



# MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

September 22, 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 #67**

**September 25, 2025**

**8:30 a.m.**

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

**Meeting ID: 992 2494 5171**

1) Call to Order and Open Session

2) Executive Session in accordance with the following:

- M.G.L. c. 30A, § 21(a)(1), to discuss a complaint against the Commissioners under provisions of the Open Meeting Law and regulations, M.G.L. c. 30A, § 23 and 940 CMR 29.05;
- M.G.L. c. 30A, § 21(a)(1), to otherwise 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)(3), to “discuss strategy with respect to . . . litigation,” as “an open meeting may have a detrimental effect on the . . . litigating position of the public body”;
- 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.

84 State Street, Suite 200  
Boston, Massachusetts 02109

TEL: 617.701.8401

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

## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- a) Reports of Preliminary Inquiry in the following cases:
  - i) PI-2024-006
  - ii) PI-2025-002
  - iii) PI-2025-013
  - iv) PI-2024-069
  - v) PI-2024-067
  - vi) PI-2024-017
  - vii) PI-2023-05-11-004
  - viii) PI-2025-022
  
- b) Division of Standards request to enter voluntary decertification, suspension or disposition agreement in the following cases:
  - i) PI-2024-070
  - ii) PI-2024-066
  - iii) PI-2024-032
  
- c) Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
  - i) PI-2025-043
  - ii) PI-2025-044
  - iii) PI-2025-045
  - iv) PI-2025-046
  - v) PI-2025-047
  - vi) PI-2025-048
  - vii) PI-2025-049
  - viii) PI-2025-050
  - ix) PI-2025-051
  - x) PI-2025-052
  - xi) PI-2025-053
  - xii) PI-2025-054
  
- d) Update on the following Preliminary Inquiry matter:
  - i) PI-2024-057
  
- e) Discussion of strategy with respect to the following civil actions challenging Commission decisions pursuant to M.G.L. c. 30A, § 14, a provision of the Administrative Procedure Act.

## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- i) *Matthew Hubbard v. Peace Officer Standards and Training Commission*, Case No. 2579CV00432 in the Hampden County Superior Court.
  - ii) *James S. McCall v. Massachusetts POST Commission*, a case in the Suffolk County Superior Court.
- f) Discussion of a complaint by William Castro against the Commission under M.G.L. c. 30A, § 23, a provision of the Open Meeting Law; and 940 CMR 29.05, the Attorney General's regulations implementing the law.
- g) Approval of the minutes of the Executive Session of August 14, 2025
- 3) Approval of Minutes
- a) August 14, 2025
- 4) Executive Director Report – Enrique A. Zuniga
- 5) Finance & Administrative Update – Eric Rebello-Pradas
- 6) Legal Update – Randall E. Ravitz, Annie E. Lee, and George Boateng
- a) Agency Certification Initiative
    - i) Discussion of draft standard on officer response procedures
    - ii) Discussion of draft standard on criminal investigation procedures
    - iii) Discussion of draft standard on detainee transportation
- 7) Matters not anticipated by the Chair at the time of posting

*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.”*

3a.

**MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION**  
**Public Meeting Minutes**  
**August 14, 2025**  
**8:30 a.m.**  
**Via Zoom**

**Documents Distributed in Advance of Meeting**

- July 17, 2025, Public Meeting Minutes
- Executive Director Report
- Memo regarding U visa and T visa programs and the role of law enforcement
- Presentation regarding U visa and T visa programs and the role of law enforcement
- Presentation on revisions to the drafted law enforcement agency certification standards regarding officer response procedures
- Memo concerning the drafted law enforcement agency certification standards regarding officer response procedures
- Draft agency certification standards regarding officer response procedures, redlined
- Presentation regarding the streamlined process for submitting and processing complaints

**1. Call to Order**

- The meeting began at 8:41 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 Eddy Chrispin – Present
- Commissioner Deborah Hall – Present
- Commissioner Marsha V. Kazarosian – Present
- Commissioner Charlene D. Luma – Present
- Chair Hinkle noted that Commissioner Lawrence Calderone, Commissioner Lester Baker, and Commissioner Clyde Talley were not currently present for the meeting.

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

- Executive Director Zuniga began his report by providing an update on certification numbers. He stated the following.
  - As of August 6, 2025, the Commission received 7,616 applications for recertification. Among the processed applications, the certification outcomes were categorized as follows:
    - 6,921 certified;
    - 360 conditionally certified;
    - 221 certified as school resource officers;
    - 17 conditionally certified as school resource officers;
    - 12 restricted;
    - 17 not certified; and
    - 68 under further review.
  - The number of applications requiring further review decreased from 116 in July 2025 to 68 as of August 6, 2025, with further declines expected in the following weeks.

- At the time of the August 2025 Commission meeting, all agencies had submitted the required information to the Commission and most applications had been processed.
- Officers who were suspended would not receive recertification notices and would remain suspended until the Commission took further action.
- Moving forward, certification terms would extend for more than three years, lasting until an officer's month of birth.
- Unassociated officers with last names A-H had expired certifications categorized as follows:
  - 746 retired;
  - 280 resigned;
  - 19 retired in lieu of discipline;
  - 47 resigned in lieu of discipline; and
  - 27 were terminated.
- Executive Director Zuniga provided an update on the disciplinary records project. He stated the following.
  - The three categories of public disciplinary records were:
    - Historical disciplinary records: records submitted to the Commission in 2022, consisting of all records related to officers who were active at that time;
    - Catch-up project: complaints submitted prior to the rollout of the Commission's portal; and
    - Portal: complaints submitted directly through the Commission's portal.
  - While the rate of increase in historical and catch-up records had slowed, portal submissions continued to grow steadily as new complaints were filed and processed.
  - Each complaint could include multiple allegations, and in some cases discipline was pending even when the case had been closed.
- Turning to compliance trends, Executive Director Zuniga reported quarterly metrics on complaints and incident reports. He stated the following.
  - The number of overdue incident reports had risen from 18 in November 2024 to 33 in August 2025.
  - The Boston Police Department ("BPD") had the largest backlog compared to other agencies.
  - Although the number of cases with pending discipline had decreased in prior quarters, it returned to 57 cases, with the BPD accounting for much of the variation.
  - The average number of days to impose discipline had steadily increased across all agencies. He stated that additional resources would be directed toward understanding these delays.
- Executive Director Zuniga then introduced new data on agencies that had received extensions to complete internal affairs investigations. He stated as follows.
  - The Commission's regulations require that internal affairs investigations are completed within 90 days and that an extension could be granted for good cause.
  - The BPD appeared at the top of this list, with more than twice as many open cases as the Massachusetts State Police ("MSP").

- Executive Director Zuniga concluded his report by sharing a chart that showed the total cases by agency.
  - He noted that BPD's backlog was nearly three times that of the MSP, despite being a slightly smaller agency. He stated that discussions were ongoing with BPD to identify ways to reduce the backlog and ensure timely reporting.
  - Seeing no questions from Commissioners, Executive Director Zuniga concluded his report.
  - Chair Hinkle thanked Executive Director Zuniga and members of the staff who contributed to the presentation.
  - Chair Hinkle noted that Commissioner Talley was now present and would be present for the remainder of the Commission meeting.
- 3. Legal Update – General Counsel Randall E. Ravitz, Deputy General Counsel Pauline Nguyen, Counsel Annie E. Lee**
- General Counsel Ravitz began his remarks by congratulating Commission Counsel Evert Fowle. He stated the following.
    - Counsel Fowle was selected for the Boston Bar Association's Public Interest Leadership Program.
    - The program is designed for a select group of talented and highly motivated lawyers who have demonstrated leadership in practice and community; and who embody professionalism, commitment, passion, and diversity of the bar.
    - Participants engage in a year of intensive leadership and professional development training, connecting with legislators, judges, nonprofit executives, and corporate leaders throughout Boston.
    - He emphasized that the Commission and the community will benefit from Counsel Fowle's participation and congratulated him on his selection.
  - General Counsel Ravitz then turned the floor over to Deputy General Counsel Nguyen.
  - Deputy General Counsel Nguyen shared her screen and stated that she would be presenting on the U visa and T visa programs and their relevance to the Commission's work.
  - She acknowledged that Summer Legal Intern Emmanuel Parker raised this issue and drafted proposed language for the Commission's victim resources webpage.
  - She began her presentation by discussing the U visa program. She stated the following.
    - U visas are offered by the U.S. Citizenship and Immigration Services to victims of certain qualifying crimes, including rape, domestic violence, sexual assault, abduction, and manslaughter.
    - To receive a U visa, applicants must demonstrate substantial physical or mental abuse and cooperate with law enforcement in the investigation or prosecution of the crime.
    - Benefits include lawful status for up to four years, with the possibility of an extension; work authorization; waiver of certain inadmissibility factors; and in some cases, derivative benefits for qualifying family members.
    - Certification from a law enforcement agency is required to confirm victim status and cooperation.
  - She then discussed the T visa program. She stated the following.
    - T visas are available to victims of severe forms of human trafficking, including sex and labor trafficking.

- They provide benefits similar to U visas, including lawful status, work authorization, and derivative benefits.
- Applicants must show they were victims of trafficking; complied with reasonable requests for assistance in investigations or prosecutions, with exceptions for minors and victims with trauma; and would suffer extreme hardship if removed.
- Certification from law enforcement, while not required, can significantly strengthen applications.
- Deputy General Counsel Nguyen then discussed requirements under Massachusetts state law and the role of law enforcement in the process. She stated as follows.
  - In 2021, Massachusetts enacted M.G.L. c. 258F requiring state and local certifying agencies, such as police departments, to adopt policies for responding to U visa and T visa certification requests.
  - Agencies must respond within 90 days by approving, denying in writing, or explaining the delay with a projected timeline.
  - The law provides statutory due process for immigrant victims and reflects the Legislature’s intent to strengthen protections for survivors.
  - Certification from law enforcement is voluntary but serves as a critical tool to encourage victim cooperation, build trust, and support successful prosecution of crimes.
  - Agencies must develop internal policies, ensure timely responses, and treat victim information with confidentiality.
  - Law enforcement certification often determines the success of applications, underscoring the critical role of agencies in ensuring access to relief.
- Deputy General Counsel Nguyen concluded her presentation by noting that the Commission’s victim resources webpage would be updated to include information on U and T visas for crime victims.
- She invited questions or comments from the Commissioners.
- Commissioner Hall noted that while U visas have been widely used to support survivors, under the current federal administration many immigrant survivors may fear coming forward out of concern for deportation.
- She stated this fear could be reducing the number of applications or follow-through by survivors, even though the program still exists. She asked whether any research had been conducted on this issue.
- Deputy General Counsel Nguyen responded that no research had been done on how immigrant survivors are engaging with the visa process. She stated that this is an area the Commission could explore further, in addition to its ongoing work related to domestic violence and sexual misconduct.
- Commissioner Talley observed that this was his first time hearing about the U visa and T visa programs. He asked whether it was correct to assume that these programs are more familiar to those working directly with victims of crimes.
- Deputy General Counsel Nguyen responded that social service agencies typically provide this information to victims of domestic violence and other crimes. She noted that the new state law on certification requirements may be less familiar to police departments or commissioners.
- Commissioner Chrispin stated that in his experience, victim-witness advocates are typically well-informed about U and T visa programs and regularly provide this



information to crime victims. He noted that he has assisted in filing applications for victims of civil rights violations and expressed concern that the number of applications often exceeds the number of visas available.

- Commissioner Luma added that staff at the District Attorney’s Office are also familiar with U and T visas and support victims in the application process when appropriate.
- As there were no further comments or questions from the Commissioners, General Counsel Ravitz turned the floor over to Counsel Lee.
- Counsel Lee began her presentation on the proposed revisions to the draft standard on officer response procedures. She stated the following.
  - The revisions reflected feedback from Commissioners at the April Commission meeting, from the Municipal Police Training Committee (“MPTC”) during its July meeting, and from Commission staff.
  - Revisions addressed the following areas: officer conduct, responding to vulnerable people, enforcement quotas, immigration matters, and body-worn cameras and vehicle recording systems.
  - Two definitional revisions were proposed. A summary of the revisions is as follows.
    - The definition of “critical incident” was revised to capture both the inherent nature of events and their impact on officers, while striking examples from the prior draft.
    - The definition of “developmentally and age-appropriate, trauma-informed, racially equitable, and culturally relevant tactics and techniques” was clarified to emphasize officers’ critical thinking and responsiveness to an individual’s context, rather than enumerating specific tactics.
  - With respect to officer conduct, the draft was revised to require officers to proactively provide their name, badge number, and contact information, and to explain the complaint process only when circumstances reasonably dictate.
  - Regarding vulnerable people, the draft now directs agencies to set requirements only for permissible pharmacological agents and to prohibit impermissible substances.
  - On body-worn cameras and vehicle recording systems, the draft continues to prohibit purely discretionary deactivations and clarifies permissible circumstances for deactivation.
- Counsel Lee then proposed new additions to the draft standard. She stated as follows.
  - First, the standard should be revised to suggest that agencies should adopt a written policy clarifying whether quotas are used or prohibited, to ensure transparency.
  - Second, the standard should be revised to suggest that agencies make their role in cooperating or not cooperating with federal immigration enforcement explicit. It should also make clear that agencies must comply with state law by developing policies for completing and signing certification forms for U and T visas and by responding to requests within the statutory timelines.
- Counsel Lee concluded by noting that these revisions were being presented for feedback and that no preliminary approval was being sought at that time.
- Chair Hinkle thanked Counsel Lee for her presentation and expressed gratitude for the level of cooperation that the Commission has with the MPTC.

