



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

August 11, 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](#), by [St. 2023, c. 2](#), and by [St. 2025, 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.

UPDATED

NOTICE OF MEETING AND AGENDA

Public Meeting #66

August 14, 2025

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 972 2641 7401

- 1) Call to Order
- 2) Approval of Minutes
 - a) July 17, 2025
- 3) Executive Director Report – Enrique A. Zuniga
 - a) Certification
 - b) Disciplinary Records
 - c) Complaints & Incident Reports Quarterly Update
- 4) Legal Update – Randall E. Ravitz, Pauline Nguyen and Annie E. Lee
 - a) Overview of U and T visas and potential update to the Victim Resources webpage
 - b) Agency Certification Initiative
 - i) Discussion of draft standard on officer response procedures
- 5) Division of Standards Update – Matthew P. Landry
 - a) Streamlined Process for Submitting Complaints

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- 6) Matters not anticipated by the Chair at the time of posting
- 7) Executive Session in accordance with the following:
 - 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 matters relating to preliminary inquiries and initial staff review concerning whether to initiate such inquiries, 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-2025-006
- b) Division of Standards request to enter voluntary decertification, suspension or disposition agreement in the following cases:
 - i) PI-2023-04-13-008
 - ii) PI-2024-075
 - iii) PI-2023-09-14-001
- c) Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
 - i) PI-2025-042
- d) Approval of the minutes of the Executive Session of July 17, 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

July 17, 2025

8:30 a.m.

Via Zoom

Documents Distributed in Advance of Meeting

- June 26, 2025, Public Meeting Minutes
- Executive Director Report
- Memo regarding the finance and administrative update
- Memo regarding the diversity statistics update
- Chart and memo regarding officer recertification and physical fitness
- Draft policy concerning the submission of information to the National Decertification Index (“NDI”)
- Letter from Dennis J. Galvin, President of the Massachusetts Association for Professional Law Enforcement (“MAPLE”)

1. Call to Order

- The meeting began at 8:34 a.m.
- Commission Chair Margaret R. Hinkle took a roll call of the Commissioners present. The roll call proceeded as follows:
 - Chair Hinkle – Present
 - Commissioner Hanya H. Bluestone – Present
 - Commissioner Lawrence Calderone – Present
 - Commissioner Eddy Chrispin – Present
 - Commissioner Deborah Hall – Present
 - Commissioner Marsha V. Kazarosian – Present
 - Commissioner Charlene D. Luma – Present
 - Commissioner Clyde Talley – Present
- Chair Hinkle noted that Commissioner Baker was absent from the meeting and recognized that a quorum was present.

2. Approval of Minutes

- Chair Hinkle asked for a motion to approve the June 2025 minutes. Commissioner Talley moved to approve the minutes. Commissioner Kazarosian seconded the motion.
- The Commissioners voted unanimously to approve the June 2025 public meeting minutes.

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

- Executive Director Zuniga began his report by reminding the public 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 website.
- Executive Director Zuniga reported that the Commission received positive public comments on Dr. Tracie Goodness’s and Commissioner Bluestone’s presentations on officer behavioral health.
- He highlighted a letter from Dennis Galvin, President of MAPLE, which emphasized the need for behavioral health standards not only for officers but also for their supervisor. The letter was included in the meeting materials.

- Executive Director Zuniga provided a certification update and stated as follows.
 - As of July 6, 2025, the Commission received 7,489 applications for recertification. Among the processed applications, the certification outcomes were categorized as follows:
 - 6,764 were certified;
 - 379 were conditionally certified;
 - 219 were certified as school resource officers;
 - 17 were conditionally certified as school resource officers;
 - 105 were under further review; and
 - 5 were not certified.
 - Wareham Police Department had a pending submission and was granted an extension under the Commission’s regulations.
 - Five officers were categorized as “not certified” due to administrative suspensions for failure to complete in-service training.
 - Agencies were asked to confirm submission of non-minor disciplinary records as part of the first recertification cycle. Several agencies submitted outstanding records, covering approximately 75 officers.
 - Approximately 849 officers with last names A through H had expired certifications. These individuals were unassociated with any agency, and no agency submitted updated information for them.
 - An additional 609 officers were unassociated and had certifications marked as restricted until further notice.
 - Expired certifications will be publicly reported for 90 days.
 - Agencies were informed of these classifications and instructed to contact the Commission when considering hiring any officer listed as expired or restricted.
 - Officers with restricted certifications will remain in that status indefinitely unless updated by future developments, such as expiration or other formal action.
- Executive Director Zuniga then provided a finance and administrative update for FY25 and discussed budget planning for FY26. He reported the following.
 - The revised spending estimate for FY25 is \$8.07 million, with reversions estimated between \$620,000 and \$674,000.
 - Agency headcount remained at 51 employees, with three open positions.
 - The Internal Control Plan was recently updated and published by the finance team and Internal Control Working Group in alignment with the Office of the Comptroller’s guidance.
 - The Commission’s initial FY26 budget request of \$9.49 million represented an 8% increase over FY25 to support new initiatives and hires.
 - In January 2025, the Governor’s budget funded the Commission at \$8.92 million. This was supported by the House Ways and Means and Senate Ways and Means budgets.
 - The Commission’s final budget was later reduced to \$8.83 million.
 - This reduction likely reflects broader budgetary caution in anticipation of potential federal funding cuts, despite the Commission not being federally funded.
- Executive Director Zuniga then provided a FY26 budget outlook. He stated as follows.
 - The Commission would continue to manage part-time staff, refine salary estimates, limit late-year fellowships, and reduce consultant costs.

- Projected FY26 spending is \$8.74 million, potentially leaving less than \$100,000 in reversions.
- As of July 2025, the Commission's organizational chart indicated potential restructuring, shifting from a consultant-heavy approach to in-house resources.
- No staff reductions were anticipated.
- Executive Director Zuniga concluded by discussing the Commission's diversity metrics, stating that there were minimal changes compared to the previous report.
- Chair Hinkle commended the thorough presentation and recognized the Commission staff's achievements since the Commission's inception. She then turned the floor over to General Counsel Randall E. Ravitz.

4. Legal Update – General Counsel Ravitz, Counsel Annie E. Lee

- General Counsel Ravitz began the legal update by introducing the topic of officer recertification. He stated the following:
 - The Commission is required by statute to evaluate law enforcement officers every three years to determine if they meet recertification requirements.
 - Initial recertification regulations were adopted early in the certification program to accommodate its newness and were intended to be revised over time.
 - The Commission established a Certification Policy Subcommittee, chaired by Commissioner Calderone and including Commissioner Bluestone and Commissioner Kazarosian, to consider revisions to the recertification process.
 - The Subcommittee met publicly under the Open Meeting Law, received verbal and written comments, and approved a draft set of revised regulations for the Commission's consideration.
 - The draft identified areas requiring further review, including character and fitness standards and the statutory requirements for physical and psychological fitness evaluations.
- General Counsel Ravitz stated that they were hoping to receive input from the Commission on preferred approaches so that a revised draft of the recertification regulations could be finalized for review and eventual vote.
- He noted that any approved draft would proceed through the required public notice and comment process, during which the public could submit additional input.
- General Counsel Ravitz concluded by turning the floor over to Counsel Lee to discuss physical fitness requirements.
- Counsel Lee began her discussion on officer physical fitness requirements for recertification. She stated the following:
 - At the May 2025 Commission meeting, Counsel Lee presented a chart outlining potential initiatives for setting physical fitness standards and evaluations.
 - The chart, included in the meeting materials, provided information on physical fitness initiatives. The initiatives were grouped into three main categories:
 - Informational initiatives: wearable health trackers, nutrition education, and wellness education.
 - Incentive and resource initiatives: on-site and off-site fitness opportunities, fitness instructor training, fitness competitions, incentives, on-site healthy food options, and health and fitness-focused personnel.

