



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

February 10, 2025

### CHAIR

Margaret R. Hinkle

### COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Eddy Chrispin

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

### EXECUTIVE DIRECTOR

Enrique A. Zuniga

In accordance with [M.G.L. c. 30A, §§ 18-25](#), and [St. 2021, c. 20](#), as amended by [St. 2022, c. 22](#), by [St. 2022, c. 107](#), and by [St. 2023, c. 2](#), notice is hereby given of a meeting of the Peace Officer Standards and Training Commission. The meeting will take place as noted below.

### NOTICE OF MEETING AND AGENDA

**Public Meeting #60**

**February 13, 2025**

**9:30 a.m.**

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

**Meeting ID: 923 2321 7285**

- 1) Call to Order
- 2) Approval of Minutes
  - a. January 16, 2025
- 3) Executive Director Report – Enrique A. Zuniga
  - a. Complaints & Incident Reports
  - b. Certification Update
  - c. Finance & Administrative Update
- 4) Division of Standards Update – Matthew Landry
  - a. Constables – Complaints & Tracking
- 5) Legal Update – Randall Ravitz
  - a. Officer Recertification
- 6) Matters not anticipated by the Chair at the time of posting
- 7) Executive Session in accordance with the following:

84 State Street, Suite 200  
Boston, Massachusetts 02109

TEL: 617.701.8401

[mass.gov/orgs/post-commission](https://mass.gov/orgs/post-commission)

## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- M.G.L. c. 30A, § 21(a)(1), to discuss “the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, . . . or individual”;
  - M.G.L. c. 30A, § 21(a)(5), to discuss the investigation of charges of criminal misconduct;
  - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, to discuss the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; and
  - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, §§ 22(f) and (g), to discuss and approve the minutes of a prior Executive Session.
- a. Reports of Preliminary Inquiry in the following cases:
- i) PI-2024-028
  - ii) PI-2024-035
  - iii) PI-2024-019
  - iv) PI-2024-043
  - v) PI-2023-5-11-001
- b. Division of Standards request to enter into voluntary decertification or suspension agreement in the following cases:
- i) PI-2024-005
  - ii) PI-2024-001
  - iii) PI-2024-002
- c. Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
- i) PI-2025-007
  - ii) PI-2025-008
  - iii) PI-2025-009
- d. Approval of the minutes of the Executive Session of January 16, 2025

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

2a.

**MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION**  
**Public Meeting Minutes**  
**January 16, 2025**  
**8:30 a.m.**  
**Via Zoom**

**Documents Distributed in Advance of Meeting**

- December 19, 2024, Public Meeting Minutes
- Executive Director Report

**Commissioners In Attendance**

- Commission Chair Margaret R. Hinkle
- Commissioner Hanya H. Bluestone
- Commissioner Lawrence Calderone
- Commissioner Eddy Chrispin
- Commissioner Deborah Hall
- Commissioner Marsha V. Kazarosian
- Commissioner Charlene D. Luma
- Commissioner Clyde Talley

**1. Call to Order**

- The meeting began at 8:33 a.m.
- Chair Hinkle took a roll call of the Commissioners present. The roll call proceeded as follows:
  - Commissioner Bluestone – Present
  - Commissioner Calderone – Present
  - Commissioner Chrispin – Present
  - Commissioner Hall – Present
  - Commissioner Kazarosian – Present
  - Commissioner Luma – Present
  - Commissioner Talley – Present
- Chair Hinkle noted that Commissioner Lester Baker would be absent for this meeting.

**2. Approval of Minutes**

- Chair Hinkle asked for a motion to approve the December 19, 2024, minutes. There was a motion by Commissioner Kazarosian, seconded by Commissioner Talley.
- The Commissioners voted to approve the December 2024 public meeting minutes as follows:
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Chrispin – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – Yes
- The minutes were approved.

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

- Executive Director Zuniga began his report by acknowledging the recent passing of Officer Richard Reddick of the Dudley and Southbridge Police Departments.
  - Officer Reddick passed away on January 12, 2025, after being on medical leave since August of 2024. The Commission’s thoughts go out to his family and the law enforcement communities of Dudley and Southbridge.
- Executive Director Zuniga then reminded the public that the Commission does not accept public comments or answer questions during these public meetings.
- He emphasized that the Commission welcomes and appreciates comments and questions and that the best way to contact the Commission is through the contact information listed on the Commission’s website.
- Executive Director Zuniga then stated that he will provide details relating to any public appearances made by POST Commission staff members during his reports moving forward. This information will also be included on the Commission’s website.
  - He then stated that his next public presentation would be held in the city of Worcester on January 29, 2025, at 6 p.m.
  - He explained that he would be presenting on the POST Commission’s process, similar to previous presentations that had been held at other locations.
- Executive Director Zuniga then began his discussion on the in-service training requirement mandated by the Municipal Police Training Committee (“MPTC”). He stated as follows.
  - Certified officers were required to complete 40 hours of in-service training every “training year,” which ends annually on June 30.
  - The following is the most recent format for training hours:
    - 26 hours of classroom-type learning, which could be imparted online or in-person;
    - 8 hours of firearms training; and
    - 6 hours of cardiopulmonary resuscitation (“CPR”) training.
  - Whether the 26-hour classroom-type learning was completed in person or online is determined by the agency. Firearm and CPR training is required to be done in person.
  - All agencies are required to report compliance with in-service training to the MPTC by September 30.
  - Pursuant to M.G.L. c. 6E, § 9 (5)(b), “The [C]ommission shall administratively suspend the certification of an officer who fails to complete in-service training requirements of the [C]ommission....”
  - The statute provides limited exceptions to this and states that the administrative suspension will be lifted once the training requirements are completed.
  - The POST Commission has access to MPTC training records and works with them to verify compliance with in-service training requirements.
- Executive Director Zuniga then provided data on in-service training records from 2024. He stated that six officers may be administratively suspended for failing to complete those requirements.
- Executive Director Zuniga then discussed discrepancies that had been identified recently regarding the timing of these training courses. He stated as follows.
  - In November 2024, the MPTC identified discrepancies in some online courses.

