure disorders (epileptologist) attesting to items i. through iii. above, and that the candidate is neurologically cleared for police academy training and the performance of a police officer's essential job functions.
 - (viii) single first-time unprovoked seizure or unexplained episode of loss of consciousness less than 6 months prior to evaluation,
 - (ix) choreoathetosis,
 - (x) dementia,
 - (xi) any disorder affecting equilibrium which is acute, episodic, chronic, or recurrent.
- B) Category B medical conditions shall include:
- (i) congenital conditions and malformations,
 - (ii) migraines,
 - (iii) clinical disorders with paresis, paralysis, loss of coordination, abnormal motor function, or abnormalities of sensation,
 - (iv) history of subdural, subarachnoid, or intracerebral hemorrhage,
 - (v) traumatic brain injury, concussion or multiple incidents of head trauma,
 - (vi) any other neurological condition that results in an individual not being able to safely and effectively perform the job of police officer.

XII) Skin

- A) Category A medical conditions shall include:
- (i) none.
- B) Category B medical conditions shall include:
- (i) non-localized, i.e., widespread, skin disease,
 - (ii) extensive skin grafts,
 - (iii) contact allergies,
 - (iv) any other dermatologic condition that results in an individual not being able to safely and effectively perform the job of police officer.

XIII) Hematopoietic and Lymphatic

- A) Category A medical conditions shall include:
- (i) hemorrhagic states requiring replacement therapy, including hemophilia,
 - (ii) sickle cell disease (homozygous),
 - (iii) chronic anticoagulation therapy.
- B) Category B medical conditions shall include:
- (i) anemia, leukopenia, or thrombocytopenia,
 - (ii) polycythemia vera,
 - (iii) splenomegaly,
 - (iv) history of thromboembolic disease,
 - (v) any other hematological condition that results in an individual not being able to safely and effectively perform the job of police officer.

XIV) Endocrine And Metabolic

- A) Category A medical conditions shall include:
- (i) uncontrolled diabetes mellitus,
 - (ii) insulin dependent diabetes not controlled by the use of a pump or basal/bolus techniques,
 - (iii) insulin dependent diabetes not meeting criteria described in Appendix A.
- B) Category B medical conditions shall include:
- (i) Diabetes mellitus,

- (a) Note: Any patient with diabetes is required to provide medical information indicating that they meet the requirements described in Appendix A.
- (ii) diseases of the adrenal gland, pituitary gland, parathyroid gland, or thyroid gland of clinical significance,
- (iii) nutritional deficiency disease or metabolic disorder,
- (iv) any other endocrine or metabolic condition that results in an individual not being able to safely and effectively perform the job of police officer.

XV) Tumors and Malignant Disease

- A) Category A medical conditions shall include:
 - (i) none.
- B) Category B medical conditions shall include:
 - (i) malignant disease which is newly diagnosed, untreated, or currently being treated. The medical evaluation of any candidate with malignant disease which is newly diagnosed, untreated, or currently being treated shall be deferred until treatment has been completed. Treated malignant disease shall be evaluated based on that individual's current physical condition and on the likelihood of that individual's disease to recur or progress.
 - (ii) any other tumor or malignancy that results in an individual not being able to safely and effectively perform the job of police officer.

XVI) Psychiatric

- A) Category A medical conditions include current or past diagnoses of:
 - (i) disorders of behavior,
 - (ii) anxiety disorders,
 - (iii) disorders of thought,
 - (iv) disorders of mood,
 - (v) disorders of personality.
- B) Category B medical conditions shall include:
 - (i) a history of any psychiatric condition, behavior disorder, or substance abuse problem not covered in Category A. Such history shall be evaluated based on that individual's history, current status, prognosis, and ability to respond to the stressors of the job,
 - (ii) any other psychiatric condition that results in an individual not being able to safely and effectively perform the job of police officer.

XVII) Conditions Not Otherwise Covered

- A) Category A medical conditions shall include:
 - (i) none.
- B) Category B medical conditions shall include:
 - (i) connective tissue and autoimmune diseases, including dermatomyositis, lupus erythematosus, scleroderma, and rheumatoid arthritis,
 - (ii) history of heat stroke, frostbite, or other thermal injury,
 - (iii) potentially transmissible infectious disease,
 - (iv) sleep disorders such as obstructive sleep apnea, central sleep apnea and narcolepsy,
 - (v) multi-system degenerative disorders,
 - (vi) any other systemic condition that results in an individual not being able to safely and effectively perform the job of police officer.

XVIII) Chemicals, Drugs, And Medications

- A) Category A medical conditions shall include:
 - (i) active alcoholism or substance abuse.
- B) Category B medical conditions shall include the regular use of various chemicals and drugs, including -- but not limited to -- the following categories:
 - (i) cardiovascular agents,
 - (ii) narcotics,
 - (iii) sedative-hypnotics,
 - (iv) stimulants,
 - (v) psychoactive agents,

- (vi) systemic steroids,
- (vii) any other chemical, drug, or medication that results in an individual not being able to safely and effectively perform the job of police officer.

Municipal Police Officer Essential Functions

I. Patrol Duties and Responsibilities
Maintain a proactive approach towards obtaining information such as names, faces, and previous arrest records of known criminals believed to be living in or frequenting the area and their known associates.
Operate a Department vehicle under all conditions while in service.
Patrol a specific geographic area by various patrol methods (e.g., foot, bike, motorcycle) to observe and detect unusual activities or circumstances, or violations of the law.
Use communications equipment (e.g., radio, computer, telephone) to exchange information relative to official duties (e.g., reporting status and location to dispatcher, maintaining contact with other agencies).
Observe and check entrances to buildings and premises to maintain security of property.
Identify a person as disturbed (e.g., mentally, emotionally) or incapacitated (e.g., intoxicated) and detain that person in order to provide for placement.
Participate in specialized details (e.g., seatbelt enforcement checkpoints) and/or investigations.
Monitor radio traffic to keep informed of personnel activities and maintain proper coverage (e.g., need for backup, reassignment of officers).
Observe (Code 8) school crossing fixed post assignment and monitor the area around the school.
II. Traffic Enforcement
Estimate vehicle speed visually or use speed detection equipment (e.g., radar, lidar, vascar) to determine the speed of a vehicle.
Stop vehicles for cause and check for required documents, defective equipment (e.g., headlights, tires), and other violations to issue citations or warnings and to aid in the safe and legal operation of vehicles on the road.
When outside of vehicle (e.g., making a traffic stop), monitor pedestrian or vehicular traffic to reduce risk of injury to self or others and take evasive action when necessary.
Issue a citation or parking ticket to a traffic violator.
Conduct field sobriety tests to determine probable cause for breath or blood test and/or arrest for alcohol and/or drug use.
Direct/Reroute traffic, place emergency signaling devices (e.g., flares) or take other necessary action to ensure a safe and orderly flow of traffic when confronted with unusual traffic conditions (e.g., accidents, stoplight out, parades) or emergencies (e.g., fires).
Protect an accident scene to allow for a determination of the facts of the accident and if warranted call for accident reconstruction.
Determine the status (e.g., stolen, disabled) of a stopped or abandoned vehicle, including checking for inhabitants (e.g., children, victims).
Impound or supervise impounding of equipment or vehicles left on the roadway.
Report safety problems (e.g., potholes) on roadways to appropriate entities.
Conduct a motor vehicle inventory according to Department policy.
Fill out data collection form when necessary.
III. Responding to Crime Incidents, Disturbances, and Calls for Service
Conduct threat assessment.
Serve on special details to help maintain peace and order (e.g., labor strikes, abortion demonstrations, animal rights protests).
Protect one or more persons (e.g., confidential sources, witnesses) to provide for the safety and security of the person(s) and the public.
Operate a Department vehicle at a high rate of speed, using emergency lights and siren and maintaining public safety, to respond to emergency calls for service.
Respond to incidents requiring your presence as specified in Department policies.
Respond to a crime in progress and secure the area to effect an arrest.

