



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

January 12, 2026

### CHAIR

Margaret R. Hinkle

### COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Eddy Chrispin

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

### EXECUTIVE DIRECTOR

Enrique A. Zuniga

In accordance with [M.G.L. c. 30A, §§ 18-25](#), and [St. 2021, c. 20](#), as amended by [St. 2022, c. 22](#), by [St. 2022, c. 107](#), by [St. 2023, c. 2](#), and by [St. 2025, c. 2](#), notice is hereby given of a meeting of the Peace Officer Standards and Training Commission. The meeting will take place as noted below.

### UPDATED

#### NOTICE OF MEETING AND AGENDA

Public Meeting #72

January 15, 2026

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 999 6760 4598

1) Call to Order

2) Approval of Minutes

a) December 18, 2025

3) Executive Director Report – Enrique A. Zuniga, Eric Rebello-Pradas

a) General Update

b) Finance Update – Q2 Results

4) Recommendation to form Advisory Committee

5) Legal Update – Randall E. Ravitz

a) Guidance Regarding Heads and Officers of Law Enforcement Agencies

6) Agency Certification Standards – Randall E. Ravitz, Annie E. Lee

a) Juvenile Operations

b) Internal Affairs and Officer Complaint Investigation Procedures

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## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- 7) Matters not anticipated by the Chair at the time of posting
- 8) Executive Session in accordance with the following:
  - M.G.L. c. 30A, § 21(a)(1), to discuss “the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, . . . or individual”;
  - M.G.L. c. 30A, § 21(a)(5), to discuss the investigation of charges of criminal misconduct;
  - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, to discuss matters relating to preliminary inquiries and initial staff review concerning whether to initiate such inquiries, and regarding certain criminal 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 prior Executive Session minutes.

  

- a) Division of Standards reports of Preliminary Inquiries in the following cases:
  - i) PI-2024-024
  - ii) PI-2024-072
- b) Application for Voluntary Relinquishment of Certification in the following matter:
  - i) Dean Paine formerly of the Westborough Police Department
- c) Division of Standards request to enter voluntary decertification, suspension or disposition agreement in the following cases:
  - i) PI-2025-002
  - ii) PI-2023-07-12-003
  - iii) PI-2025-026
  - iv) PI-2025-028
- d) Division of Standards request for approval to conduct Preliminary Inquiries and/or impose a suspension in the following cases:
  - i) PI-2026-001
  - ii) PI-2026-002
  - iii) PI-2026-003
  - iv) PI-2026-004
  - v) PI-2026-005

## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- vi) PI-2026-006
- vii) PI-2026-007

e) Approval of the minutes of the Executive Session of December 18, 2025

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

2a.

**MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION**  
**Public Meeting Minutes**  
**December 18, 2025**  
**8:30 a.m.**  
**Via Zoom**

**Documents Distributed in Advance of Meeting**

- November 20, 2025, Public Meeting Minutes
- Executive Director Report
- Letters from Massachusetts Chiefs of Police Association (“MACOPA”) to Executive Director Enrique A. Zuniga and the Commission
- Memo regarding the application for voluntary relinquishment of certification submitted by Stephen Gondella
- Presentation regarding financial and administrative updates
- Memo regarding FY27 budget development
- Memo regarding diversity statistics
- Draft Practical Guidance for Massachusetts Constables
- Draft Practical Guidance for Massachusetts Constables, redlined
- Draft Dos and Don’ts for Constables
- Draft Dos and Don’ts for Constables, redlined
- Presentation on the drafted law enforcement agency certification standards regarding detainee transportation
- Memo concerning the drafted law enforcement agency certification standards regarding detainee transportation
- Draft agency certification standards regarding detainee transportation

**1. Call to Order**

- The meeting began at 8:35 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 Lester Baker – Present
  - Commissioner Hanya H. Bluestone – Present
  - Commissioner Lawrence Calderone – Present
  - Commissioner Eddy Chrispin – Present
  - Commissioner Deborah Hall – Present
  - Commissioner Marsha V. Kazarosian – Present
  - Commissioner Charlene D. Luma – Present
  - Commissioner Clyde Talley – Present

**2. Approval of Minutes**

- Chair Hinkle asked for a motion to approve the November 20, 2025 minutes. Commissioner Bluestone moved to approve the minutes. Commissioner Kazarosian seconded the motion.
- The Commissioners voted unanimously to approve the November 20, 2025, public meeting minutes.

### **3. Executive Director Report – Executive Director Zuniga, Deputy Director of Certification Heather E. Hall**

- Executive Director Zuniga stated that, as part of his report, he would provide a summary of the major milestones of calendar year 2025 and certain projects the Commission is contemplating for 2026.
- He noted that additional details would be included in the Commission's annual report, which staff had begun preparing with the intent of publishing the 2025 results in March 2026.
- Executive Director Zuniga reminded those in attendance that the Commission does not take public comment at public meetings, but welcomes written comments submitted through the Commission's website, main number, or email.
- He stated that the Commission received a letter the prior evening that was not included in the meeting packet and that he would address it later in the meeting.
- Executive Director Zuniga then provided a summary of 2025 milestones and projects contemplated for 2026. He stated the following.
  - During 2025, the Commission onboarded a total of seven employees, bringing the total employee headcount to 51.
  - The Commission continued enhancing its technology and implementing new workflows, including workflows related to the designation of individuals in a restricted category or whose certification is expired, which required additional internal coordination and communications with agencies.
  - The Commission processed 562 new certifications and 7,913 recertification applications and began transitioning to certification expiration dates that coincide with an individual's birth month.
  - The Commission processed and verified approximately 23,000 records that were updated or verified in some form.
  - The Commission continued releasing disciplinary records monthly and published 978 new complaints or incidents, representing 2,269 allegations.
  - The Commission began providing complaint summaries, which are intended to be fair and concise summaries of reported incidents.
  - 160 instances of disciplinary matters were brought to the Commission for discussion in executive session during 2025.
  - The Commission issued 19 decisions and orders in 2023, 52 decisions and orders in 2024, and, as of November 2025, 64 decisions and orders in 2025.
  - Executive Director Zuniga stated that the Commission receives complaints on an ongoing basis and operates under the principle that every complaint receives a response.
  - The Commission receives an average of 16 new complaints and 19 new reports each week.
  - The Commission responded to 313 public records requests in 2025, compared to 172 in the prior year.
  - The Commission continued presenting agency certification standards at Commission meetings and implemented new policies requiring new workflows and significant internal coordination to communicate with agencies and implement related data output.

- Executive Director Zuniga then discussed items anticipated for 2026. He stated as follows.
  - The Commission can expect an increase in disciplinary cases. He explained that the Commission closed 78 cases between November 2022 and November 2024 and closed an additional 63 cases between November 2024 and November 2025, and noted that the current pipeline includes 85 cases, compared to 77 at the end of 2024.
  - The Division of Police Standards recently hired two additional compliance agents. He stated that staff anticipates an increase in the number of disciplinary matters brought to the Commission for discussion in executive session during 2026.
  - Staff intends to return to work on regulations associated with recertification and plans to streamline the complaint submission process. He further stated that staff is revising the procedural rules, 555 CMR 1.00.
  - Staff continues to request resources from the Administration and the Legislature to implement an audit program and expects to take steps toward implementation in 2026.
  - The Commission anticipates deploying a business intelligence tool early in 2026 to enhance reporting and expand public access to data through the Commission's website.
  - The Commission is developing a platform to receive and report on letters of commendation and will continue supporting Counsel Annie E. Lee's work on agency certification standards.
  - The Commission plans to implement a mentoring program to enhance the employee experience. He noted that, in a hybrid work environment, mentoring opportunities must be made more intentional.
- Executive Director Zuniga then provided an administrative and budget update and stated the following.
  - Chief Financial Administrative Officer ("CFAO") Eric Rebello-Pradas would present the financial picture and the budget request for Administration & Finance ("A&F") for fiscal year 2027.
  - The Commission's budget is plateauing and will not grow at the same rate as in prior years and, as a result, the Commission's ability to hire and increase resources at a similar rate will decrease.
  - Efficiencies can be realized in three major ways:
    - Leveraging work through regulations and guidance to minimize duplicative data entry and improve workflows and technologies;
    - Improving internal workflows through standard operating procedures, templates, coordination, and communications with agencies; and
    - Continuing enhancements to technology, including the use of emerging tools such as artificial intelligence.
  - The Commission recently welcomed two new compliance agents in the Division of Police Standards:
    - Edward Rodrick, who joined after retiring from the Federal Bureau of Investigation following 25 years of service; and
    - Michael Posanka, who joined after 26 years in Homeland Security Investigations.

- Staff is in the final stages of hiring a Records Access Officer and will need to backfill one attorney position following Evert Fowle's departure.
- Executive Director Zuniga asked whether Commissioners had any questions.
- Chair Hinkle stated that she did not see any hands raised and, on behalf of the Commissioners, recognized the accomplishments of the Commission's 51-person staff during 2025 and applauded Executive Director Zuniga's goals for 2026.
- Executive Director Zuniga thanked Chair Hinkle and turned to the second portion of his report, concerning the potential creation of an advisory committee.
- He stated that he would summarize the issue for the benefit of Commissioners who were not present at the prior meeting and to address recent correspondence received on the topic. He continued as follows.
  - At the October 2025 Commission meeting, staff responded to a letter submitted by MACOPA recommending the creation of an advisory committee to inform policy development at early stages.
  - Staff had not yet met with MACOPA at that time, but subsequently met with them, after which MACOPA submitted a follow-up letter that was included in the meeting packet.
  - The follow-up letter elaborated on their proposal and recommended a larger advisory committee than staff had initially contemplated.
  - The proposal outlined a 19-member advisory committee, with at least 15 members drawn from law enforcement, which he stated raised concerns regarding size and balance.
  - The Commission received a letter from the Massachusetts Association of Campus Law Enforcement Administrators in support of the concept of an advisory committee, which was included in the meeting packet.
  - The Commission received a letter the prior evening from the Massachusetts Coalition of Police ("MCOP"), the union representing approximately 5,000 rank-and-file law enforcement officers, which was not included in the packet.
- Executive Director Zuniga summarized the MCOP letter, stating the following.
  - MCOP opposed the advisory committee as proposed by MACOPA but generally supported the inclusion of experienced law enforcement voices at early stages of policy development.
  - They endorsed a proposal previously discussed by Commissioner Bluestone to create an advisory committee composed of both chiefs and rank-and-file officers.
  - MCOP asserted that such a structure would address the concerns raised at the prior meeting while ensuring that rank-and-file perspectives are represented.
  - They also proposed an eight-member advisory committee and outlined suggested membership categories, including chiefs, rank-and-file officers, a county sheriff, a former law enforcement officer, and a union representative.
- Executive Director Zuniga summarized that all three organizations expressed support for the creation of an advisory committee but differed as to its size and composition.
- Executive Director Zuniga noted that the matter was not placed on the agenda for a vote, and he stated that the threshold question of whether to create an advisory committee remained unresolved and requested Commissioner input on size, composition, and overall approach.

- Executive Director Zuniga stated that, following discussion, staff expected to return to the Commission with more detailed recommendations.
- Commissioner Hall expressed concern that an advisory committee composed primarily of law enforcement would lack sufficient civilian representation and could negatively impact public trust.
- She stated that creating another law-enforcement-focused advisory body could send the wrong message given the Commission's purpose and the communities affected by its policies, and she opposed gubernatorial appointments to any advisory committee, citing concerns about politicization.
- Commissioner Hall also raised concerns about diversity and representation across race, gender, background, and law enforcement roles and questioned whether the proposed structures could adequately address those issues.
- She stated that she does not support moving forward with an advisory committee in its current or proposed forms.
- Executive Director Zuniga responded by noting that, in their second letter, MACOPA acknowledged the value of including non-law-enforcement perspectives, including subject-matter specialists.
- He stated that any decisions regarding committee composition would rest with the Commission and emphasized that staff would not independently appoint members.
- Commissioner Luma asked for clarification regarding the meeting held with MACOPA and questioned why existing public hearings and feedback mechanisms, were viewed as insufficient for policy input. She asked what rationale was provided for creating an additional mechanism for feedback when formal processes already exist.
- Executive Director Zuniga responded that MACOPA expressed a desire for earlier engagement to promote buy-in and efficiency during the policy development process. He stated that, under the current process, substantial work may occur before fundamental concerns are raised at later stages.
- He emphasized that the intent of an advisory committee would be to provide early, non-binding input and that any advisory committee would be structured to remain constructive and that the Commission would retain discretion over participation.
- Commissioner Kazarosian stated that she was wary of creating an advisory committee and was not convinced it was necessary.
- She noted that the Commission already includes law enforcement representation, works jointly with the Municipal Police Training Committee ("MPTC"), and considers input from all stakeholders, and expressed concern about how an advisory committee might be perceived by other stakeholders.
- Commissioner Baker stated that law enforcement officers who are responsible for implementing Commission policies are also key stakeholders.
- He expressed support for obtaining early, advisory input from individuals with relevant field experience, emphasizing that such a committee would not diminish the Commission's decision-making authority and could include a diverse range of perspectives, including civilians.
- Commissioner Bluestone stated that, while she did not support an advisory committee representing all stakeholder groups, she did support an advisory committee composed of chiefs and rank-and-file officers serving in a strictly advisory role.