- Each course had a “projected time,” that indicated how long it should take to complete the course and an “actual time” that recorded the amount of time each individual spent completing each section.
- These courses had guardrails to prevent individuals from doing things such as fast-forwarding through the course.
- The MPTC found that those guardrails had been bypassed, and officers had skipped through parts of the training that were marked as completed.
- The MPTC asked agencies to review any officers with discrepancies between the projected time and the time it took them to complete the course. It was found that 487 officers had discrepancies in their trainings over the past 3 years.
- Officers with discrepancies in their trainings from Training Year 2025 will be required to complete those trainings in person.
- The MPTC estimated that roughly 5-10% of these instances would require follow-up and could result in some form of discipline, including an administrative suspension.
- Commissioner Talley asked Executive Director Zuniga how much time an officer would have to complete their training if they were administratively suspended for failing to complete it within the training year.
- Executive Director Zuniga responded by stating that there was no time limit in that situation and that the officer remains administratively suspended until the training has been completed.
- Commissioner Talley thanked Executive Director Zuniga for his response.
- Commissioner Bluestone asked whether the instructions for the training themselves were clear about the requirements for reviewing the content from start to finish. She also asked whether there was a way to determine if the important content from the trainings had been learned regardless of the amount of time an officer spent completing it.
- Executive Director Zuniga began by addressing the second part of her question. He stated that there were no exams or tests to measure whether the material had been learned.
- He responded to the question regarding the level of clarity within the training instructions by stating that he believed that there was a good understanding of this requirement.
- Commissioner Bluestone recognized the concern regarding the consistency of training experience for all officers and stated that she was concerned about whether important content had been missed.
- She stated that she thought it was worth looking at the trainings themselves to ensure that they were being delivered in an engaging way that clearly outlined the goals of the training.
- Executive Director Zuniga stated that he agreed and that they would discuss those matters with the MPTC.
- Executive Director Zuniga concluded his report and introduced Chief Financial & Administrative Officer Eric Rebello-Pradas to present his update.

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

- CFAO Rebello-Pradas shared a presentation and began a review of a memo and the Treasurer’s Report on the second quarter of fiscal year 2025. He stated the following.
  - The memo and the Treasurer’s report were distributed in advance of the meeting.

- 48% of the POST Commission’s budget was committed as of January 16.
- The Governor would be filing her budget for fiscal year 2026 on or about January 22.
- There was uncertainty whether the Commission’s requested budget for fiscal year 2026 would be granted in full.
- Regarding hiring, there was a pending offer for an IT Support Specialist, which would bring the number of POST Commission employees to 50.
- Positions for the Deputy Director of the Division of Police Certification, the fourth Intake Coordinator for the Division of Police Standards, and a Legal Intern were still waiting to be filled.
- CFAO Rebello-Pradas then concluded his presentation.

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

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

**6. Executive Session**

- The Chair raised the issue of moving into executive session in accordance with M.G.L. c. 30A, § 21(a)(1), to discuss the discipline or dismissal of, or complaints or charges brought against a public employee, a public officer, or an individual; under M.G.L. c. 30A, § 21(a)(5) in anticipation of discussion regarding the investigation of charges of criminal misconduct; under M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § (8)(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, § 22(f) and (g), in anticipation of discussion and approval of the minutes of the prior executive session.
- The Chair stated that:
  - The Commissioners will be considering reports of preliminary inquiries in two cases.
  - They will be considering the request to enter into voluntary decertification or suspension agreements with regard to one case.
  - They will be considering requests from the Division of Police Standards to approve preliminary inquiries in six cases.
  - They will also be hearing a motion to approve the minutes from the December executive session meeting.
- Commissioner Luma moved to enter into executive session. Commissioner Kazarosian seconded the motion.
- The Chair took a roll call vote to enter executive session. The Commissioners voted as follows.
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Chrispin – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – Yes

- The motion unanimously carried.
- The Chair informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- The Chair thanked the staff members who presented at the Commission meeting and thanked the public for their interest in the Commission's work.
- The public meeting was adjourned at 9:04 a.m.



3.



# Executive Director Report

February 13, 2025

[POSTC-comments@mass.gov](mailto:POSTC-comments@mass.gov)  
[www.mapostcommission.gov](http://www.mapostcommission.gov)  
617-701-8401



# Agenda

1. Complaints & Incident Reports
2. Certification Update
  - a. Certification Officers A-H (June 30, 2025)
  - b. Constables
3. Finance & Administrative Update

# Complaints & Incident Reports

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## Reports due to POST (Complaints, Incidents, Discipline)

- We continue to receive complaints via the public complaint form\* and incident reports from agencies via the portal
- January 2025: POST received 148 public complaints and 76 incidents from agencies for an average of 56 reports per week (37 public complaints/week +19 agency incidents/week)
- This is an increase from 2024 weekly averages (30+10/week)

\* <https://policecomplaints.mass.gov> also accessible through [www.mapostcommission.gov](http://www.mapostcommission.gov)

# Complaints & Incident Reports



## Open Complaints & Incident Reports (overdue > 90 days)

POST grants requests for extensions, but will begin to deny requests for non-criminal matters that exceed averages

Item/Category *	November 2024	February 2025
Closeout Reports due from Agencies (>90 days)	14 Agencies 18 complaints/incidents Wareham (3) Lawrence (2) Mass State Police (2) 15 Agencies (1)	11 Agencies 24 complaints/incidents Boston (9) Wareham (3) Western NEU (3) Mass State Police (2) 7 Agencies (1)

\* Excludes cases where agency has requested and been granted an extension from POST

# Complaints & Incident Reports



## Closed Cases (I/A's) but Discipline Is Pending \*

Item/Category **	November 2024	February 2025
I/A Report Submitted but Discipline is Pending	13 Agencies / 56 cases Boston (34) Cambridge (5) Lawrence (4) Mass State Police (3) Brookline (2) 8 Agencies (1)	11 Agencies / 45 cases Boston (25) Lawrence (6) Cambridge (4) Brookline (3) 7 Agencies (1)
Average # of Days Discipline Pending	All Agencies: 91 days Boston 110 days All other Agencies 61 days	All Agencies: 123 days Boston: 139 days All other Agencies: 103 days