#### 4. Division of Standards – Director of Standards Matthew P. Landry

- Director Landry stated that he would be presenting a proposal to update procedures for agency complaint reporting and the Commission’s processing of complaints. He noted that no vote was being requested, and that the objective was to share a high-level framework and obtain initial feedback.
- He then shared his screen and began his presentation. He stated the following.
  - The focus of the proposal was to clarify the definition of “minor complaints” and create a streamlined process for lower-level matters that remain reportable.
  - The Commission’s statute requires that the head of a law enforcement agency transmit any complaint it receives to the Division of Standards within two business days.
  - The statute also permits the Commission to establish both a minimum threshold for which complaints must be reported and a streamlined process for handling minor complaints. Minor complaints may not include matters involving use of force or allegations of biased behavior.
  - Related provisions require the Commission to collect information about written reprimands, suspensions, internal affairs complaints, and the outcomes of internal affairs investigations.
  - The Commission’s regulations define “minor” with open-ended examples creating ambiguity for agencies leading to inconsistent application.
  - The regulations also allow agencies to resolve minor complaints locally and require the Commission to oversee serious complaints, but there is no clear middle ground. As a result, some lower-level complaints that should be submitted are monitored with the same intensity as serious cases.
  - The Division sought to clarify these thresholds and create efficiencies so that such lower-level, reportable matters could be processed in a streamlined way.
- Director Landry then introduced the two main goals that the Division of Standards were hoping to address. He stated the following.
  - The first was to revise the definition of “minor complaint” so that it more clearly distinguishes between serious and minor conduct, which would likely improve agency compliance.
  - The second goal was to establish a streamlined process for handling minor complaints that are reportable to the Commission but do not justify a preliminary inquiry or formal discipline. This would ensure such matters are still tracked and published in the disciplinary records database while being processed more efficiently.
- Director Landry then outlined the proposed framework for distinguishing between serious and minor complaints. He stated the following.
  - Serious violations of law enforcement standards would continue to be handled as they are today, but a defined list of specific types of serious violations would be developed by reviewing applicable statutes.
  - All complaints that are not considered serious violations would be treated as minor, with two subcategories.
  - The first subcategory would be “minor but reportable,” which would include unprofessional conduct, defective duty, or any complaint involving public

interaction except for basic discourtesy. These complaints must still be submitted to the Commission, but they would be processed in a streamlined manner.

- The second subcategory would be “minor not reportable,” covering only narrow issues such as internal work rule violations or discourtesy. These complaints could be fully resolved within the agency without submission to the Commission.
- Director Landry emphasized that the proposal was designed to clarify the rules for agencies, reduce unnecessary touchpoints during minor investigations, and improve compliance.
- He concluded his presentation by stating that the next steps were to work on this proposal internally and eventually return to the Commission with proposed revisions to 555 CMR 1.01. He welcomed any questions or feedback from the Commissioners.
- Commissioner Talley asked whether officers within a department could file a complaint with the Commission against their own chief, or whether they were required to pursue another channel.
- Director Landry responded that the statute authorizes any person or source to file complaints with the Commission. He confirmed that such complaints would be accepted and reviewed.
- Commissioner Chrispin observed that the definition of minor complaints could vary widely across agencies, making it difficult to precisely articulate every situation that qualifies. He suggested that periodic audits could help address this issue.
- He further noted that the category of “conduct unbecoming” covered a broad range of behaviors and was applied inconsistently, with some agencies classifying certain behavior as minor while others did not. He recommended that the Commission provide clearer articulation of specific behaviors and reinforce oversight through audits.
- Commissioner Luma thanked Director Landry for presenting the proposal and emphasized the importance of bringing clarity to the definition of what constitutes a minor complaint.
- She observed that agency cultures vary, meaning conduct considered minor in one department could be treated differently in another. She emphasized the need to standardize and streamline definitions to account for these differences while balancing capacity and resources across agencies.
- Chair Hinkle thanked Director Landry for his presentation.

## **5. Approval of Minutes**

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

## **6. 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.

## **7. 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 considering reports of preliminary inquiries.
  - They will be considering the request to enter into voluntary decertification or suspension agreements with regard to three cases.
  - They will be considering a request from the Division of Police Standards to approve a preliminary inquiry in a case.
  - They will also be addressing approval of the minutes of the previous executive session.
- Chair Hinkle asked for a motion to enter executive session. Commissioner Talley moved to enter executive session, and Commissioner Kazarosian 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 9:53 a.m.

**Summary of Matters Voted on by the Commission**

- Approval of minutes of July 17, 2025, meeting.
  - The Commission voted to approve the minutes included in the meeting packet.

4.



# Executive Director Report

September 25, 2025

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



# Agenda

1. Disciplinary Records Update
2. Speaking Engagements & Outreach

# Disciplinary Records

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## Differing Levels of Detail Across Agencies

- Since initial release of Disciplinary Records, we have been asked what POST does to address the fact that agencies enter different levels of detail
- Agencies enter information into the portal: type, subtype and details of every allegation. Agencies may enter multiple allegations
- Initial effort was to have standard (and limited) category types and subtype for the goal of having consistency across departments
- Notwithstanding these efforts, some agencies provide less detail than others in the summary fields (specifically, the “allegation details”)
- For records after 2023, agencies also submit an I/A report (in different formats)



# Disciplinary Records

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## POST Review Process

POST reviews, and where appropriate redacts, every record that is published

1. Intake Team reads every Internal Affairs report and corroborates that allegation details match findings in the report
2. Intake Team tracks compliance with submission timeframes and identifies any follow up
3. Intake team coordinates with and assists agencies in submission of records and associated documentation (i.e., extension requests, final I/A's, etc.)
4. Where agencies or officers request a modification, intake team will look for evidence submitted and details of the complaint/report

# Disciplinary Records

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## POST Review Process

5. Standards supervisor reviews every record before it is first published and where applicable may modify language of allegations for the purpose of standardization
6. Legal team reviews and applies applicable redactions (if any)
7. On cases where POST has imparted discipline, Division of Standards writes a “POST Discipline Summary”
8. IT Team supports and facilitates data management, as well as the ultimate publishing of the report(s)

# Disciplinary Records

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## Complaint Summaries

- Recent effort to generate and publish “Complaint Summaries”
- This new field is meant to provide a succinct summary of actual events after they have been investigated, and a disposition has been rendered
- POST staff will write Complaint Summaries from information submitted to POST (allegation details and I/A reports)
- POST will provide summaries on recent and current records (not for Historical Records)
- Will begin including Complaint Summaries as part of next release

# Outreach

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## Recent and Upcoming Speaking Engagements / Presentations

- September 10 – “State & Local Responses to the Federal Government Policing Agenda.” Rappaport Center for Law & Public Policy in Boston College.
- September 15 – “Navigating the Internal Affairs Process” MACOPA Annual Conference, Norwood.
- October 2 – “Peace Officer Standards & Training (POST): A 2025 Update for Municipalities.” Mass Municipal Association Webinar.



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

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5.

# Finance & Administration Update



# FY25 Activity

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Total Balance Reverted

<b>Budgeted</b>	<b>Spent</b>	<b>Reversion</b>
<b>\$8,747,476</b>	<b>\$7,982,048</b>	<b>\$765,428</b>



# FY26 Spending Plan



## Brief Recap

	<b>Appropriation</b>		
<b>REQ</b>	<b>9,493,422</b>		
H1	(570,997)	-6%	↓
	8,922,425		
<b>LEG</b>	<b>8,922,425</b>		
CCR	(89,223)	-1%	↓
	8,833,202		
<b>GAA</b>	<b>8,833,202</b>		

# FY26 Spending Plan

## Summary



### PST 0800-0000

Object Code Description	FY26 SPENDING PLANS		
	FY26 Final GAA	FY26 PST BGTS	FY26 SP
EMPLOYEE COMPENSATION (AA) TOTAL	6,629,915	10,244	6,640,159
EMPLOYEE TRAVEL (BB) TOTAL	24,750	10,450	35,200
CONTRACT EMPLOYEES (CC) TOTAL	70,092	26,478	96,570
PAYROLL TAX/FRINGE (DD) TOTAL	165,553	(15,997)	149,556
OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL	210,130	(37,033)	173,097
FACILITY OPERATIONS (FF) TOTAL	35,640	360	36,000
OFFICE SPACE LEASE (GG) TOTAL	632,774	2,592	635,366
CONSULTANTS/LEGAL SERVICES (HH) TOTAL	149,332	(64,332)	85,000
SUPPORT/AUXILIARY SERVICES (JJ) TOTAL	42,570	(1,570)	41,000
OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL	2,970	30	3,000
OFFICE EQUIPMENT LEASE (LL) TOTAL	4,222	(1,776)	2,446
OFFICE MAINTENANCE/REPAIRS (NN) TOTAL	140	25,991	26,131
INFORMATION TECHNOLOGY (UU) TOTAL	865,115	44,562	909,677
<b>Grand Total :</b>	<b>8,833,202</b>	<b>0</b>	<b>8,833,202</b>

# FY26 Spending Plan

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## Largest Areas of Spending

- Payroll - \$6.6M
  - Hiring for an additional 6 positions
  - Total of 60 employees by June 30<sup>th</sup>
  - Purposefully delaying the onboarding of 7 open positions: \$369K in savings
- Information Technology - \$910K
  - Virtually all maintenance costs; 50% for Salesforce
- Office Space - \$666K
  - Includes utilities, taxes, and maintenance

# FY26 Spending Plan

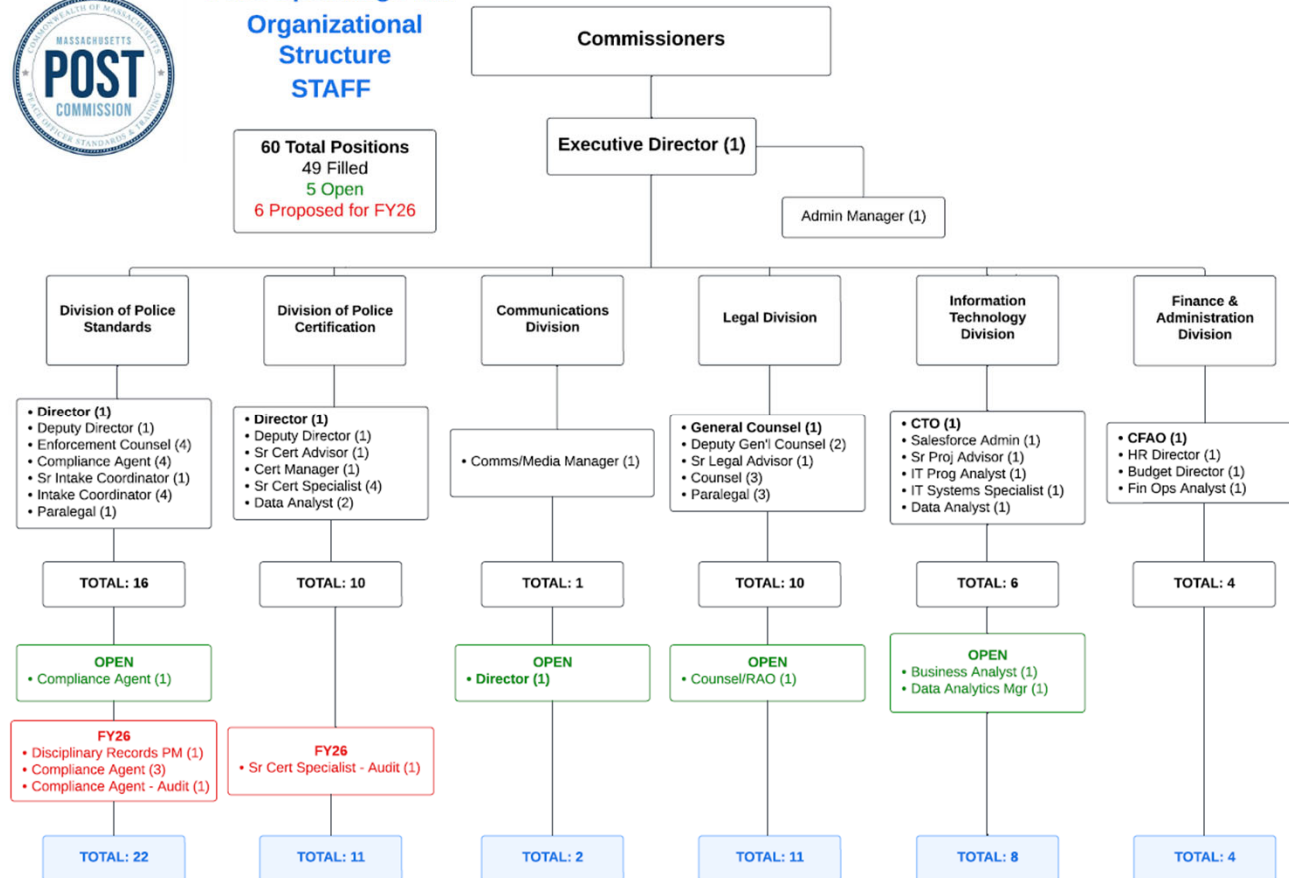


8/31/2025



## FY26 Spending Plan Organizational Structure STAFF

60 Total Positions  
49 Filled  
5 Open  
6 Proposed for FY26







## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

### MEMO

**TO:** Commissioners  
**FROM:** Finance & Administration  
**CC:** Enrique Zuniga  
**DATE:** September 25, 2025  
**RE:** FY26 Spending Plans