- Examination and evaluation initiatives: medical exams and evaluations, medical clearance reports, physical fitness tests, functional capacity evaluations, physical ability tests, and body composition standards.
 - These initiatives provide both methods to evaluate officers' physical fitness as required by statute and resources to support officers in maintaining fitness leading up to evaluations.
- Counsel Lee requested input from Commissioners regarding which initiatives they view as beneficial or detrimental for establishing physical fitness standards and evaluations.
- She emphasized that feasibility alone should not determine the Commission's choices, noting that some more challenging initiatives may still be worth pursuing in the short or long term.
- Chair Hinkle thanked Counsel Lee and suggested beginning the discussion with input from law enforcement Commissioners, specifically Commissioner Chrispin and Commissioner Calderone, following remarks from Executive Director Zuniga.
- Executive Director Zuniga provided context regarding existing requirements for officers with breaks in service. He stated as follows.
 - Officers with a break in service for five or more years must complete a full academy program, including a psychological and physical evaluation.
 - Breaks between three and five years require classroom testing and updates on missed in-service training, but no physical test.
 - Breaks of less than three years only require catching up on missed in-service training.
- He emphasized that while these provisions exist, there are currently no ongoing physical fitness requirements for actively serving officers.
- He discussed research showing that officers enter the profession in above-average physical condition but tend to leave less fit than the general population. He underscored the need to address physical fitness throughout an officer's career.
- Commissioner Chrispin emphasized his longstanding concerns about declining physical fitness among officers after academy graduation, noting its link to stress, reduced life expectancy, and diminished job performance.
- He advocated for offering incentives in a way that encourages fitness and highlighted the importance of officers understanding its impact on both career longevity and post-retirement health.
- Commissioner Calderone expressed union perspectives, supporting initiatives such as nutrition education, on-site and off-site fitness opportunities, and annual wellness visits conducted by personal physicians to maintain privacy.
- He stressed the need for departmental buy-in to fund these fitness initiatives and highlighted challenges posed by staffing shortages and officers working long shifts.
- Commissioner Calderone noted strong support among officers for improving long-term health resources and urged continued input from unions and rank-and-file officers.
- Commissioner Bluestone questioned whether educational initiatives, such as nutrition or wellness programs, have demonstrated measurable outcomes in changing officer behavior.
- Counsel Lee responded to Commissioner Bluestone and stated that she would follow up with additional information.

- Commissioner Luma supported including a physical fitness component but raised concerns about imposing strenuous requirements on long-serving officers.
- She suggested options such as annual wellness checks for veteran officers or adjusted fitness standards, while maintaining full requirements for newer officers.
- Commissioner Chrispin highlighted the Boston Police Academy's successful fitness and nutrition education programs, noting their benefits for camaraderie and efficiency.
- He emphasized the need for leadership support and incentives, such as allowing workouts during shifts, to sustain fitness initiatives beyond education alone.
- Executive Director Zuniga suggested using individualized, anonymized health metrics comparing officers to their peers as a motivational, non-punitive tool to encourage positive fitness habits, while acknowledging concerns about privacy and data use.
- Commissioner Calderone reiterated union support for health initiatives but emphasized that age, injuries, and long-term service impact fitness.
- He cautioned against applying uniform standards to older officers and suggested that discussions with legislators about retirement age or modified standards may be necessary to ensure realistic and fair expectations.
- Commissioner Hall supported Commissioner Calderone's concerns and raised issues of age, gender, injuries, rest, and fitness expectations. She asked whether unions have discussed alternative standards or accommodations that could address these challenges while maintaining minimum fitness levels necessary for service.
- Commissioner Calderone referenced his experience with the Boston Police Patrolmen's Association and stated that he wanted to make that known to the public.
- He emphasized the need for realistic, age-appropriate standards tied to actual job duties and expressed that he felt these standards should be developed by police officers.
- He further stated that if such standards ultimately force an officer to retire early, there must be provisions to support them and their families.
- Commissioner Talley asked whether there could be minimum fitness criteria applicable regardless of age, with options to transition officers unable to meet those standards into a more administrative role.
- Commissioner Calderone agreed, reiterating that standards should reflect practical job functions and accommodate officers with injuries through reassignment.
- Commissioner Bluestone emphasized support for implementing a physical fitness standard despite its challenges, citing evidence that decreased fitness correlates with increased use of force.
- She argued that because law enforcement work contributes to health risks, the Commission has an obligation to integrate physical fitness and wellness into the job.
- Executive Director Zuniga noted that any standard should avoid a pass-fail model that could put an officer's certification status at risk if the standards were not met.
- He suggested an approach similar to behavioral health wellness checks, where attendance is required but outcomes remain confidential.
- Executive Director Zuniga added that, based on the Commission's research, the profession is shifting away from the Cooper test toward physical abilities tests focused on job-specific tasks.

- Commissioner Chrispin expressed concerns about officers gaining significant weight shortly after academy graduation. He stressed that policing is a physically demanding job requiring readiness from all sworn officers.
- Chair Hinkle observed that the discussion fulfilled the request from staff to gather the Commissioners' perspectives, providing substantial input for formulating a realistic and effective standard to be presented for future consideration.
- Commissioner Calderone reiterated his position that any standard must be realistic, applied uniformly across all officers, and paired with plans to address compensation or support for officers who cannot meet the standard after years of service due to job-related wear and injury.
- Chair Hinkle thanked Commissioner Calderone and turned the floor over to General Counsel Ravitz for the next item on the agenda.
- General Counsel Ravitz revisited the proposed policy on information in the NDI, introduced at the May public meeting. He explained as follows.
 - While the NDI is named for decertifications, it also includes lesser actions such as suspensions, probation, voluntary relinquishments, denials of certification, and pending investigations.
 - Under the proposed policy, only revocations of certification or actions substantially equivalent to decertification would automatically render an officer ineligible for certification or employment.
 - Other types of information in the NDI could still be considered by the Commission but would not constitute automatic decertification.
 - Massachusetts law enforcement agencies must report all NDI-related information they become aware of to the Commission.
 - Only the Executive Director of the Commission or a designee may enter or modify Massachusetts-related NDI information.
- He concluded by noting that only the certifying agency in the relevant jurisdiction can enter or alter NDI records and requested a Commission vote to approve the policy.
- As there were no questions, Chair Hinkle asked for a motion to approve the policy. Commissioner Kazarosian moved to approve the policy and Commissioner Calderone seconded the motion.
- A roll call vote was taken and the Commissioners unanimously voted to adopt the policy concerning the submission of information to the NDI and the treatment of information contained therein.

5. Matters Not Anticipated by the Chair at the Time of Posting

- There were no matters not anticipated by the Chair at the time of 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;

and M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, § 22(f) and (g), in anticipation of discussion and approval of the minutes of the prior executive session.

- Chair Hinkle stated that:
 - The Commissioners will be discussing reports of preliminary inquiries in five cases.
 - They will also be considering an update on a preliminary inquiry matter that they have already addressed and requests from the Division of Police Standards to approve preliminary inquiries in five cases.
- Chair Hinkle asked for a motion to enter executive session. A Commissioner moved to enter executive session, and Commissioner Talley seconded the motion.
- Chair Hinkle took a roll call vote on the motion. The motion unanimously carried.
- She then informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- Executive Director Zuniga reminded members of the public that they can send comments and find contact information through the Commission website.
- Chair Hinkle 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 9:46 a.m.

