MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

November 16, 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.

NOTICE OF MEETING AND AGENDA
Public Meeting #82
November 19, 2026
8:30 a.m.
Remote Participation via Zoom
Meeting ID: 928 6664 4962

1) Call to Order

2) Approval of Minutes
   a) October 15, 2026

3) Executive Director Report – Enrique A. Zuniga

4) Legal Update – Randall E. Ravitz, Annie E. Lee
   a) Law Enforcement Agency Certification Initial Implementation
   b) Comments received on, and proposed revisions of, 555 CMR 3.00

5) Request to Appoint Acting Executive Director

6) Matters not anticipated by the Chair at the time of posting

7) Executive Session in accordance with the following:

- M.G.L. c. 30A, § 21(a)(1), to discuss "the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, . . . or individual";
- M.G.L. c. 30A, § 21(a)(5), to discuss the investigation of charges of criminal misconduct;
- M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, to

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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-2025-057
ii) PI-2026-024
iii) PI-2025-030
iv) PI-2026-011
v) PI-2024-065
vi) PI-2025-012
vii) PI-2025-014
viii) PI-2024-058
ix) PI-2026-040
x) PI-2026-030

b) Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:

i) PI-2026-062
ii) PI-2024-078
iii) PI-2026-063
iv) PI-2026-064
v) PI-2026-065
vi) PI-2026-066

c) Approval of the minutes of the Executive Session of October 15, 2026

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
October 15, 2026
8:30 a.m.
Via Zoom

Documents Distributed in Advance of Meeting

- September 24, 2026 Public Meeting Minutes
- Executive Director Report
- Presentation Regarding the POST/MPTC Use of Force Model Policy Update
- Finance and Administrative Update

1. **Call to Order**
   - The meeting began at 8:37 a.m.
   - Commission Chair Margaret R. Hinkle took a roll call of the Commissioners.
     - 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 September 24, 2026 minutes. Commissioner Baker moved to approve the minutes, and Commissioner Luma seconded the motion.
   - The Commissioners voted to approve the public meeting minutes.
3. **Election of Commission Secretary and Treasurer – General Counsel Randall E. Ravitz**
   - General Counsel Randall Ravitz provided an overview of the governing statutory and customary responsibilities of the Commission's Secretary and Treasurer and recommended election procedures consistent with Robert's Rules of Order. He stated as follows.
     - The Secretary is statutorily responsible for maintaining Commission records and certifying copies. In practice, the Secretary also reviews and approves approximately 225 responses to public records and other document requests annually, reviews proposed meeting minutes, and consults on records-related matters and associated legal issues.
     - Although the statute does not specify the Treasurer's duties, as a matter of practice the position has involved reviewing budgets and financial statements, working with the finance and administration team to prepare financial reports, reviewing and approving Commission budgets and financial statements, participating in the Commission's internal control working group, and consulting and collaborating with different parts of the agency on financial matters involving budget and expenditures.
     - Robert's Rules of Order governed the procedure for elections of the two positions.

- For each position, the Chair would announce existing nominations, invite additional nominations from the Commissioners, and conduct a roll call vote, repeating the vote if necessary until a candidate received a majority.

- Chair Hinkle thanked Commissioner Kazarosian and Commissioner Luma for their service as Secretary and Treasurer, respectively, during the preceding year.
- Chair Hinkle noted that Commissioner Kazarosian had expressed interest in serving another term as Secretary and invited additional nominations. Hearing none, she conducted a roll call vote.
- The Commissioners voted unanimously to elect Commissioner Kazarosian as Secretary.
- Commissioner Kazarosian nominated Commissioner Luma to serve another term as Treasurer. Commissioner Luma accepted the nomination, and no additional nominations were made.
- Chair Hinkle conducted a roll call vote, and the Commissioners voted unanimously to elect Commissioner Luma as Treasurer.
- Chair Hinkle congratulated both Commissioners and thanked them for their willingness to continue serving.

4. Executive Director Report – Executive Director Enrique A. Zuniga, Division of Police Certification Deputy Director Heather Hall

- Chair Hinkle turned to Executive Director Zuniga for his report.
- Executive Director Zuniga began by stating that the Commission does not take public comments at its public meetings and therefore members of the public should use the general mailbox on the website.
- He then recognized the recipients of the 2026 George L. Hanna Memorial Award, which honors officers who demonstrate exceptional bravery or professionalism during dangerous incidents, and congratulated the officers and their agencies.
- Executive Director Zuniga provided an update on the Commission's efforts to verify compliance with annual in-service training requirements. He stated as follows.
  - Director of Police Certification Steven Smith and his team will focus in the fall on compliance with in-service training of all 20,000 officers.
  - Officers must complete annual in-service training by June 30, and agencies must update their training records with the Municipal Police Training Committee ("MPTC") by September 30.
  - The Commission and MPTC continued to exchange and reconcile training and job-status records to identify officers with outstanding requirements.
  - Accurate job-status information was necessary to avoid improperly suspending officers on qualifying leave or light duty.
  - The Commission identified 72 officers with missing training.
  - Officers with missing training from prior years required additional review to account for periods of leave and applicable exceptions.
  - Following verification, the Commission would issue final reminder letters to affected officers and agencies before proceeding with administrative suspensions of those who remained noncompliant.
- Executive Director Zuniga provided an update on the Blue Envelope Program. He stated as follows.
  - The program is designed to promote safer and more effective communication between officers and drivers with autism during traffic stops.

- The Commission's role is educational and does not include administering the program or distributing blue envelopes.
- The Commission added a webpage under "Resources for the Public and Officers" containing information about the program, how to obtain blue envelopes, and additional resources.

- Executive Director Zuniga provided an update on the Commission's commendations project. He stated as follows.
  - Approximately 35 agencies participated in developing and testing the portal's commendation reporting functionality, submitting approximately 800 records.
  - Based on those submissions, the Commission estimated that approximately 10,000 commendations could be reported across all 433 agencies.
  - The functionality would become available to all agencies on October 26, 2026, with optional training sessions scheduled for October 20, 23, and 28.
  - Agencies could report awards and commendations received by currently active officers throughout their careers, including awards received from prior agencies.
  - An officer's current agency would be responsible for submitting commendations received from prior agencies. Reporting was not requested for retired or otherwise inactive officers.
  - Reportable commendations included awards for bravery, valor, lifesaving, distinguished service, de-escalation, and other special achievements.
  - Promotions, performance reviews, longevity awards, certifications, and unit or team designations were excluded from reporting.
  - The Commission would provide additional guidance on reporting requirements during training sessions and through subsequent communications.
- Executive Director Zuniga summarized his attendance at the Northeast Regional Meeting of POST Directors. He stated as follows.
  - The meeting provided an opportunity to discuss emerging issues and developments among POST agencies in the Northeast.
  - The International Association of Directors of Law Enforcement Standards and Training provided updates, including bipartisan federal legislation that had passed both chambers of Congress and was expected to provide POST agencies access to national criminal history records.
  - Massachusetts and Maryland share similarities in their police reform efforts, demographics, and approaches to accountability.
  - New York presented its development of a job-task-based physical fitness assessment to replace the Cooper test for police academy entry and graduation.
  - The proposed assessment included climbing a six-foot wall, dragging a dummy, navigating stairs, and simulating the restraint of a noncompliant individual.
  - The assessment emphasized technique rather than physical strength alone and could warrant further exploration for potential implementation in Massachusetts.
- Commissioner Bluestone expressed support for the Blue Envelope Program, noting its potential to improve safety for drivers with autism and law enforcement officers. She suggested adding basic information about autism to the Commission's website, with input from individuals involved in the initiative.

- Commissioner Bluestone also noted that the Commission's website lacked a search function on its landing page, making information about the program difficult to locate, and suggested adding one.
- Executive Director Zuniga thanked Commissioner Bluestone and agreed to follow up on both suggestions.
- Commissioner Chrispin expressed concern that certain components of job-task-based physical assessments, particularly climbing a wall, could present barriers to otherwise qualified police officer candidates. He asked whether Massachusetts was considering reinstating such an assessment.
- Executive Director Zuniga clarified that no such change was currently being proposed. He stated as follows.
    - New York's approach was presented as an example for consideration, although implementing a similar assessment in Massachusetts would require significant resources.
    - Both the Cooper test and job-task-based assessments present challenges, including concerns about physical requirements and injuries.
    - Information from New York's presentation could be shared with interested stakeholders, including the MPTC.
    - Although aspects of New York's approach could potentially be replicated in other states, implementation would be complex and costly.
- Commissioner Chrispin further noted that job-task analyses have traditionally focused on physical abilities rather than communication skills, which he considered essential to effective policing. He suggested that communication skills should also be considered in any future discussion of job-task assessments in Massachusetts.
- Chair Hinkle thanked Executive Director Zuniga for his report and introduced Deputy Director Hall for the next portion of the presentation.
- Deputy Director Hall provided an update on the Commission's self-assessment process concerning agency compliance with the Model Use of Force Policy. She stated as follows.
    - The self-assessment was distributed to 438 agencies on August 31, 2026, with a submission deadline of September 30, 2026.
    - As of October 7, approximately 98% of agencies had submitted their self-assessments, with approximately 95% of those submissions received by the deadline.
    - Following targeted outreach to agencies with outstanding submissions, all required agencies had submitted their self-assessments by October 9, 2026.
    - Approximately 55% of agencies reported participating in some stage of the Massachusetts Police Accreditation Commission accreditation process, including 28% that reported being accredited.
    - Approximately 2% of agencies reported accreditation through the Commission on Accreditation for Law Enforcement Agencies. Accreditation is not required, but the information will assist the Commission in its future agency certification efforts.
    - Approximately 93% of agencies reported that their use-of-force policies were consistent with the Commission's model policy, meaning they met or exceeded its requirements.
    - Approximately 5% of agencies reporting consistency included qualifications, such as pending final approval or implementation of their policies.

- Approximately 7% reported that their policies were not yet consistent, generally because revisions, reviews, or internal approval processes remained ongoing.
- Some agencies with no sworn officers reported that the requirements were not applicable.
- The Commission planned additional targeted outreach to agencies reporting qualified compliance or outstanding deficiencies to assist them in achieving compliance.
- The self-assessment process also helped identify changes in agency status and would inform the Commission's approach to future agency certification standards.

- Chair Hinkle thanked Deputy Director Hall for her detailed report and moved to the next item on the agenda.

5. Finance Update – Chief Financial Administrative Officer ("CFAO") Eric Rebello-Pradas

- CFAO Rebello-Pradas provided an update on the Commission's finances, staffing, and budget planning. He stated as follows.
  - At the close of the first quarter of FY27, the Commission had incurred approximately $1.7 million in expenses and an additional $288,000 in commitments, representing approximately 23% of its budget against a target of 25%.
  - Payroll expenditures were slightly above projections, while information technology expenditures were slightly below projections. Both were expected to stabilize during the second quarter.
  - The Commission was incorporating a 1% employee turnover savings assumption, approximately $80,000, into its budget projections.
  - Overall spending remained on target, with no anticipated budgetary restrictions on hiring.
  - The Commission ended September with 52 employees and continued recruiting toward a flexible target of 56 employees.
  - An offer had been extended for a compliance agent position, while applications were under review for a Paralegal Hearings Administrator and a sixth Intake Coordinator.
  - The job description for the Deputy Director of Law Enforcement Agency Audits was being finalized for posting.
  - The Commission engaged Hagerty Consulting to strengthen its internal controls by developing a Continuity of Operations Plan and an information technology disaster recovery plan.
  - These plans were intended to ensure compliance with Comptroller requirements and maintain operations during major disruptions, including cyberattacks, power outages, and other emergencies.
  - A working group comprising Legal, Information Technology, and Finance and Administration staff was coordinating the project. Training exercises to test the plans were anticipated by spring 2027.
  - Planning for the FY28 budget was underway, with a tentative filing date of January 27, 2027.
  - The Commission anticipated submitting a maintenance budget reflecting stabilized operations and expected fiscal constraints, with projected growth of approximately 2% or less.
  - Finance and Administration had completed discussions with division heads and planned to brief the Treasurer and Executive Director later in October.

- Chair Hinkle thanked CFAO Rebello-Pradas and his team for the presentation. No questions or comments were raised.

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

- There were no matters not anticipated by the Chair at the time the meeting notice was posted.

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, an officer, or an individual; under M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct; under M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; and M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, § 22(f) and (g), in anticipation of discussion and approval of the minutes of the prior executive session.
- Chair Hinkle stated that:
  - The Commissioners will be considering reports of preliminary inquiry in two cases.
  - They will be considering the request to enter a voluntary decertification, suspension, or disposition agreement in one case.
  - They will be considering an update on one mandatory suspension case.
  - They will be considering the request to approve a preliminary inquiry in four cases.
  - They will also be addressing approval of the minutes of the September 24, 2026 executive session.
- Chair Hinkle asked for a motion to enter executive session. Commissioner Baker moved to enter executive session, and Commissioner Kazarosian seconded the motion.
- Chair Hinkle took a roll call vote on the motion. The motion unanimously carried.
- Executive Director Zuniga reminded members of the public that they can send comments via email to POSTC-comments@mass.gov and find contact information through the Commission website.
- Chair Hinkle thanked the staff members who presented and helped prepare for the Commission meeting and expressed appreciation to members of the public for their interest in the Commission's work.
- She then informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- The public meeting was adjourned at 9:26 a.m.

Summary of Matters Voted on by the Commission

- Approval of minutes of September 24, 2026 meeting.
  - The Commission voted to approve the minutes included in the meeting packet.
- Election of Commission Secretary and Treasurer.
  - The Commissioners voted unanimously to elect Commissioner Kazarosian as Secretary.
  - The Commissioners voted unanimously to elect Commissioner Luma as Treasurer.

3.

Executive Director Report

November 19, 2026

POSTC-comments@mass.gov
www.mapostcommission.gov
617-701-8401

Agenda

1. Administrative Suspensions
2. Commendations
3. Finance & Administration
4. Outreach & Engagement

1. Administrative Suspensions

Active Officers with incomplete training

- Division of Certification continue working with MPTC to contact chiefs and officers regarding training requirement and update of records
- POST issued a final notice on November 2, 2026 advising officers and chiefs they had 15 days to complete outstanding training
- 19 individuals (from 9 agencies) facing administrative suspension

1. Administrative Suspensions

Active Officers with incomplete training

As of November 16, 2026 there were 19 officers from 9 agencies with incomplete training records as follows:

Agency	# of Officers
Essex County Sheriff's Department	5
Quincy Police Department	4
Hampden County Sheriff's Department	3
Chelsea Police Department	2
Newton Police Department	1
Norfolk County Sheriff's Office	1
Cambridge Health Alliance	1
Cambridge Police Department	1
Haverill Police Department	1

2. Commendations

Project Status

- All training completed, and functionality deployed successfully
- To date: 2,096 commendations entered by 38 agencies
- Request to ensure we capture and publish brief description of commendation not listed (i.e., “Other”). We will accommodate that request

3. Finance & Administration

FY28 Budget Development

- Maintenance Budget Submittal to A&F
- Guidance from A&F: “Limited Growth”
- Treasurer and Executive Director Briefing
  - ✓ POST stayed within a range of 2%-3% growth
  - ✓ Payroll and IT have stabilized
  - ✓ Growth mostly from projected payroll expenses
- FY28 budget anticipated for December meeting

4. Outreach & Engagement

- October 28 – OPAT Regional Civilian Police Oversight Forum
- October 30 – MACLEA Monthly Meeting
- November 12 – “For the People” event at BU Law School
- November 13 – Legal Careers in MA State Government at BU Law School
- November 17 – Commission on Recruitment, Hiring and Retention of Municipal Police Officers and Firefighters
  - ✓ Permanent Commission established in 2024
  - ✓ Codified in Section 78 of Chapter 31 of the General Laws



Massachusetts Peace Officer Standards & Training
POSTC-comments@mass.gov
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4a.



LAW ENFORCEMENT AGENCY ("LEA") CERTIFICATION

Annie E. Lee, Counsel

November 2026

KEY POLICY QUESTIONS

Phase II: Implementation

- How should the Commission initially implement agency certification?

BACKGROUND

- Agency accreditation historically voluntary
- 263/438 (60%) agencies already seeking accreditation
  - 254 with MPAC; 9 with CALEA
- 143/438 (32%) agencies already accredited
  - 137 by MPAC; 6 by CALEA

INITIAL IMPLEMENTATION

Approach 1:

Phased. Agencies should be required to iteratively comply with select agency certification standards until agencies have complied with all eight agency certification standards.

Approach 2:

All-at-once. Agencies should be required to comply with all eight agency certification standards at the same time.

SUPPORT FOR A PHASED APPROACH

- Connecticut Police Officer Standards and Training Council
  - 322 agency accreditation standards, broken into three tiers
- Officer certification
  - 20,000 officers, broken into three groups

INSIGHTS FROM MODEL USE OF FORCE POLICY

- Self-assessment form
  1) When the agency last updated its use of force policy;
  2) Whether the agency is engaged with MPAC or CALEA and, if so, to what extent;
  3) Whether the agency's use of force policy has been reviewed by an outside governmental entity;
  4) Whether the agency is under any form of monitor or consent decree by an outside governmental entity; and
  5) Whether the agency's use of force policy is consistent with the model use of force policy.

KEY POLICY QUESTIONS

How should the Commission initially implement agency certification?

- Should the Commission utilize a phased approach?
- Should the Commission proceed in a manner similar to that which it followed for the model use of force policy, i.e., self-assessments?