Respond to an alarm, secure area, and inspect for entry to protect life and property and apprehend the violator or violators.
Provide back-up to other police personnel.
Request assistance from other police personnel.
Appraise the situation, separate individuals, and discuss the issues to restore order at a domestic dispute following the guidelines of Chapter 209A section 6.
Separate individuals in a fight or disturbance to restore order and minimize injury to those individuals or property.
In response to a report of child/elder/disabled person abuse, observe and evaluate the physical or mental condition of the individual(s), notify the appropriate agencies, and/or place the individual(s) in protective custody to protect the individual(s) from physical or mental harm.
Participate in a large scale coordinated search for one or more persons (e.g., escapees, mental patients, lost people) to locate or apprehend the person(s).
Erect physical barriers, bodily serve as a barrier, issue verbal commands, and/or utilize the necessary degree of authority to effect the safe, peaceful, and orderly flow of a crowd of people.
Contact (in person) the immediate family of an individual or notify uniformed personnel to provide information to the family concerning that person's injury or death.
Utilize personal protective equipment when necessary (e.g., rubber gloves, face mask).
IV. Incident Command
Assume command (until relieved) at incident scene during routine situations, issue assignments, orders, and instructions to personnel to coordinate, direct, and assist them with their activities (e.g., rerouting traffic, securing crime scene, evidence collection).
Assume command (until relieved) at incident scene during emergency and/or unexpected situations, issue assignments, orders, and instructions to personnel to coordinate, direct, and assist them with their activities (e.g., perimeter control, evacuation).
Respond to major crime and incident scenes or in sensitive situations to ensure that proper actions are taken by police personnel and that other law enforcement and public service agencies are contacted.
Attend briefings and debriefings to discuss tactical plans and assignments.
Determine whether or not to initiate or terminate vehicle pursuits based on Department policy, location of pursuit, weather, severity of crime or other considerations.
V. Investigations
Conduct surveillance on one or more persons, places, and/or things to collect information and evidence of criminal activities.
Accurately document the elements of a crime and identify potential witnesses and suspects to produce a prosecutable case.
Canvass the neighborhood, asking questions of persons in order to locate and identify one or more witnesses, victims, or suspects of a crime.
Interview and take written statements from the general public, witnesses, victims, or suspects to obtain and record information pertinent to the enforcement, regulatory, and service functions of the Department.
Evaluate individuals to determine their credibility and/or manner in which they should be handled (e.g., during interrogations).
Determine the probable facts of an incident from examination and comparison of statements and other evidence.
Protect a crime scene from contamination by controlling access to the scene and erecting physical barriers to preserve the evidence of a crime.
Identify, collect and photograph evidence at a crime scene and if necessary diagram the scene to preserve that evidence for use in an investigation.
Evaluate evidence (e.g., article, substance) to determine its relationship to an investigation.
Inspect and/or field test a suspected controlled substance to make a preliminary determination of its identity and request further lab tests as needed.
Transport evidence to various locations (e.g., lab, court), maintaining an unbroken chain of custody.

Mirandize the suspect.
VI. Arrest-Related Activities
Make judgments about probable cause for warrantless searches.
Operate a Department vehicle at a high rate of speed, maintaining public safety and in compliance with Departmental pursuit policy, to pursue and apprehend one or more violators.
Pursue a suspect or violator on foot.
Signal a felon to stop (e.g., emergency light, siren, P.A.) in order to effect an arrest or contain the felon and await backup.
Physically restrain or control a non-violent individual or arrestee to protect self, the person being restrained, and the public, or to effect custody of an arrestee.
Physically restrain or subdue a violent or resisting individual or arrestee to protect self, the person being restrained, and the public, or to effect custody of an arrestee.
Display or discharge a Departmentally approved firearm to protect self and/or the public in accordance with Department policy.
Display or utilize a Departmentally issued non-firearm weapon (e.g., baton, spray, taser) in a defensive manner to control one or more persons in accordance with Department policy.
Determine applicability of Miranda and other Constitutional Rights when arresting and detaining suspects.
Distinguish between felony and misdemeanor classifications when making arrests.
Legally force entry into building to apprehend suspect and/or evidence.
Search one or more persons for weapons, fruits of a crime, or contraband to effect an arrest, protect oneself and the public, and/or to obtain evidence.
Search a vehicle for weapons, fruits of crime, or contraband to effect an arrest, protect self and the public, and/or to obtain evidence.
Search a building for individuals, weapons, fruits of a crime, or contraband to effect an arrest, protect self and the public, and/or to obtain evidence.
Transport person(s) (e.g., witness, victim), maintaining safety, for an official purpose.
Record the arrest of an individual (e.g., fill out forms, photograph) to document that arrest and possible detention.
Review computer and/or booking sheet to obtain information about booked suspects (e.g., criminal history, outstanding warrants).
Ensure prisoners are held and detained in compliance with Department policy and applicable statutes.
Establish probable cause to make recommendations for strip or body cavity search warrants.
Serve arrest warrants.
VII. Evidence/Property Management
Ensure the maintenance of chain of custody for evidence.
Ensure the secure storage of evidence and property in the designated location.
VIII. Care of Victim, Prisoner Welfare
Determine the need for medical treatment.
When confronted with victim(s), conduct victim assessment and administer immediate care to prevent further injury, trauma, or death.
Attempt to calm emotionally upset citizens (e.g., crime victims, complainants).
Protect suspect or prisoner from inflicting physical harm to self.
Administer life saving techniques (e.g., CPR, defibrillator) as training dictates to victim.
Apply basic first aid to treat civilians or agency members until medical personnel arrive.
Carry incapacitated, unconscious, or injured individual to safety, or medical office with or without assistance.
Protect and transport witnesses at potentially volatile incidents.
Request emergency transportation for seriously injured person.
Arrange for the transportation and protection of victims.
Observe individuals for indications of suicidal tendencies or mental disturbances (e.g., major changes in behavior, fright or panic states) and refer to appropriate counselor.

Talk with individuals attempting to commit suicide to persuade them not to make the attempt.
Assist injured officers (e.g., officers involved in shooting incidents).
IX. Internal/External Communication and Coordination
Ensure specialty units (e.g., hostage negotiator, Tactical Response Team) and external agencies (e.g., HAZMAT, fire department) are notified of situations warranting their attention and involvement.
Assist external agencies with their operations (e.g., state police, FBI, fire department).
Notify dispatcher of special conditions that may affect or are affecting sector operations as required by Department procedures.
Request documents in records systems (e.g., pictures, criminal histories).
Monitor and respond to routine communications (e.g., phone).
Receive and relay directives, assignments, and special orders.
Respond to requests for information from superior personnel.
Consult with superior to provide/receive assistance with assigned operational activities and keep him/her apprised of potential developments/problems.
Communicate with other Department personnel informally to discuss and exchange information (e.g., intelligence), and address problems.
Provide guidance and suggestions to personnel to assist them in performing assigned duties and addressing any problems that arise.
Communicate with individuals from other city/state/federal agencies/entities to exchange information and accomplish work objectives.
Notify other Police Department units of unusual situations and conditions as necessary and appropriate.
Contact other law enforcement agencies (e.g., local police departments, FBI) for information and assistance.
Contact outside agencies and organizations (e.g., social service agencies) for information.
Answer investigative inquiries from other law enforcement agencies or refer inquiry appropriately.
Perform dispatch duties when assigned.
Request/Inquire if assistance is necessary based on factors such as symptoms of possible substance abuse.
X. Record and Report Management
Record information required by Department guidelines in proper logs.
Fill in forms requiring specific information accurately and completely (e.g., incident report, crash report).
Write narrative reports (e.g., incident reports, intelligence reports) providing complete, accurate and consistent information.
Record, in writing and/or by video/audiotape, the statements of witnesses, complainants and suspects.
Review own reports to ensure compliance with applicable policies (e.g., format, accuracy, timely completion) and for informational purposes.
Maintain logs (written and/or computerized) of activities occurring during the shift (e.g., accidents, significant incidents) to maintain a record.
Review contents of logs to get an accurate overview of district conditions.
Maintain knowledge of current technologies and the computerized records system.
Ensure proper evidence and additional necessary documentation is brought to court.
Maintain personal copies of Departmental directives as required by Department policy.
XI. Police Department Property
Maintain clothing and personal equipment to satisfy inspection requirements.
Clean and inspect weapons.
Conduct inventory of assigned vehicles and equipment to ensure that necessary equipment is available when needed.
Recognize vehicle and/or equipment damage or malfunctions(s) and ensure that necessary repairs are performed.
XII. Court Activities
Deliver court paperwork to individuals (e.g., restraining orders, subpoenas).
Receive subpoenas and/or court notifications and sign acknowledgments of receipt.