Summary of Matters Voted on by the Commission

- Approval of minutes of June 26, 2025, meeting.
 - The Commission voted to approve the minutes included in the meeting packet.
- Policy concerning the submission of information to the NDI and the treatment of information contained therein.
 - A roll call vote was taken and the Commissioners unanimously voted to adopt the policy.

3.



Executive Director Report

August 14, 2025

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Agenda

1. Certification Update
2. Disciplinary Records Update
3. Complaints & Incident Reports Quarterly Update

Certification Update



Certification Figures as of August 6, 2025 (A-H)

Category	Total
Certification Applications Submitted	7,616
Certified	6,921
Conditionally Certified	360
Certified – School Resource Officer (SRO)	221
Conditionally Certified – SRO	17
Not Certified	17
Restricted	12
Further Review	68

Certification Update



Additional Certification Details

- All agencies have submitted certification information
- Most certification notices have been sent out to agencies and individuals, including SRO certifications
- Officers in the suspended category do not receive notification if their certification expire (i.e., A-H) and continue suspended until further developments of their case
- Certification team continuously updates records (i.e., if officer retires in July, an officer may be certified and upon retirement move to “restricted”)
- Certification time frames are 3+ years (to align to officer’s birth month)

Certification Update



Unassociated Officers (A-H) Certification Expired

Restricted Subcategory	Total
Retired	746
Resigned	280
Retired in Lieu of Discipline	19
Resigned in Lieu of Discipline	47
Terminated	27
Total	1,119

Certification Update



Unassociated Officers (I-Z), Certification Restricted

Restricted Subcategory	Total
Retired	332
Resigned	233
Retired in Lieu of Discipline	9
Resigned in Lieu of Discipline	51
Terminated	22
Total	647

Disciplinary Records Update



Public Database – Complaints & Incident Reports

Date	Historical (HDR)	Catch-Up Project	Portal	Total
July 2024	3,763	69	--	3,832
November 2024	3,819	252	82	4,153
March 2025	3,898	292	162	4,352
July 2025	4,038	317	419	4,774

- Steady increase of complaints published in each category
- Complaints submitted to the portal will soon take over as main source of new information
- August 2025: 240 complaints in next release

Complaints & Incident Reports



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

November 2024	February 2025	May 2025	August 2025
14 Agencies 18 complaints/incidents Wareham (3) Lawrence (2) Mass State Police (2) 15 Agencies (1)	11 Agencies 24 complaints Boston (9) Wareham (3) Western NEU (3) Mass State Police (2) 7 Agencies (1)	12 Agencies 28 complaints Mass State Police (9) Boston (5) Wareham (3) Palmer (2) Granby (2) 7 Agencies (1)	11 Agencies 33 Complaints Boston (15) Mass State Police (8) Wareham (2) 8 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 *

November 2024	February 2025	May 2025	August 2025
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)	15 Agencies 46 cases Boston (26) Cambridge (6) Mass State Police (2) 12 Agencies (1)	18 Agencies 57 cases Boston (36) Cambridge (2) Mass State Police (2) Pittsfield (2) UMass Dartmouth (2) 13 Agencies (1)

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

** Some cases in each of these columns may be the same case

Complaints & Incident Reports



Average Number of Days where Discipline is Pending*

November 2024	February 2025	May 2025	August 2025
All Agencies: 91 days Boston: 110 days All other Agencies: 61 days	All Agencies: 123 days Boston: 139 days All other Agencies: 103 days	All Agencies: 152 days Boston: 161 days All other Agencies: 134 days	All Agencies: 169 days Boston: 178 days All other Agencies: 154 days

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

** Some cases may appear in more than one timeframe (column)

Complaints & Incident Reports



Cases with Approved Extensions (>90 days to complete I/A)

Cases with Approved Extensions – Agency	# of Cases
Boston PD	122
Mass State Police	50
Cambridge	9
Springfield	5
New Bedford	3
Harvard University PD	2
13 More Agencies	1
Total 20 Agencies	207

Complaints & Incident Reports



Total Cases By Agency

Agency	Overdue Complaints no Extension	Cases w/Approved Extension	Closed Cases w/out Discipline	Total # of Cases / Complaints	Total # of Officers
Boston	15	122	36	173	1,925
Mass State Police	8	50	2	60	2,393
Cambridge	1	9	2	12	289
Springfield	--	5	--	5	487
All Other Agencies *	9	21	17	47	--
Subtotal	33	207	57	297	

* Includes some agencies with 1, 2 or 3 instances (cases)



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4a.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMORANDUM

To: Commissioners
From: Pauline Nguyen, Deputy General Counsel
Date: August 11, 2025
Re: USCIS U visa and T visa Programs—Role of Law Enforcement

This memorandum provides a brief overview of the frameworks governing the U nonimmigrant status (U visa) for victims of qualifying criminal activity and T nonimmigrant status (T visa) for victims of human trafficking. It explains the eligibility requirements, the procedural mechanisms, and, critically, the role that law enforcement agencies (LEAs) play in supporting applicants for these visas.

U visa

Federal immigration law, 8 U.S.C. § 1101(a)(15)(U), provides immigration relief in the form of the U visa to victims of certain qualifying criminal activities.¹

In order to receive a U visa, a victim, among other things, must suffer substantial physical or mental abuse, and have been helpful, be helpful, or be likely to prove helpful to law enforcement in the investigation or prosecution of a crime. Additionally, a U visa application requires a form of certification as part of the application process, demonstrating the applicant's victimization and cooperation with authorities. Applicants must submit [Form I-918, Supplement B](#), a certification completed by a certifying agency, as defined by 8 C.F.R. § 214.14. This form confirms that the applicant is a victim of a qualifying crime and has been, is being, or is likely to be helpful in the investigation or prosecution of that crime. It is a required component of the U visa application.

¹ A federal regulation, 8 C.F.R. § 214.14(a)(9), states in part that a “qualifying criminal activity” includes the following or similar activities:

Rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.

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A U visa provides the victim lawful status for up to four years; provides employment authorization; and may provide lawful status to qualifying family members.

T visa

Federal immigration law, 8 U.S.C. § 1101(a)(15)(T), also provides the T visa to victims of severe forms of human trafficking, including:

- Sex trafficking, in which a person is induced to perform a commercial sex act through force, fraud, or coercion (or if the person is under 18); and
- Labor trafficking, involving the recruitment, harboring, or transportation of persons for labor or services through force, fraud, or coercion.

This visa may also extend to certain qualifying family members.

To be eligible for a T visa, an applicant, among other requirements, must have been or be a victim of a severe form of trafficking; have complied with any reasonable request for assistance in the investigation or prosecution of trafficking (exceptions exist for minors and victims with trauma); and be at risk of suffering extreme hardship involving unusual and severe harm if removed from the U.S.² An applicant for a T visa may submit a [Form I-914, Supplement B, Declaration for Trafficking Victim](#), or submit other evidence. While not required, this supplement can significantly strengthen a T visa application by supporting the applicant's account of trafficking and cooperation with authorities.

Massachusetts Law

Massachusetts enacted M.G.L. c. 258F in 2021, to ensure statutory due process for immigrant victims applying for U and T visas. The law requires state and local certifying entities—such as police departments and district attorneys—to adopt uniform internal policies “for completing and signing nonimmigrant status certification forms for [victims petitioning for a U visa or a T visa].”³ The law requires a certifying entity to respond to a petitioner within 90 days after receiving a request for certification, by

- (i) completing and signing the certification forms;

² 8 C.F.R. § 214.202.