- She stated that early input from law enforcement could improve policy development and buy-in, while emphasizing that the Commission must retain full authority.
- Commissioner Talley stated that many of his thoughts had already been expressed by other Commissioners and asked whether an advisory committee should be viewed as a “nice-to-have” or a “need-to-have.”
- Executive Director Zuniga responded that an advisory committee is not required by statute and is therefore not necessary, but stated that, if implemented effectively, it could prove to be a worthwhile and productive endeavor.
- Executive Director Zuniga stated that he favors the creation of an advisory committee and emphasized that staff’s role would be to ensure that any such committee is productive, appropriately structured, and focused on meaningful outcomes.
- Commissioner Calderone expressed concern that creating an advisory committee could give the impression that some voices are being elevated over others and emphasized that the Commission’s priority should be to take the time necessary to reach the right decision.
- He stated that he supports the Commission’s current open meeting process and believes it provides the appropriate forum for transparent discussion of best practices, regulations, and policy development.
- Commissioner Calderone stated that he is opposed to creating an advisory committee at this time, and that, if the Commission chooses to continue discussing the issue, one possible approach would be for each Commissioner to appoint a member to an advisory committee to promote balanced representation.
- Commissioner Chrispin stated that, while Commissioners represent different perspectives, there are additional viewpoints beyond those of the Commission and that his primary concern relates to the selection and appointment of committee members.
- Commissioner Bluestone stated that the advisory committee proposal considered by the Commission approximately four and a half years earlier differed in scope and arose at a different stage of the Commission’s development.
- She stated that the current proposal is intended to provide practical, real-time input on policy impacts and would not interfere with the Commission’s existing mechanisms for public input.
- Chair Hinkle stated that the Commission has consistently engaged the public through multiple avenues throughout its nearly five years of operation, and that she does not see a need for an advisory committee at the present time.
- Executive Director Zuniga asked whether the Commission wished to address the threshold question of whether to establish an advisory committee at all or to defer that discussion.
- Chair Hinkle responded that Commissioners had already expressed differing perspectives and stated that she preferred to allow additional time for reflection rather than continue the discussion.
- Chair Hinkle asked whether any Commissioner opposed deferring the discussion and, hearing none, directed the Commission to move on to the next agenda item.
- Executive Director Zuniga thanked the Commissioners for their comments and stated that the next portion of his report would address the relinquishment of certification.

- Executive Director Zuniga introduced Deputy Director of Certification Heather Hall, noting that she would present the request for relinquishment of certification.
- Deputy Director Hall provided a summary of the request to the Commissioners. She stated the following.
  - The Commission received an application for voluntary relinquishment of certification from Stephen Gondella. Consistent with the Commission's Policy on Voluntary Relinquishment of Certification, staff conducted the required evaluation and background checks.
  - Mr. Gondella began his law enforcement career with the Massachusetts State Police ("MSP") in 1999, was automatically certified on July 1, 2021, and was recertified in 2022 and again in July 2025.
  - He retired in good standing as a lieutenant from the MSP effective August 2025 and his certification was set to expire on November 1, 2028.
  - Mr. Gondella seeks relinquishment because he wishes to obtain a private investigator's license.
  - The Division of Police Certification reviewed the application and internal records and identified no initial areas of concern before forwarding the application to the Division of Police Standards.
  - Upon review, the Division of Police Standards identified an issue related to Mr. Gondella's response denying involvement in civil or administrative actions.
  - Staff identified a 2007 federal lawsuit, *Farrah v. Gondella*, and followed up with Mr. Gondella, who subsequently submitted a timely supplemental disclosure addressing the lawsuit.
  - Deputy Director Hall noted that the litigation was active during her prior service in the MSP legal unit but stated that she did not recall the matter and that it did not affect the Executive Director's recommendation.
  - Mr. Gondella's application and the supplemental materials were posted on the Commission's website in advance of the meeting, and staff confirmed that no comments were received.
  - The Executive Director recommends granting Mr. Gondella's application with the condition that, if he seeks future employment in law enforcement in Massachusetts, he must disclose his involvement as a named defendant in the 2007 federal lawsuit and any other information responsive to certification application questions.
- Deputy Director Hall stated that she was available to answer any questions from Commissioners.
- As there were no questions or comments, Chair Hinkle proceeded with a roll-call vote.
- The request for relinquishment was unanimously approved.
- Chair Hinkle then turned the floor over to CFAO Rebello-Pradas for the finance update.

#### 4. Finance Update – CFAO Rebello-Pradas

- CFAO Rebello-Pradas provided a finance update regarding the Commission's fiscal year 2027 budget submission. He stated as follows.
  - A memorandum outlining the FY27 budget submission was distributed to Commissioners in advance of the meeting. Although the Commission is an independent agency, formal submission to A&F is required.

- The FY27 submission uses a two-stage approach consisting of maintenance growth and cuts and expansions to provide flexibility in light of fiscal uncertainty.
- The total FY27 budget request is approximately \$9.59 million.
- The submission structure allows A&F to consider multiple funding outcomes, including maintenance funding only, full funding, level funding, or reductions, with final decisions expected in January.
- The Commission's budget is predominantly payroll-driven. The Commission currently employs 51 staff members, compared to the originally anticipated 60 positions.
- Hiring was intentionally slowed to ensure payroll stability, and staff has refrained from filling additional positions pending clarity on the FY27 appropriation.
- Maintenance funding would support operations with approximately 55 employees, reflecting an annualized increase of approximately \$317,000.
- If fiscal conditions allow, an additional \$425,000 could support the restoration of four positions, resulting in a projected total of 59 employees, as one position will not be backfilled.
- Neither funding scenario includes cost-of-living adjustments, as further detailed in the fiscal memorandum.
- The Commission's information technology costs have stabilized, and all IT funding in the FY27 request is categorized as maintenance.
- The projected FY27 organizational chart reflects 51 filled positions, deferred vacancies pending funding decisions, and optional positions contingent on fiscal conditions.
- The Commission's diversity metrics were also reviewed, comparing Commission demographics with statewide population and state workforce data. Staff will continue to review and report on these metrics.

- CFAO Rebello-Pradas stated that he was available to answer any questions from the Commissioners.
- Commissioner Calderone thanked CFAO Rebello-Pradas for his thorough presentation and stated that the information is frequently requested by stakeholder groups statewide.
- Commissioner Luma thanked CFAO Rebello-Pradas for his presentation and collaboration with staff. She stated that achieving the Commission's goals requires adequate funding and expressed appreciation for his diligence, thoughtfulness, and efforts to identify priorities amid fiscal constraints.
- CFAO Rebello-Pradas thanked Commissioner Luma and Commissioner Calderone for their comments.
- Chair Hinkle thanked Commissioner Luma for her service as the Commission's Treasurer and expressed the Commission's appreciation for her work in that role.
- Commissioner Luma moved to approve the FY27 budget. Commissioner Hall seconded the motion.
- The Commissioners voted unanimously to approve the FY27 budget.
- Chair Hinkle thanked CFAO Rebello-Pradas for his presentation and turned the floor over to General Counsel Randall E. Ravitz for the legal update.

5. **Legal Update – General Counsel Ravitz, Counsel Gerald Cahill, Counsel Lee, Legal Fellow George Boateng**

- General Counsel Ravitz turned the floor over to Counsel Cahill, who provided an update on guidance documents for uncertified constables. Counsel Cahill stated the following.
  - At the October meeting, staff presented a draft guidance document and a one-page “dos and don’ts” addressing actions permitted and prohibited for uncertified constables under Commission statutes and regulations.
  - Following that meeting, staff received written and oral feedback, met with representatives of the Massachusetts Constable Association and the Massachusetts Bay Constable Association, and consulted with the General Counsel’s Office of the Massachusetts Trial Court.
  - Based on that feedback, staff made certain revisions to the documents, declined others, and provided the revised versions to the Commission for consideration and potential issuance as Commission guidance.
- Counsel Cahill summarized the feedback received from the constable associations and the resulting revisions. He stated the following.
  - They noted that the draft suggested constables “serve” capias warrants by handing paperwork to individuals. Staff revised the guidance to clarify that constables retain capias paperwork.
  - They requested that the guidance apply to sheriffs and deputy sheriffs. Staff declined to expand the scope, stating that sheriff-related matters involve different legal standards and would be addressed separately.
  - They recommended removing examples suggesting a constable might offer an individual a ride to court. Staff retained those examples, concluding they could provide guidance in rare or exceptional circumstances.
  - They suggested adding language stating that certain actions are prohibited unless a constable is certified. Staff declined, noting that the one-page document already expressly applies only to uncertified constables.
  - They urged incorporation of the concept commonly referred to as the “gentle laying on of hands.” Staff declined to include the concept after determining it is not an active or applicable principle under current Massachusetts law.
  - They requested removal of references to badges, uniforms, and firearms as factors in determining whether an arrest occurred. Staff declined to remove those references, stating that current law and Commission regulations identify such factors as relevant to the definition of arrest.
  - They expressed concern about inconsistent police assistance during evictions. Staff retained guidance encouraging police coordination, stating that the documents are intended to provide clarity for both constables and police officers when assistance is appropriate.
- Counsel Cahill emphasized that the guidance reflects existing law and is not intended to resolve every possible scenario.
- He stated that staff made certain revisions and declined others based on legal analysis, thanked those who provided feedback, and invited comments from the Commission.
- Chair Hinkle thanked Counsel Cahill for his presentation and asked whether Commissioners had any questions or comments prior to a vote.
- Commissioner Hall thanked Counsel Cahill for the presentation and asked whether constables are required to be certified and how the guidance distinguishes between certified and uncertified constables.

- Counsel Cahill responded that constables are not required to be certified to hold that role, but certification is required to execute or effectuate an arrest. He stated that the guidance is intended to clarify which actions require certification.
- Commissioner Hall also asked whether the reference to a “reasonable amount of force” in the guidance relied on the Commission’s use-of-force standards.
- Counsel Cahill responded that the reference reflects general principles of self-defense under Massachusetts law and is not tied to the Commission’s use-of-force standards for certified officers.
- Commissioner Baker stated that he was confused about the purpose of the guidance, noting that constables are not certified, yet the Commission is being asked to weigh in on guidelines that reference law-enforcement concepts such as use of force.
- Executive Director Zuniga responded that the guidance is necessary precisely because constables are not certified and may be engaging in conduct that approaches an arrest, explaining that the guidance clarifies what uncertified constables may do and when certification would be required under the statute.
- Executive Director Zuniga further stated that once a constable executes or effectuates an arrest, the statute brings that constable within the definition of a law enforcement officer subject to the Commission’s requirements.
- Commissioner Calderone questioned whether the Commission was being asked to provide guidance to individuals who do not fall under the Commission’s jurisdiction unless and until they execute an arrest, and he asked whether this issue would be more appropriately addressed through legislative action.
- Executive Director Zuniga responded that prior legislative efforts to address this issue have not been successful and that the guidance is intended to provide practical clarification under the existing statutory framework, both for constables and for law enforcement officers who may respond to situations involving constables, regarding permissible and impermissible conduct.
- Commissioner Calderone thanked Executive Director Zuniga for his response.
- General Counsel Ravitz added that the guidance is intended to clarify when a constable’s actions cross the line into conduct that brings the individual within the Commission’s jurisdiction and triggers the requirement for certification.
- Commissioner Calderone acknowledged the clarification and stated that he understood the purpose of the guidance.
- Commissioner Chrispin stated that he shared Commissioner Calderone’s concerns and noted that the field of constables is largely unregulated, with minimal training requirements prior to appointment.
- Commissioner Chrispin expressed concern about the potential risks and repercussions arising from confrontational situations involving constables, based on his own experience assisting constables in the field.
- Commissioner Chrispin suggested that, while the guidance may be useful, the Commission should consider communicating with the Legislature to address the issue more comprehensively, as guidance alone may carry the appearance of having the force of law.
- As there were no further questions or comments, Chair Hinkle proceeded with a roll-call vote.
  - Commissioner Baker – No

- Commissioner Bluestone – Yes
  - Commissioner Calderone – No
  - Commissioner Chrispin – Abstain
  - Commissioner Hall – No
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – No
  - Chair Hinkle – Yes
- Executive Director Zuniga noted that there was a tie, and Chair Hinkle asked General Counsel Ravitz how to proceed.
- General Counsel Ravitz stated that a tie is not a passage but noted that if the abstaining Commissioner changed his vote the result may change.
- Commissioner Chrispin stated that if he were inclined to vote, he would vote no. He stated that this issue needed to be addressed by the legislature.
- Commissioner Luma stated that the purpose of the guidance is to inform individuals that certain actions will place them under the Commission's oversight and jurisdiction.
- She expressed concern that, without issuing guidance, confusion would persist and individuals would continue acting without structure while awaiting legislative action, which she noted could take years.
- Commissioner Kazarosian stated that she did not understand why concerns about legislative action should preclude the Commission from providing guidance now. She emphasized that the lack of clarity affects constables, law enforcement, and others, and asked the Commission to take the step currently within its authority while continuing to seek legislative clarification.
- Chair Hinkle noted that, as explained by Counsel Cahill, the guidance reflected extensive collaboration with relevant stakeholders and entities. She stated that issuing guidance was consistent with the Commission's past practice and addressed an issue that had arisen repeatedly over the prior year.
- Commissioner Calderone stated that he viewed the issue as requiring a legislative fix and expressed concern that nonbinding guidance could be disregarded in practice. He explained that his vote against issuing the guidance was based on the belief that a formal letter from the Commission urging legislative action would be more effective and provide the Commission with enforceable authority.
- Executive Director Zuniga stated that the guidance arose from ongoing reports of constable conduct that was approaching or exceeding the statutory threshold requiring certification, particularly in Worcester.
- He explained that the guidance was intended to reconcile competing interests by allowing constables to continue serving process while clearly identifying actions that would constitute an arrest and therefore require certification, noting that a blanket certification requirement would significantly impact the Trial Court.
- Commissioner Chrispin stated that, after hearing the reasoning of Commissioner Luma and Commissioner Kazarosian, he reconsidered his position. He expressed concern about the lack of clarity in this area and stated that he would change his vote to support issuing the guidance, while emphasizing the importance of continued legislative action.
- Chair Hinkle stated that, based on the updated vote, the guidance was approved by a vote of 5–4, as confirmed by General Counsel Ravitz.