\* POST publishes cases closed by Agencies and reviewed by POST, even if discipline is pending

\*\* Some cases in February 2025 may be the same cases as in November 2024

# Certification Update

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## 2<sup>nd</sup> Round of Certification – Officers Last Name A-H

- Propose an expedited plan to recertify officers whose certification expires June 30, 2025
- Officers with last names A-H who were first certified by POST June 30, 2022
- Will implement previously approved certification timeline (3 years plus birth month)
- Target to open portal and accept submissions: May 1, 2025 (same as last year)

# Certification Update – Constables

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## Worcester Community Meeting

- Several comments and allegations regarding Constables activities of the role of the Police Department in those settings
- *“Constables Executing and Arrest for Any Reason”* are to be certified by POST (in scope) – M.G.L. c. 6E
- If they are not certified, yet execute an arrest, they are deemed to be both within POST scope and in violations of the regulations
- Status of Constables: none certified



# Certification Update - Constables

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## Prior POST Efforts Regarding Constables

- 10/13/22 Presentation Re: Constable Certification
- 11/22/22 – 4/13/23 Various Draft Regulations (555 CMR 9.00)
- 6/6/23 Public Hearing on Proposed Regulations
- 9/24/23 Guidance to Constables
- 9/29/23 Guidance and Regulations become effective

# Certification Update

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## Constables – Next Steps

- Proposed having a community listening session in the near future
- Conferred with Worcester PD about these instances
- Communicate with Housing Court Chief
- Request records of Police Departments who utilize, collaborate and/or approve Constables operating in their jurisdiction
- Maintain database of Constables
- Explore potential enforcement action against Constables executing arrests

# Finance & Administrative Update

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## Budget Update

- FY25 Activity
  - Mid-year Review Exercise with Administration & Finance (A&F)
  - Focus on Reversions (~\$600K)
- FY26 Budget Development:
  - Governor's Budget was filed January 22, 2025
  - POST appropriation was **\$8.92 million**
  - \$570K less than \$9.49 million request
  - Next Step: Testimony with Joint Ways & Means Committee

# Finance & Administrative Update

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## Human Resource Update - Hiring

- Welcome New Members:
  - Judge Barbara Dortch-Okara (ret.) – Hearing Officer
  - Alia Sirois – IT System Specialist
- Pending/Future:
  - Deputy Director Division of Certification
  - IT Data Analyst
  - Legal Interns

# Finance & Administrative Update

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## Human Resource Update - Training

- Continued Commitment to Diversity, Equity, Inclusion & Respect in the Workplace
  - Completed Implicit Bias Training in Workplaces (January 2025)
  - Sexual Harassment Prevention (Conducted by MCAD)
- 2024 Training Included:
  - Diversity at the Commonwealth
  - Domestic Violence & Sexual Assault Awareness
  - Preventing Violence in the Workplace
  - Disability Awareness for Employees



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Massachusetts Peace Officer Standards & Training  
POSTC-comments@mass.gov  
www.mapostcommission.gov  
617-701-8401

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4a.



# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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**TO:** Commissioners of the Massachusetts POST Commission  
**FROM:** Matthew P. Landry, Director, Division of Police Standards  
**DATE:** February 10, 2025  
**RE:** **Citizen Complaints Regarding Constables and Proposed Response**

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This memorandum is intended to bring to the Commission's attention complaints recently received by the Division of Police Standards (Division) regarding constables. These complaints allege that constables have been performing certain police functions without possessing the necessary certification by the Commission.

## I. OVERVIEW

The Division has recently received complaints from several citizens who allege that constables have been performing certain police functions without possessing the necessary certification as a law enforcement officer. Specifically, these complaints allege that constables who have been appointed as special process servers by Justices of the Housing Court have, in furtherance of that appointment, physically removed foreclosure defendants and their property from repossessed land, and/or have issued letters warning that the constables intend to do so if the defendants do not vacate the premises voluntarily. It should be noted that, based on documents reviewed by the Division, the duties allegedly being performed appear to be envisioned by the summary process statute, which governs such appointments. M.G.L. c. 239, § 3. That statute provides that the officer appointed to execute the Court's judgment in a foreclosure/eviction case is authorized to physically remove an unwilling defendant from repossessed land, stating in part that:

At least forty-eight hours prior to serving or levying upon an execution issued on a judgment for the plaintiff for possession of land or tenements rented or leased for dwelling purposes, the officer serving or levying upon the execution shall give the defendant written notice that at a specified date and time he will serve or levy upon the execution and that at that time he will physically remove the defendant and his personal possessions from the premises if the defendant has not prior to that time vacated the premises voluntarily.

M.G.L. c. 239, § 3. Documents submitted by the complainants, and reviewed by the Division, contain what appear to be copies of these so-called "48-hour Warning Letters," along with orders issued by the Housing Court appointing the named constables as special process servers.



## II. LEGAL ANALYSIS

There is no question that the underlying foreclosure/eviction proceedings are, to say the least, difficult and often even traumatic for the defendants in those cases. However, the issue presented to the Commission by these complaints is quite narrow: Whether a constable must be certified by the Commission as a law enforcement officer in order to carry out the functions of a special process server—functions that include, by statute, the actual or threatened use of physical force against a defendant who does not leave the repossessed land voluntarily. See M.G.L. c. 239, § 3. The Division submits that the answer to that question is unambiguously “Yes.”

The Commission’s enabling statute and regulations collectively provide that every law enforcement officer in Massachusetts must be certified by the Commission in order to perform police duties and functions. See M.G.L. c. 6E, § 4(a)(1) (charging the Commission, through its Division of Police Certification, with establishing “uniform policies and standards for the certification of all law enforcement officers”) (emphasis added); § 4(g) (“No agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the commission.”). The categories of “law enforcement officer” in the Commonwealth include “a constable executing an arrest for any reason.” M.G.L. c. 6E, § 1.

The Commission’s regulations define the term “arrest” as follows:

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An actual or constructive seizure or detention of a person, performed with the intention to effect an arrest and so understood by the person detained. For purposes of applying this definition, the following shall constitute seizures: an application, to the body of a person, of physical force that objectively manifests an intent to restrain; a show of authority, through words or conduct, that a reasonable person would consider coercive; and an exercise of official powers that is facilitated by the use or display of a weapon.