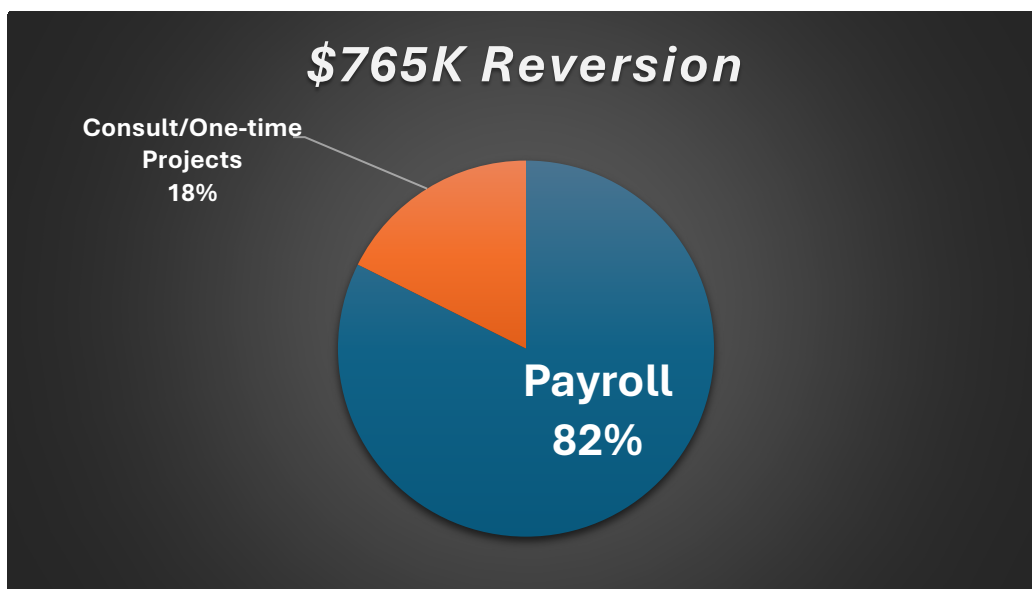
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#### FY25 Year-End

The 2025 fiscal year officially ended on June 30<sup>th</sup>. You may recall final accounting for the fiscal year is shored up during July and August (aka *Accounts Payable Period*). Final agency expenditures totaled \$7.98 million, thereby leaving a leftover balance of \$765 thousand.

Budgeted	Spent	Reversion
\$8,747,476	\$7,982,048	\$765,428

POST spent 91% of the total amount budgeted for FY25: \$8.75 million. In July, we estimated final spending for the year would range between \$8.07 million and \$8.13 million. Therefore, we expected to see a reversion of approximately \$620K-\$674K. We ended up spending slightly less than our July estimate. As a result, POST realized a slightly higher reversion.



While most of the reversion is due to payroll savings, a considerable portion was from less reliance on consulting services, as well as extensive delays in two one-time projects: (1) new security doorway in reception area; and, (2) integration of DCJIS data for the Division of Standards.<sup>1</sup>

Since our payroll estimates are largely annualized, *actual* payroll typically ends up being less than what is estimated in spending plans. While we initially projected a total of 53 regular employees (headcount) by June 30th, we later revised our forecast to 54 when we shifted one position from FY26 to FY25.<sup>2</sup> POST's final total ended up being 51. Two positions remained unfilled (Data Analytics Manager and Records Access Officer), and one resignation (Business Analyst) has yet to be backfilled. Therefore, for FY25 we ended up onboarding 7 employees, with one resignation. With such a sizable number of positions to fill, we knew we would accumulate savings from any delays in hiring. Consequently, the \$765K reversion is mostly a combination of savings from annualized payroll estimates, delayed hires, and 2 unfilled positions.<sup>3</sup>

Of the \$7.98 million in total spending, \$5.82 million was expended on payroll for 51 regular employees, nine commissioners, and six part-time hearing officers (see attached *FY25 Year-End Organizational Chart*).

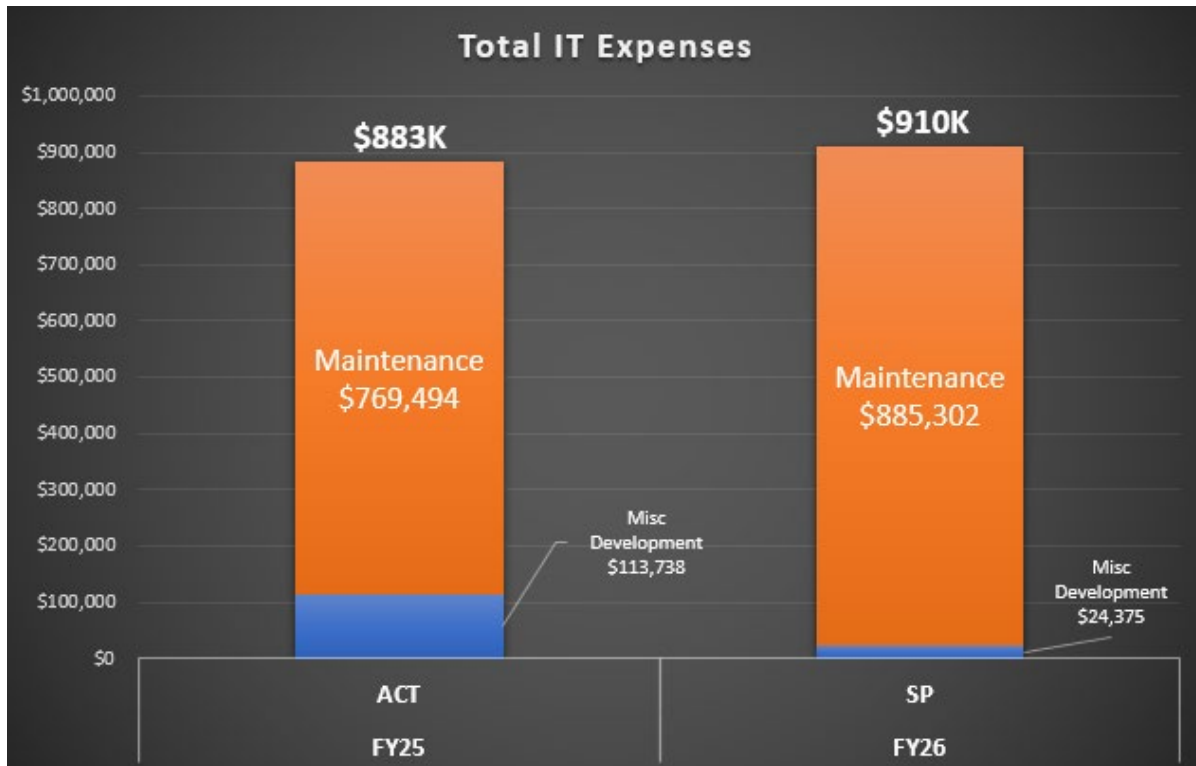
Spending Category	FY25 Budget	FY25 Final Spending	Final vs Budget
<b>9/2/2025</b>			
EMPLOYEE COMPENSATION (AA)	\$ 6,407,238	\$ 5,819,441	\$ (587,797)
EMPLOYEE TRAVEL (BB)	\$ 25,000	\$ 26,292	\$ 1,292
CONTRACT EMPLOYEES (CC)	\$ 130,800	\$ 117,840	\$ (12,960)
PAYROLL TAX/FRINGE (DD)	\$ 127,225	\$ 96,181	\$ (31,044)
OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE)	\$ 201,531	\$ 204,218	\$ 2,687
FACILITY OPERATIONS (FF)	\$ 40,000	\$ 10,094	\$ (29,906)
OFFICE SPACE LEASE (GG)	\$ 631,157	\$ 614,957	\$ (16,200)
CONSULTANTS/LEGAL SERVICES (HH)	\$ 151,840	\$ 65,907	\$ (85,933)
SUPPORT/AUXILIARY SERVICES (JJ)	\$ 73,707	\$ 29,866	\$ (43,841)
OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK)	\$ 3,000	\$ 1,800	\$ (1,200)
OFFICE EQUIPMENT LEASE (LL)	\$ 4,264	\$ 2,144	\$ (2,120)
OFFICE MAINTENANCE/REPAIRS (NN)	\$ 20,000	\$ 110,075	\$ 90,075
INFORMATION TECHNOLOGY (UU)	\$ 931,714	\$ 883,233	\$ (48,481)
<b>Total</b>	<b>\$ 8,747,476</b>	<b>\$ 7,982,048</b>	<b>\$ (765,428)</b>

<sup>1</sup> Both of these projects have been completed as of the date of this memo.

<sup>2</sup> The Legal Division's Records Access Officer was shifted from our FY26 forecast to FY25 due to the urgency of the position.

<sup>3</sup> An IT contractor was onboarded to compensate for the loss of the Business Analyst. As a result, POST did not realize payroll savings for the open Business Analyst position.

The other large concentration in spending was in IT. Of the \$883K in total IT costs, 87% was for maintenance expenses. The remaining 13%, or \$114K, was for developmental costs associated with video conferencing and DCJIS integration.



**FY26 Spending Plans**

Spending Plans for the current fiscal year are required to be submitted to ANF per State Finance Law following passage of the state budget, or GAA (General Appropriations Act). Since so much time elapses from when the Governor’s budget is filed at the beginning of the calendar year to when the GAA is signed in July, it is necessary to adjust certain spending categories, especially payroll and IT. Moreover, the Legislature typically adds earmarks and other spending priorities that may be over and above an agency’s targeted budget number. The Spending Plan process allows agencies to account for variations from its targeted number, which is why the process is a major part of what is known as the state’s *Budget Cycle*.

The total amount appropriated to POST in FY26 is \$8.83 million. Commissioners may recall POST originally requested \$9.49 million for its FY26 budget. Looking to limit overall spending growth, ANF reduced the request by 6% to \$8.92 million in the Governor’s FY26 Budget Recommendation (H1). Despite both the House and Senate agreeing with H1’s appropriation for POST, the number was further reduced by an additional 1% (or \$89,223) by the Conference Committee.