Massachusetts POST Commission
84 State Street, Suite 200, Boston, MA 02109

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

From: Annie E. Lee, Counsel

Cc: Enrique A. Zuniga, Executive Director
Randall E. Ravitz, General Counsel
Steven A. Smith, Director, Division of Police Certification
Heather E. Hall, Deputy Director, Division of Police Certification

Re: Law Enforcement Agency Certification – Initial Implementation

Date: November 12, 2026

Under Massachusetts General Laws chapter 6E, sections 5(a)-(b), the Commission is directed to certify law enforcement agencies in at least eight areas. Chapter 6E, however, does not provide further instructions regarding agency certification.

Among those omitted instructions is any guidance as to how the Commission should initially implement agency certification.

Background and Issues Presented

Agency certification is not new. Prior to the enactment of Chapter 6E, agencies could, and can still, seek certification or accreditation[1] through a third-party entity, such as the Massachusetts Police Accreditation Commission ("MPAC") or the Commission on Accreditation for Law Enforcement Agencies ("CALEA"). However, such action is undertaken on a voluntary basis.

[1] Law enforcement professionals use "certification" and "accreditation" interchangeably to refer to the process by which a third-party entity reviews and approves an agency's policies and operations. For the purposes of this memorandum, "certification" is used to refer to the Commission's performance of such a function, while "accreditation" is used to refer to a third-party's performance of such a function.

To that end, 263 of the 438 agencies in the Commonwealth are already engaged with MPAC or CALEA.[2] With the passage of the Commission's enabling legislation, the Commonwealth became one of the only states in the country to turn agency certification into a mandatory obligation.[3]

Given the mandatory nature of agency certification and the number of agencies in the Commonwealth, the Commission could benefit from giving careful consideration to the manner in which it develops and rolls out its agency certification program. While over half of the Commonwealth's agencies are already taking steps to achieve accreditation, only approximately half of those agencies, which amounts to about a third of agencies in the Commonwealth, have successfully achieved accreditation. Thus, the Commission's task is not only to develop and set robust and meaningful yet achievable and realistic agency certification standards, but also to work with the approximately two-thirds of unaccredited agencies in the Commonwealth to meet the Commission's agency certification requirements in a timely fashion.[4] Equally important, the Commission will have to do so in a manner that is operationally feasible for both the Commission and agencies so that the Commission and agencies are able to continue with their existing work while simultaneously achieving this new milestone.

Neither Chapter 6E nor the Commission's enabling legislation, Chapter 253 of the Acts of 2020, however, provides any instruction or indication as to how the Commission should embark on this task. Thus, it is within the Commission's discretion to determine how best to roll out agency certification and, in particular, to determine whether the Commission should adopt a "phased" or "all at once" approach.

The Commission's recent experience with the model use of force policy and, specifically, the process for verifying that all agencies in the Commonwealth have a use of force policy that is consistent with the model policy, provides valuable insight that leads the Commission's staff to recommend that the Commission initially implement agency certification using a "phased" approach. That recommendation is discussed with greater detail in the section below.

Recommendation

There are at least two approaches by which the Commission may roll out agency certification. One is a "phased" approach, and another is an "all-at-once" approach. Under a "phased" approach, the Commission would require agencies to iteratively comply with select agency certification standards in a given period of time until agencies have complied with all eight agency certification standards. For example, the Commission could require agencies to comply

[2] As of October 20, 2026, 254 agencies are engaged with MPAC (137 of which have achieved accreditation) and nine agencies are engaged with CALEA (six of which have achieved accreditation).

[3] Connecticut is the only other state to mandate comprehensive agency certification. New York mandates agency certification, but only with respect to two standards (hiring and reporting).

[4] This is not to say that the Commission will not require agencies already accredited by a third-party to meet certification requirements, but rather that agencies already accredited will presumably be able to achieve certification.

with one agency certification standard per quarter until agencies have complied with all eight standards.[5] In another example, the Commission could require agencies to comply with two agency certification standards per year until agencies have complied with all eight standards.[6] Under an "all-at-once" approach, the Commission would require agencies to comply with all agency certification at the same time. For example, the Commission could require agencies to comply with all eight agency certification standards in three years.[7]

The Commission's staff recommends the Commission implement agency certification utilizing a "phased" approach, as it appropriately balances the burdens associated with the roll out of a new program and the Commission's obligation to fulfill one of its core legislative directives. Indeed, "phased" approaches appear to be favored among existing accreditation programs and, to some degree, by the Legislature.

Notably, the Connecticut Police Officer Standards and Training Council ("POSTC"), which runs the only other mandatory comprehensive agency accreditation program in the nation, utilizes a "phased" approach. POSTC's "phased" approach takes the form of "tiers." Under its approach, POSTC groups its 322 agency accreditation standards into three tiers and agencies are required to comply with each tier's standards in successive fashion until agencies have achieved the highest tier of accreditation. *See* C.G.S. § 7-294ee. In practice, this means that Connecticut agencies were required to achieve Tier I accreditation – meaning compliance with 121 standards and practices concerning liability, delivery of services, and public confidence in agencies – by January 1, 2023; Tier II accreditation – meaning compliance with 83 standards and practices concerning administration, management, and operations – by January 1, 2024; and Tier III accreditation – meaning compliance with 118 standards and practices that further expand upon Tier II standards and practices concerning administration, management, and operations – by January 1, 2026.[8] *Id.* Thus, POSTC's "tiers" effectively imposed accreditation on agencies in a gradual and periodic manner until agencies had completed all accreditation requirements.

A "phased" approach is also consistent with what the Massachusetts Legislature prescribed in an analogous context. While the Commission's enabling statute does not specify how the Commission should initially implement agency certification, the Legislature did adopt a "phased" approach in the analogous matter of officer certification. *See* St. 2020, c. 253 § 102(d). Specifically, the Legislature directed the Commission to certify groups of officers, which were determined by the first letter of each officer's last name, every year over the course of three years until all officers in the Commonwealth were certified by the Commission. *Id.* Presumably, the

[5] If the Commission were to roll out agency certification at the cadence of one standard per quarter, initial implementation would take almost two years.

[6] If the Commission were to roll out agency certification at the cadence of two standards per year, initial implementation would take three-and-a-half years.

[7] Three years is used as an example; the Commission could determine that an agency's certification is valid for a period of five, ten, or some other number of years.

[8] Compliance dates are different for agencies that serve municipalities *and* consist solely of constables or state troopers. *Id.* For those agencies, Tier I accreditation was required by January 1, 2024; Tier II accreditation was required by January 1, 2025; and Tier III accreditation is required by January 1, 2027. *Id.* In lieu of complying with POSTC's tiered accreditation program, agencies may instead achieve CALEA accreditation. *Id.*

Legislature adopted a "phased" approach as a means of more evenly distributing the initial work of certifying tens of thousands of officers in the Commonwealth while ensuring that officer certification was achieved in a timely manner. Here, the Commission's staff recommends that the Commission adopt a similar approach – such as requiring agencies to first comply with the standard concerning internal affairs, then the standard concerning collection and preservation of evidence, then the standard concerning officer response procedures, and so on – for substantially the same reasons

Based on the Commission's success ensuring consistency with the model use of force policy via a "self-assessment" form, the Commission's staff also recommends that the Commission consider utilizing similar "self-assessment" forms for the agency certification standards. As developed for the model use of force policy, the form asks each agency: (1) when the agency last updated its use of force policy; (2) whether the agency is engaged with MPAC or CALEA and, if so, to what extent; (3) whether the agency's use of force policy has been reviewed by an outside governmental entity; (4) whether the agency is under any form of a monitor or consent decree by an outside governmental entity; and (5) whether the agency's use of force policy is consistent with the model use of force policy. By asking agencies these questions, the Division of Police Certification is essentially able to triage agencies' use of force policies and determine which agencies' policies may warrant further review by the Commission. The theory is that agencies that have more recently updated their use of force policies, are accredited by MPAC or CALEA, or have been reviewed and/or monitored by an outside governmental entity are more likely to have use of force policies that are consistent with the model use of force policy, and that agencies that have not recently updated their use of force policies and have otherwise not had their policies or practices reviewed by an external entity may be more likely to require the Commission's assistance to ensure that their use of force policies are consistent with the model use of force policy. By employing analogous "self-assessment" forms for the agency certification standards, the Commission's staff will hopefully be able to more strategically and efficiently deploy its limited resources while ensuring the consistency across agency policies and practices that agency certification is meant to provide.

Conclusion and Next Steps

The Commission's development and enforcement of the model use of force policy has yielded many valuable insights that the Commission's staff believes would be beneficial to apply to the initial implementation of agency certification. ***Thus, the questions for the Commission to answer are: should the Commission initially implement agency certification using a phased approach; and should the Commission proceed in a manner similar to that by which it ascertained consistency with the model use of force policy, that is, by having agencies complete self-assessments and then using the results to determine the agencies and areas on which it should focus?*** Once the Commission provides its feedback on the initial implementation of agency certification, the Commission's staff can begin preparing recommendations on other aspects of the long-term implementation of agency certification, such as the duration of agency certification, potential waivers from agency certification requirements, enforcement processes, and potential sanctions in the event of non-compliance.

4b.

555 CMR 3.00: REGULATED AGENCIES, OFFICERS, AND CONDUCT

- In redlining (tracked changes) are revisions made since the Commission's public meeting of September 24, 2026.
- In green are notes explaining the more significant revisions.
- Neither the redlining nor the green explanatory notes would be included in the final, promulgated version.
- Additional revisions may be made based on comments offered in the Commission's public hearing on November 17, 2026, or in written submissions submitted on or before that date.

Section

3.01: Scope
3.02: Definitions
3.03: Law Enforcement Agencies
3.04: Law Enforcement Officers
3.05: Heads of Law Enforcement Agencies
3.06: Commission Determinations
3.07: Law Enforcement Powers
3.08: Police Duties and Functions
3.09: Commission Jurisdiction
3.10: Law Enforcement Agency Responsibility for Individual Conduct
3.11: Obtaining Information

3.01: Scope

- In Subsection (1), the term "regulation" was added to make clear that these regulations would supersede any conflicting provisions of existing regulations. This should prevent any confusion prior to the point when the Commission revises certain other regulations to make them consistent with this set.
- Other, small revisions were solely intended to make the provisions clearer.

(1) To the extent that any provision of 555 CMR 3.00 is inconsistent with any provision of any regulation, policy, guidance, advisory, or construction of the scope of M.G.L c. 6E previously issued by the Commission, 555 CMR 3.00:

(a) Does not supersede the inconsistent provision with respect to any occurrence, or with respect to the status of any individual, entity, or matter, prior to its effective date; and

(b) Otherwise supersedes the inconsistent provision.

(2) Except as otherwise expressly provided, nothing in 555 CMR 3.00 is intended to:

(a) Limit any obligation that any individual or entity otherwise has under M.G.L. c. 6E, 555 CMR, or another source of authority;

(b) Construe, or apply to, any regulation, policy, or action of the MPTC;

(c) Establish any standard of care;

(d) Create any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection on the part of any person or entity other than the Commission; or

(e) Otherwise waive or limit any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection that may be available to the Commission.

3.02: Definitions

- In Subsection (2):
  - The revisions to the definitions of "Head of a Law Enforcement Agency" and "Member" are among several revisions that account for the fact that there may be one member of a law enforcement agency who is the highest-level individual exercising day-to-day supervision and control of its law enforcement activity and should thus be subject to the statutory and regulatory provisions referring to agency heads, and another individual who is the agency's titular head or at least

does not exercise such day-to-day supervision and control. In order to avoid any confusion, the revised text no longer refers to the highest-level individual with day-to-day supervision and control as being the agency head for purposes of M.G.L. c. 6E and 555 CMR, but instead refers to that individual as being subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to agency heads.

- The revision of the definition of "Constable" accounts for shellfish constables.
- Other, small revisions were solely intended to make the provisions clearer or consistent with the Secretary of the Commonwealth's drafting conventions.

(1) 555 CMR 3.00 incorporates all definitions and rules of construction set forth in 555 CMR 2.02: *Definitions* and 2.03: *Construction*, except those definitions of terms that are defined in 555 CMR 3.02(2).

(2) For the purposes of 555 CMR 3.00, the following terms have the following meanings, unless the context requires otherwise:

Appointed Candidate. An "Appointed Candidate" as defined by the MPTC in 550 CMR 3.02: *Definitions*.

Arrest. An actual or constructive seizure or detention of a person, performed with the intention to effect an arrest and so understood by the person detained. For purposes of applying this definition, each of the following forms of conduct shall constitute a seizure, when performed in connection with law enforcement: an application, to the body of a person, of physical force that objectively manifests an intent to restrain; and a show of authority, through words or actions, that would make a reasonable person believe that the person's freedom of movement is or would be subject to restraint. For these purposes, shows of authority include each of the following: physical touching of the person, the use or display of a weapon, the threatening presence of several officials, and the use of language or tone of voice indicating that compliance with a request might be compelled.

Certification. The certification of a law enforcement officer pursuant to M.G.L. c. 6E, §§ 3(a) and 4, or St. 2020, c. 253, § 102; or the certification of a law enforcement agency pursuant to M.G.L. c. 6E, §§ 3(a) and 5—either as an initial certification or a recertification; and regardless of whether it is subject to any condition, limitation, restriction, administrative suspension, or other suspension.

Commission. The Massachusetts Peace Officer Standards and Training Commission established pursuant to M.G.L c. 6E, § 2 as an entity, including its Commissioners and its staff.

Constable. An individual who is elected or appointed as a constable pursuant to M.G.L. c. 41, §§ 1, 91, or 91A; or M.G.L. c. 130, § 98.

Correctional Facility. A correctional institution overseen by the Massachusetts Department of Correction; or a house of correction or jail overseen by a Sheriff's Office; but not a lockup overseen by a municipality.

Decertified. "Decertified" as defined in M.G.L. c. 6E, § 1.

Include (or Including). Include (or including) without limitation.

Law Enforcement Agency. A "law enforcement agency" under 555 CMR 3.03.

Law Enforcement Officer. A "law enforcement officer" under 555 CMR 3.04.

Member. An individual who, with respect to a law enforcement agency or an entity engaged in a joint venture with the agency: is the highest-level

individual who exercises day-to-day supervision and control of its law enforcement activity or is otherwise considered its head; is its employee; works for it as an independent contractor; is its appointed candidate; is its sponsored candidate; is its agent under principles of agency law; works for it and is subject to its direction and control; or is otherwise determined to be its member by the Commission.

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

Officer of a Law Enforcement Agency. An "officer of a law enforcement agency" under 555 CMR 3.04.

Police Duties and Functions. "Police duties and functions" under in 555 CMR 3.08.

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

Sheriff's Office. A "Sheriff's Office" under 555 CMR 3.03(2).

Sponsored Candidate. A "Sponsored Candidate" as defined by the MPTC in 550 CMR 3.02: *Definitions*.

3.03: Law Enforcement Agencies

- Subsection (1)(*l*) was added to account for the following:
  - M.G.L. c. 6E, § 8(g) provides that "The division of police standards shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of [M.G.L. c. 6E], including the power to receive intelligence on an applicant for certification or an officer certified under [M.G.L. c. 6E] and to investigate any suspected violations of law."
  - However, it does not appear that the Legislature intended for all references to "law enforcement agencies" within Chapter 6E to apply to the Division of Police Standards. For example, it is highly unlikely that the Legislature intended Chapter 6E's provisions regarding agency certification and the submission of complaints and reports to the Commission to apply to that division.
- Other, small revisions were solely intended to make the provisions clearer.

(1) For purposes of M.G.L. c. 6E and 555 CMR, law enforcement agencies include:
(a) Each police department of a city, town, or district;
(b) The Massachusetts Office of Environmental Law Enforcement;
(c) The University of Massachusetts Police Department;
(d) The Massachusetts Department of State Police;
(e) The agency alternatively known as the Massachusetts Port Authority Police Department and the Port of Boston Authority Police Department;
(f) The Massachusetts Bay Transportation Authority Police Department;
(g) Each entity of a state, county, municipal, or district that:
1. Principally performs law enforcement functions that are the same as, or substantially similar to, those performed by the agencies listed in 555 CMR 3.03(1)(a)-(f); and
2. Is determined by the Commission to constitute a law enforcement agency;
(h) Each Sheriff's Office, except for any members or resources of the office that the Sheriff or a designee attests, and the Commission determines:
1. Are not law enforcement officers; and
2. Do not provide support for the work of law enforcement officers;
(i) The police department of each public or private college, university, or other educational institution;

(j) The police department of each public or private hospital licensed pursuant to M.G.L. c. 111, § 51; and
(k) The police department of each of the following humane societies referenced in M.G.L. c. 22C, § 57, as enacted through St. 1991, c. 412, § 22, if it was in existence on the date of that statute's approval, December 27, 1991:
1. The Massachusetts Society for the Prevention of Cruelty to Animals;
2. The Berkshire Animal Protective Society, Inc.;
3. The Animal Rescue League of Boston;
4. The Boston Work Horse Relief Association;
5. The Lowell Humane Society;
6. The Worcester Animal Rescue League; and
7. The Animal Rescue League of New Bedford; and
(*l*) The Commission's Division of Police Standards, where compelled by the context of the provision at issue.

(2) For purposes of M.G.L. c. 6E and 555 CMR, the terms "Sheriff's Department" and "Sheriff's Office":
(a) Are synonymous; and
(b) Refer to the office of a Massachusetts Sheriff as an entity, including the Sheriff, and other members and resources of the office.