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555 CMR 9.02(2). Those regulations further state that a constable who is not POST-certified “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.” 555 CMR 9.12(8). *See also Guidance for Constables and Other Law Enforcement Personnel Regarding 555 CMR 9.00* (Sep. 2023), available at <https://mapostcommission.gov/about-post/regulations-advisories-and-guidance/> (explaining that the term “arrest” includes “certain types of conduct involving physical contact, a coercive show of authority, a weapon, or another form of seizure,” but “does not include the mere service of papers, without more”).

Based on the above-quoted statutory and regulatory provisions, the act of “physically remov[ing] the defendant and [the defendant’s] personal possessions from the premises if the defendant has not prior to that time vacated the premises voluntarily,” c. 239, § 3, constitutes an “arrest” as that term has been defined by the Commission’s regulations. 555 CMR 9.02(2). The act of physically removing a defendant against their will is “an application, to the body of a person, of physical force that objectively manifests an intent to restrain,” and, if the constable is armed, might potentially also be an “exercise of official powers that is facilitated by the use or display of a weapon.” Also, a written or verbal warning that the constable *may* physically remove such defendant (e.g., a “48-Hour Warning Letter”) constitutes “a show of authority, through words or

conduct, that a reasonable person would consider coercive.” 555 CMR 9.02(2). **For these reasons, a constable must be certified by the Commission in order to lawfully execute the arrest functions envisioned by appointment as a special process server. 555 CMR 9.12(8).**

### III. STEPS ALREADY TAKEN

- In September 2023, the Commission promulgated 555 CMR 9.00, which created a pathway for so-called “independent applicants” such as constables to apply for certification as law enforcement officers. The Commission also issued *Guidance for Constables and Other Law Enforcement Personnel Regarding 555 CMR 9.00*, referenced above, which further explains how the certification requirements apply to constables. The Commission subsequently released an online application form for independent applicants on its website. Yet, the records of the Division of Police Certification indicate that, as of the date of this memorandum, no constable has submitted an application for certification.
- The Division communicated with the Chief of Police in Worcester, Paul Saucier, where these complaints originated. The Division identified the legal provisions discussed above, and stated that “any constable exercising arrest powers anywhere within the Commonwealth must be POST certified, with no exception” (emphasis in original). The Chief immediately informed the Division that day that “there will be no constables carrying out evictions” within the City, and further stated that he spoke with the City Manager, officials of the Housing Court, and the Sheriff of Worcester County, and that he would soon schedule a meeting directly with the local community members who coordinated the submission of these complaints to the Division.
- The Division sent correspondence, on behalf of the Commission, to the Chief Justice of the Housing Court explaining the statutory and regulatory provisions discussed above, and requesting that the Housing Court consider taking steps to ensure that any constables appointed as special process servers in the future be properly certified by the Commission to execute arrests or other police functions.

### IV. RECOMMENDATIONS FOR NEXT STEPS

- Subject to the direction or further guidance by the Commission, the Division intends to communicate with all heads of law enforcement agencies in the Commonwealth, to advise agencies that no constable may execute arrests or perform police duties and functions unless the constable has been certified as a law enforcement officer by the Commission. See M.G.L. c. 6E, § 1 (defining “law enforcement officer” to include “a constable executing an arrest for any reason”); 555 CMR 9.02(2) (defining “arrest”); 555 CMR 9.12(8) (providing that constables “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”).
- The Division will request that any head of a law enforcement agency in the Commonwealth who has good reason to believe that a constable is performing arrests or other police duties and functions within the agency’s jurisdiction, without the necessary certification by the Commission, immediately report the same to the Division of Police Standards.

- Both the Division of Police Certification and the Division of Police Standards have initiated certain steps that will enhance the Commission’s ability to track relevant information about constables, including contact information and any complaints against constables.
  - The Division of Police Certification will send a request to each head of a law enforcement agency in the Commonwealth to provide a list of all constables who are currently appointed or elected within the agency’s jurisdiction, along with contact information for each constable so appointed or elected. See 555 CMR 12.03(2) (requiring each law enforcement agency to keep certain records, including contact information, for “each individual that is appointed or elected to serve as a constable within [that] law enforcement agency’s area of jurisdiction”), 12.04(2) (requiring each law enforcement agency to provide to the Commission, “in accordance with Commission instructions,” “[r]ecords concerning individuals elected or appointed to serve as constables within the agency’s area of jurisdiction” and “[a]ny other records, or categories of records, designated by the Commission”).
  - Using the information obtained from agencies, the Division of Certification (in conjunction with the Division of Police Standards) will take steps to add individual constables to the Commission’s internal database of law enforcement officers. See 555 CMR 8.05(1). This step will ensure that records pertaining to constables are available to the Commission in the same way as records for all other law enforcement officers, and also ensure that any relevant information about an individual constable’s record of complaints will be available to the Commission should that person apply for certification at any time.
  - The Division of Police Certification plans to add any certified constables to the status lists publicly available on the Commission’s website. This will ensure that any public user will be able to verify the current certification status of any appointed or elected constable, as is already the case with other law enforcement officers.
  - The Division of Police Standards will monitor complaints against constables performing arrests or other police functions, and will request authorization to conduct a preliminary inquiry in any case that warrants such action. See M.G.L. c. 6E, §§ 8(c)(2), 10; 555 CMR 1.05.

5a.



# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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**TO:** Commissioners of the Massachusetts POST Commission  
**FROM:** Randall E. Ravitz, General Counsel  
Steven R. Smith, Director, Division of Police Certification  
**DATE:** February 7, 2025  
**RE:** Officer Recertification

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This memorandum outlines the staff's plan for evaluating applications for recertification submitted on behalf of officers whose certifications are set to expire on or after July 1, 2025. The plan accords with the Commission's governing statute, regulations, and other policy decisions.