³ M.G.L. c. 258F, § 2.

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- (ii) issuing a written denial of the request, without prejudice, informing the victim of the reason that the request does not meet the requirements of the certifying entity's policy ... ; or
- (iii) in extenuating circumstances outside the control of the certifying entity that prevent the certifying entity from responding to the certification request in the required time period, issuing a written explanation of the delay, the process the certifying entity will undertake to respond, and a projected time frame for such response.

Role of Law Enforcement

At the federal level, both U and T visa programs rely on cooperation by the certifying entity, including LEAs: U visa mandates certification; T visa strongly favors law enforcement assistance, though exceptions exist for trauma or minor applicants. Massachusetts law, M.G.L. c. 258F, reinforces these programs by imposing procedural guardrails on LEAs, including standardized policy adoption and response timelines. It provides critical protections not provided under federal law. Agencies must certify—or formally respond—even absent uniform federal guidance.

Massachusetts police departments play a vital role in both the U and T visa application processes, particularly through the completion of a law enforcement certification form. There are certain considerations for LEAs on this topic: certification is voluntary; however, it can be a powerful tool to encourage victim cooperation, increase trust in law enforcement, and improve successful prosecution of crimes. LEAs must develop policies for reviewing and completing certification requests to ensure consistency and accountability. They must also respond to certification requests in a timely manner. LEAs must handle requests and victim information with sensitivity and confidentiality, recognizing the vulnerability of crime victims, especially those with immigration concerns. The U.S. Citizenship and Immigration Services and its parent agency, the Department of Homeland Security, among others, have pointed out the benefits of certifying a victim, including that it is part of a victim-centered approach, creates trust within the community, and encourages others to report serious crimes

* * *

U and T visas serve as essential humanitarian tools to protect noncitizen victims of crime and trafficking, while simultaneously strengthening law enforcement efforts to investigate and prosecute serious criminal activity. Law enforcement certifications are often decisive in the

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success of these visa applications. As such, LEAs play a critical supportive role in ensuring access to immigration relief for victims who are instrumental in criminal investigations.



USCIS U Visa and T Visa Programs—Role of Law Enforcement

August 14, 2025



U Visa

Federal immigration law provides immigration relief in the form of the U visa to victims of certain qualifying criminal activities.

8 C.F.R. § 214.14(a)(9), states in part that a “qualifying criminal activity” includes the following or similar activities:

rape;
torture;
trafficking;
incest;
domestic violence;
sexual assault;
abusive sexual
contact;
sexual exploitation;
female genital
mutilation;

being held hostage;
peonage;
involuntary servitude;
slave trade;
kidnapping;
abduction;
unlawful criminal
restraint;
false imprisonment;
blackmail;
extortion;

manslaughter;
murder;
felonious assault;
witness tampering;
obstruction of justice;
perjury; or
attempt, conspiracy, or
solicitation to commit any
of the above mentioned
crimes.



U Visa (cont'd)

Eligibility: A victim, among other requirements:

- must suffer substantial physical or mental abuse, and
- must have been helpful, be helpful, or be likely to prove helpful to law enforcement in the investigation or prosecution of a crime.

Benefits of a U visa:

- provides the victim lawful status for up to four years;
- provides employment authorization; and
- may provide lawful status to qualifying family members.



U Visa Certification

U visa application requires certification by a “certifying agency.”

- Form I-918, Supplement B
- “Certifying agency” is defined by 8 C.F.R. § 214.14 and includes a local law enforcement agency, such as a police department.

This form confirms that the applicant is a victim of a qualifying crime and has been, is being, or is likely to be helpful in the investigation or prosecution of that crime.



T Visa

- Federal immigration law also provides T visa to victims of severe forms of human trafficking, including:
 - **Sex trafficking**, in which a person is induced to perform a commercial sex act through force, fraud, or coercion (or if the person is under 18); and
 - **Labor trafficking**, involving the recruitment, harboring, or transportation of persons for labor or services through force, fraud, or coercion.
- This visa may also extend to certain qualifying family members.



T Visa (cont'd)

- Eligibility: An applicant, among other requirements, must
 - have been or be a victim of a severe form of trafficking;
 - have complied with any reasonable request for assistance in the investigation or prosecution of trafficking (exceptions exist for minors and victims with trauma); and
 - be at risk of suffering extreme hardship involving unusual and severe harm if removed from the U.S. 8 C.F.R. § 214.202.



T Visa Certification

To apply for a T visa, an applicant must provide evidence to establish that the applicant complied with any reasonable request for assistance from law enforcement (or that the applicant qualifies for an exception or exemption).

The applicant may submit a Form I-914, Supplement B, Declaration for Trafficking Victim, or submit other evidence.

While not required, this supplement can significantly strengthen a T visa application by supporting the applicant's account of trafficking and cooperation with authorities.



Massachusetts Law: U Visas and T Visas

- Massachusetts enacted **M.G.L. c. 258F** in 2021, requiring state and local certifying entities—such as police departments—to adopt policies “for completing and signing nonimmigrant status certification forms for [victims petitioning for a U visa or a T visa].”
- The law also requires a certifying entity to respond to a petitioner within 90 days after receiving a request for certification, by
 - completing and signing the certification forms;
 - issuing a written denial of the request; or
 - issuing a written explanation of the delay, the process the certifying entity will undertake to respond, and a projected time frame for such response.



Role of Law Enforcement

Massachusetts police departments play a vital role in both the U and T visa application processes, particularly through the completion of a law enforcement certification form.

Considerations:

- Certification is voluntary; however, it can be a powerful tool to encourage victim cooperation, increase trust in law enforcement, and improve successful prosecution of crimes.
- LEAs must develop policies for reviewing and completing certification requests to ensure consistency and accountability.
- LEAs must respond to certification requests in a timely manner.
- LEAs must handle requests and victim information with sensitivity and confidentiality, recognizing the vulnerability of crime victims, especially those with immigration concerns.
- USCIS and its parent agency, DHS, among others, have pointed out the benefits of certifying a victim, including that it is part of a victim-centered approach, creates trust within the community, and encourages others to report serious crimes.



POST Commission Webpage: Victim Resources

<https://mapostcommission.gov/about-post/contact-us/victim-resources/>



DISCIPLINE & STATUS RECORDS ▾

CERTIFICATION ▾

ABOUT POST ▾

FOR LAW ENFORCEMENT AGENCIES

Victim Resources

If you have been a victim of a crime or experienced a traumatic event, visit the resources below to explore available support options.

Report Police Misconduct

- Members of the public can use the online [Police Officer Complaint Form](#) to report police misconduct to the **POST Commission**.