# PST 0800-0000

Object Code Description	FY26 SPENDING PLANS			
	FY25 Final Expenditures	FY26 Final GAA	FY26 PST BGTS	FY26 SP
<b>EMPLOYEE COMPENSATION (AA) TOTAL</b>	5,819,441	6,629,915	10,244	6,640,159
<b>EMPLOYEE TRAVEL (BB) TOTAL</b>	26,292	24,750	10,450	35,200
<b>CONTRACT EMPLOYEES (CC) TOTAL</b>	117,840	70,092	26,478	96,570
<b>PAYROLL TAX/FRINGE (DD) TOTAL</b>	96,181	165,553	(15,997)	149,556
<b>OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL</b>	204,218	210,130	(37,033)	173,097
<b>FACILITY OPERATIONS (FF) TOTAL</b>	10,094	35,640	360	36,000
<b>OFFICE SPACE LEASE (GG) TOTAL</b>	614,957	632,774	2,592	635,366
<b>CONSULTANTS/LEGAL SERVICES (HH) TOTAL</b>	65,907	149,332	(64,332)	85,000
<b>SUPPORT/AUXILIARY SERVICES (JJ) TOTAL</b>	29,866	42,570	(1,570)	41,000
<b>OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL</b>	1,800	2,970	30	3,000
<b>OFFICE EQUIPMENT LEASE (LL) TOTAL</b>	2,144	4,222	(1,776)	2,446
<b>OFFICE MAINTENANCE/REPAIRS (NN) TOTAL</b>	110,075	140	25,991	26,131
<b>INFORMATION TECHNOLOGY (UU) TOTAL</b>	883,233	865,115	44,562	909,677
<b>Grand Total :</b>	<b>7,982,047</b>	<b>8,833,202</b>	<b>0</b>	<b>8,833,202</b>

Note: "BGTS" is a state accounting term indicating when money is moved from one category to another, resulting in an overall net-zero allocation.

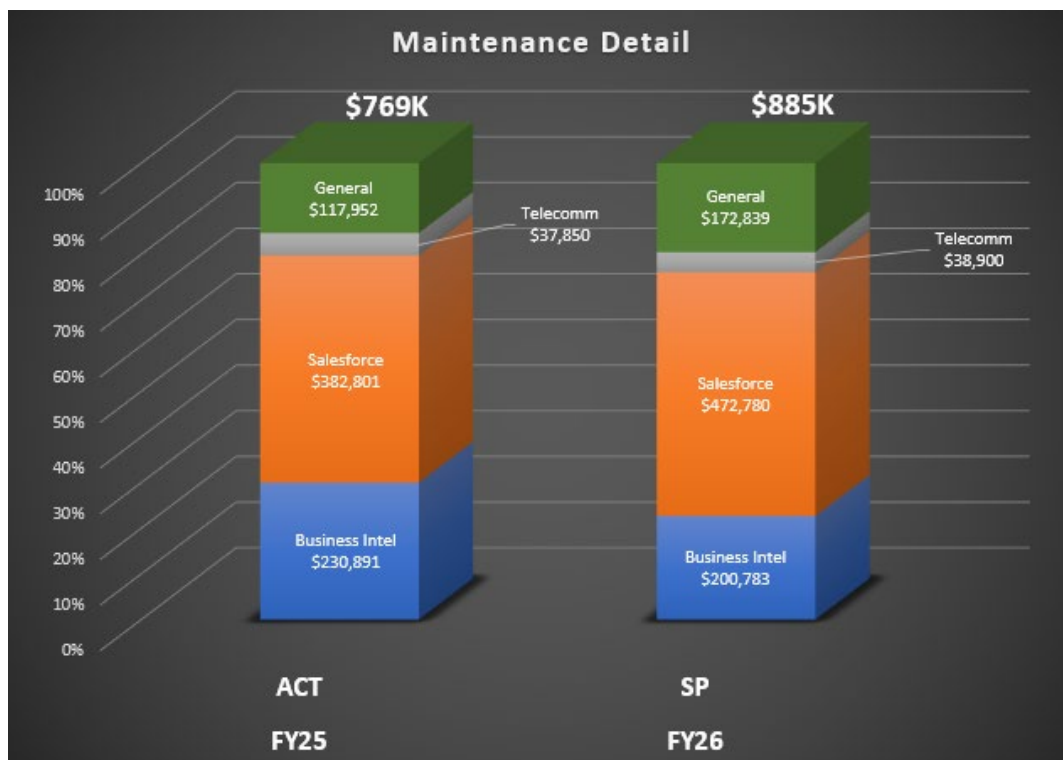
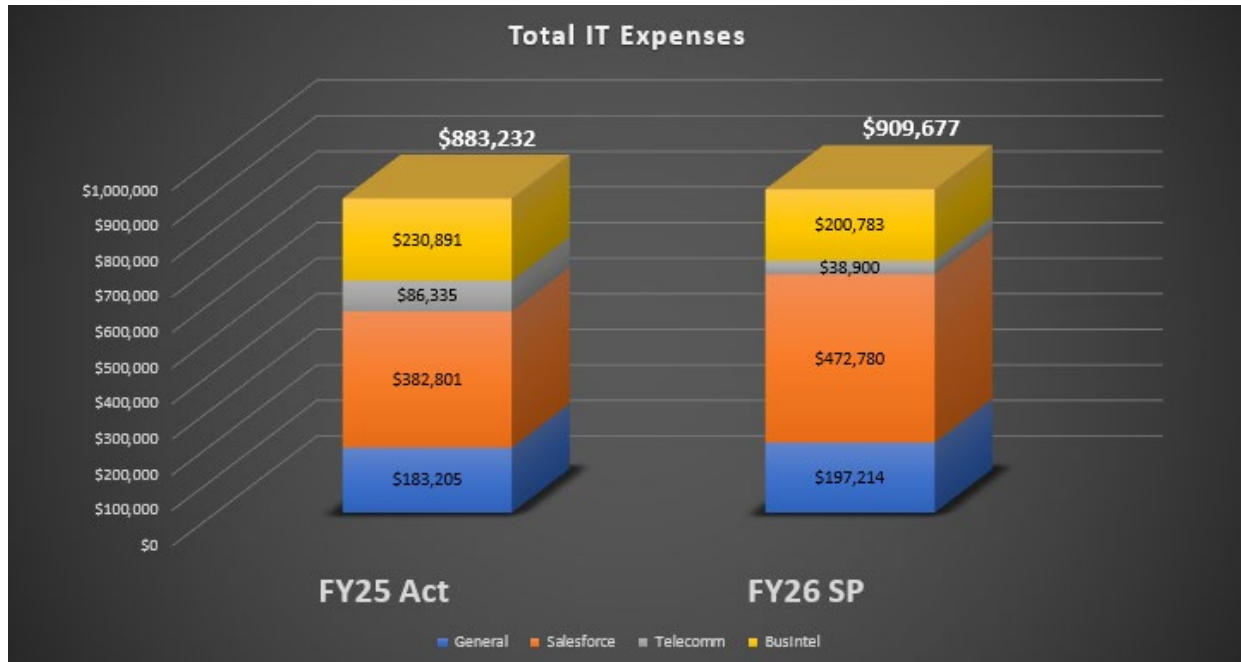
As with the prior fiscal year, most of POST's spending will be dedicated to payroll and IT. Annualized payroll is \$7.6 million (86% of the total budget) and includes an additional nine employees from where we ended in FY25. The projected total for FY26 is 60 employees (see attached *FY26 Organizational Chart*). Sixty refers to the headcount of regular (part-time & full-time) employees. The nine commissioners and six hearing officers are not included in the headcount.

FY26 Annualized Payroll	
9 Commissioners + 3% COLA	417,041
60 Regular Employees + 3% COLA	7,140,940
6 Hearing Officers	60,000
	<b>7,617,981</b>

The annualized payroll total is much higher than what was budgeted for in the Spending Plan (\$7.62 million vs. \$6.64 million). When POST submitted its budget request to ANF back in October, we factored in what we refer to as *Forecasted Savings*. *Forecasted Savings* is calculated by pro-rating salaries to reflect realistic start dates, as opposed to assuming all open positions are onboarded by July 1<sup>st</sup>. Due to the additional cuts already mentioned, POST will have to purposefully delay onboarding for seven of the nine open positions in order to ensure we have enough funding to make payroll. Furthermore, we may need to reduce the COLA from 3% to 1%, and possibly even refrain from hiring all nine positions.<sup>4</sup> That being said, it is very possible certain POST initiatives – such as certifying and auditing LEAs – are delayed. With all the references to fiscal uncertainty and reduced federal resources, we cannot say for sure if such programs could even be postponed into FY27 or FY28.

<sup>4</sup> F&A will closely monitor payroll throughout the year. We should have a better indication by the close of Q2 of how much COLA, and how many hires, we can ultimately afford.

As previously mentioned, POST's IT budget consists mostly of recurring maintenance costs. This began in FY25 after we completed the final phase of Salesforce development in FY24. The following two charts present a more detailed view of IT spending. As you can see, IT spending for POST remains virtually level-funded.



**Next Steps**

At next month's commission meeting, we will review spending for Q1 and take a preliminary look at budget development for FY27.



# FY25 Organizational Structure

## YEAR-END

**54 Forecasted Positions**  
 51 Filled  
 3 Open



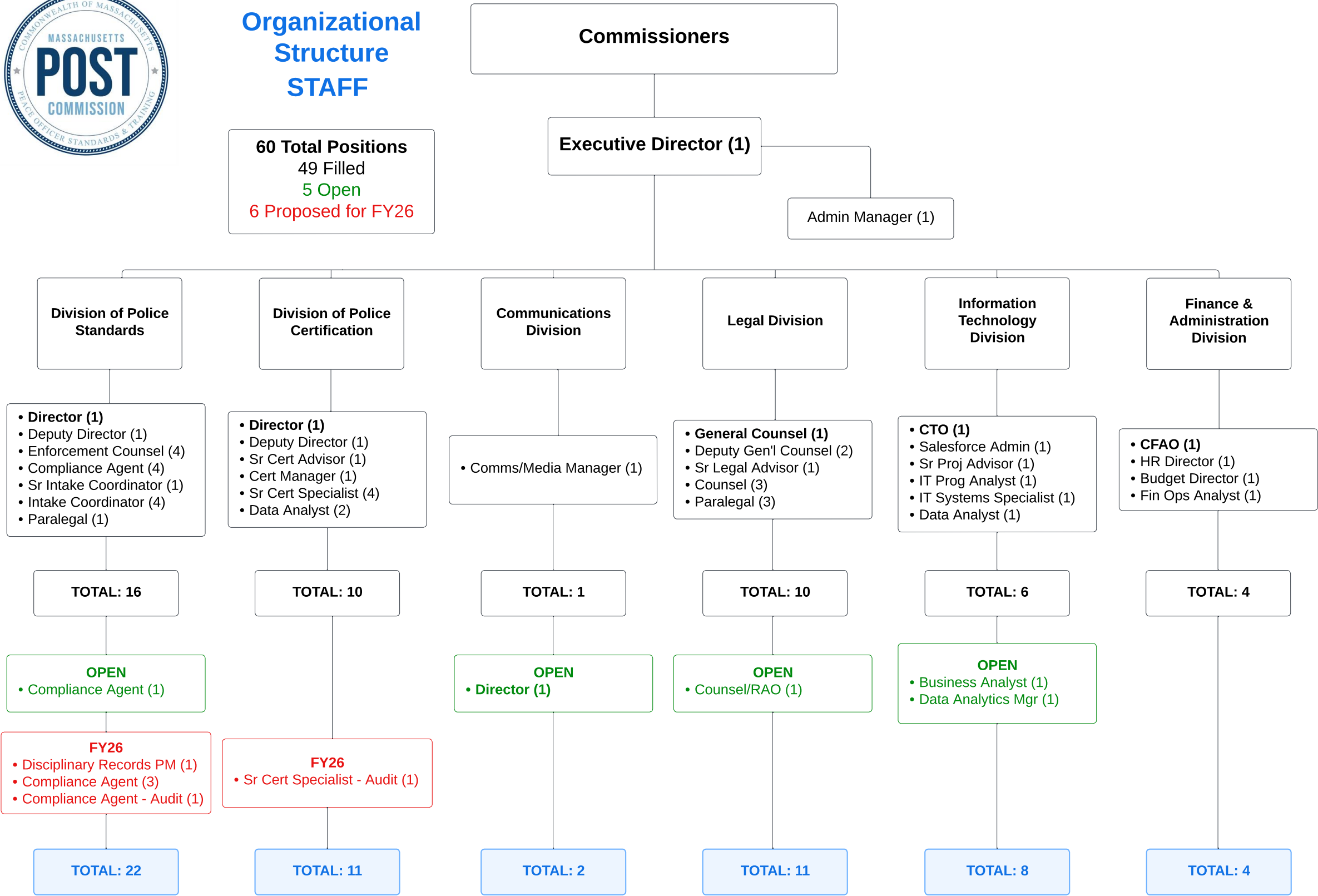


# FY26 Spending Plan

## Organizational Structure

### STAFF

**60 Total Positions**  
 49 Filled  
 5 Open  
 6 Proposed for FY26



6a.