Swear out (sign) complaints, warrants or probable cause affidavits.
Review and discuss the details of a specific investigation with prosecutor and other court personnel to plan investigatory strategy, prepare for a court presentation, etc.
Prepare to testify in court by reviewing reports and notes.
Retrieve evidence to be presented in court.
Appear and testify as a witness in an official proceeding (e.g., traffic court, trial, Civil Service hearing) to assist in fulfilling the Department's role in the judicial and administrative process.
XIII. Public and Community Relations
Provide assistance and information to civilians seeking help (e.g., directions, explanations of municipal codes and ordinances, referrals to other Department personnel or other agencies/entities).
Provide information upon request to individuals and groups (e.g., business owners, neighborhood groups) to increase awareness of potential victimization and deter crime.
Explain police actions to relatives of prisoners or complainants.
Maintain knowledge of geographic area of responsibility (e.g., demographics, crime stats, roadways).
Maintain current information about available social agencies and their roles for use in referring citizens seeking help.
Communicate with neighborhood youths to facilitate police-community relationships and deter criminal behavior.
XIV. Department Policies, Procedures, Rules and Laws
Read agency guidelines, regulations, and memos to update and maintain policy manuals and ensure appropriate procedures are followed when performing job activities.
Refer to legal sources (e.g., Penal Law, city/county/local ordinances) as necessary.
Enforce city/county/local ordinances and state laws.
XV. Professional Development
Read and keep up-to-date on Departmental policies and procedures to ensure appropriate enforcement, investigatory, and administrative activities.
Read and keep up-to-date on federal, state, and local statutes/ordinances and court decisions to ensure appropriate enforcement and investigatory activities.
Read internal reports and training materials to keep current on procedures and issues.
Read outside literature (e.g., texts and journals) to keep current on law enforcement topics.
Participate in in-service training and recertification programs including firearms, policies, and practical/tactical exercises (e.g., defensive tactics) to receive information and develop skills.
Participate in specialized training to fill department need.
Read and keep up-to-date on current events impacting law enforcement (e.g., terrorism, homeland security).

Participate in external agencies and societies (e.g., NFPA).
Learn and maintain knowledge of Fire Department rules and SOGs.
Review internal Massachusetts Fire Department bulletins, memos, and other related correspondence to remain aware of Departmental updates.
Read professional journals and publications to be aware of current developments in the fire service.
Receive training in superior's work activities.

Physical Fitness Standards Test Course for Police Officers/ Physical Ability Test (PAT) Events

Pursuant to MGL c. 31 §61A, the Physical Ability Test must be taken and passed for each conditional offer of employment related to appointment to permanent, temporary, intermittent or reserve positions in cities, towns or other governmental units. The Physical Fitness Standards Test for Police Officer consists of three (3) events that require candidates to perform simulations of activities that are a part of the police officer's job. These events require cardiovascular fitness, muscle strength, muscular endurance and flexibility. Each event will be timed. During all events, the candidate will wear a duty belt equipped with weights to simulate the equipment a police officer normally wears during these types of activities. The events are described below. They will be performed in the order listed. There will be a twenty second rest period between events.

- I) Event #1: "Getting to a Problem" - The Obstacle Course.
 - A) This event simulates the actions necessary to pursue and "takedown" a suspect. The event begins with a 370-yard obstacle course where the candidate will be faced with going through an open window, navigating uneven terrain, climbing over a wall, climbing up and down steps, and negotiating a series of cones arranged in a zigzag pattern. At the end of the course, the candidate will be required to grab hold of a weighted bag attached to a pulley and touch it to the ground beyond a marked line. Next, the candidate will complete a takedown maneuver by grabbing a tackle bag and push the top of the bag to the floor then immediately read instructions aloud. The candidate will then immediately move around the Power Station to the handcuffing simulation where he/she will be required to pull on two hand levers until the cable hits the stop. This completes the event.

- II) Event #2: "Resolving the Problem" - The Separation Event.
 - A) This event simulates tasks that require separating one party from another and controlling individuals, such as in crowd control situations. The candidate will be required to pull a hanging bag, weighted against 75 lbs., backwards touching it to the ground across a marked line. Each candidate will have to perform two "pulls".

- III) Event #3: "Removing the Problem" - The Dummy Drag.
 - A) This event simulates dragging a victim or suspect. The candidate will be required to drag a 6', 145 pound dummy over a straight 25 foot course.

Specifications for these test events are on file at HRD.

Scoring of the Physical Fitness Standards Test Course for Police Officers

- (1) The scoring will be as follows:

TABLE OF CUT SCORES	
Obstacle Course	163.4 seconds
Bag Pull	12.8 seconds
Dummy Drag	11.2 seconds

- (2) In order to pass the Physical Fitness Standards Test successfully, a candidate must pass every sub-test by achieving at least the passing score indicated on the preceding chart. If upon examination, a candidate does not pass the test, then that candidate will be required to retake the entire test (all the sub-tests) during the re-examination.

Linkage of PAT Events with Essential Tasks from the Job Task Analysis Development & Administration of the Police & Physical Ability Tests for the Commonwealth of Massachusetts Police Events Physical Abilities Test

1) Event 1: Getting to the Problem

a) Obstacle Run

- i) Essential Job Functions (from surveys): Pursue a suspect or violator on foot, responding to incidents requiring presence as specified in department policies
 - (1) Wears gun belt and required equipment while performing job
 - (2) Runs a distance of 200-300 yards in pursuit of a suspect or in response to an emergency
 - (3) Makes sharp turns while running to pursue a suspect or in response to an emergency
 - (4) Balances oneself on uneven surfaces
 - (5) Climbs through a window which is more than 3 feet from the ground
 - (6) Climbs over a 4-foot fence/wall without assistance
 - (7) Runs up and/or down 1-2 flights of stairs while pursuing suspect or responding to a call for assistance

b) Take Down

- i) Essential Job Functions (from surveys):
 - (1) Physically restrain or control a non-violent individual
 - (2) Physically restrain or subdue a violent or resisting individual
 - (3) Tackles a suspect while running
 - (4) Forces a resisting subject into a prone position

c) Handcuffing

- i) Essential Job Functions (from surveys):
 - (1) Effect an arrest, protect oneself and the public
 - (2) Participate in in-service training including tactical exercises
 - (3) Handcuffs a resisting suspect or prisoner

2) Event 2. Resolving the Problem (Separation Event)

a) Essential Job Functions (from surveys):

- i) Appraise the situation, separate individuals
- ii) Separate individuals in a fight or disturbance
- iii) Pulls a hard-to-move object weighing more than 50 pounds for a distance of 5–10 yards
- iv) Without assistance, separates individuals involved in a dispute

3) Event 3: Removing the Problem (Dummy Drag)

a) Essential Job Functions (from surveys):

- i) Administer immediate care to victim to prevent further injury, trauma, or death
- ii) Assist injured officer
- iii) Without assistance, drags individual weighing more than 125 pounds a distance of 15-30 feet

suspended from a ceiling height. The pole is attached to a counterbalance that weighs approximately 80 lbs. You must pull the pole down six inches in order for the pull to count. You will be required to perform one push and five pulls in a sequence. The event will require you to perform four one-minute periods of work, in which you will try to do as many push-pull sequences as possible. Only completed sequences will count in the scoring of this event. Each work period will be followed by a 30 second rest period.

Specifications for these test events are on file at HRD.

Scoring of the Physical Fitness Standards Test Course for Fire Fighters

(1) The scoring will be as follows:

TABLE OF CUT SCORES		
Stair Climb Event	173.9	seconds
Ladder Event	35.56	seconds
Hose Drag/Advance Event	50.6	seconds
Forcible Entry Event	15.8	seconds
Search Event	51.1	seconds
Rescue Event	32.3	seconds
Ceiling Hook Event	24	repetitions

(2) In order to pass the Physical Fitness Standards Test successfully, a candidate must pass every sub- test by achieving at least the passing score indicated on the above chart. If upon examination, a candidate does not pass the test, then that candidate will be required to retake the entire test (all the sub- tests) during the re-examination.