Services for Crime Victims

- **The Massachusetts Office of Victim Assistance (MOVA)** offers free and accessible services to help victims and families recover from violent crimes. Their online resource, [AskMOVA](#), connects victims, survivors, and service providers with local support services that are convenient, safe, and accessible.
- **The Department of Criminal Justice Information Services (DCJIS)** and **The Massachusetts Department of Correction** provide a confidential notification service for crime victims or those affected by a crime. Register to receive updates about an offender and



POST Commission Webpage: Victim Resources (cont'd)

Sample language for webpage:

Visas for Crime Victims

- [The United States Citizenship and Immigration Services](#) offers two types of visas for victims of certain crimes and their qualifying family members:
 - T visas, which are offered to victims of severe forms of human trafficking, and
 - U visas, which are offered to victims of certain crimes, including domestic violence, sexual assault, hate crimes, human trafficking, involuntary servitude, and other serious offenses.
- T and U visas may provide protection from deportation and eligibility for work authorization, as well as a waiver for most immigration violations.
- To be eligible, victims must receive certification from a qualifying agency by completing either a [I-914B form](#) (for T visas) or a [I-918 form](#) (for U visas). Police departments involved in the investigation of a crime can provide these certifications in accordance with M.G.L. c. 258F.
- [Several Massachusetts-based organizations](#) offer low-cost or free immigration legal services and may be able to assist with the T or U visa application process. [Other resources](#) for can be found through the Massachusetts Office for Refugees and Immigrants.



THANK YOU!

4bi.



LAW ENFORCEMENT AGENCY (“LEA”) CERTIFICATION

Annie E. Lee, Counsel
August 2025



OFFICER RESPONSE PROCEDURES

Process:

- April 2025 - Initial presentation to Commission
- July 2025 - Feedback from MPTC

Key elements:

- Key principles
- Officer conduct
- Responding to vulnerable people
- Different response models
- Investigatory and traffic stops
- Enforcement quotas
- Immigration matters
- Critical incidents
- Motor vehicle pursuits
- Body-worn cameras and vehicle recording systems
- Training



DEFINITION OF “CRITICAL INCIDENT”

Prior
Definition:

A sudden or progressive development or event that requires immediate law enforcement attention and decisive action to prevent or minimize any negative impact on the health, safety, or welfare of others. Critical incidents include disaster related emergencies; active shooter scenarios; hostage or other search and rescue operations; and anti-terrorism efforts.

Revisions:

A sudden or progressive development or event that requires immediate law enforcement attention and decisive action to prevent or minimize any negative impact on the health, safety, or welfare of a law enforcement officer or another. ~~others. Critical incidents include disaster related emergencies; active shooter scenarios; hostage or other search and rescue operations; and anti-terrorism efforts.~~

Proposed
Definition:

A sudden or progressive development or event that requires immediate law enforcement attention and decisive action to prevent or minimize any negative impact on the health, safety, or welfare of a law enforcement officer or another.



DEFINITION OF “DEVELOPMENTALLY AND AGE APPROPRIATE, TRAUMA INFORMED, RACIALLY EQUITABLE, AND CULTURALLY RELEVANT TACTICS AND TECHNIQUES”

Proposed
Definition:

Tactics and techniques that take into account an individual’s contextual factors, including, but not limited to, mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency’s history with the public. Such tactics and techniques include, but are not limited to, tactics and techniques consistent with the Commission’s guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).



OFFICER CONDUCT

Prior
Provision:

Explain to any complainant, respondent, and other individuals present at the scene how they may follow up on, raise concerns about, or file a complaint about the agency, the officer, or the agency's and/or officer's response;

Provide to any complainant, respondent, and other individuals present at the scene, when time and circumstances reasonably permit, the officer's name, badge number or equivalent number, agency name, and agency telephone number; and

Revisions:

When circumstances reasonably dictate, including upon request or an expression of dissatisfaction, eExplain to any complainant, respondent, and other individuals present at the scene how they may follow up on, raise concerns about, or file a complaint about the agency, the officer, or the agency's and/or officer's response;

Provide to any complainant, respondent, and other individuals present at the scene, when time and circumstances reasonably permit, the officer's name, badge number or equivalent number, agency name, and agency telephone number; and

Proposed
Provision:

When circumstances reasonably dictate, including upon request or an expression of dissatisfaction, explain to any complainant, respondent, and other individuals present at the scene how they may follow up on, raise concerns about, or file a complaint about the agency, the officer, or the agency's and/or officer's response;



ADMINISTRATION OF PHARMACOLOGICAL AGENTS

Prior Provision:	Set forth specific and comprehensive requirements concerning the administration of sedatives and pharmacological agents, including ketamine, outside a hospital setting by officers;
Revisions:	<p>Set forth specific and comprehensive requirements concerning the administration of <u>permissible pharmacological agents</u>sedatives and pharmacological agents, including <u>naloxone</u>ketamine, outside a hospital setting by officers;</p> <p><u>Prohibit the administration of prohibited pharmacological agents and sedatives, including ketamine, in accordance with M.G.L. c. 94C, § 9;</u></p>
Proposed Provision:	<p>Set forth specific and comprehensive requirements concerning the administration of permissible pharmacological agents, including naloxone, outside a hospital setting by officers;</p> <p>Prohibit the administration of prohibited pharmacological agents and sedatives, including ketamine, in accordance with M.G.L. c. 94C, § 9;</p>



ENFORCEMENT QUOTAS

Proposed
Provision: | Include a sub-policy or provision concerning the use of or
prohibition against enforcement quotas;



IMMIGRATION MATTERS

Include a sub-policy or provision concerning involvement in immigration matters, which shall address:

1. Requirements and/or restrictions concerning immigration enforcement; and
2. Assistance with acquiring a U or T Visa, which shall:
 - a. Include a policy for completing and signing U or T nonimmigrant status certification forms in accordance with M.G.L. c. 258F, § 2; and
 - b. Direct the agency to respond to such a request for a U or T nonimmigrant status certification form in accordance with the requirements of M.G.L. c. 258F, § 3;

Proposed
Provision:



DEACTIVATION OF BODY-WORN CAMERAS AND VEHICLE RECORDING SYSTEMS

Prior
Provision:

Sets forth comprehensive and specific requirements concerning the deactivation of an officer's body-worn camera or in-car audio- or video-recording system, which shall not permit the solely and purely discretionary decision to deactivate the officer's body-worn camera or in-car audio- or video-recording system by the same officer;

Revisions and
Proposed
Provision:

Sets forth comprehensive and specific requirements and/or restrictions concerning the deactivation of an officer's body-worn camera or in-car audio- or video-recording system, which, among other things, may allow for deactivation when:

a. Entering a location where an individual has a reasonable expectation of privacy, but only where the individual who holds the expectation of privacy does not consent to the use of an officer's body-worn camera, the officer does not have a warrant to enter such a location, and no exigent circumstances exist;

b. Interacting with an individual who is the alleged victim of a crime, but only where such individual does not consent to the use of an officer's body-worn camera or in-car audio- or video-recording system; and

c. Interacting with an individual who seeks to anonymously make a report or assist in an ongoing law enforcement investigation, but only where such individual does not consent to the use of an officer's body-worn camera or in-car audio- or video-recording system;

but which shall not permit the solely and purely discretionary decision to deactivate the officer's body-worn camera or in-car audio- or video-recording system by the same officer;



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



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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

CC: Enrique A. Zuniga, Executive Director
Randall E. Ravitz, General Counsel

From: Annie E. Lee, Counsel

Re: Law Enforcement Agency Certification Standards – Officer Response Procedures

Date: August 11, 2025

Under Massachusetts General Laws chapter 6E, section 5(b), the Commission is directed to develop at least eight agency certification standards, of which “officer response procedures” is one.

Enclosed for the Commission’s review is a revised draft officer response procedures standard. This standard is presented to the Commission for further discussion and feedback; it is **not** presented to the Commission for preliminary approval.

This standard was last before the Commission during its April 2025 meeting, when it was presented for the Commission’s initial discussion and feedback. The Commission had a robust discussion and provided detailed feedback. Following that meeting, Commission staff sought feedback from the Municipal Police Training Committee (“MPTC”) and its staff, as required under M.G.L. c. 6E, § 5(b). The MPTC provided its feedback during its July 2025 meeting.