- Commissioner Hall stated that while she continued to believe the underlying issue should be addressed legislatively, she appreciated the work of the Executive Director and staff and thanked them for their efforts related to the constable guidance.
- The Chair stated that the Commission would next consider a request to remove Complaint No. 6616 from the public database pursuant to 555 CMR 8.06(4)(b)12, and General Counsel Ravitz noted that Counsel Cahill would present the matter.
- Counsel Cahill stated that he had been asked to assist Executive Director Zuniga with a petition to remove information from the Commission's public database pursuant to 555 CMR 8.06(4)(b)12. He stated as follows.
  - The Commission maintains a public database containing information regarding certain complaints and disciplinary matters and periodically receives petitions seeking removal of such information.
  - The regulations identify specific categories of information that must be excluded from the database, but also authorize the Commission, by vote, to make other information unavailable pursuant to 555 CMR 8.06(4)(b)12.
  - An officer formerly employed by the Brookline Police Department (BPD) filed a petition seeking removal of information related to four complaints listed in the database.
  - Three of the complaints could be addressed through the standard review process under 555 CMR 8.08, but Executive Director Zuniga recommended Commission action only with respect to Complaint No. 6616.
  - Complaint No. 6616 arose from two incidents in which the officer communicated, or stated her intent to communicate, concerns to public officials regarding the promotion of another officer within the department.
  - An investigation suggested that, although the allegations were not substantiated, the officer appeared to have held an honest belief that departmental policies were being violated.
  - The BPD disciplined the officer, in part, for making or threatening to make such communications to public agencies.
  - The officer retired before pursuing available appeals, and Executive Director Zuniga determined that the nature of the discipline may have deterred the officer from exercising her appellate rights.
  - Counsel Cahill stated that Executive Director Zuniga concluded this was an unusual circumstance in which the equities weighed in favor of removal, particularly given potential First Amendment and whistleblower considerations.
  - Accordingly, Executive Director Zuniga recommended that the Commission exercise its authority under 555 CMR 8.06(4)(b)12 and vote to make information related to Complaint No. 6616 unavailable to the public.
- Counsel Cahill thanked the Commissioners and asked whether there were any comments or questions.
- Commissioner Chrispin asked whether granting removal in this matter could open the door for officers who received discipline such as oral reprimands to seek removal of such discipline from the public database.
- Counsel Cahill stated that this matter presented a highly unusual set of circumstances and was not intended to create a general precedent.

- He explained that the key consideration was not whether the discipline was oral or written, but whether the nature of the discipline reasonably may have deterred the officer from pursuing an appeal.
- Executive Director Zuniga stated that the Commission does not intend to become an arbitration or appellate body for disciplinary matters and emphasized that this recommendation was based on the unique facts of this case.
- He further noted that oral reprimands are generally not displayed in the public database unless documented in a manner that makes them reportable.
- Commissioner Calderone asked for confirmation that the Executive Director was recommending removal of Complaint 6616 based on concerns that the discipline implicated the officer's First Amendment rights and that a vote in favor would result in removal of the complaint from the public database.
- Commissioner Kazarosian asked whether the primary basis for the recommendation was the concern that the discipline itself may have chilled the officer's ability to pursue an appeal and sought clarification on that rationale.
- Executive Director Zuniga stated that the recommendation was based both on the potential effect of the discipline on the officer's ability to appeal and on the fact that the officer is no longer employed by the department and therefore has no remaining recourse other than the continued display of the record in the public database.
- Chair Hinkle asked whether the recommendation to remove the complaint was based largely on the determination that the statements at issue reflected an honestly held belief.
- Executive Director Zuniga responded in the affirmative and stated that the Commission has an interest in avoiding a chilling effect on officers reporting perceived wrongdoing within their departments.
- Chair Hinkle asked how an honestly held belief could be determined without a credibility assessment or direct interaction with the officer.
- Counsel Cahill explained that the determination was based on the extensive documentary record, including the reasonableness of the officer's interpretation of departmental policies, documented confusion regarding dates of permanent employment, historical inconsistencies in swearing-in practices, and the officer's consistent and unwavering statements over time.
- Counsel Cahill stated that, while not dispositive, these factors supported the conclusion that the statements reflected an honestly held belief.
- Chair Hinkle asked Counsel Cahill to restate the action on which the Commission was being asked to vote.
- Counsel Cahill stated that the Commission was being asked to vote, pursuant to 555 CMR 8.06(4)(b)12, on whether to make information related to Complaint 6616 and its associated discipline unavailable to the public.
- He explained that a yes vote would remove the information from the Commission's public database, and a no vote would leave the information publicly available.
- Chair Hinkle noted that Commissioner Crispin had left the meeting due to another commitment and stated that a quorum remained. Chair Hinkle then proceeded with a roll-call vote.
- Prior to voting, Commissioner Baker asked whether a no vote would allow the officer to submit a statement to be included alongside the database entry. Counsel Cahill

confirmed that the officer may submit a statement reflecting the officer's position, which would then be included with the data going forward.

- Commissioner Baker – No
  - Commissioner Bluestone – Yes
  - Commissioner Calderone – Yes
  - Commissioner Hall – Yes
  - Commissioner Kazarosian – Yes
  - Commissioner Luma – Yes
  - Commissioner Talley – Yes
  - Chair Hinkle – No
- The vote on whether to make information related to Complaint 6616 and its associated discipline unavailable to the public was approved by a vote of 6–2.
- Chair Hinkle moved to the agenda item concerning agency certification standards.
- General Counsel Ravitz introduced Counsel Lee, who in turn introduced Legal Fellow Boateng to present revisions to the detainee transportation standard.
- Legal Fellow Boateng stated that the detainee transportation standard was previously presented to the Commission in September 2025 and is before the Commission again following feedback from the MPTC and MACOPA.
- He noted that the revisions were presented for discussion and feedback only and not for preliminary approval.
- Legal Fellow Boateng then summarized the proposed revisions based on the subsections that were revised. He continued as follows.
  - Officer Conduct
    - The initial draft encouraged officers to explain the reason for the transport and any next steps to detainees.
    - Based on feedback that verbal engagement is not always feasible, the revised draft limits this requirement to circumstances where time and conditions reasonably permit.
  - Transport Vehicles
    - The revised draft incorporates feedback clarifying that officers are required to search only those areas of a transport vehicle that are reasonably accessible to a detainee.
  - Searches
    - The initial draft required searches to be conducted in the least intrusive and most effective manner without humiliating or demeaning the detainee. In response to concerns regarding subjectivity, the revised draft clarifies that searches must be conducted in the least intrusive manner effective to safely transport the detainee in accordance with applicable law.
  - Restraints
    - The initial draft required detainees to be restrained in the least intrusive and restrictive manner necessary for safe transport.
    - The revised draft provides additional clarity by specifying that handcuffing may be an appropriate method of restraint.
  - Supervision and Surveillance
    - The initial draft required constant supervision and surveillance of detainees.

- Based on staffing and operational concerns, particularly for single-officer agencies, the revised draft replaces this requirement with regular supervision and surveillance.
- Transportation Considerations
  - The initial draft required transport by an officer whose gender identity matches that of the detainee when time and circumstances reasonably permit.
  - Following feedback regarding operational feasibility, the revised draft reflects a balanced approach that accounts for agency limitations while remaining attentive to detainee dignity and autonomy.
- Legal Fellow Boateng concluded by stating that the revisions reflect stakeholder feedback and offered to answer any questions.
- Chair Hinkle thanked Legal Fellow Boateng for his presentation and confirmed that no vote was required at this meeting.
- Seeing no questions or comments from the Commissioners, Chair Hinkle moved on to the next item on the agenda.

## 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, and M.G.L. c. 119, § 5E, 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 the reporting of suspected child abuse or neglect; 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 the request to enter a voluntary decertification, suspension, or disposition agreement in one case.
  - They will be considering requests from the Division of Police Standards to approve a preliminary inquiry and or to impose a suspension in six cases.
  - They will be considering the request for removal of information from the website submitted by Donald Spaulding.
  - They will be considering a request for relinquishment of certification from John Landers, formerly of the Northeastern University Police Department.
  - They will also be addressing approval of the minutes of the November 20, 2025, executive session.
- Chair Hinkle asked for a motion to enter executive session. Commissioner Baker moved to enter executive session, and Commissioner Calderone 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 10:47 a.m.

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

- Approval of minutes of November 20, 2025, meeting.
  - The Commission voted unanimously to approve the minutes included in the meeting packet.
- Approval of Stephen Gondella's Application for Voluntary Relinquishment of Certification.
  - The Commission voted unanimously to approve Stephen Gondella's Application for Voluntary Relinquishment of Certification.
- Approval of the proposed FY27 budget.
  - The Commissioners voted unanimously to approve the FY27 budget.
- Approval of the Practical Guidance for Massachusetts Constables.
  - The guidance was approved by a vote of 5–4.
- Approval of the request to remove Complaint 6616 from the public database under 555 CMR 8.06(4)(b)12.
  - The vote on whether to make information related to Complaint 6616 and its associated discipline unavailable to the public was approved by a vote of 6–2.

3a.



# Executive Director Report

January 15, 2026

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



# Agenda

1. General Update
2. Finance & Administrative Update

# General Update

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## Compiling information and data for annual report including:

- Information required to be submitted to Legislature by March 15
- Other statutory information as required by Chapter 6E
- Testimony before Joint Committee if Ways & Means
- Work to ensure that data comes from structured reports is on-going
- Working to deploy Business Intelligence Tool incrementally

# General Update

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## Integration with CJIS

- Recently implemented a system integration with the Criminal Justice Information System (CJIS)
- POST receives notification when an officer in database appears in court
- Agencies still required to report to POST as per regulations (within 2 days)
- In some cases, officer may be on leave, recently terminated employment, or agency may not have remembered to notify POST

# General Update

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## Outreach & Engagement

- Attended annual meeting of the Mass Chiefs of Police Association (December)
- Chief Shane Woodson (Southbridge) is new President of the Association

# Finance & Administrative Update



# Financial Activity

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## FY26 Q2

- 49% of budget is committed
- Payroll in better shape
- IT slightly over budget, but manageable

## FY27 Next Steps

- Governor Filing Budget: Wednesday, Jan 28th
- Joint Ways & Means Maintenance Exercise
- Prepping for Budget Testimony

# Administrative Update

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## Hiring

- Welcome Kim Shatford
- Open / Posted Positions
  - ✓ Information Management Counsel & Records Access Officer
  - ✓ Intake Coordinators (2)
  - ✓ Interns
- Headcount: 51



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Massachusetts Peace Officer Standards & Training  
[POSTC-comments@mass.gov](mailto:POSTC-comments@mass.gov)  
[www.mapostcommission.gov](http://www.mapostcommission.gov)  
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3b.



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

**TO:** Commissioners  
**FROM:** Finance & Administration  
**CC:** Charlene Luma; Enrique Zuniga  
**DATE:** January 15, 2026  
**RE:** FY26 Q2 Update

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### FY26 Q2

December 31<sup>st</sup> closed the second quarter of the fiscal year. Similar to Q1, most spending categories remain under budget for the Oct-Dec period (see attached *Treasurer's Report: FY26 Q2*). A few points to note are as follows:

- Forty-nine percent of the Commission's budget is now committed at the halfway point.<sup>1</sup>
- While purposefully delaying the onboarding of multiple positions has been challenging, this deliberate maneuver has paid off. POST has gone from a payroll deficit in Q1 to a slight surplus (~2%) in Q2. This outcome is exactly what we hoped for. The next step is to await the Governor's FY27 budget recommendation. Knowing that appropriation will provide a better sense of where FY27 is going, and whether or not POST will be able to onboard any more positions in FY26.
- Expenditures for Legal Services continue to drop, especially with zero activity over the last three months. Hence, the forecast may need to be reduced even further.
- The unanticipated increase in service rates from the Executive Office of Technology Services & Security (TSS) left us with an approximate \$50K exposure for FY26. But as we noted during the Q1 update, the situation is completely manageable.

### Hiring Status

At the end of December POST totaled 50 employees. Last week the Legal Division took on a new *Information Management Counsel & Records Access Officer*, thereby bringing the current headcount to 51. While POST will continue to hold off on new hiring, recently vacated backfills and critical positions will certainly be posted. This would include another *Information Management Counsel & Records Access Officer*, as well as two *Intake Coordinators*. Additionally, POST will soon commence recruitment efforts for Spring/Summer interns.

### FY27 Budget Development

The Governor will be filing her FY27 Budget Recommendation on Wednesday, January 28<sup>th</sup>. While numbers are not yet finalized, we are expecting funding to be lower than the Commission's requested figure of \$9.59 million. At this point F&A is working on a maintenance submission for the Joint Ways & Means Committee due the first week of February. In addition, we are beginning to assemble budgetary testimony. While the Commission has not yet been scheduled to testify, hearings typically take place throughout February and March.

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<sup>1</sup> At the end of November, the Governor approved the FY25 Final Deficiency budget (Chapter 73 of the Acts of 2025) which included \$74K of FY25 money allowed for use in FY26. While this amount is too small to affect the "49%" figure, it will help POST pay for some one-time projects.