# LAW ENFORCEMENT AGENCY (“LEA”) CERTIFICATION

Annie E. Lee, Counsel

George Boateng, Legal Fellow

September 2025



# AGENDA

1. Officer response procedures – revisions and preliminary approval
2. Criminal investigation procedures – revisions
3. Detainee transportation – initial presentation



# OFFICER RESPONSE PROCEDURES

## Process:

- April 2025 – Initially presented to Commission
- July 2025 – Feedback from MPTC
- August 2025 – Revisions presented to Commission and **further feedback from MPTC**
- **September 2025 – Further revisions presented to 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 “DEVELOPMENTALLY AND AGE APPROPRIATE, TRAUMA INFORMED, RACIALLY EQUITABLE, AND CULTURALLY RELEVANT TACTICS AND TECHNIQUES”

Proposed  
Revisions:

Approaches ~~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 approaches ~~tactics and techniques~~ include, but are not limited to, approaches ~~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).



# INTERACTIONS WITH VULNERABLE PERSONS

Include a sub-policy or provision concerning interactions with vulnerable persons, as identified by such a person or as perceived to be by an officer, which shall:

1. Direct an officer to employ developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant ~~tactics and techniques~~ approaches, when time and circumstances reasonably permit;

...

8. Encourage Direct officers to make efforts to connect people in need to appropriate support services, when time and circumstances reasonably permit; and

....

Proposed  
revisions



# CRIMINAL INVESTIGATION PROCEDURES

## Process:

- April 2025 – Initially presented to Commission
- July 2025 – Feedback from MPTC

## Key elements:

- Key principles
- **Reporting criminal activity**
- Management
- Investigatory techniques
- Conflicts of interest
- **Youths**
- Coordinated investigations
- Intelligence information
- Victim or witness assistance
- **Communications**
- Training



# DEFINITION OF “RESPONSIBLE ADULT”

Prior  
Definition:

Responsible Adult. An individual eighteen or older with authority to make decisions on behalf of a youth. A responsible adult includes, but is not limited to, the attorney of the youth, or the attorney of the youth’s parent or guardian.

Proposed  
Definition:

Interested Adult. An individual eighteen or older whom a youth can consult with for the purpose of determining whether to waive their *Miranda* rights in accordance with *Commonwealth v. A Juvenile (No. 1)*, 389 Mass. 128 (1983).



# DEFINITION OF “FAMILY”

Prior  
Definition:

An adult or minor parent, spouse, child, sibling, child of a sibling, grandparent, grandchild, sibling of a parent, child of a sibling of a parent, parent-in-law, sibling-in-law, child of a sibling-in-law, grandparent of a spouse, sibling of a parent-in-law, child of a sibling of a parent-in-law, or household member.

Proposed  
Definition:

An individual who is a member of the officer’s family, a member of the officer’s family residing in the officer’s household, or a relative within the third degree of relationship.

- A member of the officer’s family is: a spouse or domestic partner; a child, grandchild, parent, grandparent, or sibling, whether by blood, adoption, or marriage; or another relative or person with whom the officer maintains a close family-like relationship.
- A member of the officer’s family residing in the officer’s household is an individual who resides in the officer’s household who is: a relative by blood, adoption, or marriage; a domestic partner; or a person with whom the officer maintains a close family-like relationship.
- A relative within the third degree of relationship is: a great-grandparent, grandparent, parent, sibling of a parent, sibling, cousin, child, grandchild, great-grandchild, or child of a sibling, whether by blood, adoption, or marriage.



# AGENCY AND OFFICER CONDUCT

## Prior Provision:

Prohibit the agency from discouraging, intimidating, or retaliating against individuals who seek to report criminal activity, including by:

1. Requiring any such individual to make their report under oath or penalty of perjury;
2. Conducting a criminal background check of any such individual solely on the basis that such individual seeks to report or has reported criminal activity;
3. Conducting a warrant check of any such individual solely on the basis that such individual seeks to report or has reported criminal activity; and
4. Conducting an immigration check of any such individual solely on the basis that such individual seeks to report or has reported criminal activity;

## Revisions:

Prohibit the agency from engaging in any conduct for the purposes of discouraging, intimidating, or retaliating against an individuals ~~who~~ because that individual seeks to report or has reported criminal activity, including by:

1. Requiring any such individual to make their report under oath or penalty of perjury;
2. Conducting a criminal background check of any such individual ~~solely on the basis that such individual seeks to report or has reported criminal activity;~~
3. Conducting a warrant check of any such individual ~~solely on the basis that such individual seeks to report or has reported criminal activity;~~ and
4. Conducting an immigration check of any such individual ~~solely on the basis that such individual seeks to report or has reported criminal activity;~~

## Proposed Provision:

Prohibit the agency from engaging in any conduct for the purposes of discouraging, intimidating, or retaliating against an individual because that individual seeks to report or has reported criminal activity, including by:

1. Requiring any such individual to make their report under oath or penalty of perjury;
2. Conducting a criminal background check of any such individual;
3. Conducting a warrant check of any such individual; and
4. Conducting an immigration check of any such individual;



# UNDERSTANDINGS OF YOUTH RIGHTS

Section:	Prior Provision:	Revisions:
(i)(3)	Obtain the youth's clear and unambiguous understanding that the interview is voluntary and they are free to leave if they do not wish to participate in the interview;	<u>Commence the non-custodial interview of a youth only after obtaining</u> <del>Obtain</del> the youth's clear and unambiguous understanding that the interview is voluntary and they are free to leave if they do not wish to participate in the interview;
(j)(1)(f)	Obtain the youth's clear and unambiguous understanding of the youth's <i>Miranda</i> rights;	<u>Attempt to obtain the youth's waiver of their <i>Miranda</i> rights only after obtaining</u> <del>Obtain</del> the youth's clear and unambiguous understanding of the youth's <i>Miranda</i> rights;
(j)(1)(h)(ii)	Obtain the youth's clear and unambiguous waiver of their <i>Miranda</i> rights;	<u>Commence the custodial interrogation of a youth only after obtaining</u> <del>Obtain</del> the youth's clear and unambiguous understanding of <del>their</del> <u>the youth's</u> <i>Miranda</i> rights;



# DECEPTION IN YOUTH INTERROGATIONS

Prior Provision:	Revisions:	Proposed Provision:
<p>Prohibits officers from:</p> <ul style="list-style-type: none"><li>a. Restraining the youth, unless the youth is engaging in behavior reasonably likely to cause injury to themselves or others;</li><li>b. Using, threatening to use, or causing the youth to perceive that the officer will use force;</li><li>c. Threatening the youth;</li><li>d. Using profanity or derogatory language, or engaging in demeaning, threatening, or humiliating speech or tactics; and</li><li>e. Using deception;</li></ul>	<p>Prohibits officers, <u>during a custodial interrogation</u>, from <u>engaging in any conduct for the purpose of threatening, intimidating, or unlawfully coercing a youth, including by:</u></p> <ul style="list-style-type: none"><li>a. <u>Using excessive or unreasonable deception;</u></li><li>a. Restraining the youth, unless the youth is engaging in behavior reasonably likely to cause injury to themselves or others;</li><li>b. Using, threatening to use, or causing the youth to perceive that the officer will use force;</li><li>c. <u>Conducting the interrogation for an unreasonable amount of time without reasonably frequent and substantial breaks; Threatening the youth;</u></li><li>d. <u>Suggesting to the youth unknown or unrealistic benefits or negative consequences if the youth does or does not confess; and</u></li><li>e. Using profanity or derogatory language, or engaging in demeaning, threatening, or humiliating speech or tactics; <del>and</del></li><li><del>f. Using deception;</del></li></ul>	<p>Prohibits officers, during a custodial interrogation, from engaging in any conduct for the purpose of threatening, intimidating, or unlawfully coercing a youth, including by:</p> <ul style="list-style-type: none"><li>a. Using excessive or unreasonable deception;</li><li>a. Restraining the youth, unless the youth is engaging in behavior reasonably likely to cause injury to themselves or others;</li><li>b. Using, threatening to use, or causing the youth to perceive that the officer will use force;</li><li>c. Conducting the interrogation for an unreasonable amount of time without reasonably frequent and substantial breaks;</li><li>d. Suggesting to the youth unknown or unrealistic benefits or negative consequences if the youth does or does not confess; and</li><li>e. Using profanity or derogatory language, or engaging in demeaning, threatening, or humiliating speech or tactics;</li></ul>





# COMMUNICATIONS

## Prior Provision:

Include a sub-policy or provision concerning communications about a criminal investigation, to the extent appropriate:

1. With an individual who reports criminal activity;
2. On the agency's website and social media; and
3. With the media;

## Revisions:

Set forth specific and comprehensive requirements and/or restrictions ~~include a sub-policy or provision~~ concerning communications about a criminal investigation, including the information regarding the criminal investigation process as specified in 555 CMR 13.03(5)(f), to the extent appropriate, with:

1. The ~~With an~~ individual who reports criminal activity, which shall address if and when such information will be communicated to such a person; and
2. The public, which may include communications o~~n~~ the agency's website and social media and with media outlets; and
3. ~~With the media;~~

## Proposed Provision:

Set forth specific and comprehensive requirements and/or restrictions concerning communications about a criminal investigation, including the information regarding the criminal investigation process as specified in 555 CMR 13.03(5)(f), to the extent appropriate, with:

1. The individual who reports criminal activity, which shall address if and when such information will be communicated to such a person; and
2. The public, which may include communications on the agency's website and social media and with media outlets;



# DETAINEE TRANSPORTATION

## Resources consulted:

- Massachusetts Police Accreditation Commission, *Chapter 70: Detainee Transportation* (2024)
- Baltimore Police Department, *Persons in Police Custody* (2024)
- Lexington Police Department, *Transporting Detainees* (2019)
- International Association of Chiefs of Police, *Transportation of Prisoners Model Policy* (2015)
- International Association of Chiefs of Police, *Transportation of Prisoners Concepts and Issues Paper* (2015)
- Suffolk County Sheriff's Department, *Transportation Division*
- Middlesex Sheriff's Office, *Transportation Unit*
- Massachusetts General Laws
- Public comments

## Key elements:

- Key principles
- Officer conduct
- Transport vehicles
- Searches
- Restraints
- Supervision and surveillance
- Transportation considerations
- Safety
- Transfer of detainee custody
- Training



# KEY PRINCIPLES

- Consistent with M.G.L. c. 6E's strong emphasis on improving policing and interactions with the public, and ensuring bias-free policing, the standard provides that each agency's written detainee transportation policies should highlight:
  - The *sanctity of life, bodily integrity*; and
  - The *dignified and respectful treatment* of all detainees.



# OFFICER CONDUCT

- An agency's policy should encourage officers to engage in certain behaviors when interacting with detainees with due consideration for their *physical safety and the mental and emotional vulnerabilities or embarrassment resulting from their detainment*. These behaviors include officers explaining to the detainee:
  - What the officer is doing and why;
  - Where the detainee is being transported and why; and
  - Any applicable next steps.



# TRANSPORT VEHICLES

- A transport vehicle is *any agency-owned or -operated vehicle* used to transport detainees.
- Directing agencies to provide a sub-policy or provision addressing:
  - The *types of vehicles* that may be used as transport vehicles;
  - The *modifications* necessary for a transport vehicle; and
  - The requirements for the *routine inspection and maintenance* of transport vehicles.



# SEARCHES

## Searching a transport vehicle

Agencies should set forth specific and comprehensive search of transport vehicle procedures to ensure that transport vehicles *are free of weapons, contraband, or any other evidentiary items before placing a detainee in the vehicle and after transferring custody of a detainee.*

These procedures should include:

- Guidelines outlining when a transport vehicle should be searched;
- Requirements to search parts of the transport vehicle accessible to a detainee; and
- Directives to remove any items or articles discovered during the search.

## Searching a detainee

Regardless of the extent of any previous searches, a detainee must be searched before being placed in a transport vehicle.

Agencies must include a sub-policy or provision that a detainee should be *searched in the least intrusive yet most effective manner necessary to ensure safe transport of the detainee, without demeaning the detainee.*



# RESTRAINTS

- The restraining of a detainee must be done in the least intrusive and most effective manner necessary to safely and effectively transport the detainee, without *intentionally causing risk of injury, actual injury, or undue pain or discomfort to the detainee.*
- Agencies should set forth specific and comprehensive requirements that securing the detainee within the transport vehicle shall be done with *appropriate restraining devices and a functioning seatbelt* to the degree necessary to prevent an escape and to protect the detainee and the transporting officer. *However, under no circumstance should a detainee's restraint be affixed to any part of the transport vehicle.*



# SUPERVISION AND SURVEILLANCE

- Set forth specific and comprehensive requirements to keep the detainee under constant supervision and surveillance, *either by direct observation or through live audio- and/or video-transmission*, throughout the time the detainee is in custody outside the perimeter of the agency's facilities and/or being transported.
- If the agency has transport vehicles outfitted with camera systems for monitoring detainees, or has body-worn cameras or in-car audio- or video-recording systems, the officers *must activate such a system when transporting a detainee*.
- Where the transport vehicle is not outfitted with a camera system for monitoring detainees or the agency does not have transport vehicles with such systems, *officers must activate their body-worn cameras or any in-car audio- or video-recording systems when transporting a detainee*.