Linkage of PAT Events with Underlying Physiological Requirements Fire Fighter Events Physical Abilities Test

Event 1: Stair Climb

- a) Physiological demands are placed on the cardiovascular and respiratory systems. These demands include:
 - i) increased demand on the lungs to facilitate a greater respiratory rate
 - ii) increased exchange of oxygen and carbon dioxide between the blood and alveoli in the lung
 - iii) increased transport of oxygen and carbon dioxide in the blood
 - iv) more blood pumped through the body from the heart to the lungs and skeletal muscles
 - v) increased exchange of oxygen and carbon dioxide from the blood to the active skeletal musculature
 - vi) increased generation of energy in the form of adenosine triphosphate (ATP) in the muscle cells
 - vii) greater demand for removal and buffering of hydrogen ions generated during the production and utilization of energy in the muscle
 - viii) greater need to maintain thermal balance through decreased vasoconstriction and increased vasodilation of sweat glands in the skin resulting in an increased sweating rate
- b) Activation of the skeletal system to generate muscular strength and endurance, which requires:
 - i) contraction of the abdominal muscles (rectus abdominus, external obliques, internal obliques, serratus and erector spinae)
 - ii) contraction of the lower body and leg muscles (adductor longus, rectus femoris, vastus lateralis, vastus medialis, soleus, gastrocnemius, semitendinosus, semimembranosus, biceps femoris, gluteus maximus, gluteus medius)
 - iii) generation of ATP to facilitate muscle contraction and force generation
 - iv) removal and buffering of hydrogen ions generated during the production and utilization of energy in the contracting muscle

Event 2: Ladder Event

- a) Physiological demands are placed on the cardiovascular and respiratory systems, which include:
 - i) increased demand on the lungs to facilitate a greater respiratory rate
 - ii) increased exchange of oxygen and carbon dioxide between the blood and alveoli in the lung
 - iii) increased transport of oxygen and carbon dioxide in the blood
 - iv) more blood pumped through the body from the heart to the lungs and skeletal muscles
 - v) increased exchange of oxygen and carbon dioxide from the blood to the active skeletal musculature
 - vi) increased generation of energy in the form of ATP in the muscle cells
 - vii) greater demand for removal and buffering of hydrogen ions generated during the production and utilization of energy in the muscle
 - viii) greater need to maintain thermal balance through decreased vasoconstriction and increased vasodilation of sweat glands in the skin resulting in an increased sweating rate.
- b) Physiological requirements also include muscular strength, anaerobic power and flexibility, which require:
 - i) primarily contraction of the lower body and leg muscles (adductor longus, rectus femoris, vastus lateralis, vastus medialis, soleus, gastrocnemius, semitendinosus, semimembranosus, biceps femoris, gluteus maximus, gluteus medius)
 - ii) generation of ATP to facilitate muscle contraction and force generation
 - iii) buffering and removal of hydrogen ions generated during the production and utilization of energy in

- the contracting muscle
- iv) ability of joints and muscles of the legs, back, and trunk to complete the required range of motion

Event 3: Hose Drag/Advance

- a) Physiological requirements include muscular strength, anaerobic power, muscular endurance and flexibility, which require:
 - i) the muscle cells to respond to neural impulses in the form of action potentials that signal the proteins in the muscle cell to interact and generate force
 - ii) requires the muscle cells to generate energy for contraction from stored ATP and phosphocreatine and through conversion of glycogen to lactate in the muscle cell
 - iii) requires the muscles and blood to buffer the increased acidity (lactic acid and hydrogen ions) resulting from muscle work
 - iv) requires the joints and muscles of the legs, back, and trunk to complete the required range of motion

Event 4: Forcible Entry

- a) Physiological requirements primarily include muscular strength and coordination and require:
 - i) the muscle cells to respond to neural impulses in the form of action potentials that signal the proteins in the muscle cell to interact and generate force
 - ii) the muscle cells to generate energy for contraction from stored ATP and phosphocreatine and through conversion of glycogen to lactate in the muscle cell
 - iii) the muscles and blood to buffer the increased acidity (lactic acid and hydrogen ions) resulting from muscle work
 - iv) the muscles of the chest, back, and arms (deltoid, pectoralis major, supraspinatus, latissimus dorsi, teres major, biceps brachii, brachialis, triceps brachii and brachioradialis) to generate force
 - v) sensory input from the cerebellum and upper brain to coordinate the physical action and neural generation of a signal for muscle contraction.

Event 5: Search

- a) Physiological requirements include muscle flexibility, proprioception and kinesthetic sense, which require:
 - i) the joints and muscles of the legs, back, and trunk to complete the required range of motion
 - ii) requires input from the motor cortex, corticospinal tract and brain stem to control reticular and vestibular movement

Event 6: Rescue

- a) Physiological requirements include muscular strength, anaerobic power, muscular endurance and flexibility, which require:
 - i) the muscle cells to respond to neural impulses in the form of action potentials that signal the proteins in the muscle cell to interact and generate force
 - ii) the muscle cells to generate energy for contraction from stored ATP and phosphocreatine and through conversion of glycogen to lactate in the muscle cell
 - iii) the muscles and blood to buffer the increased acidity (lactic acid and hydrogen ions) resulting from muscle work
 - iv) the joints and muscles of the legs, back, and trunk to complete the required range of motion

Event 7: Ceiling Hook (Pike Pole)

- a) Physiological requirements include muscular strength, anaerobic power, muscular endurance and flexibility, which require:
 - i) the muscle cells to generate energy for contraction through stored ATP and phosphocreatine and through conversion of glycogen to lactate in the muscle cell
 - ii) the muscles and blood to buffer the increased acidity (lactic acid and hydrogen ions) resulting from muscle work
 - iii) the joints and muscles of the legs, back, arms, hands and trunk to complete the required range of motion

Initial-Hire Medical Standards Medical Examination Form

Commonwealth of Massachusetts Human Resources Division

This form is to be used for all medical examinations performed pursuant to the Medical and Physical Fitness Standards for Public Safety Personnel. Communities not subject to MGL c. 31 §61A may also use this examination form.

Completed by Municipality (type or print in ink)

Name of Examinee (Last, First, Middle) _____

Municipality: _____ Social Security # _____ Date of Birth _____

Appointing Authority Email: _____ Dept. Chief Email: _____

Position: Police Officer Firefighter

Exam: Initial Exam Other Exam (Please explain) _____

Privacy Notice

The collection of the information on this form is authorized under regulations filed with the Secretary of State of the Commonwealth of Massachusetts. This information will be used to determine the fitness-for-duty of public safety personnel. The information may be disclosed to the Municipal Keeper of the Records; an appropriate government agency for law enforcement purposes; where relevant in a legal or administrative proceeding to which the Commonwealth or a Commonwealth municipality is a party or has interest; to a government agency upon its request when relevant to its decision concerning employment or other benefits; to an expert consultant or other person under contract with the Commonwealth of Massachusetts to fulfill an official agency function including audits of services provided under these Medical Standards; to an investigator, administrative judge, or complaints examiner appointed for the investigation of a formal complaint of employment discrimination; to officials with responsibility for administering workers' compensation, disability retirement, and other benefit entitlements; to an examinee's private treating physician; and to medical personnel retained by the Commonwealth of Massachusetts to provide medical services in connection with an employee's health or physical condition related to employment. Completion of this form is voluntary. If this information is not completed, the examination may be considered incomplete. ***Knowingly providing false or incomplete answers may result in the rescission of a conditional job offer or dismissal if discovered at a later time.***

Consent and Certification (Completed by Examinee)

I hereby authorize collection and use of the information on this form for the purposes stated in the above Privacy Notice. I have read and understand the provisions of the Privacy Notice included in this form. I certify that all the information given by me in connection with this examination will be correct and complete to the best of my knowledge and belief.

I also understand that if I fail an initial medical examination, I may undergo a reexamination within 16 weeks of the date of the failure of the initial examination. If I fail to pass the reexamination, my appointment will be rescinded. (M.G.L. Chapter 31, Section 61A.)

Signature of Examinee _____ Date _____

It is mandatory that a **signed copy** of this cover page, and a copy of the Medical Verification Section (page 72) be returned by e-mail to PAT@mass.gov.

Name of Examinee _____ Social Security Number _____

A. Medical History (completed by examinee before examination)

INSTRUCTIONS: Please answer all questions accurately and completely. If you do not understand any question, you should request clarification from the examining physician. The information provided regarding your medical history and health habits will be used to make a medical assessment of whether you can safely and effectively perform the essential functions of a public safety position. Detailed medical information will be treated confidentially. It is essential that you answer all questions accurately and completely. Please note that a history of a health problem will be carefully evaluated and will not necessarily disqualify you from employment.