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



	FY26 FIN SP	DECEMBER			ANNUAL
		BUDGET	YTD EXPENDED	YTD INCURRED	
EMPLOYEE COMPENSATION (AA) TOTAL	6,640,159	3,013,872	15,000	3,028,872	6,479,594
EMPLOYEE TRAVEL (BB) TOTAL	35,200	9,822	-	9,822	16,422
CONTRACT EMPLOYEES (CC) TOTAL	96,570	100,791	-	100,791	130,116
PAYROLL TAX/FRINGE (DD) TOTAL	149,556	68,831	-	68,831	146,072
OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL	173,097	23,265	46,711	69,976	148,719
FACILITY OPERATIONS (FF) TOTAL	36,000	2,455	18,352	20,807	20,807
OFFICE SPACE LEASE (GG) TOTAL	635,366	312,411	317,954	630,366	630,366
CONSULTANTS/LEGAL SERVICES (HH) TOTAL	85,000	8,773	58,925	67,698	67,698
SUPPORT/AUXILIARY SERVICES (JJ) TOTAL	41,000	9,232	23,650	32,882	32,882
OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL	3,000	-	-	-	0
OFFICE EQUIPMENT LEASE (LL) TOTAL	2,446	2,955	2,201	5,156	5,156
OFFICE MAINTENANCE/REPAIRS (NN) TOTAL	26,131	23,754	376	24,130	24,130
INFORMATION TECHNOLOGY (UU) TOTAL	909,677	144,913	153,711	298,624	975,939
Grand Total :	8,833,202	3,721,074	636,880	4,357,954	8,677,900

- As noted in the memo, the recent PAC of \$74K has increased POST's budget from \$8.833 million to \$8.907 million
- Two categories are carrying exposures as the moment: Contract Employees and IT: \$34K and \$66K, respectively
- Both exposures are indirectly offset by the PAC, as well as a portion of the payroll surplus

4.



## Massachusetts POST Commission

84 State Street, Suite 200 Boston, MA 02114

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To: Commissioners  
From: Enrique Zuniga  
Date: January 15, 2026  
Subject: Recommendation to form Advisory Committee

### SUMMARY

At its last two public meetings, the Commission discussed and deliberated on the topic of forming an advisory committee.

For the reasons stated herein, and discussed previously, staff recommends that the Commission establish an Advisory Committee—comprised not only of agency heads but also rank-and-file law enforcement members as well as subject matter experts and representatives from other interested organizations and stakeholder groups.

We further propose that the Commission at this time only vote on whether to establish an advisory committee, and if that vote is successful, staff can come back with recommendations of specific composition based on any guidance by the Commission.

### BACKGROUND

In a letter dated October 27, 2025, the Mass Chiefs of Police Association (“MACOPA”) proposed “*... the formation of an Advisory Committee of Police Chiefs to assist the Commission and its staff in reviewing and developing proposed policies and procedures during the early stages of consideration*” ... “*to ensure Commission initiatives are aligned with best practices, accreditation standards and operational realities faced by departments across Massachusetts.*”

On November 25, 2025, staff met with the representatives of the executive board of MACOPA to clarify and discuss the proposed structure as well as benefits and goals of the committee. Members of MACOPA point to the multiple standards for agency certification and model

policies currently being considered by the Commission and MPTC as the main reason for the proposal and timing of the advisory committee.

On December 3, 2025, MACOPA followed up with a letter to further clarify their recommendation. MACOPA recommends a committee to include several law enforcement individuals, **and an equal number of subject matter experts that need not be active in law enforcement**. It is worth noting that the law enforcement members that they propose include both chiefs and rank-and-file members including union membership and/or leadership.

On December 12, 2025, the Mass Association of Campus Law Enforcement Administrators (“MACLEA”), which represents approximately 1,000 members, send a letter to POST in support of the creation of an advisory committee, and to state their willingness to participate in such a committee if the Commission were to adopt it.

On December 17, 2025, the Massachusetts Coalition of Police (“MCOP”) a union that represents over 5,000 members, sent a letter to POST regarding the Advisory Committee. MCOP opposes the creation of an advisory committee comprised solely of chiefs but **supports the creation of an advisory committee composed jointly of chiefs of police and rank-and-file law enforcement officers**.

On December 18, 2025, the Massachusetts Association for Professional Law Enforcement (“MAPLE”) sent a letter to POST in support of the creation of an advisory committee. MAPLE is an association that convenes retired law enforcement officers, and they have been very engaged with POST in the past. In the letter, MAPLE president Dennis Galvin, emphasizes the fact that regulating policing can be complex and seeking advisory opinions is widely regarded as a prudent method for maximizing successful implementation.

As I have stated before, I believe that a well-structured advisory committee can enhance the efforts of staff towards formulating the best policy recommendations. **A committee composed of diverse, experienced members would provide valuable insight into policy development, promote alignment with best practices and operational realities, and foster the stakeholder “buy-in” essential to the successful implementation of new initiatives.**

Accordingly, I recommend that the Commission consider MACOPA’s request and authorize the formation of an advisory committee consistent with the parameters previously presented:

## **1. Formation and Applicability of the Open Meeting Law**

The advisory committee should be established by, and report to the Commission, thereby constituting a subcommittee subject to the Open Meeting Law.

## **2. Advisory Role Only Serving at the Pleasure of the Commission**

The committee should serve in a purely advisory capacity, without any delegated powers or decision-making authority. Members would serve without compensation and at the pleasure of the Commission.

### **3. Diverse and Inclusive Membership**

MACOPA proposes a committee of police chiefs as well as rank-and-file law enforcement members and an equal number of subject matter experts that need not be active or former law enforcement.

Commission staff could contact interested organizations to identify potential representatives and may also issue a notice inviting expressions of interest from qualified individuals or groups to register their interest and willingness to participate.

### **4. Committee Size and Structure**

Based on the recommendations and letters received, I propose that the advisory committee size be considered to include the representatives identified by MACOPA, MACLEA, MCOP and MAPLE (approximately 19 individuals).

## **RECOMMENDATION AND NEXT STEPS**

**I recommend that the Commission approve the creation of an Advisory Committee consistent with the parameters described above and direct staff to return with a detailed membership proposal to be approved at a subsequent meeting.**

If the Commission approves the formation of an advisory committee staff will prepare a follow-up proposal for consideration at a future meeting. That proposal may incorporate some of the suggested memberships, potential representatives, and any additional logistical details necessary to formally establish the advisory committee.

5a.



# Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

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## GUIDANCE REGARDING HEADS AND OFFICERS OF LAW ENFORCEMENT AGENCIES

(January 2026)  
(Proposed)

The Massachusetts Peace Officer Standards and Training Commission provides this *Guidance* on identifying those individuals who are considered heads and officers of law enforcement agencies under Chapter 6E of the Massachusetts General Laws and Title 555 of the Code of Massachusetts Regulations. It is issued pursuant to M.G.L. c. 6E, § 3(a) and 555 CMR 11.00. The *Guidance* reflects the Commission's understanding of the Legislature's intent in drafting Chapter 6E as well as its own intent in promulgating its regulations. The *Guidance* does not apply to members of Sheriff's Offices, in light of their distinct treatment in Chapter 6E. The Commission reserves the ability to revise this *Guidance* in the future.

### **I. The “head of the agency” will ordinarily be the highest-level individual with day-to-day supervision and control.**

Chapter 6E and the Commission's regulations charge “the head of an agency”—meaning a “law enforcement agency,” as defined by the statute—with taking various actions and serving certain other functions.

The Commission will ordinarily view the highest-level person who exercises day-to-day supervision and control of the law enforcement functions of such an agency to be the head of the agency for purposes of Chapter 6E and the Commission's regulations.

The Commission recognizes that certain law enforcement agencies will be overseen to some extent by multi-member bodies or other public officials. It further understands that different aspects of agency oversight may be assigned to different individuals. And it realizes that the meaning of a given position title may vary from one entity to another, and a title may or may not be indicative of day-to-day supervision and control. The Commission will ordinarily not seek to influence other governmental entities' choices on such matters.

However, it is evident that Chapter 6E contemplates that each law enforcement agency will have a single individual who supervises and controls its day-to-day law enforcement functions, assumes responsibility for the functions assigned to agency heads in the statute, and will be held accountable if such functions are not performed. This is illustrated in part by the fact that the statute requires “the head of [an] agency” to make various reports to the Commission regarding complaints and internal affairs investigations and it provides for the Commission to enforce those requirements by “administratively suspend[ing] the certification of an officer with a duty to report” “who fails to

report.”

Accordingly, the Commission may direct a law enforcement agency to identify a single official whose role is consistent with the description above and who will assume responsibility for serving as the head of the agency for purposes of Chapter 6E and the Commission’s regulations. Where an agency does not identify such an individual, or where warranted by other exceptional circumstances, the Commission may need to identify and designate the most suitable official to be treated as such.

**II. The Commission will consider an individual to be an “officer of an agency,” and thus a “law enforcement officer” under Chapter 6E and the Commission’s regulations, based on the nature of the position held.**

Generally speaking, Chapter 6E governs law enforcement agencies and law enforcement officers. The statutory definition of the terms “law enforcement officer” and “officer” extends to, among other individuals, “any officer of an agency, including the head of the agency.” An “agency” means “a law enforcement agency,” as that term defined in the statute. While the definition of “law enforcement officer” and “officer” also refers to other individuals, those parts of the definition are not addressed in this *Guidance*.

**A. Certain individuals will necessarily be considered an “officer of an agency.”**

Each of the following will necessarily be considered an “officer of an agency”:

1. One who serves as a police officer with a law enforcement agency;
2. One who is empowered to make arrests or to perform substantial law enforcement functions as an affiliate of a law enforcement agency; and
3. One who is affiliated with a law enforcement agency and tends to exercise the law enforcement powers of the agency, or to represent oneself as a law enforcement officer with the agency, in interacting with the public.

**B. An agency head will be presumed to be an “officer of an agency.”**

The Commission will presume that the head of a law enforcement agency is an “officer of [the] agency.” As alluded to in Section I above, Chapter 6E evidently contemplates that an agency head will be a certified law enforcement officer. As noted, the statute not only extends the definition of “law enforcement agency” to an “any officer of an agency, including the head of the agency,” but provides for the Commission to enforce an agency head’s reporting requirements by “administratively suspend[ing] the certification of an officer with a duty to report” “who fails to report.” Treating an agency head as an officer of the agency prevents circumvention of that enforcement mechanism and helps ensure that such requirements are fulfilled. This is consistent with the tenet that statutes should be interpreted so as to make their provisions effective and avoid illogical results. Moreover, ensuring that agency heads meet certain standards, are regulated, and are held accountable by the Commission as certified law enforcement officers furthers the legislative objective of ensuring that law enforcement agencies as well as officers comply with Commission standards and rules.

The Commission will not find the above-described presumption overcome absent a substantial

showing to the contrary, supported by documentation describing the powers, duties, functions, and limitations associated with the relevant position, as well as any additional information that the Commission requires.

**C. The Commission may determine that another individual is an “officer of an agency” based on a consideration of all relevant factors.**

The Commission may determine that an individual who does not fall within one of the categories listed above is nevertheless an “officer of an agency.” Any such determination will be based on a consideration of all relevant aspects of the individual’s position. The following is a non-exhaustive list of factors that tend to weigh in favor of a conclusion that the individual is an officer of a law enforcement agency. It should not be assumed that any one or more factors are necessarily required for, or will foreclose, a conclusion that the individual holds such a status.

1. The individual is an employee of the law enforcement agency.
2. The individual devotes substantial time to matters related to law enforcement, or is expected to do so.
3. The individual personally performs one or more law enforcement functions, or is empowered to do so.
4. The individual tends to carry a weapon issued by the law enforcement agency or the individual’s employer, or is empowered to do so.
5. The individual tends to wear, carry, display, or utilize any other item suggesting that the individual is a law enforcement officer, such as a uniform, a badge, an electronic control weapon, a conducted energy device, handcuffs, or a car with an emblem or lights associated with law enforcement; or is empowered to do so.
6. The individual directly oversees or supervises law enforcement officers, the performance of one or more law enforcement functions by others, or the disciplining of law enforcement officers; or is empowered to do so.
7. The individual is part of the chain of command or supervision that submits or approves reports to the Commission pursuant to Chapter 6E or the Commission’s regulations.
8. The individual takes actions related to law enforcement alone, that is, without acting jointly with other personnel or securing another’s authorization; or is empowered to do so.
9. The individual was required to have education, training, or experience in law enforcement in order to hold the individual’s position.
10. A law enforcement officer is designated to perform the individual’s role in the individual’s absence or incapacity.
11. The individual, or an entity with which the individual is affiliated, claims the ability to take advantage of a legal rule, policy, or benefit that applies to law enforcement officers.
12. There is evidence that the Legislature, or an entity with which the individual is affiliated, intended or considers the individual to be a law enforcement officer, such as a statute, regulation, ordinance, policy, or position description.
13. The individual holds a title that tends to be associated with, or receives compensation for holding, a position having one or more of the

characteristics listed above.

**D. “Law enforcement functions” include various forms of conduct.**

For purposes of the matters discussed herein, “law enforcement functions” include the following forms of conduct, provided that a reasonable person would view the conduct as involving an assertion of authority over another individual or entity using, or purporting to use, law enforcement powers:

1. Maintaining peace and order, and promoting public safety;
2. Preventing and suppressing disturbances, disorder, violence, and criminal conduct;
3. Dispersing people;
4. Regulating traffic;
5. Entering private premises;
6. Stopping, arresting, processing, transporting, and confining those suspected or convicted of committing a crime;
7. Searching individuals, and seizing evidence and contraband;
8. Questioning individuals and otherwise investigating;
9. Carrying a weapon;
10. Exercising the powers afforded to constables under law; and
11. Serving process.