# TRANSPORTATION CONSIDERATIONS

- An agency's written detainee transportation policies should include a sub-policy or provision on the following:
  - A requirement *to transport a detainee with at least one officer whose gender identity matches the gender identity of the detainee*, when time and circumstances reasonably permit;
  - A requirement *to transport a detainee of one gender identity separately from a detainee of another gender identity*, when time and circumstances reasonably permit;
  - A requirement *to transport the detainee without unnecessary delay*;
  - A provision addressing the circumstances under *which officers are permitted to or prohibited from conducting other law enforcement activities* while transporting a detainee; and
  - A directive concerning *the transportation of youth detainees* in accordance with the standards set forth in 555 CMR 13.03(6)(g).



# SAFETY

- Requiring agencies to include a sub-policy or provision in their written policies concerning detainee safety that:
  - Directs officers to operate the transport vehicle in a manner that *aims to preserve the safety and security* of all passengers;
  - Directs officers to obey all traffic regulations, except when exigent circumstances exist;
  - Prohibits officers from operating the transport vehicle in *a manner intended to create discomfort to the detainee*, including, but not limited to, by unnecessarily speeding, braking, or making sharp turns (i.e., prohibits “rough rides”); and
  - Directs officers to provide an *appropriate and timely medical response* to, or otherwise procure appropriate medical assistance in a timely manner for, a detainee exhibiting signs of or complaining of injury or illness.



# TRANSFER OF DETAINEE CUSTODY

- Requires agencies to include a sub-policy or provision concerning communication when transferring custody of a detainee to another party or entity, including information concerning:
  - The detainee's *known or suspected physical condition*;
  - The detainee's *known or suspected mental health conditions*;
  - and
  - Any requests for medical attention.



# TRAINING

- Ensure training are in accordance with all applicable training requirements.



Members of law enforcement and the public are encouraged to submit comments and suggestions to [POSTC-comments@mass.gov](mailto:POSTC-comments@mass.gov)

6a(i).



# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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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

From: Annie E. Lee, Counsel

Re: Law Enforcement Agency Certification Standards – Officer Response Procedures

Date: September 18, 2025

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

The standard regarding officer response procedures was first presented to the Commission during its April 2025 meeting. Following that meeting, Commission staff sought feedback from the Municipal Police Training Committee (“MPTC”) and its staff. The MPTC provided its feedback during its July 2025 meeting. Commission staff then presented proposed revisions to the Commission during its August 2025 meeting; those proposed revisions reflected feedback and suggestions provided by the Commission during its April 2025 meeting, the MPTC during its July 2025 meeting, and Commission staff.

The MPTC considered those proposed revisions during its August 2025 meeting and, while largely satisfied by those revisions, provided further feedback for the Commission’s consideration. Commission staff and MPTC staff sought to address that feedback through further proposed revisions, which are reflected in the revised draft standard enclosed for the Commission’s review.

Those proposed revisions are as follows:

- “Developmentally and Age Appropriate, Trauma Informed, Racially Equitable, and Culturally Relevant Tactics and Techniques.” The MPTC raised concerns about the use of the phrase “tactics and techniques” in this definition, noting that “tactics and

techniques” has a specific meaning in law enforcement; the MPTC suggested that “tactics and techniques” implies something more specific than the type of broader critical thinking framework that is called for in this definition. Although “tactics and techniques” originates in the Commission’s enabling legislation, *see* St. 2020, c. 253, §§ 22, 119, and was used in 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), the revised draft standard proposes using the term “approaches,” instead of the phrase “tactics and techniques,” to address the MPTC’s concern.

- Interactions with vulnerable persons.
  - Utilizing developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches. The MPTC questioned whether there might be situations where it is not feasible to utilize developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches, particularly when the individual with whom an officer is interacting poses an immediate threat. To account for this possibility, the revised draft standard proposes qualifying the provision by stating that officers will be directed to employ developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches “when time and circumstances reasonably permit.”
  - Connections to support services. For consistency with a similar provision encouraging officers to utilize appropriate alternatives to arrest, incarceration, and hospitalization, the revised draft standard proposes that officers be “encouraged,” rather than “directed,” to make efforts to connect people in need to appropriate support services.

The MPTC, during its September 2025 meeting, indicated it was satisfied with the proposed revisions and had no further feedback. The officer response procedures standard is therefore presented to the Commission for preliminary approval in its draft form.

***Recommendation: The Commission preliminarily approve the officer response procedure standard, as discussed and presented today, as a draft.***





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.

Developmentally and Age Appropriate, Trauma Informed, Racially Equitable, and Culturally Relevant Approaches, Tactics and Techniques. ~~Tactics and techniques~~ Approaches 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~~ approaches include, but are not limited to, ~~tactics and techniques~~ approaches 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.

Agency Certification Standards – Draft Officer Response Procedures (DRAFT)

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.

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 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:

Agency Certification Standards – Draft Officer Response Procedures (DRAFT)

- (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
  - 3. 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;
- (c) Include a sub-policy or provision concerning interactions with vulnerable persons, as identified by such a person or as perceived to be by an officer, which shall:
  - 1. Direct an officer to employ developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant ~~taeties and techniques~~approaches, when time and circumstances reasonably permit;
  - 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;

Agency Certification Standards – Draft Officer Response Procedures (DRAFT)

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, including naloxone, outside a hospital setting by officers;
  6. Prohibit the administration of prohibited pharmacological agents and sedatives, including ketamine, in accordance with M.G.L. c. 94C, § 9;
  7. Encourage officers to utilize appropriate alternatives to arrest, incarceration, and hospitalization, including diversion referrals focused on connecting individuals to care, when time and circumstances reasonably permit;
  8. ~~Direct~~ Encourage officers to make efforts to connect people in need to appropriate support services, when time and circumstances reasonably permit; and
  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 at least 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 or probable cause the stop is based on, unless during the course of the stop the officer develops at least 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 at least a reasonable, articulable suspicion ~~or probable cause 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 at least 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;
- (h) Include a sub-policy or provision concerning the handling of critical incidents;
- (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;

- (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;
  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;

Agency Certification Standards – Draft Officer Response Procedures (DRAFT)

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);
  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);
  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
  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.



6a(ii).



# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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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

From: Annie E. Lee, Counsel

Re: Law Enforcement Agency Certification Standards – Criminal Investigation Procedures

Date: September 18, 2025

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

The standard regarding criminal investigation procedures was last before the Commission during its May 2025 meeting, when it was presented for the Commission’s initial discussion and 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 MPTC and its staff, as well as Commission staff. This standard is presented to the Commission for further discussion and feedback; it is ***not*** presented to the Commission for preliminary approval.

Those proposed revisions are as follows:<sup>1</sup>

- “**Family.**” The initial draft standard sought to, for purposes of a conflicts of interest provision, define who is part of an officer’s family by listing different individuals who should be considered part of an officer’s family. Rather than listing those individuals, the

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

revised draft standard proposes defining who is part of an officer's family by describing three categories of individuals – (1) members of the officer's family; (2) members of the officer's family residing in the officer's household; and (3) relatives within the third degree of relationship – and describing who falls within those categories. Defining "family" in this manner is consistent with the Code of Judicial Conduct, which prohibits judges from engaging in certain behaviors and activities and requires judges to disqualify themselves from certain proceedings in order to avoid the appearance of and/or actual conflict of interest in matters involving members of a judge's family.

- “Responsible Adult.” The initial draft standard included a definition for the term “responsible adult,” which was “an individual eighteen or older with authority to make decisions on behalf of a youth.” The term “responsible adult” appeared in provisions relating to the non-custodial interviewing and custodial interrogation of youths. In those provisions, officers were directed to allow a youth’s “responsible adult” the opportunity to be present for the youth’s non-custodial interview or custodial interrogation, based on *Commonwealth v. A Juvenile (No. 1)*, 389 Mass. 128, 134 (1983). Given, however, that the Supreme Judicial Court termed such an adult an “interested adult” and the specific context in which this concept appears in this particular standard, the revised draft standard proposes using the term “interested adult” in place of “responsible adult.” The revised draft standard also proposes defining an “interested adult” as “an individual eighteen or older whom a youth can consult with for the purpose of determining whether to waive their *Miranda* rights in accordance with *Commonwealth v. A Juvenile (No. 1)*, 389 Mass. 128 (1983)” to ensure that the definition aligns with the context in which the term appears.
- Agency and officer conduct. The initial draft standard sought to prevent agencies and officers from inadvertently deterring or retaliating against individuals who seek to report or have reported criminal activity, while preserving law enforcement’s ability to diligently investigate such reports. The MPTC’s staff, however, raised concerns that the initial draft standard did not adequately provide for the latter. The revised draft standard therefore attempts to foreground the intent aspect of this prohibition—that is, that certain behavior is prohibited when receiving a report of criminal activity if such behavior is intended to discourage, intimidate, or retaliate against the individual who seeks to report or has reported criminal activity—to better strike the appropriate balance.
- Understandings of youth rights. The initial draft standard directed officers to obtain a youth’s clear and unambiguous understanding of the youth’s rights when seeking to conduct a non-custodial interview or custodial interrogation of a youth. Obtaining such an understanding, however, may not always be possible, based on the youth’s age, mental ability, education level, prior experience with law enforcement, or other factor. The revised draft standard seeks to account for this potential by revising the direction so that officer may only commence a non-custodial interview or custodial interrogation of a youth *after* obtaining the youth’s clear and unambiguous understanding of the youth’s rights.

- Deception in custodial interrogations of youth. The initial draft standard, based on youths' increased susceptibility, sought to prohibit officers from threatening, intimidating, and coercing youths during custodial interrogations. The MPTC, however, raised concerns about such a prohibition; the MPTC stated that such tactics, in particular deception, are valid investigatory tools and, to that end, are permitted with adequate safeguards as articulated by the Supreme Judicial Court. In an attempt to strike the appropriate balance between protecting youths and enabling the lawful investigation of criminal activity, the revised draft standard emphasizes that officers are prohibited from tactics and conduct where such behavior is intended to threaten, intimidate, or unlawfully coerce a youth. Thus, deception may be permitted, provided that it is not excessive or unreasonable.
- Communications. The initial draft standard directed agencies to include a sub-policy or provision concerning communications about criminal investigations, as the agency deems appropriate, with individuals who report criminal activity, the public, and the media. However, as drafted, this provision proved to be confusing. To address that confusion, the revised draft standard suggests that an agency's criminal investigation communications provision should set forth requirements and/or restrictions concerning communications about the criminal investigation process with individuals who report criminal activity and the public, which includes the media, duly addressing if and when any such information will be communicated.

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

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- 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.

~~Criminal Intelligence Data. Intelligence Information as that term is defined in M.G.L. c. 6, § 167.~~

Family. ~~An individual who is a member of the officer's family, a member of the officer's family residing in the officer's household, or a relative within the third degree of relationship. A member of the officer's family is: a spouse or domestic partner; a child, grandchild, parent, grandparent, or sibling, whether by blood, adoption, or marriage; or another relative or person with whom the officer maintains a close family-like relationship. A member of the officer's family residing in the officer's household is an individual who resides in the officer's household who is: a relative by blood, adoption, or marriage; a domestic partner; or a person with whom the officer maintains a close family-like relationship. A relative within the third degree of relationship is: a great-grandparent, grandparent, parent, sibling of a parent, sibling, cousin, child, grandchild, great-grandchild, or child of a sibling, whether by blood, adoption, or marriage.~~

~~An adult or minor parent, spouse, child, sibling, child of a sibling, grandparent, grandchild, sibling of a parent, child of a sibling of a parent, parent-in-law, sibling-in-law, child of a sibling-in-law, grandparent of a spouse, sibling of a parent-in-law, child of a sibling of a parent-in-law or household member.—~~

Confidential Informant. An individual who, in an arrangement with a law enforcement agency, agrees to serve in a clandestine capacity to gather and furnish information to the agency about suspected criminal operatives and/or criminal activity in exchange for compensation or consideration, either financial, prosecutorial, or judicial.

Custodial Interrogation. Questioning initiated by an officer after an individual has been taken into custody or otherwise deprived of their freedom of action in any significant way.

Developmentally and Age Appropriate, Trauma Informed, Racially Equitable, and Culturally Relevant Approaches, Tactics and Techniques. ~~Approaches, 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~~ approaches include, but are not limited to, ~~tactics and techniques~~ approaches 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).