The revised draft enclosed for the Commission’s review reflects proposed revisions based on feedback and suggestions provided by the Commission during its April 2025 meeting, the MPTC during its July 2025 meeting, and Commission staff. Those proposed revisions are as follows:¹

¹ The proposed revisions described in this memorandum do not include non-substantive revisions made to clarify or reorganize the draft standard.

- Definitions.
 - “Critical Incident.” Commissioners, during the Commission’s April 2025 meeting, sought clarification as to whether “critical” referred to the nature of certain events or to the impact that certain events may have on officers and their wellbeing. To recognize that certain events may both be inherently critical in nature *and* have profound impact on responding officers, the definition of “critical incident” is revised to acknowledge both.
 - “Developmentally and Age Appropriate, Trauma Informed, Racially Equitable, and Culturally Relevant Tactics and Techniques.” The draft standard, as initially presented and revised, refers to the use of “developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant” tactics and techniques.² The modifier, “developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant,” originates from the Commission’s previously issued guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021); see St. 2020, c. 253, §§ 22, 119. MPTC staff sought clarification as to what such tactics and techniques may be. Given that what may be developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant depends on the individuals involved and circumstances surrounding a particular interaction, the revised draft seeks to define such tactics and techniques by suggesting that tactics and techniques are developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant when officers utilize their critical thinking skills to examine how they may adjust their tactics and techniques to better meet the needs of the particular individual with whom they are interacting. Those needs may be informed by the particular individual’s contextual factors, including mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency’s history with the public.
- Officer conduct. The draft standard as presented to the Commission during its April 2025 meeting called on officers to proactively explain how members of the public may follow up on, raise concerns about, or file a complaint about the agency, the officer, and/or the response. The intent of the proactive requirement was to lower barriers and reduce intimidation that may otherwise prevent a member of the public from seeking more information about or redress from an interaction with an officer. The larger goal of the proactive requirement was to increase transparency and improve public confidence and trust in officers and policing. The MPTC and its staff, however, raised concerns about the practicality of a proactive requirement and the potential negative impact a proactive requirement may have on officers’ morale. In an attempt to balance the intent of this section with the MPTC’s concerns, the draft standard proposes revising such a

² The preliminarily approved draft use of force standard also refers to the use of such tactics and techniques.

requirement so that officers are required to: (1) proactively provide their name, badge number, and contact information, when time and circumstances reasonably permit; and (2) explain how members of the public may follow up on, raise concerns about, or file a complaint about the agency, the officer, and/or the response when circumstances reasonably call for such an explanation, including upon request or an expression of dissatisfaction.

- Administration of pharmacological agents. The prior draft standard directed agencies to, as part of a sub-policy or provision concerning interactions with vulnerable persons, set forth requirements concerning the administration of sedatives and pharmacological agents, including ketamine, outside a hospital setting by officers. In other words, the prior draft standard directed agencies to address how officers would administer sedatives and pharmacological agents outside a hospital setting, if at all. This directive was based on the May 25, 2022 *Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* issued by the President of the United States³ and the circumstances surrounding Elijah McClain's death in Colorado in 2019. The MPTC and its staff raised concerns that the language of the standard would be read by agencies to imply that agencies should carry, and officers should be permitted to administer, sedatives and pharmacological agents outside of hospital settings, even those that are controlled substances under Massachusetts law, including ketamine. The revised draft standard seeks to clarify that agencies should: (1) set forth requirements concerning *only* the administration of *permissible* pharmacological agents, such as naloxone; and (2) prohibit the administration of *impermissible* pharmacological agents, as defined by Massachusetts law, including ketamine.
- Enforcement quotas. Commission staff raised concerns about the use of enforcement quotas by agencies. To increase transparency and correct any misconceptions regarding an agency's use or non-use of enforcement quotas, the revised draft standard suggests that agencies should memorialize in writing their policy concerning the use of or prohibition against enforcement quotas.
- Immigration matters.
 - Immigration enforcement. In recent months, communities in the Commonwealth have experienced an increase in immigration enforcement activities. This increase has, at times, led to questions about state and local law enforcement cooperation with such activities. Because cooperation by state and local law enforcement with such activities is voluntary and municipalities and agencies have passed and adopted various bylaws, department rules, regulations, and policies concerning such cooperation, the revised draft standard suggests that, as a matter of transparency, all agencies in the Commonwealth should address their

³ The Executive Order, among other things, called on the Attorney General and the Health and Human Services Secretary to assess "the risks associated with administering sedatives and pharmacological agents such as ketamine outside of a hospital setting to subdue individuals in behavioral or mental health crisis (including an assessment of whether the decision to administer such agents should be made only by individuals licensed to prescribe them)."

particular agency's role in cooperating, or not cooperating, with immigration enforcement activities.

- U and T visas. The United States Citizenship and Immigration Services offers two types of visas for victims of certain alleged crimes and their qualifying family members: T visas, which are offered to victims of severe forms of human trafficking, and U visas, which are offered to victims of certain crimes, including domestic violence, sexual assault, hate crimes, human trafficking, involuntary servitude, and other serious offenses. Commission staff, in separate research, identified the role of agencies in certifying forms necessary for such individuals to apply for U and T visas. The revised draft standard thus suggests that agencies should, in accordance with the requirements of M.G.L. c. 258F: (1) develop a policy for completing and signing the necessary nonimmigrant status certification forms; and (2) respond to requests to complete and sign nonimmigrant status certification forms.
- De-activation of body-worn cameras and vehicle recording systems. The prior draft standard directed agencies with body-worn cameras and in-car audio- or video-recording systems to set forth requirements concerning the deactivation of such cameras and systems, but in any case prohibited the solely and purely discretionary decision to deactivate the camera or system by the same officer wearing or operating the camera or system. The MPTC sought clarification as to when a deactivation decision would not be solely and purely discretionary, such as when an alleged victim asserts that they do not wish to be recorded. The revised draft seeks to provide greater clarity on when such a deactivation decision would not be solely and purely discretionary, such as in the following circumstances, provided that the recorded individual does not consent to being recorded: entering a location where the recorded individual has a reasonable expectation of privacy; interacting with an alleged victim of a crime; or interacting with an individual who seeks to anonymously make a report or assist in an ongoing investigation.

Commission staff continues to consult with the MPTC and its staff and expects to return this matter to the Commission in due course.

555 CMR 13.00: LAW ENFORCEMENT AGENCY CERTIFICATION STANDARDS

Section

- 13.01: Purpose and Scope
- 13.02: Definitions
- 13.03: Standards
- 13.04: Compliance
- 13.05: Assessment
- 13.06: Maintaining Compliance
- 13.07: Re-Assessment
- 13.08: Waiver
- 13.09: Enforcement and Disciplinary Action
- 13.10: Severability

13.02: Definitions

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

Bias-Free Policing. Bias-Free Policing as defined in M.G.L. c. 6E, § 1.

Consent Search. A warrantless search conducted by an officer after obtaining the voluntary consent of the individual being searched.

Complainant. The individual who initiates a call for service.

Critical Incident. A sudden or progressive development or event that requires immediate law enforcement attention and decisive action to prevent or minimize any negative impact on the health, safety, or welfare of a law enforcement officer or another. ~~others. Critical incidents include disaster related emergencies; active shooter scenarios; hostage or other search and rescue operations; and anti-terrorism efforts.~~

Developmentally and Age Appropriate, Trauma Informed, Racially Equitable, and Culturally Relevant Tactics and Techniques. Tactics and techniques that take into account an individual's contextual factors, including, but not limited to, mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Such tactics and techniques include, but are not limited to, tactics and techniques consistent with the Commission's guidance entitled Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children (2021).