**III. The Commission may seek information that it requires in order to determine whether an individual is an officer or a head of an agency.**

The Commission reserves the ability to obtain information that it requires in order to determine whether an individual is an officer or a head of a law enforcement agency, from any individual or entity, to the extent allowed by law. Chapter 6E contemplates that the Commission will at times need to secure information from agencies and officers, as well as others, and it gives the Commission the authority to do so.

**IV. Applicable regulations allow for accommodation of individual circumstances.**

The Commission recognizes that certain individual may need to revisit their assumptions about whether and how they or others are subject to the statute and applicable regulations. However, such regulations allow for accommodation of individual circumstances, as discussed in the subsections below.

**A. Commission Regulations**

Commission regulations allow for individual circumstances to be accommodated through, for example, provisions regarding the following:

1. Setting and extending deadlines to apply for one’s certification as a law enforcement officer;
2. Issuing a conditional certification while an individual continues taking steps to satisfy certain certification requirements;

3. Granting a certification retroactively;
4. Affording opportunities to appeal an adverse certification decision; and
5. Allowing an individual to serve in law enforcement before an adverse certification decision becomes final.

## **B. Municipal Police Training Committee Regulations**

The certification of law enforcement officers, and their obligations, are also impacted by regulations of the Municipal Police Training Committee (MPTC), found at Title 550 of the Code of Massachusetts Regulations. While the Commission cannot make representations about how the MPTC might construe and apply its regulations, it observes that those regulations likewise contain provisions allowing for certain accommodations to be made in appropriate circumstances.

## **V. Individuals should be aware of requirements and restrictions under Chapter 6E, the Commission's regulations, and related sources of law.**

The Commission advises individuals to familiarize themselves with the ways in which Chapter 6E, the Commission's regulations, and related sources of law may impact them.

Certain provisions apply to individuals inside and outside of the law enforcement profession. In particular, any individual may be required to provide information upon receiving a lawful demand from the Commission. Also, generally speaking, public employees in Massachusetts are prohibited from taking, or threatening to take, adverse action against an employee for providing information or testimony to the Commission.

Additional provisions apply to those who are, have been, or aspire to be law enforcement agency heads or officers. They concern matters such as: law enforcement officer certification; in-service training; the maintenance and reporting of information; uses of force; intervention in certain activity by others; service as, or appointment or oversight of, a school resource officer; Commission audits; restrictions on those without a full certification or employment with a law enforcement agency; grounds for disciplinary action; consequences of decertification or other disciplinary action; dissemination of information about one's service and discipline; and protections afforded individuals.

6.



# LAW ENFORCEMENT AGENCY ("LEA") CERTIFICATION

Annie E. Lee, Counsel  
January 2026



# AGENDA

1. Juvenile operations – revisions and preliminary approval
2. Internal affairs and officer complaint investigation procedures – initial presentation



# JUVENILE OPERATIONS

## Process:

- June 2025 – Initially presented to Commission
- August 2025 – Feedback from MPTC
- June-October 2025 – Public comments and stakeholder feedback
- November 2025 – Revisions presented to Commission
- December 2025 – No further feedback from MPTC

- Key principles
- Officer conduct
- Investigatory stops
- Arrests
- Temporary custody
- Transportation
- Collateral effects of policing youths' caregivers
- Assistance or support to the Department of Children and Families
- Immigration enforcement

## Key elements:

- Congregate care placement sites
- Child Requiring Assistance matters
- Institutions of higher education
- School resource officers
- Police-youth programs
- Relationships with youths
- Complaints
- Data and trends
- Training



# DEPARTMENT OF CHILDREN AND FAMILIES MATTERS

## Proposed Revisions:

Include a sub-policy or provision concerning the agency's provision of services to the Department of Children and Families, including, but not limited to, services in matters concerning the serving of notices of precepts for the care and protection of children pursuant to M.G.L. c. 119, § 24 and the removal of youths from their homes due to abuse or neglect, that:

1. Directs officers to work with Department of Children and Families personnel in an assistive or supportive role;
2. Directs officers to maintain the safety of all individuals present, including Department of Children and Families personnel and youths who are the subject of such matters, and manage any related risks to such individuals; and
3. Directs officers to utilize de-escalation tactics and techniques in accordance with the agency's use of force policy developed in accordance with the standards specified in 555 CMR 13.03(1);



# CHILD REQUIRING ASSISTANCE MATTERS

## Proposed Revisions:

Include a sub-policy or provision concerning responding to a youth who is the subject of a Child Requiring Assistance case that:

1. If the Juvenile Court has issued a warrant of protective custody, directs officers to execute such a warrant and bring the youth who is the subject of such a warrant before the Juvenile Court in accordance with M.G.L. c. 119, § 39E;
3. If an officer takes a youth who is the subject of a Child Requiring Assistance case into custodial protection:
  - a. Directs the officer to notify the youth's parent, legal guardian, or responsible adult and, if applicable, the Department of Children and Families that the youth has been taken into custodial protection in accordance with M.G.L. c. 119, § 39H;
  - b. Directs the officer to work with the Massachusetts Probation Services to make efforts to divert the youth to an appropriate placement in accordance with M.G.L. c. 119, § 39H; and

- c. Prohibits the officer, in accordance with M.G.L. c. 119, § 39H, from:
  - i. Transporting the youth to and holding the youth on agency premises;
  - ii. Placing the youth in a court lockup facility;
  - iii. Placing the youth in a locked facility;
  - iv. Placing the youth in a facility designed or operated for juveniles who are alleged to be or who have been adjudicated delinquent, except for facilities which operate as a group home to provide therapeutic care for youths; and
  - v. Shackling or similarly restraining the youth;
4. Directs an officer to provide an appropriate and timely medical response, or otherwise procure appropriate medical assistance in a timely manner, if requested or needed;



# INTERNAL AFFAIRS AND OFFICER COMPLAINT INVESTIGATION PROCEDURES

## Resources consulted:

- 5 Stones Intelligence, *Independent Onsite Audit of the Town of Canton Police Department* (2025)
- United States Department of Justice Civil Rights Division and United States Attorney's Office for the District of Massachusetts, *Investigation of the Worcester Police Department and the City of Worcester, Massachusetts* (2024)
- Baltimore Police Department, *Policy 306: Complaint Intake Process* (2022)
- United States Department of Justice Office of Community Oriented Policing Services, *Law Enforcement Best Practices: Lessons Learned from the Field* (2020)
- The Justice Collaboratory at Yale Law School, *Principles of Procedurally Just Policing* (2018)
- International Association of Chiefs of Police, *Internal Affairs: A Strategy for Smaller Departments* (2015)
- United States Department of Justice Office of Community Oriented Policing Services, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* (2009)
- Massachusetts General Laws and Code of Massachusetts Regulations
- Public comments

## Key elements:

- Key principles
- Reporting
- Review and screening
- Management
- Records retention
- Conflicts of interest
- Referrals
- Communications
- Tracking and analysis
- Internal inspection and auditing
- Training



# KEY PRINCIPLES

Highlighting from the code of conduct the duty of officers to:

- Act professionally and ethically;
- Be worthy of the public trust and authority given to officers; and
- Uphold transparency, accountability, and responsibility principles.



# REPORTING

## Topics:

- Individual officer conduct; and Agency policies, sub-policies, provisions, rules, regulations, practices, and customs.

## Methods:

- At agency;
- To non-officer at agency;
- To non-agency individual within agency's larger governing structure;
- Remote or virtual;
- Via third party;
- Anonymously; and
- In languages other than English.

## Agency and officer conduct:

- Prohibit:
  - Requiring reports under oath or penalty of perjury;
  - Conducting criminal background check;
  - Conducting warrant check;
  - Conducting immigration check;
  - Requiring waiver of rights provided by law;
  - Attempting to convince someone to withdraw or abandon their report; and
  - Retaliation.



# REVIEW AND SCREENING

- Allow prospective reporters to review statements for completeness and accuracy.
- Screen all reports to:
  - Determine obligations to Commission under 555 CMR 1.00; and
  - Determine whether to initiate an internal affairs investigation.



# MANAGEMENT

- Initiation;
- Assignment;
- Supervision;
- Investigation;
- Collection, preservation, and use of evidence;
- Recommended time limits;
- Adjudication;
- Resolution;
- Discipline;
- Documentation;
- Case file maintenance;
- Confidentiality; and
- Appeals



# RECORDS RETENTION

- Compliance with:
  - Public records law; and
  - Commission auditing regulations.



# CONFLICTS OF INTEREST

- A conflict of interest exists when an officer seeks to conduct an investigation that involves a member of investigating officer's family or an individual with whom investigating officer has a close personal or business relationship;
- Prohibit investigating when there is a conflict of interest;
- Reporting;
- Evaluation;
- Measures to prevent interference;
- Unmanageable conflicts; and
- Compliance with applicable laws, rules, and regulations.



# REFERRALS

- What circumstances to refer under; and
- Whom to refer to.
- Examples:
  - Report alleging potential criminal behavior should be referred to district attorney of competent jurisdiction for potential prosecution as a criminal matter; and
  - Report alleging failure to comply with training requirements should be referred to Commission for potential enforcement or administrative action as matter affecting officer's ability to maintain their certification.



# COMMUNICATIONS

- Investigated officer and appropriate agency personnel;
- Reporter;
- Commission;
- Local civilian oversight board;
- Public.

  

- Addressing what will be communicated and when.



# TRACKING AND ANALYSIS

- Collect, track, and analyze reports to:
  - Identify trends over time;
  - Identify officers who may benefit from early intervention;
  - Identify patterns, practices, or customs that may benefit from policy, sub-policy, provision, rule, or regulation change; and
  - Identify best practices for replication.
- Issue annual summary to public.



# INTERNAL INSPECTION AND AUDITING

- Inspect and audit completed internal affairs investigations to determine whether agency's internal affairs policy, sub-policy, provision, rule, regulation, patterns, practices, or customs may benefit from change.



# TRAINING

- Ensure training is 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.



# 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 – Juvenile Operations

Date: January 8, 2026

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

The standard regarding juvenile operations was first presented to the Commission during its June 2025 meeting. Following that meeting, Commission staff sought feedback from the Municipal Police Training Committee (“MPTC”) and the public. The MPTC provided its feedback during its August 2025 meeting, and the Commission received comments from interested stakeholders, including the Massachusetts Chiefs of Police Association (“MCOPA”), Strategies for Youth (“SFY”), and the Chief Justice of the Juvenile Court (“Juvenile Court”), from June through October 2025.<sup>1</sup>

That feedback and those comments resulted in a number of proposed revisions, which were presented to the Commission during its November 2025 meeting. During that meeting, the Commission provided further feedback, which resulted in further proposed revisions.

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<sup>1</sup> Copies of MCOPA’s and SFY’s comment letters were included in the Commission’s November 2025 meeting packet.

Those further proposed revisions are as follows:<sup>2</sup>

- Assistance or support to Department of Children and Families. Commissioners suggested, during their November 2025 meeting, that a proposed sub-policy or provision concerning an agency's provision of assistance or support to the Department of Children and Families ("DCF") would benefit from elaboration, as DCF matters can be fraught and difficult. The further revised draft therefore seeks to elaborate on this provision by specifying that: (1) officers are meant to work with DCF personnel in an assistive or supportive role; (2) officers' responsibilities in DCF matters are to maintain safety and manage any related risks; and (3) officers should utilize de-escalation tactics and techniques in accordance with their agency's use of force policy.
- Child Requiring Assistance matters. Similarly, Commissioners suggested that a proposed sub-policy or provision concerning responding to a youth who is the subject of a Child Requiring Assistance ("CRA") case would benefit from more detail. The further revised draft attempts to provide that detail by: (1) specifying when an officer may take a youth into protective custody under the CRA statute, M.G.L. c. 119, § 39H; (2) specifying applicable obligations and prohibitions when an officer takes a youth into protective custody under the CRA statute; and (3) directing officers to provide medical care to a youth, if appropriate.

The MPTC considered these proposed revisions during its December 2025 meeting and indicated it did not have any further feedback for the Commission. Therefore, this standard is presented to the Commission for preliminary approval in its draft form.

***Recommendation: The Commission preliminarily approve the juvenile operations standard, as discussed and presented today, as a draft.***

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<sup>2</sup> The proposed revisions described in this memorandum do not include non-substantive revisions made to clarify or reorganize the standard, or to conform this standard with other standards that have been preliminarily approved by the Commission.



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.

Child Requiring Assistance. A Child Requiring Assistance as defined in M.G.L. c. 119, § 21.

Congregate Care Placement Site. A highly structured out-of-home placement that includes 24-hour supervision for youths, which is under contract with or operated by the Department of Children and Families and licensed or approved by the Department of Early Education and Care or Department of Youth Services. Congregate care placement sites include group homes, residential childcare communities, childcare institutions, residential treatment facilities, and maternity homes.

Developmentally and Age Appropriate, Trauma Informed, Racially Equitable, and Culturally Relevant Approaches. Approaches that take into account known or perceived contextual factors regarding an individual or group, 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 include, but are not limited to, 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.

Disseminate. Disseminate as defined in M.G.L. c. 272, § 31.

Harmful to Youths. Harmful to Minors as defined in M.G.L. c. 272, § 31.

Institution of Higher Education. Institution as defined in 610 CMR 14.02.

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.

Municipal Police Training Committee or MPTC. The Municipal Police Training Committee established in M.G.L. c. 6, § 116.

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.

School. An elementary or secondary public school.

School Resource Officer or SRO. A School Resource Officer or SRO as defined in 555 CMR 10.03.