## I. OVERVIEW

By statute, the Commission can “recertify a[] person as a law enforcement officer [only where the] commission certifies that the applicant for recertification continues to satisfy the requirements of [M.G.L. c. 6E, § 4(f)].” [M.G.L. c. 6E, § 4\(i\)](#). While the Commission and the Municipal Police Training Committee (MPTC) have been discussing possible revisions to the regulations governing the recertification process, the process is presently still governed by the version of [555 CMR 7.00](#) that was adopted in 2022. A plan that the Commission approved in March 2022 to guide its initial wave of recertifications may also be viewed as an instructive statement of Commission policy preferences. See [Requirements and Plan for Recertification of Certain Law Enforcement Officers](#) (approved Mar. 16, 2022). Relevant provisions of these sources are summarized below and provided in the Appendix hereto.

At the same time, the staff now has the benefit of experience and plans to achieve certain efficiencies. In particular, it intends to schedule recertification decisions in a way that will promote administrative convenience and that has already been approved by the Commissioners. See [Materials from May 22, 2024 Public Meeting](#) tab 5 at PDF page 49 (staff memo); [Video of May 22, 2024 Public Meeting](#) at 54:54, et seq. (discussion and vote); [Materials from June 20, 2024 Public Meeting](#) tab 2a at PDF page 4 (minutes of May 22 meeting). Also, because officers coming up for recertification will ordinarily continue to satisfy most requirements under the current regulations, the process may be streamlined. The plan envisioned by the staff is described in the sections below.

## II. SCHEDULING OF RECERTIFICATION DECISIONS

The Division of Police Certification (Division) plans to structure the recertification process such that recertifications will expire on the first day of an officer's birth month. The provisions of 555 CMR 7.03, which concern the "Continuation of Certification Period[s]," facilitate this approach. The Division has described the administrative convenience that it expects to achieve with the approach, and the Commissioners approved it at their May 22, 2024 meeting, as reflected in the materials linked in Section I above.

## III. REQUIREMENTS THAT MAY BE PRESUMED SATISFIED

The Division will presume that an officer who was previously certified continues to satisfy the following requirements, unless it receives credible information to the contrary:

1. "attaining the **age of 21**," M.G.L. c. 6E, § 4(f)(1)(i); see also 555 CMR 7.06(1);
2. "successful completion of a **high school education** or equivalent, as determined by the commission," M.G.L. c. 6E, § 4(f)(1)(ii); see also 555 CMR 7.06(2);
3. "successful completion of the **basic training** program approved by the municipal police training committee," M.G.L. c. 6E, § 4(f)(1)(iii); see also 555 CMR 7.06(3);
4. "successful completion of a **physical and psychological fitness evaluation** approved by the commission," M.G.L. c. 6E, § 4(f)(1)(iv); see also 555 CMR 7.06(4);
5. "successful completion of a state and national **background check**, including, but not limited to, fingerprinting and a full employment history; provided, 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," M.G.L. c. 6E, § 4(f)(1)(v); see also 555 CMR 7.06(5); Section III.B below (discussing Character and Fitness).
6. "passage of an **examination** approved by the commission," M.G.L. c. 6E, § 4(f)(1)(vi); see also 555 CMR 7.06(6);
7. "successful completion of an **oral interview** administered by the commission," M.G.L. c. 6E, § 4(f)(1)(vii); see also 555 CMR 7.06(8);
8. not being "convicted of a **felony**," M.G.L. c. 6E, § 4(f)(2)(ii);
9. 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)]," M.G.L. c. 6E, § 4(f)(2)(ii); and
10. not being an officer who, "while previously employed in law enforcement in any state or United States territory or by the federal government, **would have had their certification revoked** by the commission if employed by an agency in the commonwealth," M.G.L. c. 6E, § 4(f)(2)(iii).

#### IV. REQUIREMENTS THAT WILL BE FULLY RE-EVALUATED

##### A. First Aid and CPR Certificates

The Division will direct law enforcement agencies to provide documentation showing that each of their candidates for recertification satisfies the requirement of “possession of **current first aid and cardiopulmonary resuscitation** certificates or equivalent, as determined by the commission,” see M.G.L. c. 6E, § 4(f)(1)(vi); see also 555 CMR 7.06(7). In accordance with the regulations, the Division will find the requirement “satisfied if the officer currently possesses such certificates or the equivalent.” 555 CMR 7.06(7). And, “[i]f the officer does not currently possess such certificates or the equivalent, the officer will be conditionally recertified on the condition that the officer shall obtain such certificates or the equivalent within 90 calendar days.” Id.

##### B. Character and Fitness

The Division plans to evaluate whether each officer satisfies the requirement of “being of **good moral character and fit for employment in law enforcement**, as determined by the commission” according to the procedures outlined in the recertification regulations. M.G.L. c. 6E, § 4(f)(1)(ix); 555 CMR 7.05, 7.06(9). Pursuant to 555 CMR 7.05(2)(a), the Division intends to direct “[e]ach officer’s employing agency [to] provide a submission to the commission concerning whether an officer possesses good character and fitness for employment” in which the agency head or a designee attests:

1. That the officer possesses or does not possess good moral character and fitness for employment in law enforcement, as well as the reasons for any attestation that the officer does not possess such character and fitness; and
2. That, since the officer’s last certification, the agency has submitted to the Commission all reports regarding the officer that were required under M.G.L. c. 6E, § 8 and 555 CMR 1.01 (which may require the agency to first provide the Commission with any information that it was required to report but neglected to provide previously).

“If this standard is not satisfied, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional recertification.” 555 CMR 7.06(9). In certain circumstances, such information, if credible, could also negate a presumption that an officer continues to satisfy other certification requirements, such as those related to a background check, any felony conviction, and whether the officer’s certification would have been revoked. M.G.L. c. 6E, § 4(f)(1); 555 CMR 7.06. In that event, it may supply an additional basis for denying recertification.