Do you now have or have you ever had any of the following: (Check Yes or No)

	Yes	No		Yes	No
1. Fracture of skull, jaw or facial bones	<input type="checkbox"/>	<input type="checkbox"/>	40. Stroke, Aneurysm, or Bleeding in head	<input type="checkbox"/>	<input type="checkbox"/>
2. Concussion or other injury to head	<input type="checkbox"/>	<input type="checkbox"/>	41. Multiple sclerosis or muscular dystrophy	<input type="checkbox"/>	<input type="checkbox"/>
3. Thoracic outlet syndrome	<input type="checkbox"/>	<input type="checkbox"/>	42. Myesthesia gravis or ALS	<input type="checkbox"/>	<input type="checkbox"/>
4. Fracture of neck, vertebrae or spine	<input type="checkbox"/>	<input type="checkbox"/>	43. Epilepsy or seizures	<input type="checkbox"/>	<input type="checkbox"/>
5. Recurrent back or neck pain	<input type="checkbox"/>	<input type="checkbox"/>	44. Dementia or memory loss	<input type="checkbox"/>	<input type="checkbox"/>
6. Degenerated or herniated disc	<input type="checkbox"/>	<input type="checkbox"/>	45. Migraines or other severe headaches	<input type="checkbox"/>	<input type="checkbox"/>
7. Back injury or other abnormality	<input type="checkbox"/>	<input type="checkbox"/>	46. Paralysis or muscle weakness	<input type="checkbox"/>	<input type="checkbox"/>
8. Back, spine or neck surgery	<input type="checkbox"/>	<input type="checkbox"/>	47. Other neurological disorders	<input type="checkbox"/>	<input type="checkbox"/>
9. Osteoporosis	<input type="checkbox"/>	<input type="checkbox"/>	48. Eczema or other skin disease	<input type="checkbox"/>	<input type="checkbox"/>
10. Arthritis or joint injury or disease	<input type="checkbox"/>	<input type="checkbox"/>	49. Skin grafts	<input type="checkbox"/>	<input type="checkbox"/>
11. Amputation involving hand or foot	<input type="checkbox"/>	<input type="checkbox"/>	50. Bleeding disorder/anticoagulation	<input type="checkbox"/>	<input type="checkbox"/>
12. Carpal tunnel syndrome	<input type="checkbox"/>	<input type="checkbox"/>	51. Sickle cell disease or trait	<input type="checkbox"/>	<input type="checkbox"/>
13. Other hand or wrist problems	<input type="checkbox"/>	<input type="checkbox"/>	52. Blood clots or thrombosis	<input type="checkbox"/>	<input type="checkbox"/>
14. Dislocation of any joint	<input type="checkbox"/>	<input type="checkbox"/>	53. High or low blood cell counts	<input type="checkbox"/>	<input type="checkbox"/>
15. Injury or abnormality of arms or legs	<input type="checkbox"/>	<input type="checkbox"/>	54. Enlarged or ruptured spleen	<input type="checkbox"/>	<input type="checkbox"/>
16. Need for corrective lenses	<input type="checkbox"/>	<input type="checkbox"/>	55. Diabetes or high blood sugar	<input type="checkbox"/>	<input type="checkbox"/>
17. Deficiency of color vision	<input type="checkbox"/>	<input type="checkbox"/>	56. Thyroid or other endocrine disorder	<input type="checkbox"/>	<input type="checkbox"/>
18. Disease of the eyes or sinuses	<input type="checkbox"/>	<input type="checkbox"/>	57. Cancer, malignancy or tumor	<input type="checkbox"/>	<input type="checkbox"/>
19. Loss of hearing	<input type="checkbox"/>	<input type="checkbox"/>	58. Mental or emotional disorder	<input type="checkbox"/>	<input type="checkbox"/>
20. Exposure to loud noise	<input type="checkbox"/>	<input type="checkbox"/>	59. Mental health treatment of any type	<input type="checkbox"/>	<input type="checkbox"/>
21. Disease of the ear or vertigo	<input type="checkbox"/>	<input type="checkbox"/>	60. Lupus, scleroderma, dermatomyositis	<input type="checkbox"/>	<input type="checkbox"/>
22. Deformity of mouth or jaw	<input type="checkbox"/>	<input type="checkbox"/>	61. Heat stroke, frostbite or burns	<input type="checkbox"/>	<input type="checkbox"/>
23. Speech impediment or disorder	<input type="checkbox"/>	<input type="checkbox"/>	62. AIDS, HIV infection or hepatitis	<input type="checkbox"/>	<input type="checkbox"/>
24. Tuberculosis	<input type="checkbox"/>	<input type="checkbox"/>	63. Any history of alcohol or drug abuse	<input type="checkbox"/>	<input type="checkbox"/>
25. Pneumothorax or collapsed lung	<input type="checkbox"/>	<input type="checkbox"/>	64. Current use of any prescribed drug	<input type="checkbox"/>	<input type="checkbox"/>
26. Bronchitis, asthma or other lung disease	<input type="checkbox"/>	<input type="checkbox"/>	65. Allergies or chemical sensitivities	<input type="checkbox"/>	<input type="checkbox"/>
27. Abnormal electrocardiogram (EKG)	<input type="checkbox"/>	<input type="checkbox"/>	66. Occupational (work) injuries	<input type="checkbox"/>	<input type="checkbox"/>
28. Heart disease or cardiac abnormality	<input type="checkbox"/>	<input type="checkbox"/>	67. Disability or compensation claim	<input type="checkbox"/>	<input type="checkbox"/>
29. Irregular heart rhythm	<input type="checkbox"/>	<input type="checkbox"/>	68. Asbestos or toxic chemical exposures	<input type="checkbox"/>	<input type="checkbox"/>
30. Angina/chest pain/shortness of breath	<input type="checkbox"/>	<input type="checkbox"/>	69. Required light or restricted duty	<input type="checkbox"/>	<input type="checkbox"/>
31. Hypertension/high blood pressure	<input type="checkbox"/>	<input type="checkbox"/>	70. Military rejection or medical discharge	<input type="checkbox"/>	<input type="checkbox"/>
32. Organ transplant	<input type="checkbox"/>	<input type="checkbox"/>	71. Medical treatment in past 12 months	<input type="checkbox"/>	<input type="checkbox"/>

33. Liver, pancreas or gall bladder disease	<input type="checkbox"/>	<input type="checkbox"/>	72. CAT Scan, MRI or other special tests	<input type="checkbox"/>	<input type="checkbox"/>
34. Ulcer or bowel disease	<input type="checkbox"/>	<input type="checkbox"/>	73. Smoked cigarettes or tobacco products	<input type="checkbox"/>	<input type="checkbox"/>
35. Intestinal bleeding	<input type="checkbox"/>	<input type="checkbox"/>	74. Are you pregnant?	<input type="checkbox"/>	<input type="checkbox"/>
36. Hernia of any type	<input type="checkbox"/>	<input type="checkbox"/>	75. Any sleep disorder	<input type="checkbox"/>	<input type="checkbox"/>
37. Kidney or bladder disease	<input type="checkbox"/>	<input type="checkbox"/>	76. Heavy snoring	<input type="checkbox"/>	<input type="checkbox"/>
38. Abnormal balance or coordination	<input type="checkbox"/>	<input type="checkbox"/>	77. Shortness of breath with light activities	<input type="checkbox"/>	<input type="checkbox"/>
39. Fainting, blackouts or dizzy spells	<input type="checkbox"/>	<input type="checkbox"/>	78. Other health conditions	<input type="checkbox"/>	<input type="checkbox"/>

Please explain “yes” answers by referencing item number.

Provide (in the section to the right of each #) pertinent information relative to diagnosis and treatment for each “yes” response. Include dates for injuries, illnesses and follow up treatments. Please use the back of this page if necessary.

Name of Examinee _____ Social Security Number _____

B. Medical Examination

INSTRUCTIONS: After reviewing the Medical History provided in Section E, conduct a comprehensive examination of all systems necessary to determine the examinee’s fitness under the applicable public safety position Medical Standards. The examination should include, but not be limited to, the areas listed below. If the examiner finds that the examinee has physical examination findings relevant to a determination of whether the examinee will likely be able to safely and effectively perform the essential functions of the position being considered, the examiner is responsible for documenting all such conditions.