Sexual Conduct. Sexual Conduct as defined in M.G.L. c. 272, § 31.

Student. An individual enrolled at a public school, private school, or institution of higher education.

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]

(6) Juvenile operations. An agency's juvenile operations policy shall:

- (a) Direct officers to act in accordance with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3) and emphasize an officer's duty to act professionally and ethically, treat others with dignity and respect, act impartially and avoid the appearance of bias, and not harass or discriminate against others based on bias;
- (b) Encourage officers to be aware of the developmental differences between youths and adults and that those differences may impact interactions between a youth and an officer, in ways that include, but are not limited to, affecting a youth's ability to understand, respond to, and comply with

an officer's commands, such that an officer may have to modify their approaches when engaging with a youth;

- (c) Encourage officers to be aware that their presence may escalate a situation involving a youth, and when time and circumstances reasonably permit, avoid unnecessary conduct that the youth may reasonably perceive as intimidating, coercive, and/or threatening;
- (d) Direct officers, when engaging with a youth, to:
  - 1. Explain to the youth what the officer is doing and why, the youth's rights, and any applicable next steps, when time and circumstances reasonably permit;
  - 2. Act in accordance with the agency's officer response procedures policy and sub-policy or provision concerning interactions with vulnerable persons, developed in accordance with standards specified in 555 CMR 13.03(4)(c);
  - 3. Take the least intrusive action that is effective under the circumstances, examples of which include, but are not limited to, utilizing a different response model as appropriate, issuing a warning, making a referral, or issuing a summons or citation, as their primary law enforcement response to a youth, consistent with the approach to be taken with youths brought before a court under M.G.L. c. 119, § 53, in light of:
    - a. The potential impact law enforcement may have on a youth's development, education, employment, housing prospects, and physical and mental health;
    - b. Known or perceived non-criminal factors that may potentially affect a youth, including, but not limited to, mental or physical condition, age or developmental maturity, education level or intelligence, language or cultural differences, the legacy of policing on vulnerable populations, the agency's history with the public, and the likelihood that the youth can be redirected from allegedly criminal behavior through diversion referrals focused on connecting the youth to care; and
    - c. Youths' increased susceptibility to various forms of intimidation, coercion, and threats;
  - 4. When time and circumstances reasonably dictate, including upon request or an expression of dissatisfaction, provide to the youth and other individuals present the officer's name, badge number or

equivalent number, agency name, and agency telephone number and explain how the youth and/or other individuals 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;

(e) Include a sub-policy or provision concerning investigatory stops of youths that:

1. Directs officers to act in accordance with the agency's officer response procedures policy and sub-policy or provision concerning investigatory stops, developed in accordance with the standards specified in 555 CMR 13.03(4)(e);
2. Encourages officers to consider that certain behavioral responses by a youth, such as fleeing, freezing or failing to respond, verbally challenging an officer, disregarding an officer's directive, and presuming mistreatment from officers, may be a result of the youth's age or lack of developmental maturity and not necessarily indicative of criminal activity; and
3. Directs officers to commence a consent search of a youth only after obtaining the youth's clear and unambiguous consent to the search; and
4. Encourages officers to explain to the youth that the youth is free to refuse, limit, or revoke consent to the search at any time;

(f) Include a sub-policy or provision concerning the arrest of youths that:

1. Directs officers to act in accordance with bias-free policing principles and the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
2. Encourages officers to issue a summons as a preferred method of bringing a youth into court and to utilize custodial arrest as a last resort;
3. Directs officers to make efforts to protect the youth's privacy when arresting the youth, when time and circumstances reasonably permit;
4. Directs officers to make efforts to contact the youth's parent, legal guardian, or responsible adult to inform such person that the youth has been arrested;

5. Directs officers to issue the *Miranda* warnings to the youth in accordance with the standards specified in the agency's criminal investigations procedures policy and sub-policy or provision concerning the custodial interrogation of youths, developed in accordance with the standards specified in 555 CMR 13.03(5)(j);

6. Sets forth specific and comprehensive requirements governing the use of restraints on youths; and

7. Directs officers to provide an appropriate and timely medical response to, or otherwise procure appropriate medical assistance in a timely manner for, a youth exhibiting signs of or complaining of injury or illness;

(g) Include a sub-policy or provision concerning the temporary custody of youths on agency premises that:

1. Requires the agency to hold the youth in an environment and manner that takes into account where the youth is likely to feel most safe, or if necessary, in a detention facility approved by the Department of Youth Services pursuant to M.G.L. c. 119, § 67, but in any case keeps the youth sight- and sound-separated from all adults who are not officers or agency personnel at all times;

2. Requires the agency to keep the youth under regular supervision, either by direct observation or through live audio- and/or video-transmission, by at least one officer or designated agency personnel;

3. Requires the agency to provide the youth reasonable and private access to their parent, legal guardian, or responsible adult;

4. Requires the agency to provide an appropriate and timely medical response to, or otherwise procure appropriate medical assistance in a timely manner for, a youth exhibiting signs of or complaining of injury or illness; and

5. Complies with any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 119, § 67 and conditions imposed by the acceptance of grants under 34 U.S.C. § 11133;

(h) Include a sub-policy or provision concerning the transportation of youths who are not detainees that:

1. Directs officers to make efforts to contact the youth's parent, legal guardian, or responsible adult to inform such person of where the youth will be transported to;
2. Directs officers to make every effort to transport a youth with at least one officer whose gender identity matches the gender identity of the youth, when time, staffing, and operational conditions reasonably permit;
3. Directs officers to transport youths separately from adults, except for an adult who is the youth's parent, legal guardian, or responsible adult, when time and circumstances reasonably permit;
4. Directs officers to transport a youth of one gender identity separately from a youth of another gender identity, when time and circumstances reasonably permit;
5. Prohibits officers from transporting a youth without the assistance or presence of another officer, unless the officer's body-worn camera or transport vehicle's in-car audio- or video-recording system is activated throughout the transport or another method of recording, such as mileage reporting, is used; and
6. Complies with any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 90, § 7AA; M.G.L. c. 119, § 34; conditions imposed by the acceptance of grants under 34 U.S.C. § 11133; and the agency's detainee transportation policy developed pursuant to 555 CMR 13.0(8);
  - (i) Include a sub-policy or provision concerning youths affected by law enforcement activities where a youth is not the target of such activities, including, but not limited to, the arrest of, provision of an emergency medical response to, or execution of a warrant to search the residence of a youth's parent, legal guardian, or responsible adult that:
    1. Directs officers to make efforts to conduct such activities out of sight and sound of any youths, when time and circumstances reasonably permit;
    2. Directs officers to work with the Department of Children and Families in identifying an alternate parent, legal guardian, responsible adult, or other individual capable of providing care for any youths that the targeted adult is responsible for, if necessary;

3. Directs at least one officer to remain at the scene of such activities until all youths who need supervision are in the care of an alternate parent, legal guardian, responsible adult, or other individual capable of providing such supervision, if necessary;
4. Directs officers to file a report of suspected child abuse or neglect with the Department of Children and Families pursuant to M.G.L. c. 119, § 51A, if circumstances require; and
5. Complies with any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 6A, § 18 $\frac{3}{4}$ (9) and M.G.L. c. 6, § 116D;

(j) Include a sub-policy or provision concerning the agency's provision of services to the Department of Children and Families, including, but not limited to, services in matters concerning the serving of notices of precepts for the care and protection of children pursuant to M.G.L. c. 119, § 24 and the removal of youths from their homes due to abuse or neglect, that:

1. Directs officers to work with Department of Children and Families personnel in an assistive or supportive role;
2. Directs officers to maintain the safety of all individuals present, including Department of Children and Families personnel and youths who are the subject of such matters, and manage any related risks to such individuals; and
3. Directs officers to utilize de-escalation tactics and techniques in accordance with the agency's use of force policy developed in accordance with the standards specified in 555 CMR 13.03(1);

(k) Include a sub-policy or provision concerning youths targeted or affected by immigration enforcement that complies with the agency's officer response procedures policy and sub-policy or provision concerning an agency's involvement in immigration matters, developed in accordance with 555 CMR 13.03(4)(g); bias-free policing principles; and the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);

(l) Include a sub-policy or provision concerning responding to youths at congregate care placement sites that encourages the agency to work with any congregate care placement sites within the agency's jurisdiction on developing and providing training to the agency and its officers on how to respond to youths at that congregate care placement site;

(m) Include a sub-policy or provision concerning responding to a youth who is the subject of a Child Requiring Assistance case that:

1. If the Juvenile Court has issued a warrant of protective custody, directs officers to execute such a warrant and bring the youth who is the subject of such a warrant before the Juvenile Court in accordance with M.G.L. c. 119, § 39E;
2. If an officer takes a youth who is the subject of a Child Requiring Assistance case into custodial protection:
  - a. Directs the officer to notify the youth's parent, legal guardian, or responsible adult and, if applicable, the Department of Children and Families that the youth has been taken into custodial protection in accordance with M.G.L. c. 119, § 39H;
  - b. Directs the officer to work with the Massachusetts Probation Services to make efforts to divert the youth to an appropriate placement in accordance with M.G.L. c. 119, § 39H; and
  - c. Prohibits the officer, in accordance with M.G.L. c. 119, § 39H, from:
    - i. Transporting the youth to and holding the youth on agency premises;
    - ii. Placing the youth in a court lockup facility;
    - iii. Placing the youth in a locked facility;
    - iv. Placing the youth in a facility designed or operated for juveniles who are alleged to be or who have been adjudicated delinquent, except for facilities that operate as a group home to provide therapeutic care for youths; and
    - v. Shackling or similarly restraining the youth;
3. Directs an officer to provide an appropriate and timely medical response, or otherwise procure appropriate medical assistance in a timely manner, if requested or needed;

(n) If applicable, include a sub-policy or provision concerning institutions of higher education that:

## Agency Certification Standards – Juvenile Operations (DRAFT)

1. Directs the agency to work with any institutions of higher education within the agency's jurisdiction to develop and execute a memorandum of understanding that:
  - a. Defines the agency's jurisdiction in relation to the institution of higher education, including by geography and type of incident; and
  - b. Sets forth specific and comprehensive requirements concerning the coordination of response and investigation efforts with the institution of higher education;
2. Directs the agency to work with any institutions of higher education within the agency's jurisdiction to develop policies on responding to and investigating reports of sexual misconduct involving any students; and
3. Complies with any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 6, §§ 168C-E and 610 CMR 14.00;

(o) If applicable, include a sub-policy or provision concerning school resource officers that:

1. Requires the agency to have a fully executed memorandum of understanding with the local school district that meets or exceeds the requirements of the Model School Resource Officer Memorandum of Understanding developed by the Model School Resource Officer Memorandum of Understanding Review Commission in accordance with M.G.L c. 71, § 37P;
2. Requires the agency to develop and implement operating procedures to provide guidance to school resource officers about daily operations, policies, and procedures that meet or exceed the requirements of M.G.L. c. 71, § 37P(d) and any guidelines that the Executive Office of Public Safety and Security, in consultation with the Department of Elementary and Secondary Education, establishes;
3. Requires the agency to ensure that all school resource officers are certified in accordance with 555 CMR 10.00; and
4. Complies with each applicable law, rule, regulation, policy, memorandum, and procedure, including the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its

implementing regulations, 34 CFR § 99; M.G.L. c. 71, §§ 37L and 37P; 603 CMR 23.00; and 555 CMR 10.00;

(p) If the agency participates in any program or community engagement function that brings youths into non-incidental contact with officers, include a sub-policy or provision concerning such programs that:

1. Requires the agency to have a fully executed memorandum of understanding with such program that describes:
  - a. The mission statement, goals, and objectives of the program;
  - b. The roles and responsibilities of the participating officers, the agency, and the program;
  - c. The process for selecting participating officers;
  - d. The mechanisms to incorporate participating officers into the program;
  - e. Information sharing between participating officers, program staff, and other partners;
  - f. The organizational structure of the program, including supervision of participating officers and the lines of communication between the program staff and the agency; and
  - g. Training for participating officers, including, but not limited to, continuing professional development in child and adolescent development, conflict resolution and diversion strategies, and de-escalation tactics, as well as any other training required by the MPTC;
2. Requires the agency, in consultation with such program's executive leader, to establish operating procedures that provide guidance to participating officers about program operations, policies, and procedures, and describe:
  - a. The participating officer's required attire;
  - b. Standards for uses of force, execution of arrests, issuance of citations, and making of court referrals during program activities;

- c. Participating youths' legal rights, including the process for searching and questioning participating youths and circumstances requiring notification to and presence of parents and program staff;
- d. The chain of command, including delineating to whom the participating officers report and how program staff and participating officers work together;
- e. Performance evaluation standards, which shall incorporate monitoring compliance with the memorandum of understanding and the use of arrest, citation, and force during program activities;
- f. Protocols for diverting and referring at-risk participating youths to education and community-based supports and providers; and
- g. Information sharing between the participating officers, program staff, and parents or guardians;

(q) Includes a sub-policy or provision concerning relationships with youths that:

- 1. Prohibits officers from engaging in sexual conduct and sexual relationships with youths, including conduct in violation of any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 265, §§ 13B, 13B½, 13H½, 22, 22A, 23, and 24B; and M.G.L. c. 272, §§ 4 and 35A;
- 2. Prohibits officers from sexually harassing youths, including harassing them in violation of with any applicable law, rule, regulation, policy, or judicial or regulatory order, including 20 U.S.C. § 1681, et seq.; 42 U.S.C. § 2000e, et seq.; 42 U.S.C. § 5309; M.G.L. c. 151B; M.G.L. c. 12, §§ 11H and 11I; and M.G.L. c. 93, § 102;
- 3. Prohibits officers from engaging in dating and romantic relationships with any youths the officer encounters in the course of executing their official duties;
- 4. Addresses the permissibility of or prohibition against communications with youths outside officers' or agency personnel's official duties that specifically, but without limitation:

- a. Prohibits officers and agency personnel from disseminating to youths or soliciting from youths content of a sexual nature and any matter harmful to youths, including disseminating or soliciting content or matter in violation of any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 272, §§ 28, 29A, 29B, 29C, and 29D;
- b. Addresses the circumstances under which it is permissible or impermissible for officers or agency personnel to have unmonitored, private, and direct communications with a youth that officers or agency personnel encounter in the course of executing their official duties; and
- c. Addresses the circumstances under which it is permissible or impermissible for officers or agency personnel to communicate over the phone or internet with a youth that officers or agency personnel encounter in the course of executing their official duties;

(r) Requires the agency to establish a protocol for youths and their parents, legal guardians, or responsible adults to follow up on, raise concerns about, or file a complaint about an officer; a school resource officer; the agency; the agency's juvenile operations policy and any of its sub-policies or provisions developed in accordance with 555 CMR 13.03(6); any memorandum of understanding or operating procedures developed in accordance with 555 CMR 13.03(6)(n), (o), or (p); or the officer's, school resource officer's, or agency's response;

(s) Directs the agency to analyze reports and complaints concerning officers' interactions with youths; school resource officers; the agency's juvenile operations policy and any of its sub-policies or provisions developed in accordance with 555 CMR 13.03(6); any memorandum of understanding or operating procedures developed in accordance with 555 CMR 13.03(6)(n), (o), or (p); and officers', school resource officers', and the agency's responses to youths on at least an annual basis to:

- 1. Identify trends in officer, school resource officer, and agency involvement with youths and students over time;
- 2. Issue an annual summary of reports and complaints concerning officers' encounters with youths; school resource officers; the agency's juvenile operations policy and any of its sub-policies or provisions developed in accordance with 555 CMR 13.03(6); any memorandum of understanding or operating procedures developed in accordance with 555 CMR 13.03(6)(n), (o), or (p); and officers',

school resource officers', and the agency's responses to youths; and

3. Maintain the annual summary of reports and complaints on the agency's website and make it available on agency and school premises for inspection;

(t) Ensure that all officers are trained in juvenile operations in accordance with all applicable training requirements.

DRAFT

6b.



# 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 – Internal Affairs and Officer Complaint Investigation Procedures

Date: January 8, 2026

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

Attached for the Commission’s review is a draft standard regarding internal affairs and officer complaint investigation procedures; it is presented to the Commission for discussion and feedback; it is not presented to the Commission for preliminary approval.

The draft standard includes the following key elements:

- Key principles. The draft standard directs agencies to develop and implement an internal affairs and officer complaint investigation procedures policy that emphasizes officers’ duties to: act professionally and ethically; be worthy of the public trust and authority given to officers; and uphold transparency, accountability, and responsibility principles, consistent with the agency’s code of conduct policy. Such principles are crucial to maintaining the community’s confidence in officers and ensuring that the agency is able to provide effective law enforcement services.
- Reporting. To facilitate and encourage reports regarding the agency and/or any of its officers, whether positive or negative, the draft standard suggests that an agency’s internal affairs and officer complaint investigation procedures policy should address: (1) what topics may be reported as a potential internal affairs matter; (2) the methods by

which such reports may be made; and (3) conduct the agency and its officers may not undertake when someone seeks to make or makes such a report.

- Topics. To ensure that the public and officers are aware of what may be reported as a potential internal affairs matter, the draft standard suggests that agencies should enumerate some of the most common topics that may form the basis for such an internal affairs matter (e.g., conduct in the field; conduct in the workplace; bias, harassment, or discrimination; sexual misconduct; domestic violence; and retaliation). To promote community-policing relationships, the draft standard also suggests that, in addition to reports concerning an individual officer's conduct, agencies should accept as potential internal affairs matters reports concerning the agency's policies, sub-policies, provisions, rules, regulations, practices, and customs.
- Methods. To ensure that the public and officers are able to make reports that may form the basis for an internal affairs matter, the draft standard suggests that agencies should establish, as is within their means, a variety of easily accessible methods by which individuals may make a report regarding the agency and/or any of its officers. To reduce barriers to reporting, such as intimidation and language differences, the draft standard also suggests that agencies should allow individuals to report anonymously, via a third party, in languages other than English, to a non-officer within the agency, and to a non-agency individual within the agency's larger governing structure.
- Agency and officer conduct. The draft standard also suggests that, to avoid inadvertently deterring or retaliating against any individual or officer who seeks to make or has made a report regarding the agency and/or any of its officers, agencies and officers should be prohibited from engaging in certain behaviors. Those prohibited behaviors include: (1) requiring a prospective or actual reporter to make their report under oath or penalty of perjury; (2) conducting a criminal background, warrant, or immigration check of a prospective or actual reporter; and (3) requiring a prospective or actual reporter to waive any rights they may have by law. Crucially, the draft standard does not suggest that agencies and officers should never require statements under oath or conduct criminal background, warrant, or immigration checks; indeed, statements under oath and such checks may be part of a reasonable internal affairs investigation. Rather, the draft standard prohibits such behavior only when that behavior is intended to discourage, intimidate, or retaliate against a potential or actual reporter, in order to minimize barriers and prevent retaliation that may otherwise deter the public and officers from reporting potential internal affairs matters.

For similar reasons, the draft standard also suggests that, once an internal affairs investigation has been initiated, the investigated officer should be prohibited from attempting to convince the reporter to withdraw or abandon their report and from retaliating against the reporter.

- Review and screening. As matters of best practice, the draft suggests that agencies should allow prospective reporters to review their statements for completeness and accuracy prior to finalizing a report regarding the agency and/or its officers. The draft also suggests that the agency should screen all reports regarding the agency and/or its officers for the purposes of determining the agency's obligations to the Commission under 555 CMR 1.00, *Procedural Rules*, and determining whether to initiate an internal affairs investigation.
- Management. The draft standard next suggests that agencies should detail requirements concerning the management of an internal affairs investigation. Those requirements should cover the entire internal affairs investigation process from initiation to discipline, and should address topics such as personnel involved in an internal affairs investigation (i.e., assignment and supervision), recommended time limits, documentation, case file maintenance, and confidentiality.

Because the results of an internal affairs investigation may affect the terms and conditions of an officer's employment with the agency that, in many cases, is subject to the terms of a collective bargaining agreement, the draft standard also suggests that agencies should include requirements concerning the appeal of any decision or action resulting from an internal affairs investigation. Those requirements are not specified in the draft standard, in order to accommodate pre-existing collective bargaining agreements.

- Records retention. The draft standard also suggests that agencies should include a sub-policy or provisions concerning the retention of records associated with an internal affairs investigation that complies with applicable law and regulations, including the Public Records Act and the Commission's regulations on record maintenance and auditing.
- Conflicts of interest. To ensure the integrity of an internal affairs investigation and promote public confidence in the agency and its officers, agencies should also include a sub-policy or provision concerning conflicts of interest in an internal affairs investigation. That sub-policy or provision should first prohibit an officer from conducting an internal affairs investigation where they have an actual or potential conflict of interest, and then should address the requirements for reporting and evaluating a potential or actual conflict of interest. Finally, the sub-policy or provision should address the management of an actual conflict of interest, including measures that will be taken to prevent the conflicted officer from interfering with the internal affairs investigation and the circumstances under which the internal affairs investigation will be referred out because the agency cannot adequately manage the conflict of interest.
- Referrals. Because the basis for an internal affairs investigation may include conduct that may warrant action by an entity in addition to the agency, the draft standard next suggests that agencies should set requirements concerning the referral of an internal affairs report to third parties. Such requirements should cover who such reports will be referred to and under what circumstances. For example, a report against an officer

alleging their failure to comply with training requirements should be referred to the Commission for potential enforcement or administrative action as a matter affecting the officer's ability to maintain their certification.

- Communications. An agency's internal affairs and officer complaint investigation procedures policy should also include requirements concerning communications about an internal affairs investigation with the investigated officer and appropriate agency personnel; the individual who made the report against the agency and/or its officers; the Commission; the agency's local civilian oversight board; and the public. Such requirements should address if and when such information regarding an internal affairs investigation will be communicated with such a party.
- Tracking and analysis. To encourage accountability, an agency should also be required to, on at least an annual basis, collect, track, and analyze reports made against the agency and/or its officers to: (1) identify trends in reports over times; (2) identify officers for whom early intervention may be beneficial; (3) identify policies, sub-policies, provisions, rules, or regulations for which change may be beneficial; and (4) identify best practices that should be replicated. To encourage transparency, an agency should also be required to issue to the public an annual summary of reports that covers the above.
- Internal inspection and auditing. To ensure that the agency's internal affairs are functioning in an optimal manner, an agency should also provide for a sub-policy or provision concerning the internal inspection and auditing of the agency's completed internal affairs investigation for the purposes of determining whether a change in any of the agency's policies, sub-policies, provisions, rules, regulations, patterns, practices, or customs may be beneficial.
- Training. To ensure compliance with the agency's internal affairs and officer complaint investigation procedures policy, the draft standard suggests that agencies should ensure that all officers are trained in internal affairs and officer complaint investigation procedures in accordance with all applicable requirements.

Commission staff is consulting with the Municipal Police Training Committee and its staff and expects to present a revised internal affairs and officer complaint investigation procedures standard to the Commission in due course.



Agency Certification Standards – Internal Affairs and Officer Complaint Investigation  
Procedures (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.

Commission. The Massachusetts Peace Officer Standards and Training Commission, established pursuant to M.G.L. c. 6E, § 2.

Domestic Violence. Action that violates M.G.L. c. 265, § 13M.

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

Sexual Misconduct. Conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person. Sexual misconduct can include sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and retaliation related to any of the foregoing.

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]

- (7) Internal affairs and officer complaint investigation procedures. An agency's internal affairs and officer complaint investigation procedures policy shall:
  - (a) Emphasize officers' duty to, at all times, act professionally and ethically, consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation  
Procedures (DRAFT)

- (b) Emphasize officers' duty to, at all times, be worthy of the public trust and the authority given to officers, consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
- (c) Emphasize officers' duty to uphold transparency, accountability, and responsibility principles, consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
- (d) Require the agency to accept all reports, whether positive or negative, regarding the agency and/or any of its officers, including, but not limited to, reports concerning or alleging:
  - 1. Conduct in the field;
  - 2. Conduct in the workplace;
  - 3. Failure to comply with the federal or state Constitution, M.G.L. c. 6E, any rule or regulation promulgated by the Commission, or any other applicable federal or state law, rule, regulation, policy, or court or regulatory order;
  - 4. Failure to comply with any agency policy, sub-policy, provision, rule, or regulation;
  - 5. Bias, harassment, or discrimination on the basis of actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, limited English proficiency, accent, religion, sex, sexual orientation, gender identity, mental or physical disability, genetic information, ancestry, pregnancy or a condition related to said pregnancy, status as a veteran, marital status, parental status, public assistance recipiency, socioeconomic level, education level, professional level, or neighborhood of residence;
  - 6. Conduct that involves untruthfulness or is prejudicial to the administration of justice;
  - 7. Conduct that brings discredit to the officer and/or the agency or impairs the efficient and effective operation of the agency;
  - 8. Use of force;
  - 9. Sexual misconduct;
  - 10. Domestic violence;
  - 11. Conflicts of interest;

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12. Failure to attend or complete required training;
13. Attempts to prevent any individual, including another officer, who seeks to make a report or participate in an internal affairs investigation against the agency and/or any of its officers, from doing so;
14. Attempts to convince any individual, including another officer, who has made a report against the agency and/or any of its officers, to withdraw or abandon such a report;
15. Retaliation; and
16. The agency's policies, sub-policies, provisions, rules, regulations, practices, and customs;

(e) Require the agency to establish easily accessible methods, to the extent possible, by which reports regarding the agency and/or any of its officers may be filed, 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 regarding the agency and/or any of its officers, if utilized by the agency;
3. Over the internet, which may include an official agency e-mail address, an official agency social media account, and/or a form available on the agency's website, if utilized by the agency;
4. By mail;
5. Orally;
6. In writing;
7. Anonymously;
8. In languages other than English; and
9. Via a third party;

(f) Require the agency to make available to the public information about how an individual may follow up on, commend, raise concerns about, or make a report against the agency and/or any of its officers, including by

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation Procedures (DRAFT)

providing such information on the agency’s website and on agency premises;

- (g) Prohibit the agency and its officers from engaging in any conduct for the purposes of discouraging, intimidating, or retaliating against an individual because that individual seeks to make or has made a report against the agency and/or any of its officers, 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;
  - 4. Conducting an immigration check of any such individual; and
  - 5. Requiring any such individual to waive any rights that may be provided to such individual by law;
- (h) If the agency has at least one non-officer within the agency, require the agency to designate at least one non-officer within the agency who can accept reports against the agency and/or any of its officers;
- (i) Encourage the agency to work with the agency’s local government or secretariat, as applicable, to designate at least one individual who is within the agency’s local government or secretariat, as applicable, and is not part of the agency, who can accept reports against the agency and/or any of its officers;
- (j) Encourage the agency to allow the prospective reporter the opportunity to review a copy of their report for completeness and accuracy, when time and circumstances reasonably permit;
- (k) Require the agency to screen all reports regarding the agency and/or any of its officers for the purposes of:
  - 1. Determining the agency’s obligations under 555 CMR 1.00; and
  - 2. Determining whether to initiate an internal affairs investigation;
- (l) Set forth specific and comprehensive requirements concerning the management of an internal affairs investigation, including:
  - 1. Initiation, in accordance with 555 CMR 1.00 and 2.03(2);