Different Response Model. The practice of utilizing unarmed, professionally trained behavioral health professionals, such as licensed mental health counselors, social workers, clinicians, and peer support specialists, to respond to calls for service, with or without the accompaniment of an officer. Different response models include, but are not limited to, co-response programs, alternative response programs, peer response programs, and crisis intervention teams.

Hate Crime. Hate Crime as defined in M.G.L. c. 22C, § 32.

Investigatory Stop. The stop and brief detention of an individual for the purpose of confirming or dispelling an officer's reasonable, articulable suspicion that the individual has committed, is committing, or is about to commit a crime.

Motor Vehicle Pursuit. The active attempt by an officer in an authorized emergency vehicle to stop the occupant of a moving motor vehicle who is refusing to stop in response to the officer's lawful commands, including the activation of the officer's motor vehicle emergency lights and siren, and is taking actions to avoid apprehension.

~~MPTC. The Municipal Police Training Committee as defined in M.G.L. c. 6, § 116.~~

Officer. A Law Enforcement Officer as defined in M.G.L. c. 6E, § 1.

Probable Cause. Reasonable belief, based on facts and circumstances within an officer's knowledge, that an individual is committing or has committed a crime.

Reasonable, Articulable Suspicion. Suspicion, based on specific and articulable facts within an officer's knowledge, that an individual is committing, has committed, or is about to commit a crime. Reasonable, articulable suspicion is, more than a hunch but ~~which~~ does not rise to the level of probable cause.

Respondent. The individual whom a call for service concerns.

Traffic Stop. The stop and brief detention of a vehicle and its driver or passengers.

Vulnerable Person. A person who is part of a population that is historically and disproportionately at risk of involvement with law enforcement and harm from involvement with the criminal justice system. A person may be vulnerable based on mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and/or the agency's history with the public, such as an individual experiencing a medical, behavioral, mental health, or substance use crisis; an individual experiencing homelessness; an individual who is the alleged survivor of domestic violence, sexual assault, or human trafficking; a youth; an individual with a disability; an individual experiencing poverty; a veteran; an individual who is the alleged subject of a hate crime; an individual who is LGBTQIA2S+; and/or an individual who is part of a racial or ethnic minority.

Youth. An individual under the age of eighteen.

13.03: Standards

Each agency shall develop and implement written policies on the following topics in accordance with the following standards:

[RESERVED FOR STANDARDS ON OTHER SUBJECTS]

- (4) Officer response procedures. An agency's officer response policy shall:
- (a) Direct officers to act in accordance with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3), emphasizing an officer's duty to act professionally and ethically, treat others with dignity and respect, act impartially and avoid the appearance of bias, not harass or discriminate against others based on bias, and act in the best interests of the most vulnerable populations of the public;
 - (b) Direct officers, when responding to a call for service, to:
 - 1. Explain to any complainant and respondent what the officer is doing and why and any applicable next steps, when time and circumstances reasonably permit; and
 - 2. Provide to any complainant, respondent, and other individuals present at the scene, when time and circumstances reasonably permit, the officer's name, badge number or equivalent number, agency name, and agency telephone number; and
 - ~~2.3.~~ When circumstances reasonably dictate, including upon request or an expression of dissatisfaction, e Explain to any complainant, respondent, and other individuals present at the scene how they may follow up on, raise concerns about, or file a complaint about the agency, the officer, or the agency's and/or officer's response;
 - (c) Include a sub-policy or provision concerning interactions with responding to reports involving vulnerable people ~~people~~ persons, as identified by such a person or as perceived to be by an officer, —including, but not limited to, an individual experiencing a medical, behavioral, mental health, or substance use crisis; an individual experiencing homelessness; an individual who is the alleged survivor of domestic violence, sexual assault, or human trafficking; a youth; an individual with a disability; an individual experiencing poverty; a veteran; and an individual who is the alleged subject of a hate crime— which shall:
 - 1. Direct an officer to employ developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant tactics and techniques;
 - 2. Set forth specific and comprehensive requirements and/or restrictions concerning the use of force, consistent with 555 CMR 6.00, the agency's use of force policy developed pursuant to 555

CMR 13.03(1), and any other applicable law, rule, regulation, policy, or judicial or regulatory order;

3. Set forth specific and comprehensive requirements and/or restrictions concerning the use of restraints, including prone restraints;
 4. Direct an officer to provide an appropriate and timely medical response, or otherwise procure appropriate medical assistance in a timely manner, if requested or needed;
 5. Set forth specific and comprehensive requirements concerning the administration of permissible pharmacological agents~~sedatives and pharmacological agents~~, including naloxone~~ketamine,~~ outside a hospital setting by officers;
 - 5.6. Prohibit the administration of prohibited pharmacological agents and sedatives, including ketamine, in accordance with M.G.L. c. 94C, § 9;
 - 6.7. Direct-Encourage officers to ~~consider utilizing~~ utilize appropriate alternatives to arrest, incarceration, and hospitalization, including diversion referrals focused on connecting individuals to care, when time and circumstances reasonably permit;
 - 7.8. Direct officers to make efforts to connect people in need to appropriate support services, when time and circumstances reasonably permit; and
 - 8.9. Comply with any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 41, § 97B;
- (d) If the agency utilizes or has access to a different response model, include a sub-policy or provision concerning the use of different response models, which shall address the circumstances under which a different response model will be used, including when responding to reports involving vulnerable people;
- (e) Include a sub-policy or provision concerning investigatory stops and traffic stops that:
1. Requires an officer to have a reasonable, articulable suspicion, which may not be based solely on an individual's protected characteristics in violation of bias-free policing principles or the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3), that:

- a. The individual they seek to stop is committing, has committed, or is about to commit a criminal offense; or
 - b. A traffic violation has occurred;before initiating the stop; and
 2. Limits the duration and scope of the stop to confirming or dispelling the reasonable, articulable suspicion the stop is based on, unless during the course of the stop the officer develops a reasonable, articulable suspicion or probable cause to believe that another criminal offense has occurred, is occurring, or is about to occur; and
 3. Limits consent searches to situations in which the officer has a reasonable, articulable suspicion to believe that they will find evidence of the criminal offense the stop is based on, unless during the course of the stop the officer develops a reasonable, articulable suspicion or probable cause to believe that there is evidence of another criminal offense;
- (f) Include a sub-policy or provision concerning the use of or prohibition against enforcement quotas;
- (g) Include a sub-policy or provision concerning involvement in immigration matters, which shall address:
1. Requirements and/or restrictions concerning immigration enforcement; and
 2. Assistance with acquiring a U or T Visa, which shall:
 - a. Include a policy for completing and signing U or T nonimmigrant status certification forms in accordance with M.G.L. c. 258F, § 2; and
 - b. Direct the agency to respond to a request for a U or T nonimmigrant status certification form in accordance with the requirements of M.G.L. c. 258F, § 3;
- (f)(h) Include a sub-policy or provision concerning ~~responding to reports of~~ critical incidents;

~~(g)~~(i) Include a sub-policy or provision concerning motor vehicle pursuits that sets forth comprehensive and specific requirements and/or restrictions concerning:

1. The initiation and termination of a motor vehicle pursuit;
2. Inter- or intra-jurisdiction motor vehicle pursuits; and
3. The use of roadblocks or other methods to forcibly stop a motor vehicle;