Intelligence Information. ~~Intelligence Information as that term is defined in M.G.L. c. 6, § 167.~~

~~Responsible Interested Adult. An individual eighteen or older whom a youth can consult with for the purpose of determining whether to waive their *Miranda* rights in accordance with *Commonwealth v. A Juvenile (No. 1)*, 389 Mass. 128 (1983). with authority to make decisions on behalf of a youth. A responsible adult includes, but is not limited to, the attorney of the youth, or the attorney of the youth’s parent or guardian.~~  
~~MPTC. The Municipal Police Training Committee as defined in M.G.L. c. 6, § 116.~~

Non-Custodial Interview. Questioning initiated by an officer in which an individual is not in custody and is free to leave at any time.

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

~~Responsible Adult. An individual eighteen or older with authority to make decisions on behalf of a youth. A responsible adult includes, but is not limited to, the attorney of the youth, or the attorney of the youth’s parent or guardian.~~

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]

- (5) Criminal investigation procedures. An agency’s criminal investigation policy shall:
  - (a) Ensure compliance with constitutional requirements consistent with the agency’s code of conduct policy developed pursuant to 555 CMR 13.03(3);
  - (b) Require the agency to establish easily accessible methods, to the extent possible, by which individuals may report criminal activity including:

1. At the agency;
2. Over the phone, which may include text messages to a phone number prescribed by the agency to receive reports alleging criminal activity, if utilized by the agency;
3. Over the internet, which may include messages to an official agency e-mail address, messages to an official agency social media account, and/or completion of a form available on the agency's website, if utilized by the agency;

4. By mail;

4.5. Orally;

5.6. In writing;

6.7. Anonymously;

7.8. In languages other than English ~~that are spoken by a substantial proportion of residents in the agency's geographical jurisdiction;~~  
and

8.9. Via a third party;

(c) Prohibit the agency from engaging in any conduct for the purposes of discouraging, intimidating, or retaliating against an individual who because that individual seeks to report or has reported criminal activity, including by:

1. Requiring any such individual to make their report under oath or penalty of perjury;
2. Conducting a criminal background check of any such individual solely on the basis that such individual seeks to report or has reported criminal activity;
3. Conducting a warrant check of any such individual solely on the basis that such individual seeks to report or has reported criminal activity; and
4. Conducting an immigration check of any such individual solely on the basis that such individual seeks to report or has reported criminal activity;



- (d) ~~Require-Encourage~~ the agency to allow the prospective reporter the opportunity to review a copy of their own statement for completeness and accuracy, when time and circumstances reasonably permit;
- (e) Require the agency to accept and screen all reports of criminal activity for the purposes of determining whether to initiate a criminal investigation;
- (f) Set forth specific and comprehensive requirements concerning the management of all aspects of a criminal investigation, including:
  - 1. Initiation;
  - 2. Assignment;
  - 3. Supervision;
  - 4. Initial or preliminary investigation;
  - 5. Follow-up investigation;
  - 6. Collection, preservation, and use of evidence, consistent with the agency's collection and preservation of evidence policy developed pursuant to 555 CMR 13.03(8), and 515 CMR where applicable;
  - 7. Internal progress reporting and accountability;
  - 8. Recommended time limits;
  - 9. Resolution, including by methods other than arrest and incarceration;
  - 10. Documentation; and
  - 11. Case file maintenance;
- (g) Set forth specific and comprehensive requirements and/or restrictions concerning the use of investigatory techniques in a criminal investigation, including:
  - 1. Non-custodial interviews;
  - 2. Custodial interrogations;
  - 3. Reliance on informants, including confidential informants and jailhouse informants;

4. Identification procedures, including photo arrays, in-person line-ups, show-ups, and admonitions;
  5. Background investigations;
  6. Surveillance, including wiretapping and other methods of eavesdropping;
  7. Searches;
  8. Undercover operations;
  9. Deception;
  10. Enticement, including promises, rewards, or inducements made to a witness, informant, or suspect; and
  11. Facial recognition technology;
- (h) Include a sub-policy or provision concerning the management of conflicts of interest in a criminal investigation that:
- ~~1. Emphasizes an officer's duty to act professionally and ethically, and to be worthy of the public trust and authority given to officers consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);~~
  - 2.1. Prohibits an officer, regardless of rank, from conducting a criminal investigation, in whole or in part, that involves a member of the officer's family or an individual with whom the officer has a close personal or business relationship;
  - 3.2. Sets forth specific and comprehensive requirements concerning the internal reporting of a potential or actual conflict of interest to the prospective conflicted officer's supervisor, superior, or appointing authority;
  - 4.3. Sets forth specific and comprehensive requirements concerning the agency's evaluation of the reported conflict of interest for the purposes of determining whether an actual conflict of interest exists;
  - 5.4. Sets forth specific and comprehensive requirements concerning measures that the agency will take to prevent the conflicted officer from interfering with the criminal investigation:

6.5. Addresses the circumstances under which the criminal investigation will be referred to another agency-body because the agency cannot adequately manage the conflict of interest; and

7.6. Complies with all applicable laws, rules, and regulations, including M.G.L. c. 6E, § 12, M.G.L. c. 149, § 185, M.G.L. c. 268A, and 555 CMR 2.03(5) and 6.07;

(i) Include a sub-policy or provision concerning the non-custodial interviewing of a youth during a criminal investigation that directs officers to:

1. Explain, in developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant language, that the officer is seeking to interview the youth, the purpose of the interview, and the youth's rights;
2. Provide the youth's parent, legal guardian, or responsible interested adult the opportunity to be present for the interview, if appropriate and when time and circumstances reasonably permit;
3. Commence the non-custodial interviewing of a youth only after obtaining ~~Obtain~~ the youth's clear and unambiguous understanding that the interview is voluntary and they are free to leave if they do not wish to participate in the interview; and
4. Utilize developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches ~~tactics and techniques~~, in light of the youth's age, mental ability, education level, and prior experience with law enforcement, and the seriousness of the matter in question;

(j) Include a sub-policy or provision concerning the custodial interrogation of a youth during a criminal investigation that:

1. Directs officers, during a custodial interrogation, to:
  - a. Explain, utilizing developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches ~~tactics and techniques~~, that the officer is seeking to interrogate the youth, the purpose of the interrogation, and the youth's rights;
  - b. Utilize developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches ~~tactics and techniques~~, in light of the youth's

age, mental ability, education level, and prior experience with law enforcement, and the seriousness of the matter in question;

- c. When seeking to interrogate a youth under the age of fourteen, wait for the youth's parent, legal guardian, or responsible-interested adult to arrive at the location of the interrogation prior to issuing to the youth ~~their~~ *Miranda* warnings, unless there is an objectively reasonable need to interrogate the youth in order to protect the officer or others from an immediate danger;
- d. When seeking to interrogate a youth at least fourteen years old, inform the youth that the youth has the right to have their parent, legal guardian, or responsible-interested adult present for the issuance of ~~the youth's~~ *Miranda rights warnings* and before the interrogation begins and, if the youth requests such a person, wait for the youth's parent, legal guardian, or responsible-interested adult to arrive at the location of the interrogation, unless there is an objectively reasonable need to interrogate the youth in order to protect the officer or others from an immediate danger;
- e. Issue to the youth, in the presence of their parent, legal guardian, or responsible-interested adult, if such person is required or requested, ~~the youth's~~ *Miranda* warnings in accordance with *Commonwealth v. A Juvenile (No. 1)*, 389 Mass. 128 (1983), unless there is an objectively reasonable need to interrogate the youth in order to protect the officer or others from an immediate danger;
- f. Attempt to obtain the youth's waiver of their *Miranda* rights only after ~~Obtain-obtaining~~ the youth's, clear and unambiguous understanding of the youth's *Miranda* rights;
- g. Allow the youth adequate time and space, with their parent, legal guardian, or responsible-interested adult, if such person is required or requested, to consider their *Miranda* rights outside of the officer's presence and hearing; and
- h. If the youth chooses to waive their *Miranda* rights:
  - i. Explain to the youth the consequences of waiving their *Miranda* rights; and

- ii. Commence the custodial interrogation of a youth only after obtaining ~~Obtain~~ the youth's clear and unambiguous waiver of ~~their~~ the youth's *Miranda* rights;
  2. Prohibits officers, during a custodial interrogation, from engaging in any conduct for the purposes of threatening, intimidating, or unlawfully coercing a youth, including by:
    - a. Using excessive or unreasonable deception;
    - ~~a.b.~~ Restraining the youth, unless the youth is engaging in behavior reasonably likely to cause injury to themselves or others;
    - ~~b.c.~~ Using, threatening to use, or causing the youth to perceive that the officer will use force;
    - d. Conducting the interrogation for an unreasonable amount of time without reasonably frequent and substantial breaks;
    - e. ~~Threatening the youth;~~
    - e. Suggesting to the youth unknown or unrealistic benefits or negative consequences if the youth does or does not confess; and
    - d. ~~Using profanity or derogatory language, or engaging in demeaning, threatening, or humiliating speech or tactics;~~  
~~and~~
    - e.
    - f. Using deception;
- (k) Include a sub-policy or provision concerning the coordination of criminal investigation efforts with other law enforcement ~~agencies~~ bodies and governmental entities that sets forth specific and comprehensive requirements and/or restrictions concerning:
  1. The circumstances under which the agency will coordinate its criminal investigation efforts with another body or entity;
  2. Standards and procedures for deconflicting investigative efforts between the agency and the other body or entity with which it is coordinating;

3. The management of coordinated criminal investigation efforts between the agency and the other body or entity with which it is coordinating;
4. Communications about the coordinated criminal investigation efforts between the agency and the other body or entity with which it is coordinating; and
5. The dissemination and sharing of criminal investigation materials, documents, or evidence;

(l) Include a sub-policy or provision concerning ~~eriminal intelligence data~~intelligence information collection that sets forth specific and comprehensive requirements and /or restrictions concerning:

1. The collection of ~~eriminal intelligence data~~intelligence information, including limiting ~~eriminal intelligence data~~intelligence information to data concerning criminal conduct and activities that present a threat to the public;
2. The privacy and security of ~~eriminal intelligence data~~intelligence information in the agency's possession, custody, or control;
3. The storage of ~~eriminal intelligence data~~intelligence information in the agency's possession, custody, or control;
4. The dissemination and sharing of ~~eriminal intelligence data~~intelligence information in the agency's possession, custody, or control;
5. The modification, correction, amendment, or destruction of ~~eriminal intelligence data~~intelligence information in the agency's possession, custody, or control;
6. The agency's participation in an inter- or intra-jurisdictional ~~eriminal intelligence data~~intelligence information sharing system; and
7. Compliance with all applicable laws, rules, and regulations, including, M.G.L. c. 6, § 167, et seq., and regulations promulgated thereunder;

(m) Include a sub-policy or provision concerning victim or witness assistance that:

Agency Certification Standards – Criminal Investigation Procedures (DRAFT)

1. Directs officers to employ developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant approaches tactics and techniques when engaging with a victim or witness;
  2. Directs officers to make efforts to connect a victim or witness in need to appropriate support services, when time and circumstances reasonably permit; and
  3. Complies with all applicable laws, rules, and regulations, including M.G.L. c. ~~258A~~258B and M.G.L. c. 258F;
- (n) Set forth specific and comprehensive requirements and/or restrictions ~~Include a sub-policy or provision~~ concerning communications about a criminal investigation, including the information regarding the criminal investigation process as specified in 555 CMR 13.03(5)(f), to the extent appropriate, with:
1. ~~With an~~The individual who reports criminal activity, which shall address if and when such information will be communicated to such a person; and
  2. The public, which may include communications o~~On~~ the agency's website and social media and with media outlets; and
  3. ~~With the media;~~
- (o) Ensure that all officers are trained in criminal investigation procedures in accordance with all applicable training requirements.

6a(iii).





# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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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

From: Annie E. Lee, Counsel  
George Boateng, Legal Fellow

Re: Law Enforcement Agency Certification Standards – Detainee Transportation

Date: September 18, 2025

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Under Massachusetts General Laws chapter 6E, section 5(b), the Massachusetts Peace Officer Standards and Training Commission (“Commission”) is directed to develop agency certification standards in at least eight areas, of which “detainee transportation” is one.

Attached for the Commission’s review is a draft detainee transportation standard. This standard is presented to the Commission for discussion and feedback; it is ***not*** presented to the Commission for preliminary approval.