Height _____ Weight _____ Blood Pressure _____ / _____ Temperature _____
Pulse _____

Vision Testing	Without Corrective Lenses	With Corrective Lenses
Distant	Rt. 20/____ Lt. 20/____ Both 20/____	Rt. 20/____ Lt. 20/____ Both 20/____
Near	Rt. 20/____ Lt. 20/____ Both 20/____	Rt. 20/____ Lt. 20/____ Both 20/____

Visual Fields (degrees)

Right: Temporal _____ Nasal _____

Left: Temporal _____ Nasal _____

Color Vision: Passed Failed

EXAMINATION	Normal	Abnormal (Identify by number and explain if abnormal)
1. Skin	<input type="checkbox"/>	<input type="checkbox"/>
2. Head, face and scalp	<input type="checkbox"/>	<input type="checkbox"/>
3. Ears, tympanic membranes	<input type="checkbox"/>	<input type="checkbox"/>
4. Eyes, pupils, fundi, motion	<input type="checkbox"/>	<input type="checkbox"/>
5. Nose, sinuses, olfaction	<input type="checkbox"/>	<input type="checkbox"/>
6. Mouth, throat, speech	<input type="checkbox"/>	<input type="checkbox"/>
7. Neck, thyroid	<input type="checkbox"/>	<input type="checkbox"/>
8. Heart	<input type="checkbox"/>	<input type="checkbox"/>
9. Varicosities, bruits, pulses	<input type="checkbox"/>	<input type="checkbox"/>
10. Chest, lungs	<input type="checkbox"/>	<input type="checkbox"/>
11. Breasts (if indicated)	<input type="checkbox"/>	<input type="checkbox"/>
12. Abdomen, hernia	<input type="checkbox"/>	<input type="checkbox"/>
13. Rectum (if indicated)	<input type="checkbox"/>	<input type="checkbox"/>
14. Endocrine	<input type="checkbox"/>	<input type="checkbox"/>
15. Spinal mobility, alignment	<input type="checkbox"/>	<input type="checkbox"/>

16. Upper extremities, hands	<input type="checkbox"/>	<input type="checkbox"/>	_____
17. Lower extremities, feet	<input type="checkbox"/>	<input type="checkbox"/>	_____
18. Muscle strength, tone	<input type="checkbox"/>	<input type="checkbox"/>	_____
19. Gait, Rhomberg	<input type="checkbox"/>	<input type="checkbox"/>	_____
20. Balance, coordination	<input type="checkbox"/>	<input type="checkbox"/>	_____
21. Reflexes	<input type="checkbox"/>	<input type="checkbox"/>	_____
22. Cranial Nerves	<input type="checkbox"/>	<input type="checkbox"/>	_____
23. Mental Status	<input type="checkbox"/>	<input type="checkbox"/>	_____
24. General Appearance	<input type="checkbox"/>	<input type="checkbox"/>	_____

MD DO NP PAC (Check one)

Print name of examining health care provider _____

Signature of examining health care provider _____ Date _____

C. Laboratory and Diagnostic Tests

INSTRUCTIONS: Three diagnostic tests are **required** under the Medical Standards. Although not specifically required under the Medical Standards, additional tests may be performed. Some tests **may be required** by the appointing authority or approved by the appointing authority to further evaluate conditions detected on the medical history form and/or during the physical examination. For each test performed indicate below whether the results were **normal** or **abnormal** and document any abnormal results in Section H. **Copies of all laboratory reports should be attached to this form as part of the permanent record.**

REQUIRED TESTS:

- A. Spirometry* Normal Abnormal
- B. Audiogram* Passed Failed
- C. Purified Protein Derivative (PPD) Test or interferon-gamma release assay (IGRA) for tuberculosis⁶
 Negative Positive

OTHER TESTS:

- D. D. Urine Dipstick* Normal Abnormal _____ Sp. Gravity _____ Protein _____ Sugar _____
- E. E. CBC* Normal Abnormal
- F. F. Chemistry panel* Normal Abnormal
- G. Urine drug screen* Negative Positive
- H. Electrocardiogram* Normal Abnormal
- I. Chest X-Ray* Normal Abnormal
- J. Hepatitis B Immunization* Dates of Immunizations: #1 _____ #2 _____ #3 _____
- K. Tetanus Immunization* Dates of Immunizations: _____
- L. Other* _____

⁶ Applicants with newly found positive tuberculosis test results must be evaluated in consultation with a tuberculosis specialist regarding need for treatment and any restriction on participation in activities involving close contact with others.

*The candidate should be informed of abnormal results in these evaluations in writing so he/she may consult with his/her primary care physician.

D. Additional Notes

INSTRUCTIONS: Use this section to summarize any additional medical history information, abnormal physical examination findings, abnormal diagnostic or laboratory test results, and any other relevant information obtained during your evaluation. Please note that sufficient information must be documented so that your decision-making process is clear to any reviewer in the event that the examinee appeals an adverse fitness determination.

In the event that an examinee does not pass the examination, please document in the Medical Verification Section whether **each** disqualifying condition represents a Category A or Category B condition, as defined in the Medical Standards. If Category B, please explain below why you determined that the examinee’s condition precluded his or her safe and effective performance of one or more of the essential functions of the public safety position. Additional pages (i.e. transcription notes) may be attached to this form. Also, note in section F(Category B medical alert form) of this form any medical conditions that, though not immediately disqualifying, may either need to be assessed through functional performance or that have a medically reasonable chance of progression to a point where they may adversely affect safe and effective performance of the relevant essential job functions.

Print name of examining health care provider _____

Signature of examining health care provider _____ **Date** _____

E. Medical Verification Section

INSTRUCTIONS: Review the medical history, physical examination documentation, diagnostic test results, and laboratory reports in relation to the applicable public safety position Medical Standards and make a determination (regarding) whether the examinee meets all requirements of the Medical Standards. Conditions classified under Category A in the Medical Standards preclude an examinee from work in the public safety position. Conditions listed under Category B in the Medical Standards require careful individual consideration and may require further evaluation to determine whether the condition would preclude this individual from safely and effectively performing the essential functions of the public safety position. If there is uncertainty regarding an examinee’s health status or functional abilities which could be resolved with additional information, the examinee should be offered the opportunity to provide medical records, reports from medical specialists, or any other relevant information in order to determine passed or failed status. In this case, the examinee should be advised by the examining physician as to what information is needed for follow up. He or she should be provided with a reasonable, but specific amount of time during which to provide the reports to the examining physician, who will thereafter advise the municipality of the status of the examinee.

If an examinee fails an initial medical examination, he or she is eligible to undergo a reexamination within 16 weeks of the date of the failure of the initial examination. If the examinee opts for a reexamination, he or she must arrange it with the municipal authority.

NOTE: In cases where the medical examination has been performed by a nurse practitioner or physician's assistant, a doctor of medicine or osteopathy must sign this Medical Verification Section.

When all necessary information has been received and reviewed, complete this Medical Verification Section and distribute per instructions below. Medical examination records are the property of the municipal authority. They must be kept accessible for the duration of the examining physician’s contract for use in the event of an audit, appeal or disability proceeding. If the contract terminates or expires, the physician will be instructed to transfer these records to his or her successor. The physician, however, may retain copies of his or her own examination reports and selected materials.

Name of Physician _____

Address of Physician _____ Telephone: _____

Date of Medical Examination: _____ for Fire Department Police Department

Physician Email: _____

PHYSICIAN'S CERTIFICATION OF FITNESS

I have reviewed the medical examination for the following examinee using the Human Resources Division's Medical Standards Program for Public Safety Personnel:

Initial Exam
 Other Exam (Please explain) _____

Name of Examinee: _____ Social Security #: _____

Home Address: _____

Home Telephone: _____

Physician must certify whether candidate passed or failed the medical exam:

I hereby certify that the above named examinee passed the medical examination.

Or

I hereby certify that the above named examinee failed the medical examination.

Section Failed _____	Category A <input type="checkbox"/>	Category B <input type="checkbox"/>
Section Failed _____	Category A <input type="checkbox"/>	Category B <input type="checkbox"/>
Section Failed _____	Category A <input type="checkbox"/>	Category B <input type="checkbox"/>
Section Failed _____	Category A <input type="checkbox"/>	Category B <input type="checkbox"/>
Section Failed _____	Category A <input type="checkbox"/>	Category B <input type="checkbox"/>
Section Failed _____	Category A <input type="checkbox"/>	Category B <input type="checkbox"/>

*PHYSICIAN'S NOTICE OF EXAMINEE'S FAILURE TO PROVIDE COMPLETE & ACCURATE MEDICAL HISTORY
(See Privacy Notice on Page 1 of this form and please provide comments below and attach documents if necessary.)*

MD DO

Print name of examining health care provider _____

Signature of examining health care provider _____ Date _____

The Medical Verification Section must be returned to the Appointing Authority. The Appointing Authority will forward the Medical Verification Section, along with a signed copy of page one of this Medical Examination Form to the Human Resources Division (HRD). These Sections may be e-mailed to PAT@mass.gov

F.