~~(h)~~(j) If the agency has body-worn cameras or in-car audio- or video-recording systems, include a sub-policy or provision concerning the use of body-worn cameras and in-car audio- or video-recording systems that:

1. Sets forth comprehensive and specific requirements concerning the activation of an officer's body-worn camera or in-car audio- or video-recording system, including when:
 - a. Effectuating a stop, search, seizure, or arrest; and
 - b. Using force~~;~~

2. Sets forth comprehensive and specific requirements and/or restrictions concerning the deactivation of an officer's body-worn camera or in-car audio- or video-recording system, which, among other things, may allow for deactivation when:

- a. Entering a location where an individual has a reasonable expectation of privacy, but only where the individual who holds the expectation of privacy does not consent to the use of an officer's body-worn camera, the officer does not have a warrant to enter such a location, and no exigent circumstances exist;
- b. Interacting with an individual who is the alleged victim of a crime, but only where such individual does not consent to the use of an officer's body-worn camera or in-car audio- or video-recording system; and
- c. Interacting with an individual who seeks to anonymously make a report or assist in an ongoing law enforcement investigation, but only where such individual does not consent to the use of an officer's body-worn camera or in-car audio- or video-recording system;

but -which shall not permit the solely and purely discretionary decision to deactivate the officer's body-worn camera or in-car audio- or video-recording system by the same officer;

2.3. Directs an officer to download or upload new recordings from their body-worn camera or in-car audio- or video-recording system to the agency's designated recording storage system as soon as reasonably possible but not later than the end of the officer's shift;

3.4. Prohibits an officer from editing, altering, or erasing in any manner recordings from a body-worn camera or in-car audio- or video-recording system before the recording has been downloaded or uploaded in accordance with 555 CMR 13.03(4)(h)(3);

4.5. Prohibits an officer from editing, altering, or erasing in any manner any stored recording that has been downloaded or uploaded in accordance with 555 CMR 13.03(4)(h)(3);

5.6. Sets forth comprehensive and specific requirements concerning the security, access, storage, and retention of recordings from officers' body-worn cameras and in-car audio- or video-recording systems in accordance with all applicable laws, rules, regulations, policies, and court or regulatory orders; and

6.7. Requires the agency to promptly make recordings from officers' body-worn cameras and in-car audio- or video-recording systems available in accordance with any applicable law, rule, regulation, court or regulatory order, subpoena, or civil investigative demand of a governmental entity.

(+)(k) Ensure that all officers are trained in officer response procedures in accordance with all applicable training requirements.

5a.

Reporting / Handling of Complaints



Statute - M.G.L. c. 6E, § 8(b)(1)

- An agency “shall transmit any complaint received by said agency within 2 business days to the [D]ivision of [S]tandards; . . . provided, however, that the [C]ommission may establish a minimum threshold and streamlined process for the reporting or handling of minor complaints that do not involve the use of force or allegations of biased behavior.”

Reporting / Handling of Complaints



Statute - M.G.L. c. 6E, § 4(h)

The division of police certification, in consultation with the division of police standards, shall create and maintain a database containing records for each certified law enforcement officer, including but not limited to: [. . .]

(4) the date of any written reprimand and the reason for said reprimand;

(5) the date of any suspension and the reason for said suspension; [. . .]

(7) the date of, and reason for, any internal affairs complaint; [and]

(8) the outcome of an internal affairs investigation [. . . .]

Reporting / Handling of Complaints



555 CMR 1.01(1) – current version

<u>Category of Complaint</u>	<u>Reportable to POST?</u>	<u>What is included?</u>
All Non-Minor Complaints	Yes , within 2 business days of receipt	Everything that is <u>not</u> “minor,” as defined below
Minor Complaint	No	“[A] category that includes discourtesy and basic work rule violations such as tardiness, inattention to detail, equipment violations, grooming violations, or comparable infractions and the complaint does not involve evidence or an allegation of: bias on the basis of [certain protected classes]; excessive, prohibited, or deadly force; or an action which resulted in serious bodily injury or death.”

Reporting / Handling of Complaints



Recommended Areas for Improvement

- Current regulations establish a minimum threshold for “minor” complaints. However, the line between “minor” and “non-minor” can be ambiguous and difficult to apply consistently. **Clearly defined categories would likely improve agency compliance with POST reporting obligations.**
- Current regulations do not implement the “streamlined process” authorized by Chapter 6E for reporting/handling of “minor” complaints. **A streamlined internal process should be created in a way that gains efficiencies for the Division of Standards, but still preserves agencies’ obligation to report complaints to the Commission, while continuing to publish sustained complaints of misconduct in the public Disciplinary Records Database.**

Reporting / Handling of Complaints



Proposed New Structure

Category of Complaint	Reportable to POST?	What is included?
Serious Violation of Law Enforcement Standards	Yes , within 2 business days of receipt*	<ul style="list-style-type: none">A defined list of specific types of officer misconduct that is derived from Chapter 6E, other relevant statutes, and priorities as defined by the CommissionExamples: excessive force, biased police conduct, criminal offenses, any other statutory basis for a preliminary inquiry, suspension, or discipline by POST (G.L. c. 6E, §§ 8-10)
Minor Complaints	Yes , upon completion of the agency's IA	<ul style="list-style-type: none">Unprofessional conduct (e.g., “conduct unbecoming”) that is not a “serious violation” listed aboveAny interaction with the public, except basic discourtesyAny other non-serious complaint which results in formal discipline against the officer
	No *	<ul style="list-style-type: none">Internal work rule violations (<u>e.g.</u>, grooming, uniform)Interactions with the public in which the <u>only</u> allegation is that the officer was discourteous or rude to someone

* (no change to current practice)

Reporting / Handling of Complaints



Goal: Increase transparency and accountability of law enforcement in the following ways:

- Set forth clear and unambiguous regulatory guidance, based on express statutory authority along with any additional priorities listed by the Commission, on which types of complaints the Commission considers “serious” or “minor”
- Focus the Commission’s oversight authority on those types of violations the Commission deems to be most serious, while still collecting and publishing applicable information for lesser violations
- Gain administrative efficiencies within the Division of Standards by developing a “streamlined process” for agencies to submit minor complaints at the end of the IA process, rather than multiple checkpoints throughout.
- Continue allowing agencies to internally resolve minor complaints that only involve internal work rules and do not involve interactions with the public
- Lay a foundation for a highly successful audit program: **Clarity = Compliance**

Reporting / Handling of Complaints



The Process and Timeline

- Division of Standards will continue internal policy development work in this area, with further coordination and outreach to agencies and interested groups
- Division of Standards will provide the Commission with a more detailed policy outline/memorandum at a future meeting, with the goal of soliciting additional guidance from Commissioners, including in particular, any forms of misconduct the Commission determines should be treated as “serious” or “minor”
- After the completion of the above steps, draft proposed revisions to 555 CMR 1.01 and present them to the Commission for approval to begin the public comment/promulgation process

Reporting / Handling of Complaints



Additional References

- 555 CMR 1.00 – Procedural Rules
- 555 CMR 7.00 – Databases and Dissemination of Information
- 555 CMR 12.00 – Maintenance, Reporting and Audits of Law Enforcement Records and Information
- *Guidance to Law Enforcement Agencies and Prosecuting Agencies Regarding 555 CMR 1.00 and 6.00 (Sep. 2023)*
- Officer Disciplinary Records Web Page including Video and Presentation on Reporting Information to POST