3.04: Law Enforcement Officers

- Revisions to Subsection (1)(f) would:
  - Enable a Sheriff's Office to advise the Commission that certain members should not be deemed law enforcement officers, if those members are generally not given authority to perform police duties and functions but are authorized to do so in exceptional circumstances of the type that the regulations already treat distinctly.
  - Relieve a Sheriff's Office of having to attest that an individual does not devote a majority of work time to police duties and functions, in light of the other attestations required by the provision.
- In Subsection (2)(a), which elaborates on the category of "officers of a law enforcement agency":
  - "[T]he head of the agency" was replaced with "the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of the agency," for the reasons offered in the explanatory notes to Section 3.02 above;
  - The category would now extend to those who are authorized to perform, or tend to perform, "substantial police duties and functions," as opposed to just "police duties and functions," consistent with the approach taken with members of Sheriff's Offices; and
  - The category would now extend to those who represent themselves as such only when they do so "[e]xpressly," and not whenever they do so "through words or conduct." This is consistent with comments made at the Commission's public meeting of September 24, 2026, in relation to Subsection 3.08(1)(a)3.h.
- The revisions to Subsection (2)(b) would make clear that:
  - An individual is not an officer of a law enforcement agency by virtue of working for the Commission, notwithstanding the reference in M.G.L. c. 6E, § 8(g) to the Division of Police Standards being a law enforcement agency; and
  - An individual is not an officer of a law enforcement agency by virtue of being a shellfish constable, as long as the individual does not perform law enforcement functions beyond those enumerated in the statute that generally governs such constables.
- Other, small revisions were solely intended to make the provisions clearer.

(1) For purposes of M.G.L. c. 6E and 555 CMR, law enforcement officers include:
(a) Each officer of a law enforcement agency;
(b) Each member of a humane society police department listed in 555 CMR 3.03(1)(k) appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 57;

(c) Each member of the agency alternatively known as the Massachusetts Port Authority and the Port of Boston Authority appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 58;
(d) Each member of an educational institution appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 63;
(e) Each member of a hospital appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 63;
(f) Each Sheriff; each Deputy Sheriff appointed pursuant to M.G.L. c. 37, § 3; and each Special Sheriff appointed pursuant to M.G.L. c. 37, § 4; unless:
1. The Sheriff of the relevant Sheriff's Office or a designee:
a. Attests that, except in the circumstances listed in 555 CMR 3.08(4):
i. The individual is not authorized by the Sheriff to execute arrests; and
ii. The individual is not authorized by the Sheriff to perform substantial police duties and functions; and
b. Attests to the police duties and functions listed in 555 CMR 3.08(1)(a) that, except in the circumstances listed in 555 CMR 3.08(4), the individual is not authorized to perform; and
2. The Commission determines that the individual is not a law enforcement officer;
(g) Each constable who takes any action that furthers, or is intended to further, the constable's execution of an arrest; and
(h) Each special, reserve, or intermittent police officer serving on a part-time or temporary basis as a type of officer listed in 555 CMR 3.04(1)(a) through (g).

(2) For purposes of 555 CMR 3.04(1)(a):
(a) Except as provided in 555 CMR 3.04(2)(b), officers of a law enforcement agency include each member or affiliate of the agency who:
1. Is the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of the agency, unless the Commission determines otherwise;
2. Is a police officer;
3. Is authorized to make, or tends to make, arrests;
4. Is authorized to perform, or tends to perform, substantial police duties and functions;
5. Expressly represents oneself as a law enforcement officer serving with the agency in interacting with the public; or
6. Is determined by the Commission to be an officer of the agency.
(b) An individual is not an officer of a law enforcement agency by virtue of being:
1. A member or affiliate of the Commission; or
2. A constable appointed pursuant to M.G.L. c. 130, § 98 who does not perform police duties and functions beyond those enumerated therein.

(3) For purposes of M.G.L. c. 6E and 555 CMR, law enforcement officers also include each of the following, if recognized as such by a vote of the Commissioners:
(a) A member of the Civil Defense Agency appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 64; and
(b) A member of the State Auditor's Office's Bureau of Special Investigations appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 68.

(4) For purposes of M.G.L. c. 6E and 555 CMR, unless the Commission determines otherwise with respect to an individual:
(a) Each member of a Sheriff's Office who qualifies as a law enforcement officer under 555 CMR 3.04(1)(f) remains a law enforcement

officer at all times and in all respects while serving as a member of that office; and

(b) Each constable for a particular jurisdiction who qualifies as a law enforcement officer under 555 CMR 3.04(1)(g) continues to be a law enforcement officer at all times and in all respects while serving as a constable for that jurisdiction.

3.05: Heads of Law Enforcement Agencies

- Subsections (1) and (2) were revised for the reasons offered in the explanatory notes to Section 3.02 above.

(1) Unless the Commission determines otherwise based on an analysis of an individual's position and other relevant circumstances, each provision of M.G.L. c. 6E and 555 CMR that applies to the head of a law enforcement agency shall apply to the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of such an agency, without regard to:

(a) The individual's position title;

(b) Whether the individual is considered an employee of the agency; and

(c) Whether the individual is considered a sworn officer or a civilian.

(2) The Commission may:

(a) Direct a law enforcement agency to identify the most suitable individual to be made subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of such an agency; and

(b) Itself identify the most suitable member of a law enforcement agency to be made subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of such an agency, where the agency fails to do so.

3.06: Commission Determinations

- In Subsection (1):
  - Certain revisions were made for the reasons offered in the explanatory notes to Section 3.02 above.
  - Other, small revisions were solely intended to make the provisions clearer.

(1) With respect to determinations regarding individuals under 555 CMR 3.04 or 3.05:

(a) No one or more factors will necessarily compel or foreclose a determination by the Commission as to whether an individual is an officer of a law enforcement agency, is a law enforcement officer, or is subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of a law enforcement agency; and

(b) The Commission may treat the following factors as weighing in favor of a conclusion that an individual is an officer of a law enforcement agency, is a law enforcement officer, or is subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of a law enforcement agency:

1. The individual is a member of a 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 engages in law enforcement activity, or is authorized to do so;
4. The individual tends to carry a weapon issued by a law enforcement agency or the individual's employer, or is authorized 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 or the head of a law enforcement agency, such as a uniform, a badge, an insignia of rank, an electronic control weapon, a conducted energy device, handcuffs, or a car with an emblem or lights associated with law enforcement; or is authorized to do so;

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6. The individual directly oversees or supervises law enforcement officers or law enforcement activity by others, or is authorized to do so;
7. The individual directly oversees or supervises the disciplining of law enforcement officers, or is authorized to do so;
8. The individual is part of the chain of command or supervision that submits or approves reports to the Commission pursuant to M.G.L. c. 6E or 555 CMR;
9. The individual engages in law enforcement activity without securing authorization from another, or is authorized to do so;
10. The individual is required to have education, training, or experience in law enforcement in order to hold the individual's position;
11. The individual commonly works in the headquarters, station, barracks, or facility of a law enforcement agency; or is authorized to do so;
12. A law enforcement officer is designated to perform the individual's role when the individual is absent or incapacitated;
13. The individual claims the ability to take advantage of a legal rule, policy, or benefit that applies to law enforcement officers or heads of law enforcement agencies;
14. 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 or heads of law enforcement agencies in behalf of the individual;
15. There is evidence that the Legislature or another governing body considers the holder of the individual's position to be a law enforcement officer or the head of a law enforcement agency, such as a statute, regulation, ordinance, or by-law;
16. There is evidence that an entity with which the individual is affiliated considers the holder of the individual's position to be a law enforcement officer or the head of a law enforcement agency, such as a policy or position description; and
17. The individual holds a title that tends to be associated with, or the individual receives compensation for holding, a position that has one or more of the characteristics listed in this 555 CMR 3.06(3).

3.07: Law Enforcement Powers

(1) Neither the status of an individual or entity under 555 CMR 3.03, 3.04, or 3.05 nor a certification granted to an individual or an entity by the Commission affords an individual or an entity with any additional jurisdiction or powers than the individual or entity possessed before the enactment of M.G.L. c. 6E.

3.08: Police Duties and Functions

- Subsection (1)(a) now provides that police duties and functions include representing oneself as a law enforcement officer only when that is done "[e]xpressly," and not whenever it is done "through words or conduct." This is consistent with comments made at the Commission's public meeting of September 24, 2026.
- Subsection (4) now provides that one would not be subject to sanctions for performing police duties and functions if authorized to do so by the Commission.
- Other revisions were intended to make the provisions clearer; eliminate unnecessary language; and accommodate potential, future revisions to other sets of regulations.

(1) For purposes of M.G.L. c. 6E and 555 CMR:
(a) Police duties and functions include forms of activity that, regardless of whether they are undertaken during the course of conduct listed in 3.08(1)(b):
1. Would be viewed by a reasonable person as involving an assertion of authority over another individual or entity in connection with law enforcement;

2. Are undertaken, or have an effect, outside a correctional facility; and
3. Involve:
a. Suppressing and preventing disturbances and disorder;
b. Dispersing people;
c. Entering private premises to suppress breaches of the peace;
d. Stopping, arresting, processing, and confining suspects;
e. Searching individuals, and seizing evidence and contraband;
f. Questioning individuals and otherwise investigating;
g. Carrying a weapon;
h. Expressly representing oneself as a law enforcement officer in interacting with the public; or
i. Supervising or overseeing another's performance of a form of conduct listed in 555 CMR 3.08(1)(a)3.a through h.

(b) The following discrete forms of conduct, by themselves, do not constitute police duties and functions:
1. Delivering papers;
2. Transporting prisoners or other individuals in custody; and
3. Directing traffic.

(2) Except as provided in 555 CMR 3.08(4), the following will be subject to Commission sanctions for the execution of any type of arrest or the performance of any other police duties and functions:
(a) A law enforcement officer who is not certified;
(b) A member of, an affiliate of, or an individual that has been granted any authority by, a law enforcement agency, who is not certified;
(c) An individual with a certification that has been administratively suspended or otherwise suspended;
(d) An individual who has been decertified;
(e) An individual with a certification that has been conditioned, limited, or restricted in a manner that precludes the form of activity at issue;
(f) An individual who:
1. Is a law enforcement officer, is a law enforcement agency member or affiliate, has been granted any authority by a law enforcement agency, or has been certified; and
2. Lacks the power under law to engage in the form of activity at issue; and
(g) A law enforcement agency that knowingly tolerates such conduct by an individual listed in 555 CMR 3.08(2)(a) through (f), before or after it is undertaken.

(3) Potential Commission sanctions under 555 CMR 3.08(2) include:
(a) Denying, limiting, conditioning, or restricting a certification for an individual, applying the procedures prescribed by the following, as applicable: 555 CMR 1.00: *Procedural Rules*; 555 CMR 7.00: *Recertification*; 555 CMR 9.00: *Initial Certification of Officers; and Renewed Certification of Independently Applying Officers*; and/or 555 CMR 10.00: *Specialized Certification for School Resource Officers*;
(b) Administratively suspending an individual's certification for a specified period of time or until specified conditions are satisfied, applying the procedures for administrative suspensions and single-Commissioner review of suspensions prescribed by M.G.L. c. 6E, § 9(d) and 555 CMR 1.00: *Procedural Rules*;
(c) Suspending an individual's certification, applying the procedures for suspensions of certification based on the best interest of the health, safety, or welfare of the public prescribed by M.G.L. c. 6E, § 9 and 555 CMR 1.00: *Procedural Rules*;

(d) Ordering an individual to undergo retraining, applying the procedures for retraining orders prescribed by M.G.L. c. 6E, § 10 and 555 CMR 1.00: *Procedural Rules*;
(e) Referring information about the matter to an appropriate government office for potential criminal or civil enforcement action; and
(f) Imposing an assessment, a fee, a fine, a penalty, or another sanction upon a law enforcement officer, a law enforcement agency, or another individual or entity, to the extent allowed by law.

(4) 555 CMR 3.08(2)-(3) shall not apply to conduct of the type described in 555 CMR 3.08(2) that:
(a) Is authorized by the Commission; or
(b) Is not otherwise unlawful and is either:
1. Necessary to defend oneself or another against imminent physical harm;
2. Necessary to ensure the safety and control of prisoners for transport; or
3. Necessitated by other exigent circumstances.

3.09: Commission Jurisdiction

- Subsection (1) was revised solely to make it clearer.

(1) The Commission may exercise jurisdiction in any manner contemplated by M.G.L. c. 6E or 555 CMR:
(a) As to entities and individuals that include the following:
1. Law enforcement agencies;
2. Individuals who exercise substantial oversight of a law enforcement agency;
3. Members of a law enforcement agency;
4. Law enforcement officers;
5. Individuals who are certified;
6. Applicants for certification;
7. Appointed candidates;
8. Sponsored candidates;
9. Individuals who undergo training pursuant to any Commission requirement, policy, or order;
10. Individuals who provide testimony in a Commission proceeding; or who are subject to a Commission subpoena or a Commission demand for testimony, items, or information;
11. Individuals in violation of M.G.L. 6E, § 12; and
12. Other individuals, in relation to conduct undertaken while holding a status listed in 555 CMR 3.09(1)(a)2. through 11.; and
(b) Based on conduct and events that include those occurring:
1. Prior to or since the enactment of M.G.L. c. 6E;
2. While an individual is on duty or off duty; or
3. Within or outside Massachusetts.

3.10: Law Enforcement Agency Responsibility for Individual Conduct

- In Subsection (1)(b), certain unnecessary language was struck.

(1) For purposes of M.G.L. c. 6E and 555 CMR, a law enforcement agency may be deemed responsible for the conduct of an agency member in circumstances that include those in which:
(a) The conduct:
1. Is the kind of conduct that the agency has employed or engaged the member to perform;
2. Is undertaken substantially within the authorized geographic and temporal boundaries of the member's work; and
3. Is motivated, at least in part, by a purpose to serve the agency; or
(b) The conduct:

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1. Is knowingly tolerated, before or after it is undertaken, by a high-level official of the agency or of an entity of which the agency is a part;
2. Is undertaken pursuant to an official policy or custom of the agency or of an entity of which the agency is a part; or
3. Results from a failure to adequately hire, train, or supervise personnel that amounts to deliberate indifference to the potential effects.

3.11: Obtaining Information

(1) The Commission may obtain information to utilize in making a determination under 555 CMR 3.00 from any individual or entity, to the extent allowed by law.

REGULATORY AUTHORITY

555 CMR 3.00: M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c).

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555 CMR 3.00: REGULATED AGENCIES, OFFICERS, AND CONDUCT

- In redlining (tracked changes) are revisions made since the Commission's public meeting of September 24, 2026.
- In green are notes explaining the more significant revisions.
- Neither the redlining nor the green explanatory notes would be included in the final, promulgated version.
- Additional revisions may be made based on comments offered in the Commission's public hearing on November 17, 2026, or in written submissions submitted on or before that date.

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3.07: Law Enforcement Powers
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3.01: Scope

- In Subsection (1), the term "regulation" was added to make clear that these regulations would supersede any conflicting provisions of existing regulations. This should prevent any confusion prior to the point when the Commission revises certain other regulations to make them consistent with this set.
- Other, small revisions were solely intended to make the provisions clearer.

(1) To the extent that any provision of 555 CMR 3.00 is inconsistent with any provision of any regulation, policy, ~~construction of the scope of M.G.L c. 6E,~~ guidance, ~~or~~ advisory, or construction of the scope of M.G.L c. 6E previously issued by the Commission, 555 CMR 3.00:

(a) Does not supersede the inconsistent provision with respect to any occurrence, or with respect to the status of any individual, entity, or matter, prior to its effective date; and

(b) Otherwise supersedes the inconsistent provision.

(2) Except as otherwise expressly provided, nothing in 555 CMR 3.00 is intended to:

(a) Limit any obligation that any individual or entity otherwise has under M.G.L. c. 6E, 555 CMR, or another source of authority;

(b) Construe, or apply to, any regulation, policy, or action of the MPTC;

(c) Establish any standard of care;

(d) Create any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection on the part of any person or entity other than the Commission; or

(e) Otherwise waive or limit any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection that may be available to the Commission.

3.02: Definitions

- In Subsection (2):
  - The revisions to the definitions of "Head of a Law Enforcement Agency" and "Member" are among several revisions that account for the fact that there may be one member of a law enforcement agency who is the highest-level individual exercising day-to-day supervision and control of its law enforcement activity and should thus be subject to the statutory and regulatory provisions referring to

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agency heads, and another individual who is the agency's titular head or at least does not exercise such day-to-day supervision and control. In order to avoid any confusion, the revised text no longer refers to the highest-level individual with day-to-day supervision and control as being the agency head for purposes of M.G.L. c. 6E and 555 CMR, but instead refers to that individual as being subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to agency heads.

- The revision of the definition of "Constable" accounts for shellfish constables.
- Other, small revisions were solely intended to make the provisions clearer or consistent with the Secretary of the Commonwealth's drafting conventions.

(1) 555 CMR 3.00 incorporates all definitions and rules of construction set forth in 555 CMR 2.02: *Definitions* and 2.03: *Construction*, except those definitions of terms that are defined in 555 CMR 3.02(2).

(2) For the purposes of 555 CMR 3.00, the following terms have the following meanings, unless the context requires otherwise:

Appointed Candidate. An "Appointed Candidate" as defined by the MPTC in 550 CMR 3.02: *Definitions*.

Arrest. An actual or constructive seizure or detention of a person, performed with the intention to effect an arrest and so understood by the person detained. For purposes of applying this definition, each of the following forms of conduct shall constitute a seizure, when performed in connection with law enforcement: an application, to the body of a person, of physical force that objectively manifests an intent to restrain; and a show of authority, through words or actions, that would make a reasonable person believe that the person's freedom of movement is or would be subject to restraint. For these purposes, shows of authority include each of the following: physical touching of the person, the use or display of a weapon, the threatening presence of several officials, and the use of language or tone of voice indicating that compliance with a request might be compelled.