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2. Assignment, in accordance with 555 CMR 1.00 and 2.03(5);
3. Supervision, in accordance with 555 CMR 1.00 and 2.03(5);
4. Investigation, in accordance with 555 CMR 1.00;
5. Collection, preservation, and use of evidence, including audio- and/or video-recordings, where feasible, consistent with the agency's collection and preservation of evidence policy developed pursuant to 555 CMR 13.03(8), and 515 CMR where applicable;
6. Recommended time limits, in accordance with 555 CMR 1.00, with internal progress reporting and accountability;
7. Adjudication;
8. Resolution, in accordance with 555 CMR 12.03(5);
9. The appropriate administration of discipline;
10. Documentation, in accordance with 555 CMR 1.00;
11. Case file maintenance, in accordance with 555 CMR 1.00, 12.03(1)(d) and 12.03(3)(b); and
12. Confidentiality, in accordance with each applicable federal or state law, rule, or regulation, including, but not limited to, M.G.L. c. 4, § 7(26), M.G.L. c. 66A, M.G.L. c. 268A, and 555 CMR 1.00;

(m) Set forth specific and comprehensive requirements concerning the appeal of any decision or action resulting from an internal affairs investigation by the officer who is the subject of the internal affairs investigation;

(n) Include a sub-policy or provision concerning the retention of records associated with an internal affairs investigation that shall comply with the requirements of M.G.L. c. 4, § 7(26), M.G.L. c. 30, § 42, M.G.L. c. 66, M.G.L. c. 66A, 555 CMR 12.03(1)(d) and 12.03(3)(b), other associated regulations, and the Massachusetts Statewide Agency Records Retention Schedule or Municipal Records Retention Schedule, as applicable, developed by the Secretary of the Commonwealth of Massachusetts;

(o) Prohibit the investigated officer from attempting to convince the reporter to withdraw or abandon their report, or retaliating against the reporter;

(p) Include a sub-policy or provision concerning the management of conflicts of interest in an internal affairs investigation that:

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation  
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1. Prohibits an officer, regardless of rank, from conducting an internal affairs 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;
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;
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;
4. Sets forth specific and comprehensive requirements concerning measures the agency will take to prevent the conflicted officer from interfering with the internal affairs investigation;
5. Addresses the circumstances under which the internal affairs investigation will be referred to another body because the agency cannot adequately manage the conflict of interest; and
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 1.00, 2.03(5) and 6.07;

(q) Set forth specific and comprehensive requirements concerning the referral of a report against the agency and/or any of its officers to third parties, including:

1. Any federal or state prosecuting authority, civil enforcement agency, or law enforcement agency of competent jurisdiction for prosecution as a criminal matter, commencement of a civil enforcement action, or initiation of an administrative agency proceeding; or
2. Another body or individual because the original agency and its officers have a conflict of interest that cannot be adequately managed;

(r) Set forth specific and comprehensive requirements and/or restrictions concerning communications about an internal affairs investigation, including communications regarding the steps in the internal affairs

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation Procedures (DRAFT)

investigation process listed in 555 CMR 13.03(7)(l), to the extent appropriate, with:

1. The investigated officer, their immediate supervisor, the head of their agency, the head of their collective bargaining unit, and/or the head of the agency, which shall address if and when such information will be communicated to such persons;
2. The reporter, which shall address if and when such information will be communicated to such a person;
3. The Commission, in accordance with the requirements of 555 CMR 1.00 and 12.00;
4. A local civilian oversight board of competent jurisdiction, if one exists; and
5. The public, which may include communications on the agency's website and social media and with media outlets;

(s) Require the agency to collect, track, and analyze reports, whether positive or negative, regarding the agency and/or any of its officers on at least an annual basis to:

1. Identify trends in reports regarding the agency and/or any of its officers over time;
2. Identify officers who are:
  - a. Involved in a disproportionate share and/or high frequency of reports against the agency and/or any of its officers; and
  - b. Allegedly engaged in a recurring pattern or practice, regardless of whether reports against the agency and/or the officer alleging such a pattern or practice are sustained;

for the purposes of determining whether intervention would be beneficial to improving the officer's behavior and practices, and intervening to improve the officer's behavior and practices or pursue disciplinary action when that is determined to be potentially beneficial;

3. Identify patterns, practices, or customs that are at issue in a disproportionate share and/or high frequency of reports against the agency and/or any of its officers, for the purpose of determining whether a change in agency policy, sub-policy, provision, rule, or

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation  
Procedures (DRAFT)

regulation would be beneficial, and making such changes when that is determined to be potentially beneficial;

4. Identify best practices that should be replicated; and
5. Issue to the public an annual summary of reports, whether positive or negative, submitted to the agency and/or any of its officers, which shall be maintained on the agency's website and available on agency premises for inspection;

(t) Include a sub-policy or provision concerning the internal inspection and auditing of the agency's completed internal affairs investigations for the purposes of determining whether a change in the agency's internal affairs policy, sub-policy, provision, rule, regulation, patterns, practices, or customs would be beneficial, and making such changes when that is determined to be potentially beneficial; and

(u) Ensure that all officers are trained on the agency's internal affairs and officer complaint investigation procedures policy in accordance with all applicable training requirements.

7.

ORGANIZED  
NOVEMBER 3, 1887



INCORPORATED  
MAY 2, 1949

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## In Unity There Is Strength

January 12, 2026

Enrique Zuniga, Executive Director  
Peace Officer Standards and Training Commission  
84 State Street, 2nd Floor  
Boston, MA 02109

### **Re: Practical Guidance for Massachusetts Constables (Issued December 18, 2025)**

Dear Executive Director Zuniga,

The Massachusetts Chiefs of Police Association appreciates the POST Commission's efforts to provide guidance regarding the permissible scope of constable activity following recent statutory and regulatory changes.

After careful review of the Practical Guidance for Massachusetts Constables issued on December 18, 2025, the MCOPA has identified significant concerns regarding certain eviction-related examples and their potential impact on police operations.

While the guidance correctly limits the authority of constables, several examples risk being read as endorsing or assuming police authority to physically remove occupants during civil evictions. As written, the guidance does not sufficiently clarify that police authority in eviction contexts must be grounded in independent legal justification, not the civil eviction itself.

Massachusetts law is clear that police officers are not authorized to act as eviction enforcement agents absent independent criminal conduct, breach of the peace, exigent circumstances, or a court order directed to law enforcement. Criminal trespass statutes expressly exclude tenants and occupants who originally entered lawfully, and possession may be recovered only through appropriate civil proceedings.

Without explicit clarification, the guidance risks creating operational confusion for police departments, officers, and dispatch personnel, and may undermine long-standing training and legal standards that carefully separate civil eviction enforcement from criminal law enforcement.

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Chief Loring Barrett (Ret.)  
Ashburnham

The MCOPA has therefore issued a legal advisory to its member chiefs clarifying these limits and reaffirming existing law. We believe this step is necessary to protect departments from legal exposure and to ensure consistent, lawful practices across the Commonwealth.

We also note that this issue highlights a broader structural concern. The MCOPA previously proposed the formation of an advisory or working group to review guidance with cross-agency operational and legal implications prior to issuance. Had such a process been in place, this concern likely would have been identified and addressed before publication.

MCOPA respectfully urges POST to consider:

- Issuing clarifying guidance regarding police authority in civil eviction contexts,
- Explicitly distinguishing constable limitations from police authority,
- Engaging stakeholders through an advisory or working group when guidance has system-wide operational consequences.

The MCOPA remains willing to collaborate with POST in a constructive manner to improve clarity, legal accuracy, and consistency in future guidance affecting law enforcement agencies across Massachusetts.

Respectfully submitted,

**The Massachusetts Chiefs of Police Association, Inc.**

By and through:

A handwritten signature in blue ink, appearing to read "Michael J. Bradley, Jr." or a similar variation.

Chief Michael J. Bradley, Jr. (Ret.)  
*Executive Director*  
Massachusetts Chiefs of Police Association



Massachusetts Chiefs of Police Association

# Legal Advisory

Legal Guidance for Massachusetts Chiefs of Police

## Police Authority, Civil Evictions, and Recent POST Guidance Regarding Constables

The Massachusetts Chiefs of Police Association issues this advisory to clarify the limited and lawful role of police officers in civil landlord-tenant matters, particularly summary process evictions, and to address questions raised by recent guidance issued by the Massachusetts Peace Officer Standards and Training Commission regarding constable activity.

While the POST guidance appropriately limits the authority of constables, certain eviction-related examples risk being read as authorizing police officers to physically remove occupants under civil process. Massachusetts law does not permit that result.

This advisory reaffirms long-standing law, clarifies jurisdictional and statutory limits, and provides practical guidance to support consistent, lawful police responses. It does not announce new law.

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### Evictions Are Civil Proceedings

Evictions in Massachusetts are governed by civil law and judicial process, not criminal law. Police officers do not have independent authority to enforce civil judgments or physically remove occupants simply because:

- A landlord requests assistance,
- A constable is present,

- A writ of execution or eviction notice has issued, or
- A tenant has been ordered to vacate.

The authority to regain possession of residential premises lies with the civil courts and is exercised only through appropriate civil proceedings. Police authority must be based on independent legal justification, not the existence of civil eviction process.

Calling the police does not convert a civil eviction into a criminal enforcement matter and does not expand police authority.

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## **Constable Jurisdiction and Authority**

Constables are municipal officers, not statewide officials. Their authority derives from local appointment or election and any specific statutory or court-authorized function.

Constable authority is jurisdiction-specific. Where a town has not appointed or elected a constable, a constable from another municipality lacks inherent authority to serve or execute civil process in that town absent express court authorization.

Police should not presume the validity of a constable's authority based solely on title, uniform, or assertion. The POST guidance assumes a constable is "duly appointed or elected" and does not alter these jurisdictional limits.

---

## **Police Assistance and Civil Process**

Police officers must avoid crossing the line from peacekeeping into civil enforcement.

Physically removing an occupant solely to assist a landlord or constable in carrying out an eviction risks:

- Executing civil process without authority,
- Acting outside the lawful scope of police powers, and
- Exposing the department and municipality to civil liability.

Police are not agents of landlords, constables, or the Housing Court for purposes of executing eviction judgments. Police action must be grounded in independent criminal conduct, exigent

circumstances, breach of the peace, or a court order specifically directed to law enforcement, not the eviction itself.

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## **Criminal Trespass Does Not Apply to Holdover Tenants**

Massachusetts law expressly prohibits using criminal trespass statutes to enforce civil evictions.

G.L. c. 266, § 120 provides, in relevant part:

This section shall not apply to tenants or occupants of residential premises who, having rightfully entered said premises at the commencement of the tenancy or occupancy, remain therein after such tenancy or occupancy has been or is alleged to have been terminated. The owner or landlord of said premises may recover possession thereof only through appropriate civil proceedings.

Accordingly:

- A lawfully admitted tenant does not become a criminal trespasser solely because tenancy has ended.
- Police are not authorized to arrest or remove such individuals under the trespass statute based on civil termination of tenancy.
- Criminal enforcement may not be used to circumvent civil eviction procedures.

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## **When a Civil Eviction Can Become a Criminal Matter**

A civil eviction does not become criminal merely because an occupant refuses to leave.

Police authority may arise only when independent criminal conduct occurs, such as:

- Assaults, threats, or intimidation,
- Property destruction or vandalism,
- Violations of protective or no-trespass orders unrelated to tenancy,
- Disorderly conduct or breach of the peace,
- Exigent circumstances involving immediate safety risks.

In these situations, police are enforcing criminal law, not the eviction itself. Any enforcement action must be limited to the criminal conduct and not used as a mechanism to effectuate removal.

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## Practical Guidance: Do's and Don'ts

Police Officers MAY	Police Officers MAY NOT
<ul style="list-style-type: none"><li><input type="checkbox"/> Stage nearby or respond to eviction scenes when public safety concerns exist or to maintain the peace,</li><li><input type="checkbox"/> Separate parties and de-escalate tensions,</li><li><input type="checkbox"/> Address criminal conduct if it occurs,</li><li><input type="checkbox"/> Enforce valid criminal warrants or court orders directed to law enforcement,</li><li><input type="checkbox"/> Take action based on independent probable cause,</li><li><input type="checkbox"/> Decline removal requests and document the response.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Physically remove occupants solely to assist with a civil eviction,</li><li><input type="checkbox"/> Treat eviction notices or writs as automatic trespass authority,</li><li><input type="checkbox"/> Arrest occupants for trespass based solely on termination of tenancy,</li><li><input type="checkbox"/> Act at the direction of landlords or constables to enforce civil judgments,</li><li><input type="checkbox"/> Use criminal statutes to accomplish civil eviction outcomes.</li></ul>

Police presence at evictions is primarily peacekeeping, not enforcement.

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## Training and Supervisory Guidance

Departments should continue to train officers that:

- Evictions are civil matters governed by court process,
- Police authority does not expand because civil process exists,
- Removal of occupants requires independent legal justification,
- Uncertainty should be elevated to supervisors or legal counsel,
- Declining removal is often the legally correct response.

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## Conclusion

This advisory reaffirms long-standing Massachusetts law separating civil eviction enforcement from criminal law enforcement and clarifies the limits of both constable and police authority. Police play a critical role in maintaining public safety and order, but that role does not include enforcing civil eviction judgments absent independent legal authority.

Chiefs with questions regarding specific situations are encouraged to consult counsel.

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