##### C. In-service Training

The Division intends to continue issuing a **conditional recertification** to any officer who failed to satisfy **in-service training** requirements in the most recent year, but is otherwise not disqualified from obtaining recertification. That approach is authorized under M.G.L. c. 6E, §§

3(a) and 4, and 555 CMR 7.04(2) and 7.09. It is consistent with procedures in the plan for recertification that the Commission adopted in March 2022. *See Requirements and Plan for Recertification of Certain Law Enforcement Officers* §§ II.4, III.C, III.D, and with other Commission-adopted policies concerning in-service training. Enforcing in-service training requirements in this manner is also harmonious with other recertification requirements, such as those necessitating a “background check” with “a full employment history,” “passage of an examination,” and being “fit for employment in law enforcement.” M.G.L. c. 6E, § 4(f)(1); see also 555 CMR 7.06. It is also in line with the staff’s understanding of the MPTC’s views, as well as practices that the Division has undertaken and found effective for the past several years. The terms of the conditional certification will be set in accordance with the *Requirements and Plan* referenced above. An officer who failed to satisfy in-service training requirements may still be subject to administrative suspension in accordance with M.G.L. c. 6E, § 9(b) and policies approved by the Commission.



APPENDIX

MASSACHUSETTS GENERAL LAWS

CHAPTER 6E: MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION

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Section 3

(a) The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- ...
- (2) establish, jointly with the municipal police training committee established in [M.G.L. c. 6, § 116], minimum officer certification standards pursuant to [M.G.L. c. 6E, § 4];
  - (3) certify qualified applicants;
  - (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable;

...

(18) gather facts and information applicable to the commission's obligation to issue, suspend or revoke certifications for: (i) a violation of this chapter or any regulation adopted by the commission; (ii) a willful violation of an order of the commission; (iii) the conviction of a criminal offense; or (iv) the violation of any other offense which would disqualify a person from being certified;

(19) conduct investigations into the qualifications of all applicants for certification;

**(20) request and receive from the state police, the department of criminal justice information services or other criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation and the federal Internal Revenue Service, such criminal offender record information relating to the administration and enforcement of this chapter;**

**(21) demand access to and inspect, examine, photocopy and audit all papers, books and records of any law enforcement agency;**

**(22) levy and collect assessments, fees and fines and impose penalties and sanctions for a violation of this chapter or any regulations promulgated by the commission;**

(23) restrict, suspend or revoke certifications issued under this chapter;

...

(28) adopt, amend or repeal regulations in accordance with [M.G.L. c. 30A] for the implementation, administration and enforcement of this chapter, including, but not limited to, regulations: . . . (ii) determining whether an applicant has met the standards for certification; . . . **(iv) establishing a physical and psychological fitness evaluation pursuant to [M.G.L. c. 6E, § 4] that measures said fitness to ensure officers are able to perform essential job duties; . . .**

Section 4

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(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. The head of the division shall be the certification director, who shall be appointed by the commission.

(d) No person shall be eligible for admission to police schools, programs or academies approved by the municipal police training committee pursuant to [M.G.L. c. 6, § 118], or the training programs prescribed by [M.G.L. c. 22C], or for appointment as a law enforcement officer or for employment with an agency if they are 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)].

(f) (1) The division of police certification and the municipal police training committee established in [M.G.L. c. 6, § 116] shall jointly establish minimum certification standards for all officers that shall include, but not be limited to: (i) attaining the age of 21; (ii) successful completion of a high school education or equivalent, as determined by the commission; (iii) successful completion of the basic training program approved by the municipal police training committee; (iv) successful completion of a physical and psychological fitness evaluation approved by the commission; (v) successful completion of a state and national background check, including, but not limited to, fingerprinting and a full employment history; provided, 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; (vi) passage of an examination approved by the commission; (vii) possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the commission; (viii) successful completion of an oral interview administered by the commission; and (ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

(2) The commission shall not issue a certificate to an applicant who: (i) does not meet the minimum standards enumerated in paragraph (1) or the regulations of the commission; (ii) has been convicted of a felony or whose name is 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)]; or (iii) while previously employed in law enforcement in any state or United States territory or by the federal government, would have had their certification revoked by the commission if employed by an agency in the commonwealth.

(3) The commission may issue a certificate to a qualified applicant consistent with the provisions of this chapter. The commission shall determine the form and manner of issuance of a certification. A certification shall expire 3 years after the date of issuance.

(4) An officer shall remain in compliance with the requirements of this chapter and all rules and regulations promulgated by the commission for the duration of their employment as an officer.

(g) No agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the commission.

...

(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).

...

### **Section 8**

(g) The division of police standards shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of this [M.G.L. c. 6E], including the power to receive intelligence on an applicant for certification or an officer certified under this [M.G.L. c. 6E] and to investigate any suspected violations of law.

**CODE OF MASSACHUSETTS REGULATIONS**  
**TITLE 555: PEACE OFFICER STANDARDS AND TRAINING COMMISSION**  
**CHAPTER 7.00: RECERTIFICATION**

**7.01: Definitions**

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

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

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

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

Commission. The peace officer standards and training commission as an agency, including its commissioners and its staff.

Conditional Certification and Conditional Recertification. A certification of the type described in 555 CMR 7.04.

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

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

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

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

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

Good Character and Fitness for Employment. “Good moral character and fitness for employment in law enforcement,” M.G.L. c. 6E, § 4(f)(1)(ix).

Municipal Police Training Committee and MPTC. The agency of the same name within the executive office of public safety, as established in M.G.L. c. 6, § 116.

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

...

### **7.03: Continuation of Certification Period**

(1) Pursuant to M.G.L. c. 30A, § 13, the certification period for an officer shall continue after the reference date for the officer, if:

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

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

(3) A certification period continued pursuant to 555 CMR 7.03 will end upon the issuance of a final decision regarding recertification.

### **7.04: Conditional Recertification**

(1) The division of certification shall conditionally recertify an officer if the officer is unable to meet the standards for recertification solely due to circumstances beyond the officer’s control and which are attributable to the officer’s employing agency, the **municipal police training committee**, or the commission.

**(2) The division of certification may conditionally recertify an officer in other appropriate circumstances including, but not limited to, where:**

- (a) The officer’s application for recertification is substantially complete and does not reveal any basis for denying recertification, but certain additional details need to be supplied or certain information needs to be verified;

- (b) The officer was unable to satisfy a requirement for recertification because the officer was on approved leave during the relevant time or because of another valid reason;
- (c) The officer has experienced a demonstrable hardship which has interfered directly with the officer's ability to meet a requirement for recertification; or
- (d) The officer has taken all required steps in connection with the recertification process, but circumstances beyond the officer's control have delayed a final decision on the officer's application.