Certification. The certification of a law enforcement officer pursuant to M.G.L. c. 6E, §§ 3(a) and 4, or St. 2020, c. 253, § 102; or the certification of a law enforcement agency pursuant to M.G.L. c. 6E, §§ 3(a) and 5—either as an initial certification or a recertification; and regardless of whether it is subject to any condition, limitation, restriction, administrative suspension, or other suspension.

Commission. The Massachusetts Peace Officer Standards and Training Commission established pursuant to M.G.L c. 6E, § 2 as an entity, including its Commissioners and its staff.

Constable. An individual who is elected or appointed as a constable pursuant to M.G.L. c. 41, §§ 1, 91, or 91A; ~~.~~ or M.G.L. c. 130, § 98.

Correctional Facility. A correctional institution overseen by the Massachusetts Department of Correction; or a house of correction or jail overseen by a Sheriff's Office; but not a lockup overseen by a municipality.

Decertified. "Decertified" as defined in M.G.L. c. 6E, § 1.

~~Head of a Law Enforcement Agency. A "head of a law enforcement agency" described in 555 CMR 3.05.~~

Include (or Including). Include (or including) without limitation.

Law Enforcement Agency. A "law enforcement agency" under ~~described in~~ 555 CMR 3.03.

Law Enforcement Officer. A "law enforcement officer" under ~~described in~~ 555 CMR 3.04.

Member. An individual who, with respect to a law enforcement agency or an entity engaged in a joint venture with the agency: is the highest-level individual who exercises day-to-day supervision and control of its law enforcement activity or is otherwise considered its head; is its employee; works for it as an independent contractor; is its appointed candidate; is its sponsored candidate; is its agent under principles of agency law; ~~or~~ works for it and is subject to its direction and control; or is otherwise determined to be its member by the Commission.

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

Officer of a Law Enforcement Agency. An "officer of a law enforcement agency" under ~~described in~~ 555 CMR 3.04.

Police Duties and Functions. "Police duties and functions" under ~~described~~ in 555 CMR 3.08.

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

Sheriff's Office. A "Sheriff's Office" under ~~described in~~ 555 CMR 3.03(2).

Sponsored Candidate. A "Sponsored Candidate" as defined by the MPTC in 550 CMR 3.02: *Definitions*.

3.03: Law Enforcement Agencies

- Subsection (1)(*l*) was added to account for the following:
  - M.G.L. c. 6E, § 8(g) provides that "The division of police standards shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of [M.G.L. c. 6E], including the power to receive intelligence on an applicant for certification or an officer certified under [M.G.L. c. 6E] and to investigate any suspected violations of law."
  - However, it does not appear that the Legislature intended for all references to "law enforcement agencies" within Chapter 6E to apply to the Division of Police Standards. For example, it is highly unlikely that the Legislature intended Chapter 6E's provisions regarding agency certification and the submission of complaints and reports to the Commission to apply to that division.
- Other, small revisions were solely intended to make the provisions clearer.

(1) For purposes of M.G.L. c. 6E and 555 CMR, law enforcement agencies include:

(a) Each police department of a city, town, or district;
(b) The Massachusetts Office of Environmental Law Enforcement;
(c) The University of Massachusetts Police Department;
(d) The Massachusetts Department of State Police;
(e) The agency alternatively known as the Massachusetts Port Authority Police Department and the Port of Boston Authority Police Department;
(f) The Massachusetts Bay Transportation Authority Police Department;
(g) Each entity of a state, county, municipal, or district that:
1. Principally performs law enforcement functions that are the same as, or substantially similar to, those performed by the agencies listed in 555 CMR 3.03(1)(a)-(f); and
2. Is determined by the Commission to constitute a law enforcement agency;

(h) Each Sheriff's Office, except for any members or resources of the office that the Sheriff or a designee attests, and the Commission determines:

1. Are not law enforcement officers; and
2. Do not provide support for the work of law enforcement officers;

(i) The police department of each public or private college, university, or other educational institution;

(j) The police department of each public or private hospital licensed pursuant to M.G.L. c. 111, § 51; and

(k) The police department of each of the following humane societies referenced in M.G.L. c. 22C, § 57, as enacted through ~~added by~~ St. 1991, c. 412, § 22, if it was in existence on the date of that statute's approval, December 27, 1991:

1. The Massachusetts Society for the Prevention of Cruelty to Animals;
2. The Berkshire Animal Protective Society, Inc.;
3. The Animal Rescue League of Boston;
4. The Boston Work Horse Relief Association;
5. The Lowell Humane Society;
6. The Worcester Animal Rescue League; and
7. The Animal Rescue League of New Bedford; and~~.~~

(*l*) The Commission's Division of Police Standards, where compelled by the context of the provision at issue.

(2) For purposes of M.G.L. c. 6E and 555 CMR, the terms "Sheriff's Department" and "Sheriff's Office":

(a) Are synonymous; and

(b) Refer to the office of a Massachusetts Sheriff as an entity, including the Sheriff, and other members and resources of the office.

3.04: Law Enforcement Officers

- Revisions to Subsection (1)(f) would:
  - Enable a Sheriff's Office to advise the Commission that certain members should not be deemed law enforcement officers, if those members are generally not given authority to perform police duties and functions but are authorized to do so in exceptional circumstances of the type that the regulations already treat distinctly.
  - Relieve a Sheriff's Office of having to attest that an individual does not devote a majority of work time to police duties and functions, in light of the other attestations required by the provision.
- In Subsection (2)(a), which elaborates on the category of "officers of a law enforcement agency":
  - "[T]he head of the agency" was replaced with "the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of the agency," for the reasons offered in the explanatory notes to Section 3.02 above;
  - The category would now extend to those who are authorized to perform, or tend to perform, "substantial police duties and functions," as opposed to just "police duties and functions," consistent with the approach taken with members of Sheriff's Offices; and
  - The category would now extend to those who represent themselves as such only when they do so "[e]xpressly," and not whenever they do so "through words or conduct." This is consistent with comments made at the Commission's public meeting of September 24, 2026, in relation to Subsection 3.08(1)(a)3.h.
- The revisions to Subsection (2)(b) would make clear that:
  - An individual is not an officer of a law enforcement agency by virtue of working for the Commission, notwithstanding the reference in M.G.L. c. 6E, § 8(g) to the Division of Police Standards being a law enforcement agency; and
  - An individual is not an officer of a law enforcement agency by virtue of being a shellfish constable, as long as the individual does not perform law enforcement functions beyond those enumerated in the statute that generally governs such constables.

- Other, small revisions were solely intended to make the provisions clearer.

(1) For purposes of M.G.L. c. 6E and 555 CMR, law enforcement officers include:

(a) Each officer of a law enforcement agency;

(b) Each member of a humane society police department listed in 555 CMR 3.03(1)(k) appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 57;

(c) Each member of the agency alternatively known as the Massachusetts Port Authority and the Port of Boston Authority appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 58;

(d) Each member of an educational institution appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 63;

(e) Each member of a hospital appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 63;

(f) Each Sheriff; each Deputy Sheriff appointed pursuant to M.G.L. c. 37, § 3; and each Special Sheriff appointed pursuant to M.G.L. c. 37, § 4; unless:

1. The Sheriff of the relevant Sheriff's Office or a designee~~attests~~:

a. Attests that, except in the circumstances listed in 555 CMR 3.08(4):~~That~~

~~a.~~i. T~~t~~he individual is not authorized by the Sheriff to execute arrests; and

~~b.~~ii. ~~That t~~The individual is not authorized by the Sheriff to perform substantial police duties and functions; and

~~c. That the individual does not devote a majority of the individual's work time to the performance of police duties and functions; and~~

~~d.~~b. Attests t~~T~~o the police duties and functions listed in 555 CMR 3.08(1)(a) that, except in the circumstances listed in 555 CMR 3.08(4), the individual is not authorized to perform; and

2. The Commission determines that the individual is not a law enforcement officer;

(g) Each constable who takes any action that furthers, or is intended to further, the constable's execution of an arrest; and

(h) Each special, reserve, or intermittent police officer serving on a part-time or temporary basis ~~who is among the~~ as a type~~s~~ of officer~~s~~ listed in 555 CMR 3.04(1)(a) through (g).

(2) For purposes of 555 CMR 3.04(1)(a):~~,~~

(a) Except as provided in 555 CMR 3.04(2)(b), officers of a law enforcement agency include each member or affiliate of the agency who:

~~(a)~~1. Is the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of the agency~~Is the head of the agency~~, unless the Commission ~~has~~ determine~~d~~ otherwise;

~~(b)~~2. Is a police officer;

3. Is authorized to make, or tends to make, ~~to make~~ arrests;

~~(c)~~4. Is authorized to perform, or tends ~~or~~ to perform, substantial police duties and functions;

~~(d)~~5. Expressly r~~R~~epresents oneself as a law enforcement officer serving with the agency~~, through words or conduct,~~ in interacting with the public; or

~~(e)~~6. Is determined by the Commission to be an officer of the agency.

(b) An individual is not an officer of a law enforcement agency by virtue of being:

1. A member or affiliate of the Commission; or

2. A constable appointed pursuant to M.G.L. c. 130, § 98 who does not perform police duties and functions beyond those enumerated therein.

(3) For purposes of M.G.L. c. 6E and 555 CMR, law enforcement officers also include each of the following, if recognized as such by a vote of the Commissioners:

(a) A member of the Civil Defense Agency appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 64; and

(b) A member of the State Auditor's Office's Bureau of Special Investigations appointed as a Special State Police Officer pursuant to M.G.L. c. 22C, § 68.

(4) For purposes of M.G.L. c. 6E and 555 CMR, unless the Commission determines otherwise with respect to an individual:

(a) Each member of a Sheriff's Office who qualifies as a law enforcement officer under 555 CMR 3.04(1)(f) remains a law enforcement officer at all times and in all respects while serving as a member of that office; and

(b) Each constable for a particular ~~certain~~ jurisdiction who qualifies as a law enforcement officer under 555 CMR 3.04(1)(g) continues to be a law enforcement officer at all times and in all respects while serving as a constable for that jurisdiction.

3.05: Heads of Law Enforcement Agencies

- Subsections (1) and (2) were revised for the reasons offered in the explanatory notes to Section 3.02 above.

(1) Unless the Commission determines otherwise based on an analysis of an individual's position and other relevant circumstances, each provision of M.G.L. c. 6E and 555 CMR that applies to the head of a law enforcement agency shall apply to the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of such an agency, without regard to:~~For purposes of M.G.L. c. 6E and 555 CMR, unless the Commission has determined otherwise based on an analysis of an individual's position and other relevant circumstances, the head of a law enforcement agency is the highest-level individual who exercises day-to-day supervision and control of the law enforcement activity of the agency, without regard to:~~

(a) The individual's position title;

(b) Whether the individual is considered an employee of the agency; and

(c) Whether the individual is considered a sworn officer or a civilian.

(2) The Commission may:

(a) Direct a law enforcement agency to identify the most suitable individual to be made subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of such an agency~~treated as the head of the agency for purposes of M.G.L. c. 6E and 555 CMR~~; and

(b) Itself identify the most suitable member of a law enforcement agency to be ~~individual to be~~made subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of such an agency ~~treated as the head of the agency for purposes of M.G.L. c. 6E and 555 CMR~~, where the agency fails to do so.

3.06: Commission ~~Status~~ Determinations

- In Subsection (1):
  - Certain revisions were made for the reasons offered in the explanatory notes to Section 3.02 above.
  - Other, small revisions were solely intended to make the provisions clearer.

(1) With respect to ~~determinations of an individual's status~~ determinations regarding individuals under 555 CMR 3.04 or 3.05:

(a) No one or more factors will necessarily compel or foreclose a determination by the Commission as to whether an individual is an officer of a law enforcement agency, is a law enforcement officer, or is subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of a law enforcement agency; and

(b) The Commission may treat the following factors as weighing in favor of a conclusion that an individual is an officer of a law enforcement agency, is a law enforcement officer, or is subject to the provisions of M.G.L. c. 6E and 555 CMR that apply to the head of a law enforcement agency:

1. The individual is a member of a law enforcement ~~an~~ agency;
2. The individual devotes substantial time to matters related to law enforcement, or is expected to do so;
3. The individual personally engages in law enforcement activity, or is authorized to do so;
4. The individual tends to carry a weapon issued by a law enforcement ~~an~~ agency or the individual's employer, or is authorized 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 or the head of a law enforcement agency, such as a uniform, a badge, an insignia of rank, an electronic control weapon, a conducted energy device, handcuffs, or a car with an emblem or lights associated with law enforcement; or is authorized to do so;
6. The individual directly oversees or supervises law enforcement officers or law enforcement activity by others, or is authorized to do so;
7. The individual directly oversees or supervises the disciplining of law enforcement officers, or is authorized to do so;
8. The individual is part of the chain of command or supervision that submits or approves reports to the Commission pursuant to M.G.L. c. 6E or 555 CMR;
9. The individual engages in law enforcement activity without securing authorization from another, or is authorized to do so;
10. The individual is required to have education, training, or experience in law enforcement in order to hold the individual's position;
11. The individual commonly works in the headquarters, station, barracks, or facility of a law enforcement agency; or is authorized to do so;
12. A law enforcement officer is designated to perform the individual's role when the individual is absent or incapacitated;
13. The individual claims the ability to take advantage of a legal rule, policy, or benefit that applies to law enforcement officers or heads of law enforcement agencies;
14. 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 or heads of law enforcement agencies in behalf of the individual;
15. There is evidence that the Legislature or another governing body considers the holder of the individual's position to be a law enforcement officer or the head of a law enforcement agency, such as a statute, regulation, ordinance, or by-law;
16. There is evidence that an entity with which the individual is affiliated considers the holder of the individual's position to be a law enforcement officer or the head of a law enforcement agency, such as a policy or position description; and
17. The individual holds a ~~position~~ title that tends to be associated with, or the individual receives compensation for holding, a position that has one or more of the characteristics listed in this 555 CMR 3.06(3).

3.07: Law Enforcement Powers

DRAFT

(1) Neither the status of an individual or entity under 555 CMR 3.03, 3.04, or 3.05 nor a certification granted to an individual or an entity by the Commission affords an individual or an entity with any additional jurisdiction or powers than the individual or entity possessed before the enactment of M.G.L. c. 6E.

3.08: Police Duties and Functions

- Subsection (1)(a) now provides that police duties and functions include representing oneself as a law enforcement officer only when that is done "[e]xpressly," and not whenever it is done "through words or conduct." This is consistent with comments made at the Commission's public meeting of September 24, 2026.
- Subsection (4) now provides that one would not be subject to sanctions for performing police duties and functions if authorized to do so by the Commission.
- Other revisions were intended to make the provisions clearer; eliminate unnecessary language; and accommodate potential, future revisions to other sets of regulations.

(1) For purposes of M.G.L. c. 6E and 555 CMR:
(a) Police duties and functions include forms of activity that, regardless of whether they are undertaken during the course of conduct listed in 3.08(1)(b):
1. Would be viewed by a reasonable person as involving an assertion of authority over another individual or entity in connection with law enforcement;
2. Are undertaken, or have an effect, outside a correctional facility; and
3. Involve:
a. Suppressing and preventing disturbances and disorder;
b. Dispersing people;
c. Entering private premises to suppress breaches of the peace;
d. Stopping, arresting, processing, and confining suspects;
e. Searching individuals, and seizing evidence and contraband;
f. Questioning individuals and otherwise investigating;
g. Carrying a weapon;
h. Expressly r~~R~~epresenting oneself as a law enforcement officer~~, through words or conduct,~~ in interacting with the public; or
i. Supervising or overseeing another's performance of a form of conduct listed in 555 CMR 3.08(1)(a)3.a through h.
(b) The following discrete forms of conduct, by themselves, do not constitute police duties and functions:
1. Delivering papers;
2. Transporting prisoners or other individuals in custody; and
3. Directing traffic.

(2) Except as provided in 555 CMR 3.08(4), the following will be subject to Commission sanctions for the execution of any type of arrest or the performance of any other police duties and functions:
(a) A law enforcement officer who is not certified;
(b) A member of, an affiliate of, or an individual that has been granted any authority by, a law enforcement agency, who is not certified;
(c) An individual with a certification that has been administratively suspended or otherwise suspended;
(d) An individual who has been decertified;
(e) An individual with a certification that has been conditioned, limited, or restricted in a manner that precludes the form of activity at issue;
(f) An individual who:

1. Is a law enforcement officer, is a law enforcement agency member or affiliate, ~~an individual who~~ has been granted any authority by a law enforcement agency, or ~~an individual who~~ has been certified; and
2. Lacks the power under law to engage in the form of activity at issue; and

(g) A law enforcement agency that knowingly tolerates such conduct by an individual listed in 555 CMR 3.08(2)(a) through (f), before or after it is undertaken.