Category B Medical Alert Form

INSTRUCTIONS: The purpose of this form is to ensure that a passing examinee with one or more Category B conditions which do not result in a failure, but do represent a potential future risk to the examinee in terms of his/her future health and ability to safely perform the duties of a police officer/fire fighter based on the existing medical understanding of the progression of the condition, is notified of the condition(s) and the recommendation to monitor the condition(s) on a regular basis. In addition, given the inherent risk to the individual and others while serving in a public safety position, the same information will be provided to the appointing authority. It is the responsibility of the examining physician to determine when it is appropriate to use this form, to ensure that the form is completed properly, and to inform the examinee in person and the appointing authority by phone or mail. *[NOTE: Upon request, the examinee can be provided with a copy of this form.]*

Completed by the Physician

LISTING OF CATEGORY B CONDITION(S) (such as diabetes, disease of the eye, etc.) **THAT REPRESENT A POTENTIAL RISK TO THE EXAMINEE:** Be specific regarding each condition and the current status as of the examination date listed above.

ACKNOWLEDGEMENT OF RECEIPT OF SUPPLEMENTAL MEDICAL INFORMATION:

The examining physician presented and explained the medical condition(s) listed above. By signing this form, I acknowledge that:

- I asked questions of the examining physician to ensure I understood the medical condition(s) at least at a basic level that would enable me to discuss the issues with my personal physician.
- I understand that the condition(s) does not disqualify me from being hired as a police officer/fire fighter.
- I understand that it is the recommendation of the examining physician that I discuss the condition(s) with my personal physician and develop an ongoing plan for monitoring my condition since it is likely to progress at some point in the future and it is impossible to predict how quickly or slowly that change may take place.
- I understand that given the inherent risks to myself, other members of the department, and the public while performing the duties associated with a police officer/fire fighter, the same information will be shared with the appointing authority.
- I acknowledge and give my permission for the physician to release my personal medical information specific to the condition(s) listed above ONLY to the appointing authority.

My Name (Printed): _____ Today's Date: _____

My Signature: _____

PERFORMANCE OF RESPONSIBILITIES:

I acknowledge informing the examinee of the potential risks listed above on the date listed on this form.

I also informed the appointing authority of the existing conditions for this individual and recommendation for ongoing monitoring of the individual through: (check one)

- a formal letter (attached) an e-mail (printed and attached)

Signature of Physician: _____

Date of Examination: _____

Name of Examinee (Printed): _____

Name of Physician (Printed): _____

Appendix C: Medical Examination Appeal Process

Commonwealth of Massachusetts Police Officer/Firefighter
Candidate Medical Appeal Process

IMPLICATIONS FOR ANY MEDICAL APPEAL/RE-EXAMINATION: The outcome of the re-examination will take precedence over the outcome of the initial examination in determining whether a candidate meets the initial hire medical standards.

TIMEFRAME FOR MEDICAL APPEAL: If a candidate fails his/her initial medical examination, s/he is eligible to complete re-examination within 16 weeks of the date of the failure. This 16-week period applies even if multiple follow-up examinations are required for a candidate who fails multiple areas of the medical standards. The appeal period will not be extended beyond 16 weeks. Inability to complete the appeal within the 16-week appeal period will result in failure of the medical standards and the appointment being rescinded. Given the sequence of events which must take place to complete one or more re-examinations, any candidate interested in completing an appeal must formally initiate the appeal process by notifying the Appointing Authority (“AA”) no later than 30 days after the initial failure.

APPROVAL OF PHYSICIAN(S) FOR RE-EXAMINATION(S): Any re-examinations must be conducted by a physician approved by the AA. Accordingly, the candidate must work with the AA to arrange the re-examination. When arranging any re-examinations, the AA should clearly inform the candidate that a second failure will result in the appointment being rescinded.

SELECTION OF THE RE-EXAMINATION PHYSICIAN(S): Any re-examination will focus on the particular standard(s) not met by the candidate in the initial examination and should entail examination by a Board certified specialist in the appropriate specialty. Initial failures that involve procedural issues (e.g., laboratory or diagnostic test not completed) may not necessarily require re-examination by a specialist but the procedural issue in question should be addressed during the re-examination. In either case, the physician doing the re-examination must be different than the physician who completed the initial examination.

COSTS OF MEDICAL EXAMINATIONS: For all medical examinations and re-examinations, the AA will clearly inform the candidate from the start whether the costs associated with such examination are to be paid for by the AA or the individual.

PRIOR TO PERFORMANCE OF THE RE-EXAMINATION: Any physician/specialist selected to perform a re-examination must consult with HRD's medical consultant prior to conducting the re-examination to ensure that the physician/specialist understands the focus of the follow-up examination and gives proper consideration to the essential functions of the relevant position. Prior to issuing a determination, the physician/specialist is encouraged to contact HRD's medical consultant for a follow-up discussion as needed to discuss any aspect of the re-examination process.

FALSE OR INCOMPLETE INFORMATION PROVIDED BY CANDIDATE: The Medical Examination Form clearly states that knowingly providing false or incomplete answers may be a basis for rescission of the appointment or dismissal if discovered at a later time. It is the AA's decision whether to rescind an offer or dismiss an employee on this basis. Examining physicians should not rely on this to conclude that a candidate has failed the medical examination. The examining physician's determination should be based on the candidate's presenting medical condition. However, the examining physician is required to notify the AA when s/he concludes that the candidate knowingly provided false or incomplete answers given the candidate's medical history and/or current medical condition.

APPENDIX A

Good Moral Character and Fitness

I. Public Comments

A. We received comments from the ACLU, which they have summarized below:

1. a clear definition of “good character and fitness” to be added to 555 CMR 7.01;
2. nondiscretionary criteria that an agency must consider when assessing character to be added to 555 CMR 7.05(2)(a);
3. a requirement under 555 CMR 7.05(2)(b) that agencies provide a written explanation for a determination that an officer possesses good character where that officer engaged in recent misconduct or has a pattern of complaints alleging the same or similar misconduct;
4. an adoption of a new recertification plan that enacts the above requirement retroactively such that an agency must explain their determination that an officer that has engaged in misconduct since 2015 meets the character standard;
5. the addition of questions to the questionnaire to capture all aspects of an officer’s history, including any adverse judicial credibility determinations consistent with Graham, 493 Mass. 383, civil findings of liability for civil rights violations, and other admissions of misconduct;
6. no longer allowing agencies to attest without providing proof that a qualification standard has been met.

II. Define “being of good moral character and fit for employment in law enforcement” to provide clarity and make the provision as objectively concrete as possible, while recognizing the inherent need for some measure of flexibility.

A. Proposal:

Good moral character means to have a degree of honesty, integrity and discretion that the public, other members in law enforcement, and the Commission have the right to demand of an officer.

The Commission considers sufficient acquirements and qualifications to be those that are necessary to demonstrate an officer’s fitness for employment in law enforcement.

III. Proposal: Instead of incorporating by reference the standards and code established by the IACP, define the standards of ethics and the code of conduct in our regulations.

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-applicant~~ possesses ~~good~~ character and fitness ~~for employment~~ shall take into account on-duty and off-duty conduct.
- (2) Submission by ~~Employing Agency~~Appointing Authority.
 - (a) Each ~~applicant's appointing authority officer's employing agency~~ shall provide a submission to the ~~Ce~~commission concerning whether an officer possesses ~~good~~ character and fitness ~~for employment~~, in accordance with ~~Ce~~commission policy.

In assessing ~~good~~ character and fitness ~~for employment~~, an ~~appointing authority employing agency~~ may take into account whether an officer, both on and off duty,

follows the agency's mission and values statement, oath of honor, and code of ethics;

adheres to ~~state and federal~~ laws and orders;

is truthful in all matters;

engages in conduct ~~unbecoming a law enforcement officer~~;

neglects the duty of a law enforcement officer;

demonstrates accountability and responsibility;

engages in misconduct towards the public;

engages in misconduct towards fellow law enforcement officers;

abuses law enforcement authority or ~~one's~~ position;

engages with prohibited associates and establishments;

acts consistently with ~~recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police,~~ and

is worthy of the public trust and of the authority given to law enforcement officers.