(3) An officer shall not be required to satisfy any conditions attached to a conditional recertification, nor shall any time periods associated with any such conditions begin to elapse, before the conclusion of any review or hearing, or the expiration of the time afforded for the officer to seek such review or hearing, pursuant to 555 CMR 7.10.

(4) Change in Certification Status.

(a) When an officer fails to satisfy a condition of a conditional recertification within the time allowed, taking into account the provisions of 555 CMR 7.04(3), the division of certification shall terminate the officer's certification, unless good cause for an extension of time for the officer to satisfy the condition has been shown.

(b) When an officer satisfies all conditions of a conditional recertification within the time allowed, taking into account the provisions of 555 CMR 7.04(3), and the commission has not otherwise limited, restricted, or suspended the officer's certification, the division of certification shall convert the conditional recertification into a full certification with an expiration date of three calendar years from the reference date for the officer.

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

## **7.05: Determination of Good Character and Fitness for Employment**

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

(2) Submission by Employing Agency.

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

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.

(b) If an employing agency determines that an officer possesses good character and fitness for employment, the agency shall provide, upon request by the commission, documentation supporting such a determination.

(c) If an employing agency determines that it cannot find that an officer possesses good character and fitness for employment, the employing agency shall make a written report to the commission, a copy of which shall be simultaneously provided to the officer and the head of the officer's collective bargaining unit.

1. The written report shall contain an explanation for the agency's determination including, but not limited to, a description of specific conduct supporting the agency's determination. The written report must be sufficient to permit the commission to evaluate the basis for the employing agency's determination, and to permit the commission to determine whether the officer possesses good character and fitness for employment.

2. As to each instance of specific conduct cited in the agency's report as evidence that the officer may lack good character and fitness for employment, the employing agency shall address:

- a. Any discipline imposed or decision issued by an authority as a result of the conduct, or the reason(s) why there was no discipline or decision;
- b. The extent to which the officer complied with any such discipline or decision;
- c. Any similar conduct allegedly undertaken by the officer 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.

(d) Response by Officer. 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 officer may submit a written response to the commission, a copy of which shall be simultaneously provided to the officer's employing agency.

### **(3) Assessment and Determination by Commission.**

(a) The division of certification shall render an initial determination as to whether an officer possesses good character and fitness for employment, in accordance with any protocols adopted by the commission, upon giving due consideration to all information available to it including, but not limited to, the following:

1. An attestation that an officer possesses good character and fitness for employment and accompanying information;
2. Any report by an employing agency of the type described in 555 CMR 7.05(2)(c); and
3. Any response by an officer of the type described in 555 CMR 7.05(2)(d).

(b) The division of certification may, to the extent reasonably possible, obtain additional information that may prove helpful in determining whether an officer possesses good character and fitness for employment.

**(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.

#### **7.06: Evaluation of Recertification Standards**

**Except as otherwise provided in 555 CMR 7.04, the Commission shall treat the statutory recertification standards as follows:**

**(1) Attaining the Age of 21.** This standard shall be deemed satisfied if the officer attained the age of 21 at any point in time before the reference date for the officer. If the officer has not attained the age of 21 at any point in time before the reference date for the officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified on the condition that the officer shall attain the age of 21 by July 1, 2024.

**(2) Successful Completion of a High School Education or Equivalent.** This standard shall be deemed satisfied if the officer successfully completed a high school education or equivalent at any point in time before the reference date for the officer. If the officer has not successfully completed a high school education or equivalent at any



point in time before the reference date for the officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a high school education or obtain a General Educational Development (GED) certification from an accredited program by July 1, 2024.

**(3) Successful Completion of Basic Training Program.**

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

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

**(4) Successful Completion of a Physical and Psychological Fitness Evaluation.** This standard shall be deemed satisfied if the officer successfully completed a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the reference date for the officer. The commission will implement a policy concerning officers who were certified pursuant to St. 2020, c. 253, § 102 but did not successfully complete a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the applicable reference date.

**(5) Successful Completion of a State and National Background Check.** This standard shall be deemed satisfied if the following criteria are met:

**(a) A background check of the type described in M.G.L. c. 6E, § 4(f)(1)(v) was successfully completed at any point in time before the reference date for the officer;**

**(b) The commission has received all disciplinary records as described by commission policy relative to an officer prior to the reference date for the officer;**

- (c) The commission has received an attestation to certain key facts regarding the officer's background; and**
- (d) The commission does not discern any basis, based on information it has received, for finding the standard unmet.**

If this standard is not satisfied because no background check has been conducted, the officer shall be conditionally recertified on the condition that this standard must be met within 90 calendar days. In all other circumstances where the officer has not satisfied this standard, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional recertification.

**(6) Successful Completion of an Examination.**

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

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

**(7) Possession of Current First Aid and Cardiopulmonary Resuscitation Certification.** This standard shall be deemed satisfied if the officer currently possesses such certificates or the equivalent. If the officer does not currently possess such certificates or the equivalent, the officer will be conditionally recertified on the condition that the officer shall obtain such certificates or the equivalent within 90 calendar days.

**(8) Successful Completion of an Oral Interview Administered by the Commission.** This standard shall be deemed satisfied if, in accordance with commission policy, an officer is interviewed by, discusses a set of questions with, or discusses the officer's responses to a questionnaire with, the head of the officer's agency or the head's designee, or in the case of the head of the agency, the head's appointing authority. If

this standard is not satisfied because of certain action or inaction by the employing agency, or because the officer was on approved leave, the officer will be conditionally certified on the condition that the standard is satisfied within the later of 90 calendar days or 90 calendar days following the officer's return to active service, as applicable. If this standard is not satisfied for any other reason, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional recertification.

**(9) Good Character and Fitness for Employment. This standard shall be deemed satisfied if the division of certification determines the officer meets the criteria set out in 555 CMR 7.05.** If this standard is not satisfied, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional recertification.

...

#### **7.08: Retroactivity of Recertification**

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

#### **7.09: Restriction or Revocation of Certification**

**The granting of a recertification shall not preclude the limiting, conditioning, restricting, suspending, or revoking of the certification** in accordance with law, when warranted, including but not limited to circumstances where an officer has made a material misrepresentation to the commission or the officer's employing agency in connection with the recertification process.