(3) Potential Commission sanctions under 555 CMR 3.08(2) include:

(a) Denying, limiting, conditioning, or restricting a certification for an individual, applying the procedures prescribed by the following, as applicable: ~~pursuant to M.G.L. c. 6E, §§ 3 and 4, and~~ 555 CMR 1.00: *Procedural Rules*; 555 CMR 7.00: *Recertification*; 555 CMR 9.00: *Initial Certification of Officers; and Renewed Certification of Independently Applying Officers*; and/or 555 CMR 10.00: *Specialized Certification for School Resource Officers*~~555 CMR 7.04: *Conditional Recertification*, 7.09: *Restriction or Revocation of Certification*, 9.09: *Conditional Certification*, 9.12: *Certification Status*, 10.07: *Conditional SRO Certification*, and/or 10.09: *SRO Certification Status*, applying the procedures for such actions prescribed by 555 CMR 1.00: *Procedural Rules*, 7.00: *Recertification*, 9.00: *Initial Certification of Officers; and Renewed Certification of Independently Applying Officers*, and/or 10.00: *Specialized Certification for School Resource Officers*, as applicable~~;

(b) Administratively suspending an individual's certification for a specified period of time or until specified conditions are satisfied ~~pursuant to M.G.L. c. 6E, § 3~~, applying the procedures for administrative suspensions and single-Commissioner review of suspensions prescribed by M.G.L. c. 6E, § 9(d) and 555 CMR 1.009: ~~*Single Commissioner Review of Suspensions*~~*Procedural Rules*;

(c) Suspending an individual's certification ~~pursuant to M.G.L. c. 6E, §§ 3 and 9(a)(4)~~, applying the ~~standards and~~ procedures for suspensions of certification based on the best interest of the health, safety, or welfare of the public prescribed by M.G.L. c. 6E, § 9 and 555 CMR 1.00: *Procedural Rules*;

(d) Ordering an individual to undergo retraining ~~pursuant to M.G.L. c. 6E, §§ 3 and 10(d)(i) and (ix)~~, applying the ~~standards and~~ procedures for retraining orders prescribed by M.G.L. c. 6E, § 10 and 555 CMR 1.00: *Procedural Rules*;

(e) Referring information about the matter to an appropriate government office for potential criminal or civil enforcement action; and

(f) Imposing an assessment, a fee, a fine, a penalty, or another sanction upon a law enforcement officer, a law enforcement agency, or another individual or entity, to the extent allowed by law.

(4) 555 CMR 3.08(2)-(3) shall not apply to conduct of the type described in 555 CMR 3.08(2) that ~~is~~:

(a) Is authorized by the Commission; or

~~(a)~~(b) Is not otherwise unlawful and is e~~E~~ither:

1. Necessary to defend oneself or another against imminent physical harm;
2. Necessary to ensure the safety and control of prisoners for transport ~~by correctional facility officers~~; or
3. ~~Necessitated by other exigent circumstances; and~~

~~(b)~~3. ~~Not otherwise unlawful~~.

3.09: Commission Jurisdiction

- Subsection (1) was revised solely to make it clearer.

(1) The Commission may exercise jurisdiction in any manner ~~with respect to matters~~ contemplated by M.G.L. c. 6E or 555 CMR:

(a) As to entities and individuals that include the following:

1. Law enforcement agencies;
2. Individuals who exercise substantial oversight of a law enforcement agency;
3. Members of a law enforcement agency;
4. Law enforcement officers;
5. Individuals who are certified;
6. Applicants for certification;
7. Appointed candidates;
8. Sponsored candidates;
9. Individuals who undergo training pursuant to any Commission requirement, policy, or order;
10. Individuals who provide testimony in a Commission proceeding; or who are subject to a Commission subpoena or a Commission demand for testimony, items, or information;
11. Individuals in violation of M.G.L. 6E, § 12; and
12. Other individuals, in relation to conduct undertaken while holding a status listed in 555 CMR 3.09(1)(a)2. through 11.; and

(b) Based on conduct and events that include those occurring:
1. Prior to or since the enactment of M.G.L. c. 6E;
2. While an individual is on duty or off duty; or
3. Within or outside Massachusetts.

3.10: Law Enforcement Agency Responsibility for Individual Conduct

- In Subsection (1)(b), certain unnecessary language was struck.

(1) For purposes of M.G.L. c. 6E and 555 CMR, a law enforcement agency may be deemed responsible for the conduct of an agency member in circumstances that include those in which:

(a) The conduct:
1. Is the kind of conduct that the agency has employed or engaged the member to perform;
2. Is undertaken substantially within the authorized geographic and temporal boundaries of the member's work; and
3. Is motivated, at least in part, by a purpose to serve the agency; or

(b) The conduct:
1. Is knowingly tolerated, before or after it is undertaken, by ~~the head or another~~a high-level official of the agency or of an entity of which the agency is a part;
2. Is undertaken pursuant to an official policy or custom of the agency or of an entity of which the agency is a part; or
3. Results from a failure to adequately hire, train, or supervise personnel that amounts to deliberate indifference to the potential effects.

3.11: Obtaining Information

(1) The Commission may obtain information to utilize in making a determination under 555 CMR 3.00~~,~~ from any individual or entity, to the extent allowed by law.

REGULATORY AUTHORITY
555 CMR 3.00: M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c).

[redacted]

[redacted]

- [redacted]

From: Donovan McElligatt <mapubliccomments@gmail.com>
Sent: Wednesday, 14 October 2026 17:16:25
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: Shellfish Constables

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Day,

I am writing to submit this attached letter into public comment regarding the proposed 555CMR3. Shellfish Constables are a distinct entity separate from Constables and are appointed per M.G.L. Ch 130 Sec 98 and have enforcement authority that is narrow in scope and jurisdiction and receive their training and certification not through the MPTC but through DMF and the Environmental police. There is a question on if these proposed regulations would have an impact on their enforcement authority, or curtail their ability to issue Environmental Uniform State citations, or search and seize illegal or contaminated catch.

Thank you

The Commonwealth of Massachusetts
Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries

MAURA T. HEALEY, Governor | KIMBERLEY DRISCOLL, Lt. Governor | REBECCA L. TEPPER, Secretary | THOMAS K. O'SHEA, Commissioner | DANIEL J. MCKIERNAN, Director

September 16, 2024

David DeConto
Massachusetts Shellfish Officers Association President
100 Route 6A
Sandwich, MA 02563

RE: Shellfish Constable Powers

Dave,

The Massachusetts Shellfish Officers Association has requested DMF issue a letter to those coastal towns exercising municipal shellfish management outlining the responsibilities of shellfish constables. My understanding is that this request was made in response to concerns raised by several constables regarding challenges they are experiencing limiting their ability to fulfill their duties to enforce municipal and state rules governing shellfish. I appreciate you bringing these issues to my attention. In response, I am writing to you and cc'ing all the Commonwealth's municipal shellfish constables to put onto the public record DMF's view of the purpose and role of shellfish constables.

Massachusetts is a home rule state whereby the Legislature has granted substantial authority over the control and management of shellfish to the municipality. Specifically, G.L. c. 130, §52 authorizes a municipality to control and manage the harvest of shellfish within its waters but stipulates that if a municipality neglects or refuses to establish such controls then control will be temporarily exercised by DMF. Additionally, G.L. c. 130, §98 authorizes the municipality to appoint Shellfish Constables to enforce all relevant laws and rules affecting shellfish in the municipality and inspect the catch of any person they believe may be engaged in unlawful shellfish fishing or in possession of shellfish unlawfully taken.

Moreover, Massachusetts is a member of the National Shellfish Sanitation Program (NSSP). The NSSP is a cooperative federal-state program for the sanitary control of shellfish produced for human consumption. At its most basic level, this body creates nationwide standards for the sanitary control of shellfish from harvest to consumption to safeguard public health, and state authorities are expected to implement and enforce these controls for their shellfish to be sold into interstate commerce. These federal standards are embodied in state statutes (Chapter 130) and state regulation (322 CMR).

In Massachusetts, DMF is the principal management authority governing the sanitary harvest of shellfish and the Department of Public Health is the principal management authority for the processing and sale of shellfish. At the harvester level, shellfish controls are to be enforced by both the Massachusetts Environmental Police and the municipal shellfish constables. In fact, the shellfish constable is the principal enforcement agent and first line of defense in safeguarding public health.

It is DMF's view that in order for a municipality to exert control over its shellfish resources, the municipal officials must not only actively regulate their shellfish fisheries but have a capable shellfish constable empowered and supported by the municipality's officials and the community at large to educate local shellfish fishers and enforce all relevant controls. This includes matters such as enabling the

shellfish constables and deputy shellfish constables to: (a) work appropriate hours flexibly based on tides so that they are in the field when shellfish harvesting is occurring; (b) conduct routine inspections of any harvester's catch, any vessels involved in harvest of shellfish, and shellfish aquaculture grant sites to ensure compliance with various state and local rules and regulations; (c) issue verbal warnings, written warnings, and citations when warranted; and (d) communicate directly with DMF Shellfish Program staff, including being available to receive notice of—and immediately implement—emergency public health closures to shellfish growing areas issued under G.L. c. 130, §74A.

I understand that in some communities the shellfish constable is not a Law Enforcement Officer certified under under the Commonwealth's Peace Office's Standards and Training (POST). Given this, my expectation is that shellfish constables should consult their municipality's legal counsel regarding the extent of their shellfish enforcement authority and municipalities must ensure their shellfish constables are capable of conducting their job in accordance with DMF's above-stated expectations for sufficiently controlling shellfish harvest. Shellfish are a high-hazard food product that are often consumed raw and present a significant public health risk if not properly harvested and handled. Municipal shellfish constables are the first line of defense in ensuring that harvested shellfish are safe to eat for both recreational harvesters and consumers, and harvest activity is conducted in strict conformity with the federal standards under the NSSP that allow our shellfish to be sold into interstate commerce.

If it appears there is insufficient enforcement of rules and regulations within a community, DMF may be forced to withdraw its approval of any ongoing state-municipal agreement and management plan, resulting in a fishery closure within the municipality until issues are rectified.

Sincerely,



Daniel J. McKiernan, Director
Massachusetts Division of Marine Fisheries

cc:
Massachusetts Shellfish Constables

[redacted]

[redacted]

- [redacted]

[redacted]

From: Renee Gagne <rgagne@chatham-ma.gov>
Sent: Wednesday, November 4, 2026 3:37 PM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: Request to extend comment period for 555 CMR 3.00

Renée Gagne, Shellfish Constable
Town of Chatham
261 George Ryder Rd
Chatham, MA 02633

rgagne@chatham-ma.gov
Phone: 508 945-5184 >< FAX: 508 945-5163

"This email is for the distribution of materials only, not for discussion purposes."
Kindly remember that the Secretary of State has deemed most email a public record.

Massachusetts Shellfish Officers Association
261 George Ryder Road · Chatham, MA · 02633

November 4, 2026

To: Massachusetts Peace Officers Standards and Training Commission
Re: Formal Request for Extension of Public Comment Period – Proposed 555 CMR 3.00: Regulated Agencies, Officers, and Conduct

To Whom It May Concern:

On behalf of the Massachusetts Shellfish Officers Association (MSOA), we respectfully submit this formal request for an extension of the public comment period for the proposed regulation, **555 CMR 3.00: Regulated Agencies, Officers, and Conduct**.

The proposed regulations were brought to the attention of much of our membership during the MSOA's annual Fall Meeting held on October 28, 2026. Upon reviewing the proposal, our members, who serve as appointed Shellfish Constables under the authority of Massachusetts General Laws, Chapter 130, Section 98, expressed significant concern regarding the potential implications of these regulations.

Specifically, the proposed regulations appear to have far-reaching implications for the historical statutory authority and responsibilities of Shellfish Constables, as well as for the autonomy and shellfish management practices of the local municipalities they serve. The potential scope of these changes warrants careful consideration and a meaningful opportunity for those directly affected to understand and respond to the proposal.

Given the recent notification to much of our membership and the potential magnitude of the proposed regulatory changes, the current comment period does not provide sufficient time for our members to fully evaluate the proposal, communicate its potential impacts to their respective municipal officials and governing bodies, and facilitate informed input from local stakeholders.

Shellfish management is inherently local, and these proposed changes could have significant consequences for the administration, oversight, and management of shellfish resources in coastal communities throughout the Commonwealth. It is therefore essential that affected municipalities have adequate notice and sufficient time to assess the proposal and provide thoughtful, informed, and substantive comments.

Thank you for your consideration.

Renee Gagne

Renée DeHagne

President, MSOA

From:	Shellfish
To:	Ravitz, Randall E (PST)
Subject:	555 CMR 3.00: REGULATED AGENCIES, OFFICERS, AND CONDUCT-Public comment from Massachusetts Shellfish Officer Association
Date:	Wednesday, November 4, 2026 11:07:02 AM
Attachments:	image001.png POST-Request to extend comment period_MSOA-11-4-2026.pdf

Good Day Sir,

I have been asked to send this attached letter to you from the Massachusetts Shellfish Officers Association. I believe that it is also being submitted to the POST comments imbox, as well as a hard copy mailed.

Please let me know if you have any questions.

Respectfully,

Donovan McElligatt
Director
Shellfish Constable
Herring Warden
Town of Oak Bluffs Shellfish Department
dmcelligatt@oakbluffsma.gov
(508) 958-5401

Massachusetts Shellfish Officers Association
261 George Ryder Road · Chatham, MA · 02633

November 4, 2026

To: Massachusetts Peace Officers Standards and Training Commission
Re: Formal Request for Extension of Public Comment Period – Proposed 555 CMR 3.00: Regulated Agencies, Officers, and Conduct

To Whom It May Concern:

On behalf of the Massachusetts Shellfish Officers Association (MSOA), we respectfully submit this formal request for an extension of the public comment period for the proposed regulation, **555 CMR 3.00: Regulated Agencies, Officers, and Conduct**.

The proposed regulations were brought to the attention of much of our membership during the MSOA's annual Fall Meeting held on October 28, 2026. Upon reviewing the proposal, our members, who serve as appointed Shellfish Constables under the authority of Massachusetts General Laws, Chapter 130, Section 98, expressed significant concern regarding the potential implications of these regulations.

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Shellfish management is inherently local, and these proposed changes could have significant consequences for the administration, oversight, and management of shellfish resources in coastal communities throughout the Commonwealth. It is therefore essential that affected municipalities have adequate notice and sufficient time to assess the proposal and provide thoughtful, informed, and substantive comments.

Thank you for your consideration.

Renee Gagne

Renée DeHagne

President, MSOA

[redacted]

[redacted]

[redacted]

From: Aubrey Ellertson Church <aubrey@capecodfishermen.org>
Sent: Friday, November 6, 2026 10:44 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: 555 CMR 3.00

Good morning,

Please find attached comments by the Cape Cod Commercial Fishermen's Alliance respectfully requesting an extension to the public comment deadline beyond November 17, 2026 to provide municipalities, shellfish officers, industry representatives and other affected stakeholders adequate opportunity to engage in this comment period for the proposed 555 CMR 3.00.

Thank you,
Aubrey

Aubrey Church
Fisheries Policy Director
Cape Cod Commercial Fishermen's Alliance
1566 Main Street, Chatham, MA 02633
Small Boats. Big Ideas.
Celebrating 30 years. Navigating 30 more.
aubrey@capecodfishermen.org | www.capecodfishermen.org
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CAPE COD COMMERCIAL

FISHERMEN'S ALLIANCE

Small Boats. Big Ideas.

November 4, 2026

RE: Request for Extension of Public Comment Period – Proposed 555 CMR 3.00, Regulated Agencies, Officers, and Conduct

Subject: Application of POST Regulations to Municipal Shellfish Constables Appointed Under M.G.L. Chapter 130, Section 98

Dear Commissioners,

On behalf of the Cape Cod Commercial Fishermen's Alliance (CCCFA), I respectfully request an extension of the public comment period for the proposed 555 CMR 3.00 beyond the current November 17, 2026 deadline.

The Cape Cod Commercial Fishermen's Alliance is a thirty-five-year-old nonprofit organization that works to support sustainable fisheries and thriving fishing communities across Cape Cod and the region. We are concerned about the potential implications of these proposed regulations for municipal shellfish constables and deputy shellfish constables appointed under the Massachusetts General Laws Chapter 130, Section 98.

Shellfish constables play an essential role in municipal shellfish management, including shellfish propagation, restoration, aquaculture oversight, resource assessments, water quality coordination, public education, and the administration of municipal shellfish management programs. The proposed regulations raise important questions about how POST requirements may affect these specialized municipal positions, their statutory authority, and municipalities' ability to carry out essential shellfish management responsibilities and maintain compliance with the National Shellfish Sanitation Program (NSSP).

Given the potential implications for coastal communities, commercial shellfish harvesters, municipal shellfish departments, and public health, we believe additional time is necessary to allow affected stakeholders to fully understand the proposed regulations, assess their potential impacts, and provide meaningful, informed comments.

Therefore, we respectfully request that the Commission extend the public comment deadline beyond November 17, 2026, to provide municipalities, shellfish officers, industry representatives, and other affected stakeholders adequate opportunity to engage in this process.

Thank you for your consideration and the opportunity to provide input on this matter.

Sincerely,

Aubrey Church

Aubrey Church

Celebrating 30 years. Navigating 30 more.

BOARD OF DIRECTORS Andrew Baler • Richard Banks • Charles Borkoski • Sean Connors • Eric Hesse
Barry LaBar • Tricia Murray • Sam Linnell • Bradley Louw • Kurt Martin • Jesse Rose • Brian Sherin

1566 Main Street, Chatham, MA 02633 (508) 945-2432 info@capecodfishermen.org www.capecodfishermen.org

From:	McKiernan, Dan (FWE)
To:	Zuniga, Enrique (PST); Ravitz, Randall E (PST); shellfish@oakbluffsma.gov; aubrey@capecodfishermen.org; rgagne@chatham-ma.gov
Subject:	RE: POST/Shellfish Constables, Re: CMR 3.00
Date:	Wednesday, November 11, 2026 2:52:49 PM
Attachments:	POST and Shellfish Constables_Issue Brief_261105.pdf

For the participants in tomorrow's call, I worked with staff and we prepared an Issue Brief from the Division of Marine Fisheries . See attached as preparation for tomorrow's meeting.