The draft detainee transportation standard includes the following key elements:

- **Key principles.** The draft standard provides that an agency’s detainee transportation policy should emphasize the sanctity of life, bodily integrity, and the dignified and respectful treatment of all detainees to ensure humane treatment and enhance public confidence in law enforcement. These principles are consistent with M.G.L. c. 6E’s strong emphasis on improving policing and interactions with the public, and ensuring bias-free policing.
- **Officer conduct.** A detainee is any individual in an agency’s custody. Humane treatment of detainees, with due consideration for their physical safety and the mental and emotional vulnerabilities or embarrassment resulting from their detainment, fosters less strenuous interactions with detainees and the broader public. The draft standard encourages officers to engage in certain behaviors when interacting with detainees.

Those behaviors include explaining: (1) what the officer is doing and why; (2) where the detainee is being transported and why; and (3) any applicable next steps.

- Preparing the transport vehicle. A transport vehicle is any agency-owned or -operated vehicle used to transport detainees. Ensuring public safety, signaling professionalism, and instilling confidence in officers can be enhanced by proactiveness in the upkeep of transport vehicles to ensure they can serve their functions. The draft standard provides that agencies should provide a sub-policy or provision concerning transport vehicles, addressing: (1) the types of vehicles that may be used as transport vehicles; (2) the modifications necessary for a transport vehicle; and (3) the requirements for the routine inspection and maintenance of transport vehicles.

Moreover, conducting a detailed search of the transport vehicle to ensure that it is free of weapons, contraband, or any other evidentiary items is vital both before placing a detainee in the vehicle and after transferring custody of a detainee. This is crucial for the safety of a detainee and the officer, and it also can stem certain allegations of police corruption, such as flaking.<sup>1</sup> The draft standard requires agencies to set forth specific and comprehensive procedures for searching transport vehicles. These procedures should include: (1) guidelines outlining when a transport vehicle should be searched; (2) requirements to search parts of the transport vehicle accessible to a detainee; and (3) directives to remove any items or articles discovered during the search.

- Searching a detainee. Regardless of the extent of any previous searches, a detainee must be searched before being placed in a transport vehicle. The level of danger during a search varies, depending on the condition and state of mind of the detainee, which may include the desire to escape, effects of alcohol or drugs, embarrassment, or other emotional and mental health issues. The draft standard provides that a detainee should be searched in the least intrusive yet most effective manner necessary to ensure safe transport of the detainee, without demeaning the detainee.
- Restraining a detainee. Restraints serve multiple purposes, as they protect officers from the detainee, safeguard a detainee from another detainee, and prevent a detainee from self-harm. The draft standard provides that restraining of a detainee must be done in the least intrusive and most effective manner necessary to safely and effectively transport the detainee, without intentionally causing risk of injury, actual injury, or undue pain or discomfort to the detainee.

Furthermore, securing the detainee within the transport vehicle shall be done with appropriate restraining devices and a functioning seatbelt to the degree necessary to prevent an escape and to protect the detainee and the transporting officer. However, under no circumstance should a detainee's restraint be affixed to any part of the transport vehicle.

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<sup>1</sup> "Flaking: When police officers falsely attribute evidence to suspects, with the goal of arresting them." [Flaking, Cooping and Likely - A Brief Lexicon of the Police - NYTimes.com](#)

- Usage of force. All usage of force to a detainee shall be consistent with 555 CMR 6.00, the agency’s use of force policy, and any other applicable law, rule, regulation, policy, or judicial or regulatory order.
- Supervision and surveillance of a detainee. To ensure the safety and well-being of the detainee, officers should maintain visual contact with the detainee at all times. The draft standard directs officers to keep the detainee under constant supervision and surveillance, either by direct observation or through live audio- and/or video-transmission, throughout the time the detainee is in custody outside the perimeter of the agency’s facilities and/or being transported.
  - If the agency has transport vehicles outfitted with camera systems for monitoring detainees, or has body-worn cameras or in-car audio- or video-recording systems, the officers must activate such a system when transporting a detainee. Similarly, the standard prohibits officers from turning off their body-worn cameras or any in-car audio- or video-recording systems until the transport has fully concluded, and custody has been transferred.
  - Where the transport vehicle is not outfitted with a camera system for monitoring detainees or the agency does not have transport vehicles with such systems, the draft standard directs officers to activate their body-worn cameras or any in-car audio- or video-recording systems when transporting a detainee.
- Transportation considerations. The draft standard sets forth general considerations for the transportation of detainees, including:
  - A requirement to transport a detainee with at least one officer whose gender identity matches the gender identity of the detainee, when time and circumstances reasonably permit;
  - A requirement to transport a detainee of one gender identity separately from a detainee of another gender identity, when time and circumstances reasonably permit, in view of M.G.L. c. 276, § 53;<sup>2</sup>
  - A requirement to transport the detainee without unnecessary delay;
  - A provision addressing the circumstances under which officers are permitted to or prohibited from conducting other law enforcement activities while transporting a detainee; and
  - In view of research showing that youths are developmentally different from adults in ways that impact their interactions with and understanding of officers, a sub-

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<sup>2</sup> M.G.L. c. 276, § 53: “An officer who, having the custody or control of prisoners, causes or permits male and female prisoners to be transported together to or from a court in a vehicle, in a city of more than thirty thousand inhabitants according to the latest census, shall be punished by a fine of not more than twenty dollars.”

policy or provision concerning the transportation of youth detainees in accordance with the standards set forth in 555 CMR 13.03(6)(g).

- Detainee safety. Transport vehicles should generally be operated in a safe and prudent manner to preserve the safety and security of the detainee, fellow officers, and the general public. With this in view, the draft standard requires that agencies include a sub-policy or provision concerning detainee safety that:
  - Directs officers to operate the transport vehicle in a manner that aims to preserve the safety and security of all passengers;
  - Directs officers to obey all traffic regulations, except when exigent circumstances exist;
  - Prohibits officers from operating the transport vehicle in a manner intended to create discomfort to the detainee, including, but not limited to, by unnecessarily speeding, braking, or making sharp turns (i.e., prohibits “rough rides”);<sup>3</sup> and
  - Directs officers to provide an appropriate and timely medical response to, or otherwise procure appropriate medical assistance in a timely manner for, a detainee exhibiting signs of or complaining of injury or illness.
- Transfer of detainee custody. The draft standard requires agencies to include a sub-policy or provision concerning communication when transferring custody of a detainee to another party or entity, including information concerning: (1) the detainee’s known or suspected physical condition; (2) the detainee’s known or suspected mental health conditions; and (3) any requests for medical attention.

Commission staff is consulting with the Municipal Police Training Committee and its staff and expects to present a revised detainee transportation standard to the Commission in due course.

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<sup>3</sup> Rough ride: When detainees, “seated or lying face down and in handcuffs in . . . [a transport vehicle], are jolted and battered by an intentionally rough and bumpy ride.” See [Freddie Gray's Injury and the Police 'Rough Ride' - NYTimes.com](http://www.nytimes.com)



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.

Custody. The state or condition in which an agency and/or an officer has deprived an individual of their freedom of action in any significant way.

Detainee. An individual in the agency’s custody.

Extended Length. Any distance over 100 miles, duration over two hours, or distance or duration that is deemed extended by the agency head or their designee.

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

Transport Vehicle. An agency-owned or -operated vehicle used to transport detainees.

Transport Vehicle Camera (TVC). A camera system intended to monitor and record the interior of all detainee holding areas within a transport vehicle, allowing an officer to monitor the actions and well-being of detainees being transported in real time, via live video.

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]

- (8) Detainee Transportation. An agency’s detainee transportation policy shall:

Agency Certification Standards – Detainee Transportation (DRAFT)

- (a) Emphasize the sanctity of life and bodily integrity consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
- (b) Emphasize the dignified and respectful treatment of all detainees consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
- (c) Encourage officers to explain to the detainee what the officer is doing and why, where the detainee is being transported and why, and any applicable next steps;
- (d) Include a sub-policy or provision concerning transport vehicles, which shall address:
  - 1. The types of vehicles that may be used as transport vehicles;
  - 2. Any modifications necessary for a vehicle to be used as a transport vehicle; and
  - 3. The requirement to routinely inspect, maintain, and service vehicles used as transport vehicles;
- (e) Set forth specific and comprehensive procedures concerning the search of a transport vehicle, including:
  - 1. A provision addressing when the transport vehicle will be searched, which at a minimum, includes prior to placing a detainee in the vehicle, after transferring custody of a detainee, and upon assuming control of the vehicle;
  - 2. A requirement to search the part(s) of the transport vehicle accessible to a detainee; and
  - 3. A requirement to remove any items or articles discovered during a search;
- (f) Set forth specific and comprehensive procedures concerning the search and restraint of a detainee prior to transporting the detainee, including:
  - 1. A requirement to search the detainee, which shall be done in the least intrusive and most effective manner necessary to safely and effectively transport the detainee, without humiliating or demeaning the detainee;

Agency Certification Standards – Detainee Transportation (DRAFT)

2. A requirement to restrain the detainee, which shall be done in the least intrusive and restrictive manner necessary to safely and effectively transport the detainee, without intentionally causing risk of injury, actual injury, or undue pain or discomfort to the detainee;
  3. A requirement to secure the detainee in the transport vehicle, which shall be done with appropriate restraining devices and a functioning seatbelt and to the degree necessary to prevent the detainee's escape and protect the detainee and transporting officers, but in any case, which shall prohibit the affixing of the detainee's restraints to any part of the transport vehicle; and
  4. A provision addressing the circumstances under which the use of force on a detainee is permitted or prohibited, 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;
- (g) Direct officers to keep the detainee under constant supervision and surveillance, either by direct observation or through live audio- and/or video-transmission, throughout the time the detainee is in custody outside the perimeter of the agency's facilities and/or being transported;
- (h) Set forth specific and comprehensive procedures concerning the transport of a detainee, including:
1. A requirement to transport the detainee with at least one officer whose gender identity matches the gender identity of the detainee, when time and circumstances reasonably permit;
  2. A requirement to transport a detainee of a gender identity separately from a detainee of another gender identity, when time and circumstances reasonably permit;
  3. A requirement to transport the detainee without unnecessary delay; and
  4. A provision addressing the circumstances under which officers are permitted to or prohibited from conducting other law enforcement activities while transporting a detainee;
- (i) Include a sub-policy or provision concerning the transportation of youth detainees in accordance with the agency's juvenile operations policy developed pursuant to 555 CMR 13.03(6)(g);



Agency Certification Standards – Detainee Transportation (DRAFT)

- (j) Include a sub-policy or provision concerning detainee safety that:
  - 1. Directs officers to operate the transport vehicle in a manner that aims to preserve the safety and security of all passengers;
  - 2. Directs officers to obey all traffic regulations, except when exigent circumstances exist;
  - 3. Prohibits officers from operating the transport vehicle in a manner intended to create discomfort to the detainee, including, but not limited to, by unnecessarily speeding, braking, or making sharp turns;
  - 4. Directs officers to provide an appropriate and timely medical response to, or otherwise procure appropriate medical assistance in a timely manner for, a detainee exhibiting signs of or complaining of injury or illness; and
  - 5. Prohibits officers from leaving the detainee unattended in the transport vehicle, except to briefly conduct permissible law enforcement activities in accordance with the provision developed pursuant 555 CMR 13.03(8)(h)(4);
- (k) Set forth specific and comprehensive requirements concerning communications with the party or entity that will receive the detainee, including information concerning:
  - 1. The detainee’s known or suspected physical condition;
  - 2. The detainee’s known or suspected mental health condition; and
  - 3. Any requests for medical attention;
- (l) If the agency has transport vehicles outfitted with TVCs, include a sub-policy or provision concerning the use of TVCs that:
  - 1. Directs officers to activate the TVC when transporting a detainee; and
  - 2. Prohibits officers from deactivating the TVC until the transport has fully concluded and custody has been transferred;
- (m) 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 such cameras or systems that:

Agency Certification Standards – Detainee Transportation (DRAFT)

1. Directs officers to activate their body-worn cameras or any in-car audio- or video-recording systems when transporting a detainee, except where the transport vehicle is outfitted with a TVC and the officer has activated the TVC;
  2. Prohibits officers from deactivating their body-worn cameras or any in-car audio- or video-recording systems until the transport has fully concluded and custody has been transferred; and
  3. Otherwise complies with the standards set forth in 555 CMR 13.03(4)(l);
- (n) Include a sub-policy or provision concerning the transport of a detainee for an extended length that addresses:
1. The use of toilet facilities by the detainee, as needed; and
  2. The provision of meals to the detainee, as needed;
- (o) Include a sub-policy or provision concerning protocols and procedures in the event of a detainee escape, motor vehicle accident, or other emergency; and
- (p) Ensure that all officers are trained by the agency in detainee transportation in accordance with all applicable training requirements.