**REQUIREMENTS AND PLAN FOR RECERTIFICATION OF CERTAIN LAW ENFORCEMENT OFFICERS (Approved on March 16, 2022)**

The Peace Officer Standards and Training Commission hereby adopts this plan for recertifying, as law enforcement officers, those individuals who were automatically certified for a limited time through An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth, St. 2020, c. 253, § 102. Under the Act, such certifications will expire: on July 1, 2022 for officers with last names beginning with letters A through H; on July 1, 2023 for officers with last names beginning with letters I through P; and on July 1, 2024 for officers with last names beginning with letters Q through Z. Id. The Act further provides that the Commission may “not issue a certificate to an applicant who” “does not meet [certain] minimum standards,” and it may “not recertify any person as a law enforcement officer unless [it] certifies that the applicant for recertification continues to satisfy [such] requirements.” M.G.L. c. 6E, § 4, added by St. 2020, c. 253, § 30. This Plan provides a mechanism for determining whether officers continue to satisfy such requirements, and for renewing their certifications where appropriate. It applies only to officers who were automatically certified under the Act and are coming before the Commission for recertification for the first time.

...

**II. STATEMENT OF POLICIES AND PRINCIPLES**

The Commission declares as follows.

...

4. An appropriate additional standard is one that requires **completion of all required in-service training in order for an officer to be recertified without any limitation, condition, restriction, or suspension.** That will help ensure that officers satisfy their training obligations, and enhance the skills and knowledge of those who protect the populace.

...

**III. RECERTIFICATION PLAN AND STANDARDS**

The Commission adopts the following plan for recertifying officers.

...

**C. In-service Training Requirements**

1. **In order to receive a recertification free of any limitation, condition, restriction, or suspension, an officer must have completed, in advance of the expiration of the officer’s initial certification, all in-service training** that the officer was required to complete by that point.
2. The Commission adopts the standard that appears in Section III.C.1 directly above pursuant to M.G.L. c. 6E, §§ 3(a) and 4(a)(1). That

standard is separate from, and additional to, those that must be satisfied for certification and recertification under M.G.L. c. 6E, §§ 3(a)(2), 4(f), and 4(i).

3. For purposes of this Plan, the additional training mandated by St. 2020, c. 253, § 102(b) should be understood to constitute a form of in-service training.
4. Except in circumstances as to which Section III.D below applies, where the standard in Section III.C.1 above is not satisfied, **the Executive Director, or the Executive Director's designee, shall determine whether the officer's recertification shall be limited, conditioned, restricted, or denied, and the nature of any conditions, limitations, or restrictions.** See M.G.L. c. 6E, §§ 2(g), 2(h), 3(a), 4(a)(1), 9(b).
5. Nothing herein shall be construed to preclude the Commission's ordering retraining for an officer where warranted. See M.G.L. c. 6E, §§ 3(a), 10(d)-(f).

**D. Authorization of Conditional Recertification for Certain Law Enforcement Officers Who Are Unable to Complete In-service or Supplemental Training Due to Documented Hardship**

1. Where an individual is unable to satisfy the in-service training requirements referenced in Section III.C above due to certain documented hardship, the individual may be conditionally recertified as a law enforcement officer and receive a temporary exemption from the administrative-suspension provisions of M.G.L. c. 6E, § 9(b). See M.G.L. c. 6E, §§ 3(a), 4, 9(b).
2. An individual will be eligible for such a conditional recertification and temporary exemption if:
  - a. The individual was automatically certified as a law enforcement officer pursuant to St. 2020, c. 253, § 102;
  - b. The individual applies to the officer's employing agency for such a conditional recertification and temporary exemption;
  - c. The individual provides documentation to the employing agency that sufficiently establishes that the individual is unable to complete required in-service training due to a circumstance listed in Subsection III.D.4, below;

- d. The individual otherwise meets all qualifications for recertification; and
  - e. The individual's employing agency certifies that the individual meets the criteria for a conditional recertification and temporary exemption described herein. See M.G.L. c. 6E, §§ 3(a), 4, 9(b).
3. Such a recertification and temporary exemption will be subject to the following conditions:
- a. The individual must complete the required training before the expiration of an extension afforded under Subsection III.D.4 below; and
  - b. The officer's employing agency may decide to limit the powers and duties of the officer while that officer's recertification remains conditional, based on an exercise of sound discretion that takes into account, at a minimum, the officer's experience and qualifications, the needs of the agency and the communities that it serves, and the safety and interests of the public. See M.G.L. c. 6E, §§ 3(a), 4, 5(c), 9(b).
4. Extensions of time may be afforded according to the following terms, based on a proposal by the MPTC:
- a. Military leave: 90 days after the military leave ends;
  - b. Injured-on-duty leave under M.G.L. c. 41, § 111F: 90 days after the injury leave ends;
  - c. Workers' compensation leave: 90 days after the workers' compensation leave ends;
  - d. Chemotherapy/radiation treatment: 90 days after the medical leave related to chemotherapy/radiation treatment ends;
  - e. Parental leave, including pregnancy, maternity, paternity, and adoption leave: 90 days after the leave ends;
  - f. Family and Medical Leave Act leave / Paid Family and Medical Leave: 90 days after the leave ends; and

- g. Emergency exigencies approved by majority vote of the Commission: 90 days or such other period as the Commission in its discretion decides.
  - h. Any extension that has not ended by five years after the original deadline shall lapse and application for reinstatement shall be required.
- 5. Where an individual fails to satisfy all training requirements before the expiration of an extension, the previously granted temporary exemption will end, and the individual will be subject to the provisions of M.G.L. c. 6E, § 9(b), with the date on which the extension expired being treated as the “deadline imposed by the commission” to “complete in-service training requirements of the commission.”
- 6. If the conditional status of an individual’s recertification, and an individual’s temporary exemption from the administrative-suspension provisions of M.G.L. c. 6E, § 9(b), are based solely on the individual’s inability to satisfy a training requirement described herein, such status and exemption shall automatically end upon the individual’s completion of the required training. See M.G.L. c. 6E, §§ 3(a), 4, 9(b).