Daniel J. McKiernan, Director
MA Division of Marine Fisheries
836 South Rodney French Blvd
New Bedford MA 02740
617 626-1536
dan.mckiernan@mass.gov

[redacted]

[redacted]

[redacted]

Issue Brief: Impacts of POST Commission Certification on Ability for Municipal Shellfish Constables Conduct Routine Shellfish Enforcement

November 11, 2026

Executive Summary

Under G.L. c. 130, §98, municipal shellfish constables have been historically authorized to require shellfish fishers to display all shellfish in their possession and enforce local and state rules governing shellfish harvest. However, proposed regulations (55 CMR 3.00) of the Massachusetts Peace Officer Standards and Training (POST) Commission have raised concerns within the community of municipally appointed Shellfish Constables that the resulting certification standards may limit their historical authority and ability for these municipal officials to effectively enforce local and state regulations governing shellfish harvest. Specifically, given limited municipal resources, applying POST Commission certification requirements to Shellfish Constables may result in reductions in municipal shellfish program capacities or in shellfish enforcement becoming a voluntary exercise. Both scenarios could result in reduced shellfish conservation and increased public health risks and may jeopardize the ability for shellfish harvest to continue in certain areas. DMF is aware that several organizations – including the Massachusetts Shellfish Officers Association (MSOA) and the Cape Cod Commercial Fishermen's Alliance – have requested an extension of the public comment period on the POST Commissions' draft regulations to allow municipalities to better understand potential impacts and propose solutions.

Background

The Massachusetts Shellfish Initiative's 2020 Assessment Report explains that the Commonwealth's shellfish flats are "some of the most heavily utilized and economically, ecologically, and culturally valuable, shared spaces in the state. This results in complex, interactive, and competing views from myriad of stakeholders who share and interact over this common resource." Further, these complexities are "heightened by new and emerging issues, including ocean acidification, veterinary disease, naturally occurring human pathogens and harmful algal blooms, invasive predators, pollution and growing coastal populations, and climate change."

Municipal Shellfish Constables are mission critical to the Commonwealth's ability to manage shellfish and navigate these challenges. These entities serve as both natural resource agents – who work to promote and enhance local shellfish fisheries and inform and educate their constituents – and management and enforcement officials charged with patrolling shellfish flats and ensuring shellfish catch conforms to state and local regulations designed to safeguard

public health and manage shellfish resources. Absent these local frontline municipal shellfish management and enforcement efforts, the Commonwealth would likely be unable to meet various federal requirements under the National Shellfish Sanitation Program's (NSSP) Model Ordinance to ensure the sanitary harvest of shellfish and the Division of Marine Fisheries (DMF) would likely need to close affected areas to the harvest of wild caught shellfish and shellfish aquaculture.

In 2020, the Commonwealth pursued important law enforcement reforms through the establishment of the POST Commission. To improve policing and enhance public confidence in law enforcement, the POST Commission has implemented mandatory training and certification practices for all Law Enforcement Officers or persons conducting police duties and functions. Among other things, this includes the successful completion of the Basic Police Training Academy.

Shellfish Constables are among the officials affected by these law enforcement reforms. While some municipalities may appoint municipal police officers as Shellfish Constables, most municipalities have historically relied on numerous full-time and part-time civilian employees to serve as Shellfish Constables. Now, these civilian officials may need to meet POST Commission law enforcement certification and training standards to continue their work as shellfish enforcement officials. The Massachusetts Shellfish Officers Association (MSOA) anticipates this will be extremely burdensome for many municipalities. Further, this burden may unravel municipal shellfish management programs. If this were to occur, it could weaken frontline shellfish enforcement and management leading to the loss of access to shellfish fishing opportunities while simultaneously placing public health at risk.

Shellfish and Public Health

Shellfish are critical to the health of Massachusetts' inshore waters. As filter feeders, these animals can remove suspended matter and organisms from the water column. In doing so, they enhance local water quality. However, when exposed to contaminants and pathogens that same filter feeding behavior concentrates these pollutants. This creates a significant public health risk if the animal is consumed (particularly raw). Accordingly, shellfish are considered a high-risk food product and are closely regulated at the local, state, and federal level.
In the United States, the overarching control for the sanitary harvest and handling of shellfish falls under the authority of the NSSP. The NSSP is a cooperative program within the Food and Drug Administration (FDA) that works to safeguard public health in relation to the sanitary harvest, handling, transport, processing, and sale of shellfish. This is primarily accomplished through the iterative development and refinement of the Model Ordinance – the regulatory framework that enables shellfish to be sold into interstate commerce.

State authorities are expected to implement legal frameworks to uphold the Model Ordinance. These state programs are annually evaluated by the FDA for compliance with the Model Ordinance. In Massachusetts, the Division of Marine Fisheries (DMF) is the principal control authority for the harvest of shellfish. Accordingly, DMF conducts sanitary surveys to classify its coastal waters and determine those areas and conditions where harvest may or may not occur.

Additionally, the agency has an extensive code of regulations (322 CMR 16.00) that establish the requirements for the handling of shellfish from harvest to primary purchase (i.e., the initial sale between harvester and dealer) to prevent cross-contamination, time-to-temperature abuse, or the spread of pathogens, and maintain product traceability in the event of illness. The Model Ordinance establishes minimum patrol criteria to ensure there is adequate enforcement of the state's regulatory program. While the Massachusetts Environmental Police (MEP) contribute to this effort, Shellfish Constables are the primary entity responsible for day-to-day shellfish enforcement. In fact, Massachusetts would not be able to meet this mandate of the Model Ordinance without their efforts. To put it another way, DMF would likely have to close shellfish harvest and aquaculture in many areas throughout the Commonwealth absent effective municipality-supported shellfish patrols.

Overview of Massachusetts' Shellfish Harvest and Handling Controls

The Commonwealth's marine fishery laws at G.L. c. 130 establish an extensive and complex shellfish management framework. Statewide, various regulatory and management authorities are delegated to DMF – the state authority over shellfish harvest. Principal among them is the sanitary assessment and classification of the state's 1.7M acres of shellfish habitat for public health purposes and the management of any designated shellfish growing area classified as contaminated or otherwise unsuitable for harvest and direct human consumption. However, most of the state's productive shellfish habitat is classified as "Approved" or "Conditionally Approved" and open to harvest for direct human consumption and occurs in municipal waters and is largely subject to municipal management and enforcement under the Home Rule doctrine[1].

The most foundational sections of state law regarding Home Rule are G.L. c. 130, §52 and G.L. c. 130, §98. Section 52 establishes that the municipality may permit, regulate, and otherwise control the taking of shellfish from its waters, except for the commercial harvest of surf clams and ocean quahogs. If a municipality does not exert this control over its shellfish fishery, then the local management authority is ceded to DMF until such a time that it is exerted by the municipality. Critical to this exercise of municipal control are Shellfish Constables. Section 98 establishes that municipalities exerting their shellfish management authority may appoint Shellfish Constables (and deputies). These persons are to "qualified by training and experience in shellfish management[2]", and their role is to promote, enhance, and manage the municipality's shellfish fisheries and shellfish aquaculture programs.

[1] Home rule has historically afforded Massachusetts communities with the ability to manage the shellfish resources and fisheries that occur within their waters in a manner that best reflects the character of the community, which in turn, fosters innovative, local management and enforcement strategies that are best suited to the community and its shellfish resources and fisheries.

[2] G.L. c. 130, §98 establishes there may be a course at the Massachusetts Maritime Academy, which upon completion, is considered qualified training and experience in shellfish management sufficient for appointments as a Shellfish Constable or Deputy Constable. This training is not mandatory and the Massachusetts Maritime Academy no longer offers the course. To fill this important void, MSOA – with support from DMF and MEP – has developed a similar online program currently offered through Cape Cod Community College.

Day-to-day tasks are equal parts natural resource officer and equal parts enforcement and management agent. As a natural resource agent, Shellfish Constables are tasked with: outreach and education; monitoring environmental conditions relevant to pollution and water quality; overseeing shellfish aquaculture, propagation, relay, transplant, and restoration; and serving as a liaison between municipal officials and shellfish fishing constituents. As a management and enforcement agent, they: open and close shellfish beds to harvest; ensure local compliance with the conditions of Conditional Area Management Plans (CAMPs)[3]; routinely patrol shellfish flats; and enforce all applicable rules and regulations relevant to shellfish management in the Commonwealth. Accordingly, their policing duties generally include routine patrols of shellfish flats and aquaculture grants, requiring harvesters display their state and municipal shellfish permits, inspecting shellfish catch and aquaculture operations for compliance with all relevant state and municipal rules, and taking under their control any shellfish that was unlawfully harvested or handled[4]. In practice, Shellfish Constables are the first line of defense against the unlawful harvest and handling of shellfish, which may put public health at risk or undermine conservation and management objectives.

Given Home Rule, there are a diversity of municipal approaches to staffing shellfish programs. While some municipalities appoint municipal police officers as Shellfish Constables, the most common scenario is for the municipality to hire various full-time and part-time civilian officials to these positions. Additionally, some of these communities employ upwards of 20 civilian officials as seasonal, part-time, and full-time Shellfish Constables to ensure that their shellfish flats and aquaculture grants are actively patrolled and adequate services are rendered to the shellfish fishing community.

Concerns Regarding Impacts of Law Enforcement Reform on Shellfish Constables

MSOA is a non-profit professional and educational organization of municipal Shellfish Constables. The organization held its Fall 2026 meeting on October 28. At this meeting, members discussed the role of the Shellfish Constables relevant to law enforcement reform in the Commonwealth. In 2020, Massachusetts signed into law Chapter 253 of the Acts of 2020. This legislation established the POST Commission to "improve policing and enhance public confidence in law enforcement by implementing a fair process for mandatory certification, discipline, and training of all peace officers in the Commonwealth". Among other things, this includes the successful completion of the Basic Police Training Academy.

While there is no specific mention of Shellfish Constables in the implementing state law or the proposed draft regulations, the language can be interpreted that Shellfish Constables conduct

[3] A Conditionally Approved shellfish growing area is one where the sanitary survey demonstrates the area meets the sanitary conditions necessary for direct human consumption under certain conditions that may change in response to predictable impacts from pollution sources (e.g., mooring fields) or water quality (e.g., rainfall). The harvest of shellfish in Conditionally Approved areas is generally subject to a CAMP.

[4] State law provides Constables the authority to "arrest without warrant any person refusing or failing to comply with a shellfish inspection." For a multitude of reasons, this authority is no longer used. Instead, if criminal activity is occurring and an arrest may be warranted, Shellfish Constables are trained to refer the issue to MEP or a local municipal police officer.

police duties and functions and are therefore Law Enforcement Officers subject to Post Certification. This would have significant impacts on how municipalities manage and enforce their shellfish fisheries. In light of Home Rule, these impacts would not be uniform across communities. However, municipalities that rely on civilian Shellfish Constables and/or hire a large number of part-time or full-time Shellfish Constables would likely be most impacted by these new POST Certification requirements.

POST Certification – particularly the completion of Basic Police Training Academy – is anticipated to be costly and potentially prohibitive for many of coastal communities. Those communities that certify their Shellfish Constables will likely face budgetary constraints and fiscal trade-offs. This may result in reduced shellfish program staff – including the loss of seasonal or part-time personnel – and a commensurate reduction in services rendered. Additionally, it raises questions as to the job description; employment classification; and wage, benefit, and union statutes of POST Certified Shellfish Constables. To avoid these burdens, some communities may choose not to have their Shellfish Constables undergo POST Certification. If this were to occur, there are significant questions as to whether shellfish enforcement becomes entirely voluntary, if Shellfish Constables would be able to retain administrative authority to conduct some activities as a requirement of the municipal permit, and if shellfish enforcement powers need to be expanded to include municipal police.

Unfortunately, municipal fiscal limitations will likely constrain municipalities from widespread adoption of making all shellfish constables POST certified resulting inevitable reductions to municipal shellfish programs. Accordingly, communities may become vulnerable to losing shellfish fishing and aquaculture access in their waters. If Massachusetts cannot sufficiently demonstrate adequate enforcement and patrol capabilities under the Model Ordinance, then DMF may need to reclassify affected areas to prohibit shellfish harvest and aquaculture. In turn, this could result in the loss of commercial shellfish related income[5] and may limit the recreational and commercial harvest of shellfish which is historically engrained in the state's coastal culture. It may also expose consumers to greater public health risks by diluting the resources available to enforce prohibitions on the harvest of contaminated shellfish and diminish the state's reputation as a shellfish producer and the resulting value of the state's commercial shellfish harvest.

Requests for Public Comment Period to Be Extended

Finally, it should be noted that MSOA and the Cape Cod Commercial Fishermen's Alliance have both submitted letters to the POST Commission to extend the comment period of the regulations to allow for more informed discussion about possible solutions.

Among Shellfish Constables, there is a strong interest in maintaining many of their traditional

[5] In 2025, municipal commercial shellfish fisheries generate in excess of $50M in annual ex-vessel value with the American oyster valued at $36M. The American oyster is currently the third most valuable species among commercial fisheries in Massachusetts.

authorities – namely the ability to demand a permit, inspect catch, seize or require the forfeiture of unlawfully harvested product, and write citations and request administrative permitting actions in the event of non-compliance. However, there is also recognition that the Commonwealth's criminal justice reforms are critical to protecting civil rights and liberties and enhancing public confidence in law enforcement.

In response, there will likely be an interest among coastal communities to address these tensions in a variety of ways, including the development of a POST Commission approved law enforcement training that is less intensive than the Basic Police Training Academy for Shellfish Constables (and potentially other waterfront officials such as Harbormasters), which could be offered as part of the existing Shellfish Constable training developed by MSOA (with support from DMF and MEP) offered through Cape Cod Community College. The MSOA has also expressed a strong interest in formalizing this Shellfish Constable training and amending state law Section 98 (first enacted in 1941) to capture the modern mandates of enforcement of conservation and public health goals while complementing the POST laws. This could be manifested in somewhat more intensive training to meet POST goals that could become mandatory to be appointed as a Shellfish Constable.

[redacted]

[redacted]

[redacted]

[redacted]

-----Original Message-----
From: nice-freshet.7v@icloud.com <nice-freshet.7v@icloud.com>
Sent: Wednesday, November 4, 2026 10:41 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: 555 CMR 3.00

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

MGL Chapter 6E Section 8 (g) states: “The division of police standards shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of this chapter...”

The proposed regulations do not include POST’s Division of Police Standards as a law enforcement agency, establish who is considered the head of this law enforcement agency, or contemplate how POST may be held accountable for the conduct of its members like other law enforcement agencies within these CMRs.

TOWN OF EDGARTOWN
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November 16, 2026

Massachusetts Peace Officer Standards and Training Commission
84 State Street, Suite 200
Boston, MA 02109

Re: Comments on Proposed 555 CMR 3.00 – Municipal Shellfish Constables

Dear Commissioners:

The Edgartown Select Board respectfully requests clarification that proposed 555 CMR 3.00 does not automatically require POST certification for municipal shellfish constables appointed under M.G.L. c. 130, § 98.

Edgartown's Shellfish Department is responsible for shellfish resource management, licensing, inspections, enforcement of harvest limits, and management of shellfish closures. These responsibilities are regulatory in nature and substantially different from traditional police functions. Although state law grants shellfish constables limited arrest authority, Edgartown's personnel do not exercise that authority in practice. In fact, the Department has not needed to request a police arrest in at least fifteen years and relies on the Edgartown Police Department for matters requiring police intervention.

The language of proposed 555 CMR 3.00 creates uncertainty as to whether municipal shellfish constables could become subject to POST certification requirements based on their statutory authority or routine regulatory enforcement activities. Requiring full police certification for personnel performing these specialized functions would impose unnecessary financial and operational burdens on coastal municipalities without a corresponding public safety benefit.

The Select Board respectfully requests that the final regulation expressly distinguish routine municipal shellfish enforcement from traditional police duties and clarify that shellfish constables who do not exercise arrest authority are not automatically subject to POST certification. Alternatively, the Board requests a clear determination process that recognizes the limited statutory authority and specialized responsibilities of municipal shellfish constables.

The Edgartown Select Board supports the comments submitted by the Massachusetts Shellfish Officers Association and encourages the Commission to preserve the ability of coastal municipalities to manage and protect their shellfish resources without imposing unnecessary police certification requirements.

Respectfully,

Arthur Smadbeck, Chair

Alex Morrison

Julia Tarka
EDGARTOWN SELECTBOARD

Public Comment on Proposed 555 CMR 3.00

Brady Disclosure and the Performance of the Massachusetts POST Commission

Submitted on November 16, 2026

To the Massachusetts Peace Officer Standards & Training [POST] Commission

Re: Proposed 555 CMR 3.00, Regulated Agencies, Officers, and Conduct, revision dated September 20, 2026, at 5:00 p.m., and the public hearing scheduled for November 17, 2026. [1] [34]

The Commission should revise proposed 555 CMR 3.00 before adoption to expressly connect its jurisdiction, information gathering, and agency-responsibility provisions to the preservation and lawful transmission of information favorable to criminal defendants. The proposed regulation would clarify whom POST regulates and when it may impose sanctions. It does not adequately explain how information obtained through that authority will reach the prosecutors, defense counsel, and courts whose obligations and decisions depend upon it. That omission should be addressed through amendments to this proposal and coordinated changes to the Commission's existing information and recordkeeping regulations. [1]

The controlling concern is practical and constitutional: a government oversight system can collect extensive evidence of dishonesty, bias, unlawful searches, coercion, fabrication, or evidence mishandling while leaving that evidence unavailable when a defendant must investigate a case, litigate suppression, confront a witness, or contest punishment. Certification and disciplinary proceedings cannot substitute for timely criminal discovery. A finding that an officer may remain employed does not establish that the officer's history contains no information favorable to the defense.