In making such an assessment, the law enforcement 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,
- the applicant's age at the time of the conduct;
- the amount of time since the conduct;
- the reliability of the information concerning the conduct;
- the seriousness of the conduct;
- the type of substantiated allegations (e.g., conduct unbecoming, untruthfulness, excessive force);
- the type of discipline imposed for each substantiated complaint;
- any decision from an arbitrator, the Civil Service Commission, or a court;
- whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
- the cumulative effect of conduct or information;
- the evidence of rehabilitation;
- the applicant's positive social contributions since the conduct;
- the applicant's positive contributions to public welfare and safety since the conduct;
- the applicant's candor in the certification process;
- the materiality of any omissions or misrepresentations; and
- the length of service as an officer at any law enforcement agency, including, but not limited to, federal, state, and municipal law enforcement agencies.

IV. Proposal: Promulgate exceptions to matters that cannot be considered by law enforcement agencies and the Division of Police Certification, as set forth in 555 CMR 7.05.

A. Rather than develop an external protocol defining allegations that may be considered by the employing agency or the division of police certification, the regulations may be amended to include these exceptions.

B. Proposed regulatory change to 555 CMR 7.05(4):

- (4) Consideration of Particular Matters. In rendering a determination regarding an applicant's officer's good-character and fitness for employment, unless there have been allegations that an officer-applicant has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide

otherwise, neither the ~~employing agency appointing authority~~ nor the ~~Division of certification~~ shall consider an allegation of a particular instance of misconduct, where:

- (a) ~~A body or person of an~~ authority has made a decision in the ~~applicant's officer's~~ favor on the merits of a complaint alleging such misconduct;
- (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
- (c) The ~~applicant officer~~ has complied, or is in the process of complying, with any disciplinary action or other adverse decision by ~~a body or person of an~~ authority, in relation to the alleged misconduct, and the ~~applicant officer~~ has not engaged in any similar conduct since the discipline or decision;
- (d) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the ~~employing agency appointing authority~~ has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
- (e) The allegation is not specifically and credibly supported.

(5) XXX

- (a) Notwithstanding 555 CMR 7.05(4), the appointing authority and the Division may consider the following allegation of a particular instance of misconduct even where an applicant may have engaged in a single instance of the alleged misconduct.
 - 1. Misconduct that infringes on the rights of another individual, including, but not limited to:
 - a. Being biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct;
 - b. Sexual misconduct;
 - 2. Truthfulness;
 - 3. Abuse of law enforcement authority or one's position;
 - 4. Misconduct that requires the Commission to mandatorily revoke an officer's certification pursuant to M.G.L. c. 6E, § 10(a);
 - 5. Violation of the conflict of interest law, M.G.L. c. 268A;

V. Sources

A. Statute:

M.G.L. c. 6E, § (f)(1):

The division of police certification and the municipal police training committee established in section 116 of chapter 6 shall jointly establish minimum certification standards for all officers that shall include, but not be limited to:

...

(ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

B. Regulation:

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.

In assessing good character and fitness for employment, an employing agency may take into account whether an officer

adheres to state and federal law,

acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and

is worthy of the public trust and of the authority given to law enforcement officers.

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.

...

(4) Consideration of Particular Matters. 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, neither the employing agency nor the division of certification shall consider an allegation of a particular instance of misconduct, where:

- (a) An authority has made a decision in the officer's favor on the merits of a complaint alleging such misconduct;
- (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
- (c) 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;
- (d) 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
- (e) The allegation is not specifically and credibly supported.

C. Incorporated into the POST Commission's regulations by reference:

1. International Association of Chiefs of Police (IACP), Law Enforcement Code of Ethics: <https://www.theiacp.org/resources/law-enforcement-code-of-ethics>
2. International Association of Chiefs of Police (IACP), Standards of Conduct, <https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>

APPENDIX B

Good Moral Character and Fitness

I. Public Comments

A. We received comments from the ACLU, which they have summarized below:

1. a clear definition of “good character and fitness” to be added to 555 CMR 7.01;
2. nondiscretionary criteria that an agency must consider when assessing character to be added to 555 CMR 7.05(2)(a);
3. a requirement under 555 CMR 7.05(2)(b) that agencies provide a written explanation for a determination that an officer possesses good character where that officer engaged in recent misconduct or has a pattern of complaints alleging the same or similar misconduct;
4. an adoption of a new recertification plan that enacts the above requirement retroactively such that an agency must explain their determination that an officer that has engaged in misconduct since 2015 meets the character standard;
5. the addition of questions to the questionnaire to capture all aspects of an officer’s history, including any adverse judicial credibility determinations consistent with Graham, 493 Mass. 383, civil findings of liability for civil rights violations, and other admissions of misconduct;
6. no longer allowing agencies to attest without providing proof that a qualification standard has been met.

II. Define “being of good moral character and fit for employment in law enforcement” to provide clarity and make the provision as objectively concrete as possible, while recognizing the inherent need for some measure of flexibility.

A. Proposal:

Good moral character means to have a degree of honesty, integrity and discretion that the public, other members in law enforcement, and the Commission have the right to demand of an officer.

The Commission considers sufficient acquirements and qualifications to be those that are necessary to demonstrate an officer’s fitness for employment in law enforcement.

III. Proposal: Instead of incorporating by reference the standards and code established by the IACP, define the standards of ethics and the code of conduct in our regulations.

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-applicant~~ possesses ~~good~~ character and fitness ~~for employment~~ shall take into account on-duty and off-duty conduct.
- (2) Submission by ~~Employing Agency~~Appointing Authority.
 - (a) Each ~~applicant's appointing authority~~ ~~officer's employing agency~~ shall provide a submission to the ~~C~~commission concerning whether an officer possesses ~~good~~ character and fitness ~~for employment~~, in accordance with ~~C~~commission policy.

In assessing ~~good~~ character and fitness ~~for employment~~, an ~~appointing authority employing agency~~ may take into account whether an officer, ~~both on and off duty,~~

~~follows the agency's mission and values statement, oath of honor, and code of ethics;~~

~~adheres to state and federal laws and orders; -~~

~~acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and~~

is worthy of the public trust and of the authority given to law enforcement officers.

In making such an assessment, the law enforcement 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,
- the applicant's age at the time of the conduct;
- the amount of time since the conduct;
- the reliability of the information concerning the conduct;
- the seriousness of the conduct;
- the type of substantiated allegations (e.g., conduct unbecoming, untruthfulness, excessive force);
- the type of discipline imposed for each substantiated complaint;
- any decision from an arbitrator, the Civil Service Commission, or a court;
- whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
- the cumulative effect of conduct or information;
- the evidence of rehabilitation;
- the applicant's positive social contributions since the conduct;
- the applicant's positive contributions to public welfare and safety since the conduct;
- the applicant's candor in the certification process;
- the materiality of any omissions or misrepresentations; and
- the length of service as an officer at any law enforcement agency, including, but not limited to, federal, state, and municipal law enforcement agencies.

IV. **Proposal:** Revise 555 CMR 7.05.

A. The regulations may be amended as follows.

B. Proposed regulatory change to 555 CMR 7.05(4):

- (4) Consideration of Particular Matters. In rendering a determination regarding an applicant's officer's good-character and fitness ~~for employment~~, unless there have been allegations that an ~~officer~~ applicant has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, neither the ~~employing agency appointing authority~~ nor the ~~Division of certification~~ shall consider an allegation of a particular instance of misconduct, where:

- (a) A body or person of An authority has made a decision in the applicant's officer's favor on the merits of a complaint alleging such misconduct;
- (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
- (c) The applicant officer has complied, or is in the process of complying, with any disciplinary action or other adverse decision by a body or person of an authority, in relation to the alleged misconduct, and the applicant officer has not engaged in any similar conduct since the discipline or decision;
- (d) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the employing agency appointing authority has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
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(ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

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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.

In assessing good character and fitness for employment, an employing agency may take into account whether an officer

adheres to state and federal law,

acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and

is worthy of the public trust and of the authority given to law enforcement officers.

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.

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