The Commission's public record demonstrates substantial institution building. It does not establish that Massachusetts presently has an independently verified, comprehensive process connecting POST information to all affected criminal cases. The defensible assessment is therefore that POST possesses substantial legal authority and demonstrated administrative capacity, but its performance as a dependable component of the Commonwealth's disclosure system remains insufficiently demonstrated. This comment requests enforceable procedures and evidence of their operation. It does not presume that every omission from a public database proves suppression in a criminal case.

ceo@levelplayingfield.solutions 712 H Street NE, Suite 2419 (202) 643-7306
Washington, District of Columbia 20002

Table of Contents

1. The Legal Obligations Must Be Identified Precisely.....3
2. Massachusetts Discovery Law Directly Implicates POST Information.....4
3. POST Has Affirmative Statutory Responsibilities and Usable Authority.....5
4. POST Must Distinguish Its Own Disclosure Duties from the Prosecutor's Duty.....6
5. Officers and Agencies Must Preserve and Transmit Favorable Information.....7
6. The Proposed Regulation Requires Specific Revisions.....8
Scope and Protection of Existing Rights.....8
Agency and Officer Classifications.....8
Powers and Unauthorized Police Activity.....8
Continuing Jurisdiction and Institutional Responsibility.....9
Obtaining and Transmitting Information.....9
7. Public Access and Criminal Discovery Require Different Treatment.....10
8. Confidentiality and Garrity Require Careful Handling Rather than Categorical Withholding.....11
9. Prosecutors Must Independently Verify and Complete Disclosure.....12
10. Judges Must Enforce Discovery While Maintaining Impartiality.....13
11. POST Performance Must Be Assessed across the Entire Process.....14
12. The Commission Should Adopt Express Disclosure Safeguards.....16
Preservation of Independent Legal Obligations.....16
Agency Preservation and Transmission.....16
Review by the Commission.....16
Records outside the Public Database.....16
Accuracy and Procedural Fairness.....17
Continuity and Affected Cases.....17
Audits and Enforcement.....17
13. Implementation Should Be Immediate Where Authority Already Exists.....18
14. Retrospective Review Is Necessary When New Information Affects Old Cases.....19
15. Requested Disposition.....20

1. The Legal Obligations Must Be Identified Precisely

Four distinct legal functions intersect here:

A. the prosecution's obligation to disclose favorable evidence;

B. the obligations of investigating officers and agencies to preserve and communicate that evidence;

C. POST's statutory and regulatory responsibilities as a recipient, investigator, records custodian, and licensing authority; and,

D. the judiciary's responsibility to enforce discovery and protect fair proceedings.

Treating these functions as interchangeable would obscure both responsibility and remedy.

In *Brady v. Maryland*, 373 U.S. 83, 87 (1963), the Supreme Court held that suppression by the prosecution of favorable evidence material to guilt or punishment violates due process, regardless of prosecutorial good or bad faith. *Giglio v. United States*, 405 U.S. 150, 153–55 (1972), applies the principle to evidence affecting witness credibility and rejects fragmentation within a prosecutor's office as an excuse for nondisclosure. The relevant information may concern a witness's incentives, bias, inconsistent accounts, or dishonesty rather than direct proof of innocence. [2] [3]

Kyles v. Whitley, 514 U.S. 419, 437–38 (1995), places responsibility on the prosecutor to learn of favorable evidence known to others acting on the government's behalf in the case, including police. It also requires assessment of suppressed evidence collectively. These principles make reliable information exchange essential. They do not automatically make every government agency a member of every prosecution team merely because it possesses government records. The relationship between an agency, the investigation, the prosecution, and the requested material matters. [4]

United States v. Bagley, 473 U.S. 667, 682 (1985), supplies the familiar reasonable-probability formulation of constitutional materiality. That retrospective standard for obtaining relief must not be converted into a routine administrative permission to withhold information whenever an agency predicts that the defendant will probably lose anyway. Massachusetts imposes broader pretrial duties through its procedural and professional rules. Separately, *Napue v. Illinois*, 360 U.S. 264, 269–71 (1959), prohibits allowing known false testimony to stand uncorrected, including false testimony affecting credibility. A disclosure policy must address correction as well as initial production. [5] [6]

This comment uses "potential impeachment material" to describe information warranting preservation and legal review because it may bear on credibility, reliability, bias, or the integrity of evidence. The term does not mean that every complaint is true, every item is admissible, or every nondisclosure establishes a constitutional violation. Preserving and referring information for review requires a different decision from imposing discipline or setting aside a conviction.

2. Massachusetts Discovery Law Directly Implicates POST Information

Massachusetts Rule of Criminal Procedure 14, substantially revised effective March 1, 2025, expressly defines the prosecution team and requires prosecutors to inform and inquire, collect and disclose, preserve and notify. Rule 14(b)(2) requires favorable information without regard to the prosecutor's assessment of credibility, reliability, or admissibility. Rule 14(b)(2)(C)(i)(h) specifically reaches information about a prospective witness contained in a law-enforcement-misconduct database or list maintained by or available to the prosecuting office. Rule 14(c) generally requires available discovery at arraignment and by the first pretrial conference; Rule 14(d) continues the duty. [7]

These requirements make POST's database design consequential to criminal adjudication. Records should carry reliable identities, source references, event dates, disposition histories, and intelligible descriptions. The proposition that a database is available is of limited value if a prosecutor cannot distinguish an absent record from a withheld record, a retired officer from an unlisted officer, or an unresolved investigation from a finding that misconduct did not occur. The recommended solution is a documented search and referral process that preserves those distinctions and identifies the scope of each response.

Graham v. District Attorney for the Hampden District, 493 Mass. 348 (2024), is especially pertinent. The Supreme Judicial Court rejected discretionary withholding of adverse credibility findings, withholding because misconduct could not be conclusively assigned to one officer, and an inadequate inquiry into materials underlying a federal investigation of Springfield policing. The decision demonstrates why an oversight summary cannot replace examination of the underlying records. Its findings concern the prosecutor and the circumstances before the Court; they are not findings of misconduct by POST. [8]

Commonwealth v. McFarlane, 493 Mass. 385, 390–93 (2024), establishes an important limit. The mere existence of a pending civil lawsuit against an officer did not require disclosure on the facts presented, while findings of civil liability against prosecution-team members concerning the performance of their official duties are subject to automatic disclosure and fall within the prosecutorial duty of inquiry. Accordingly, this comment does not propose that all accusations be treated as established Brady violations. It proposes that POST preserve and route information under an articulated screening standard, including supporting evidence that may have significance independent of the filing of a lawsuit. [9]

The Attorney General's August 29, 2025 *Brady/Giglio* Procedure supplies an existing operational reference. It requires database checks, disclosure of database entries, and candid conversations with prosecution-team members. It also addresses specified pending departmental investigations. Its separate required-disclosure list is not a list automatically disqualifying officers from testimony. POST should build compatible exchange procedures without assuming that the Attorney General's internal policy independently binds every district attorney, federal prosecutor, court, or police agency. [10]

3. POST Has Affirmative Statutory Responsibilities and Usable Authority

POST's role cannot be reduced to passive receipt of whatever police departments choose to submit. General Laws chapter 6E, § 3(a), supplies complaint-preservation, investigative, audit, inspection, subpoena, regulatory, and referral powers. Those powers provide a substantial foundation for verifying agency submissions and addressing failures of recordkeeping or reporting within the Commission's jurisdiction. Whether a particular exercise is mandatory depends on the relevant statutory language; a general grant of power should not be inaccurately described as an unconditional duty to take every possible enforcement action. [11]

Section 8(b) generally requires agency heads to transmit complaints within two business days, subject to the statute's treatment of minor matters, and to transmit investigation, disposition, and specified resignation reports. Section 8(e) requires a database that includes complaints and allegations of untruthfulness. Its reach therefore extends beyond adjudicated disciplinary findings. Section 8(c)(2) protects preliminary-inquiry records but expressly permits the executive director to provide evidence usable in a criminal proceeding to the Attorney General, a United States Attorney, or a district attorney of competent jurisdiction. [12]

Sections 4(h) and 4(j) address certification records and a public searchable database. Section 13 separately requires public information concerning specified Commission orders. Section 10 establishes disciplinary grounds and procedures, including consequences for knowing false police reports, perjury, and record tampering. The investigation and hearing timetable under § 10(h) can extend well beyond the time available for criminal discovery. Those are different statutory functions and different clocks. [13] [14] [15]

Existing regulations already supply important connections. Under 555 CMR 12.03(6)(c), POST may require agencies to produce categories of records to prosecutors. Section 12.03 requires records of complaints, investigations, and prosecutorial disclosure determinations; § 12.04 requires reporting concerning civil claims; §§ 12.07–12.08 authorize substantial audit work. These provisions deserve recognition. The regulatory defect is not a complete absence of authority or recordkeeping obligations. It is the absence, in the proposal, of a clear connection to a mandatory, timely, verifiable disclosure process. [16]

The distinction determines the requested remedy. POST should explain how it exercises its existing production authority, identify the records and agencies covered, and establish standing procedures where appropriate. If it concludes that an additional disclosure requirement exceeds chapter 6E or conflicts with confidentiality law, it should identify the precise impediment and propose a targeted statutory amendment. General references to privacy or organizational independence are inadequate substitutes for that analysis.

4. POST Must Distinguish Its Own Disclosure Duties from the Prosecutor's Duty

POST is not automatically the prosecutor in every Massachusetts criminal case. *Commonwealth v. Wanis*, 426 Mass. 639, 643–44 (1998), illustrates the significance of prosecution-team boundaries for internal-affairs records. Its analysis must now be read with the expanded and express provisions of current Rule 14. An assertion that every POST file is automatically within every prosecutor's possession would be too broad. An assertion that POST's institutional independence always insulates its information would be equally unsound. [17]

Where POST personnel participate in a particular criminal investigation or collaborate with prosecutors in evaluating it, the actual relationship should be examined under Rule 14 and *Kyles*. Where POST acts as an independent custodian, other duties remain: preserve records under applicable law, comply with valid legal process, apply the statutory disclosure exception lawfully, and avoid misleading responses about the existence, scope, or availability of records. The appropriate route may involve prosecutorial acquisition, a subpoena, a protective order, or judicial review.

Pennsylvania v. Ritchie, 480 U.S. 39, 57–61 (1987), shows that statutory confidentiality does not necessarily foreclose judicial examination of potentially material evidence. It does not establish an unrestricted defense right to inspect every confidential government file. Massachusetts procedures concerning third-party and privileged records, including *Commonwealth v. Dwyer*, 448 Mass. 122 (2006), must be applied where applicable. The regulation should preserve those routes rather than require defendants to treat a public database search as conclusive. [18] [19]

The Commission should designate counsel and a records officer responsible for urgent criminal-discovery issues. They should document decisions to transmit, restrict, redact, or seek judicial direction, including the legal basis, the affected proceeding when known, and the deadline. A confidential file should not become an untraceable file. Where even notice of a record is legally restricted, the procedure must provide prompt review through an authorized channel rather than unauthorized disclosure.

5. Officers and Agencies Must Preserve and Transmit Favorable Information

Investigating officers and agencies occupy a direct position in the evidence chain. Their records and knowledge can be attributable to the prosecution even when the assigned prosecutor has not personally seen them. Operationally, an officer who recognizes a materially inconsistent witness account, a false report, a compromised exhibit, or an undisclosed benefit to a witness must bring the information into the prosecutorial disclosure process. An internal chain of command should facilitate that transmission, not enable it to be stopped by a supervisor whose own conduct is implicated.

Agency policy should require preservation of original complaints, interview recordings, investigative notes, video, forensic records, drafts where preservation is legally required, and material correction histories. A short disciplinary summary may omit the fact most useful to the defense. Reducing a matter to a personnel code such as "conduct unbecoming" does not communicate whether the conduct involved lying, discriminatory bias, retaliation, coercion, or mishandling evidence. POST should require sufficiently specific descriptions and access to supporting records through lawful channels.

Agency-to-POST reporting and agency-to-prosecutor transmission should be treated as separate obligations. Sending a report to POST does not, by itself, establish that the prosecutor responsible for an affected case received it. Sending a report to one district attorney does not establish receipt by another office handling the same officer's earlier work. The proposed rules should require agencies to identify known prosecuting offices and preserve enough employment and assignment history to permit reasonable tracing of affected cases.

Off-duty conduct and conduct outside Massachusetts require a relevance assessment, not categorical exclusion. Dishonesty in a financial matter, discriminatory communications, witness intimidation, or misconduct that supplies a motive to curry favor with authorities may affect credibility. Conversely, an unrelated minor employment infraction may have no significance to a prosecution. The recommended reporting standard should be broad enough to permit informed review without treating every personnel event as disqualifying misconduct.

Supervisors should ensure continuity after resignation, retirement, transfer, dismissal of charges, an arbitration award, or a change in certification. Those events may alter the proper description or legal availability of a record; they do not establish that the underlying information has become irrelevant to earlier testimony or pending prosecutions. Any correction must travel through the same channels as the original disclosure so that accuracy protects officers and defendants alike.

6. The Proposed Regulation Requires Specific Revisions

Scope and Protection of Existing Rights

Proposed § 3.01(2)(a) preserves independently existing obligations. That provision is important. The accompanying disclaimers concerning standards of care, private rights, and Commission protections should be supplemented by express language preserving criminal discovery, evidentiary preservation, judicial review, and compliance with court orders. A regulation cannot extinguish constitutional rights, but an unqualified disclaimer can still produce harmful administrative misunderstanding. [1]

Section 3.01(1) should also distinguish the prospective application of a new regulatory interpretation from the present disclosure relevance of historical conduct. A pre-enactment event may be outside a newly imposed sanction yet remain relevant to an officer's credibility today. A limitations question concerning discipline should not silently become a destruction or withholding rule for evidence.

Agency and Officer Classifications

Sections 3.03–3.06 address varied agencies, sheriffs, constables, special officers, agency heads, and functional indicators of officer status. A functional approach can reduce evasion through job titles or contracting arrangements. It should be accompanied by a statement that a POST classification determines chapter 6E status and does not determine the entire reach of criminal discovery. An unsworn employee or contractor can possess favorable evidence without being a certified officer. [1]

The sheriff-related exclusions and the definition of police duties in § 3.08 warrant particular care. The draft's treatment of activities inside correctional facilities, prisoner transportation, and other discrete functions must not be understood to remove the evidentiary importance of custody records, transport recordings, or statements obtained in jail. POST should respect the statutory limits on whom it regulates while identifying how relevant information about excluded personnel will be referred to the responsible agency or obtained through lawful process.

For example, an employee's exclusion from POST certification does not resolve whether a recorded statement undermines the prosecution's account of an interrogation. The regulation should make that distinction explicit. Otherwise, a jurisdictional determination made for licensing purposes may be misused as an evidentiary clearance.

Powers and Unauthorized Police Activity

Section 3.07 appropriately explains that certification does not confer additional police powers. Section 3.08 addresses unauthorized exercise of police functions. Information that an investigator acted without required certification or legal authority may matter to suppression, representations made in an affidavit, the accuracy of credentials, or other litigation issues. The consequences are case-specific; loss of certification does not automatically invalidate every arrest or make every statement inadmissible. [1]

POST should nevertheless provide prompt, accurate notice of relevant status changes and their effective dates. Prosecutors and courts need to determine the legal consequences from a complete record. They

should not learn after testimony that a certification restriction was in force or that an investigator inaccurately described authority under oath.

Continuing Jurisdiction and Institutional Responsibility

Section 3.09's treatment of former status, off-duty conduct, and out-of-state events can help preserve continuity. The Commission should use the same continuity in its information systems. A record should remain traceable to the person and conduct even when jurisdiction to impose a particular sanction changes. Administrative reassignment of a record should not sever its relationship to evidence or testimony in a criminal case. [1]

Section 3.10 recognizes agency responsibility in circumstances involving authorized work, knowing tolerance, policy or custom, and deliberately indifferent hiring, training, or supervision. It should expressly identify failures of preservation, truthful reporting, and required transmission as potential subjects of agency review. A department that repeatedly leaves prosecutors uninformed about known credibility problems presents an institutional issue as well as an individual one.

That regulatory framework must not be conflated with municipal damages liability. *Monell v. Department of Social Services*, 436 U.S. 658, 690–94 (1978), requires an actionable policy or custom and causation, rather than ordinary respondeat superior. *Connick v. Thompson*, 563 U.S. 51 (2011), imposes demanding requirements for failure-to-train liability. Proposed § 3.10 does not itself establish a federal damages claim or eliminate applicable immunities. POST can adopt preventive standards without pretending that each administrative breach necessarily proves civil liability. [20] [21]

Obtaining and Transmitting Information

Section 3.11 authorizes POST to obtain information for determinations under the regulation. It should be supplemented by rules governing preservation, classification, referral, and access. The essential question is what happens after POST obtains a record that may undermine an officer's account, an evidentiary practice, or the integrity of a group of prosecutions. Obtaining information is only the beginning of that obligation-sensitive process. [1]

A short cross-reference in § 3.11 can connect the new rule to chapters 8 and 12. Detailed requirements can then be adopted through companion amendments and interagency agreements. If those amendments require additional notice under chapter 30A, POST should provide it. A procedurally proper coordinated rulemaking is preferable to claiming that a jurisdictional regulation alone has solved the disclosure problem.

7. Public Access and Criminal Discovery Require Different Treatment

POST's Officer Disciplinary Records page describes summaries of sustained allegations and discipline; it excludes unfounded and non-sustained complaints and officers who resigned or retired in good standing. These are stated limitations of the public product. They do not establish that POST destroys those records or withholds them from every authorized recipient. They do establish that a search of that product cannot reliably answer whether all potentially favorable information exists. [22]

The distinction is already reflected in 555 CMR 8.06. The regulation separates public disclosure from access by particular authorized individuals. It also contains exclusions involving unresolved or favorably resolved matters, protected information, and certain former officers. A public-access restriction should trigger examination of the lawful discovery route, not an assumption that the information is beyond judicial reach. [23]

POST's November 16, 2023 removal policy is significant in both directions. It allows specified former or departing officers to request removal of disciplinary information from the public database, but expressly preserves internal retention where warranted and potential dissemination through legal process and other lawful routes. It would therefore be inaccurate to characterize that policy as a blanket evidence-destruction policy. The unresolved operational concern is whether those retained records remain discoverable in practice when the public index no longer points to them. [24]

POST should maintain three clearly distinguished services: a public information system governed by public-access law; a secure mechanism for authorized prosecutorial and judicial review; and a dependable process for defense requests and contested access. Appropriate redactions, access controls, protective orders, and correction procedures can protect legitimate interests without treating confidentiality as evidentiary irrelevance.

A record marked "not sustained" must retain its precise meaning. Under POST's own terminology, that disposition reflects insufficient evidence to prove or disprove the allegation; it is different from a determination that the event did not occur. Supporting records may contain inconsistent accounts or objective evidence worth reviewing even when no discipline follows. That does not authorize automatic publication of every complaint. It supports a controlled review standard that examines content and applicable law rather than relying exclusively on disposition labels. [16]

8. Confidentiality and *Garrity* Require Careful Handling Rather than Categorical Withholding

The confidentiality of preliminary inquiries under chapter 6E is real. POST should not publish protected investigative records simply because they might interest the defense. The statute's express prosecutorial-transmission exception, however, must be implemented as a usable process. The words permitting evidence usable in a criminal proceeding should not be reduced administratively to referrals seeking prosecution of the officer while overlooking evidence favorable to another accused person. A disputed interpretation should receive a reasoned legal determination and, where necessary, judicial or legislative resolution. [12]

Garrity v. New Jersey, 385 U.S. 493 (1967), protects against use in a criminal prosecution of statements compelled through the threat of job loss. *Kastigar v. United States*, 406 U.S. 441, 453, 460–62 (1972), explains use and derivative-use immunity and the burden of establishing independent sources. These protections are not a general finding that everything in an administrative investigation is immune from preservation, review, or lawful disclosure. [25] [26]

The appropriate procedure must protect the officer's rights and the defendant's rights together. POST should flag compelled statements, identify independently obtained material, segregate protected content when required, control access by prosecutors investigating the officer, and obtain judicial guidance where necessary. A prosecutor pursuing an officer should not receive unrestricted access to immunized statements merely because another prosecution has a disclosure obligation. Equally, a favorable recording or independently obtained document should not be withheld solely because a personnel file also contains compelled testimony.

Legitimate privileges, sealing orders, and confidentiality statutes require individualized analysis. The public-facing record may properly differ from the record available under a protective order. The requested regulatory safeguard is a prompt, documented resolution process with preservation throughout, including preservation of the reasons for any partial production or withholding.

9. Prosecutors Must Independently Verify and Complete Disclosure

Prosecutors remain responsible for lawful disclosure even when POST improves its systems. A clean database result is not an evidentiary warranty. Prosecutorial protocols should identify the actual prosecution team, inquire beyond a proposed witness list where relevant, check available information, pursue known gaps, obtain supporting records when required, and supplement earlier disclosures. Database entries should be supplied with sufficient context to prevent a pending complaint from being represented as a final finding or a partial summary from being represented as the entire file.

Massachusetts Rule of Professional Conduct 3.8(d) imposes timely disclosure of known exculpatory or mitigating information, with the rule's specified protective-order exception. Comment 3A distinguishes that ethical duty from constitutional materiality and addresses the prosecutor's knowledge. Paragraph (g) prohibits avoiding pursuit of evidence because it would harm the prosecution or help the accused. Paragraphs (i) and (j) impose defined postconviction obligations, subject to their distinct evidentiary thresholds. These provisions should be taught using their Massachusetts text, not substituted ABA numbering. [27]

An office's supervisory procedures should ensure that information survives reassignment of a case, departure of an assistant prosecutor, and changes in an officer's employing agency. Where a credible pattern implicates a unit or shared practice, review should not stop at the one officer whose name appears in a disciplinary caption. The Commission should facilitate identification of known affected assignments and time periods; prosecutors should perform the case matching and legal review for proceedings within their authority.

A disclosure determination and a decision not to call a witness serve different purposes. An officer may remain available to testify while relevant impeachment information must be disclosed. Conversely, an officer omitted from the trial witness list may still have collected evidence, supplied an affidavit, interviewed a witness, or performed a forensic task whose reliability matters. The integrity of the evidence, not only the identity of the trial witness, must guide inquiry.

Timing also requires care. *United States v. Ruiz*, 536 U.S. 622, 629–33 (2002), limits a claim that the federal Constitution invariably requires impeachment disclosure before a guilty plea. That decision should not be misrepresented or used to disregard Massachusetts procedural rules, applicable orders, or broader professional obligations. POST should provide information early enough for the governing proceeding and should treat a known imminent hearing or plea as a reason for immediate review, rather than waiting for its ordinary publication cycle. [28]

10. Judges Must Enforce Discovery While Maintaining Impartiality

Judges do not become members of the prosecution team by adjudicating discovery disputes. Their duty is to apply governing law fairly, provide appropriate review of contested records, and enforce lawful orders. Rule 14(a)(2)(E) permits inquiry into the prosecutor's compliance efforts. Rule 14.2 supplies procedures for compliance certificates, protective orders, additional discovery, and sanctions. Courts should use these tools when the record identifies a concrete deficiency. [7] [29]

A meaningful compliance inquiry can distinguish a public website search from a search of the records reasonably available to the prosecution. It can address whether former employing agencies were contacted, whether relevant internal-affairs records were considered, and whether information excluded from public display was examined through an authorized route. Any certificate should accurately describe what was done and what remains unavailable. A court should not accept an assertion of completeness that is contradicted by a known unresolved records request.

Where a judge makes an adverse credibility finding about an officer, the finding should be recorded clearly and made retrievable under applicable access rules. A routine rejection of testimony because another account was more persuasive is not automatically a finding of deliberate dishonesty. The record should distinguish those circumstances. POST and the judiciary should develop a lawful method for transmitting relevant written findings or transcript references and recording later modification or reversal.

Massachusetts Code of Judicial Conduct Rule 2.15(B) requires reporting to the Office of Bar Counsel when the specified knowledge and substantial-question threshold concerning lawyer misconduct is met; paragraph (D) requires appropriate action in other qualifying circumstances. Paragraphs (A) and (C) separately address judicial misconduct. These rules should not be converted into a claim that every discovery dispute requires a disciplinary referral. They do mean that established misconduct cannot simply be treated as an ordinary scheduling inconvenience. [30]

POST cannot, through this proposal, assume the Supreme Judicial Court's authority over attorney discipline or judicial administration. It can preserve evidence, make lawful referrals, and cooperate in protocols that allow the proper institutions to act. Prosecutors and judges should be included in implementation planning together with the Committee for Public Counsel Services, defense practitioners, and representatives of affected communities.

11. POST Performance Must Be Assessed across the Entire Process

POST's 2025 Annual Report describes 2,703 complaints received and processed, 35 decertification orders, and six final disciplinary suspensions. It reports 69 new preliminary inquiries, 56 completed inquiry reports presented to the Commission, and an increase in inquiries in progress from 78 to 91. It also describes integration with criminal-record systems to alert staff to activity involving tracked officers. These figures demonstrate meaningful activity and technical development. They do not measure whether favorable information reached defendants on time. [31]

The increase of 13 open preliminary inquiries warrants attention, but it is not proof that any particular inquiry was improperly delayed. Complaint counts may include multiple submissions concerning one incident. Decertification counts do not measure all misconduct, and a higher sanction count is not inherently evidence of a better system. Fair evaluation requires case age, complexity, statutory constraints, outcomes, and the quality of interim information handling.

Current public dashboards include agency investigations and pending discipline, complaint submissions, allegation categories, certification information, and officer information. These are useful developments and should be credited. A dashboard describing workload or status nevertheless answers a different question from whether a specific item was preserved, screened, transmitted, received, and disclosed in a particular criminal proceeding. [32]

The Commission should therefore evaluate its performance against the entire process.

1. Does it receive the reports the law requires?
2. Are those reports complete and matched to the right person and agency?
3. Does it identify information potentially significant to criminal cases?
4. Does lawful transmission occur before the relevant deadline?
5. Can it verify that a responsible recipient received the information and acted on any request for clarification?
6. Do corrections and newly discovered facts reach previous recipients?
7. Are failures independently examined and remedied?

Publicly described controls support a finding of capability. The record reviewed for this comment does not establish statewide answers to those questions. That limitation precludes both an accusation that POST deliberately suppresses evidence as a general practice and an assurance that its existing system reliably satisfies all disclosure-related needs. An independent audit of the relevant controls and a published response to its findings are necessary to move beyond institutional assurances.

The totality assessment must also distinguish POST's performance from the misconduct of other institutions. The Commonwealth's forensic-laboratory litigation, including *Committee for Public Counsel Services v. Attorney General*, 480 Mass. 700 (2018), demonstrates the damage caused when an

investigation into official misconduct fails to produce a timely and complete account for affected defendants. Those events are not findings against the subsequently created POST Commission. They are highly relevant notice of the consequences a modern oversight system should be designed to prevent. [33]

Measured on that basis, the present proposal is incomplete as a safeguard for criminal adjudication. It improves the definition of regulated actors and conduct, but offers no demonstrated assurance that the information generated by exercising that authority will reach the justice system in time. The appropriate response is to require that assurance through procedures, testing, and public reporting of performance, not to assume it from the mere existence of a database.

12. The Commission Should Adopt Express Disclosure Safeguards

The following language is proposed for adoption in § 3.01 and a new § 3.12, with conforming amendments to 555 CMR 8.00 and 12.00. It states requested policy choices and should not be mistaken for a quotation of current law. Provisions affecting prosecutorial or judicial practice beyond POST's authority should be implemented through agreement, court rule, or legislation as appropriate.

Preservation of Independent Legal Obligations

Nothing in 555 CMR 3.00 shall limit any obligation to preserve, identify, obtain, transmit, disclose, or correct evidence or information under the United States Constitution, the Massachusetts Declaration of Rights, the Massachusetts Rules of Criminal Procedure, applicable professional rules, a lawful court order, or other applicable law. A determination concerning certification, employment, discipline, or Commission jurisdiction does not determine whether information is discoverable, admissible, or favorable to a criminal defendant.

Agency Preservation and Transmission

Each regulated agency shall maintain a written procedure for preserving and promptly transmitting information reasonably identifiable as potentially favorable to a criminal defendant to a designated official in each prosecuting office known to be handling an affected matter, subject to applicable privileges, confidentiality requirements, and court orders. Reporting to the Commission does not substitute for transmission otherwise required to a prosecuting office. An agency shall document the transmission, recipient, date, records provided, and any known limitation on completeness.

Review by the Commission

The Commission shall designate personnel to review information received or developed in its work for potential significance to criminal proceedings. Where transmission is authorized by law, including M.G.L. c. 6E, § 8(c)(2), the designated personnel shall arrange prompt transmission to the appropriate prosecuting authority. Where a legal restriction or dispute prevents transmission, the Commission shall preserve the material, document the issue, and promptly pursue an authorized resolution. Notification or transmission required by law shall not await a final disciplinary determination.

Records outside the Public Database

Exclusion, removal, or redaction of information from a public database shall not, by itself, determine its retention or availability through criminal discovery or compulsory legal process. The Commission shall maintain a means of locating retained records and reviewing requests for lawful access. Responses shall accurately describe the scope of the search and shall not imply the absence of records merely because records are unavailable to the general public.

Accuracy and Procedural Fairness

Records and notices shall distinguish allegations, pending proceedings, sustained findings, dispositions favorable to an officer, and decisions modified or reversed on review. The Commission shall provide an appropriate mechanism for correction and shall transmit material corrections to prior authorized recipients when practicable. A challenge to accuracy shall be recorded promptly and resolved without delaying a disclosure required by law, unless a competent authority orders otherwise.

Continuity and Affected Cases

The Commission and regulated agencies shall preserve the ability to identify relevant former employment, assignments, and known criminal matters associated with information referred for review. Resignation, retirement, transfer, lapse of certification, or cessation of Commission jurisdiction shall not independently terminate a preservation or disclosure obligation. Upon identification of information suggesting a systemic evidentiary defect, the Commission shall notify the appropriate prosecuting authorities and cooperate in lawful efforts to identify affected proceedings.

Audits and Enforcement

The Commission shall establish a schedule for auditing compliance with these requirements and the related provisions of 555 CMR 12.00. Audits shall test source-record completeness, timeliness, accuracy, lawful access, and correction practices. The Commission shall publish aggregate results and corrective measures to the extent permitted by law. Enforcement shall follow chapter 6E and applicable procedural protections; an information referral alone shall not constitute a finding of misconduct or a determination that an officer may not testify.

13. Implementation Should Be Immediate Where Authority Already Exists

POST should begin with a formal inventory of existing disclosure practices and agreements. Within 30 days of adopting the relevant implementation directive, it should identify the responsible officials, emergency contact process, applicable confidentiality rules, and current use of § 12.03(6)(c). This is a proposed management deadline, not an assertion that existing law specifies 30 days.

Within 90 days, POST should establish a secure referral procedure with the Attorney General and participating district attorneys; define the lawful route for federal cases; consult defense representatives on access problems; and publish the procedure's scope. Routine referrals should have a short maximum interval, proposed here as two business days after identification of potentially favorable information, with immediate escalation when a known court deadline requires it. That proposed transmission interval is distinct from the existing statutory deadline for agency complaint reports.

Within 180 days, POST should complete an independent pilot audit using a defensible sample of records from different agency types, dispositions, and employment statuses. The review should compare original agency files with POST entries, referral records, and recipient acknowledgments. Where participating prosecutors permit or lawful authority supports it, the review should also verify corresponding disclosure records. POST must not represent that it has audited prosecutorial performance when it has examined only its own outbound notices.

The audit should report missing-record rates, reporting delay, referral delay, unresolved access disputes, corrections, and the proportion of sampled matters for which the full information path could be verified. It should separate lawful withholding from unexplained delay, duplicate complaints from distinct incidents, and substantive errors from formatting defects. Publication should avoid exposing protected case information while providing enough methodology to make the results meaningful.

Training should cover the actual Massachusetts rules, the distinction between disclosure and admissibility, pending investigations, retirement and transfer, officer rights, and urgent court deadlines. POST should identify the personnel and funding required for these functions. A claimed resource shortage should be supported by workload and staffing evidence and addressed through a concrete budget request rather than an indefinite postponement of necessary safeguards.

14. Retrospective Review Is Necessary When New Information Affects Old Cases

A prospective system is incomplete if it cannot identify people already affected by the newly discovered information. When POST receives credible evidence of fabricated reports, systemic evidence mishandling, witness coercion, or repeated false testimony, it should preserve the relevant period and assignment information and make a lawful referral for retrospective review. The prosecutor with authority over the affected cases must then apply the governing postconviction rules and professional duties.

This recommendation does not assume that every adverse officer finding invalidates every conviction involving that officer. The inquiry should identify the officer's actual role, the nature and timing of the misconduct, whether independent evidence exists, and the applicable legal standard. Notice must reach represented defendants through counsel and provide an appropriate process for unrepresented defendants. It should not depend entirely on whether a former attorney still monitors an old email account.

Where a disciplinary decision is later reversed, the same system should deliver the correction. Retrospective review must be accurate in both directions. It should preserve the record needed to determine what information was available, what was transmitted, and why a legal decision was made. That record supports fair review for defendants, officers, prosecutors, and the Commission itself.

15. Requested Disposition

The Commission should adopt the useful jurisdictional clarifications in proposed 555 CMR 3.00 only with an express preservation of disclosure-related duties and a coordinated plan for enforceable information handling. It should explain how the proposed provisions interact with chapter 6E, current Rule 14, 555 CMR 8.00, and 555 CMR 12.00. It should identify any additional rulemaking or legislative authority needed and publish deadlines for completing that work.

POST's performance should be judged by the reliability of the institutions and processes it controls: complete and accurate intake, timely lawful referral, accessible retained records, tested reporting practices, and correction of identified failures. Certification totals, sanction totals, and public dashboards are relevant achievements. They cannot establish whether a defendant received favorable information when it could still be used effectively.

The Commission has sufficient demonstrated capacity and existing authority to begin closing these gaps. Its ability to fulfill its responsibilities will ultimately depend on whether it uses that capacity to ensure that information collected in the name of professional standards becomes available, through lawful and verifiable processes, to the institutions responsible for fair criminal adjudication. The final regulation should make that result an operational requirement.

Respectfully Submitted,

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Authorities & Record Sources

The citations below identify the sources supporting the legal analysis and factual assessment. Proposed provisions and implementation deadlines in this comment are recommendations. Online sources were reviewed on October 26, 2026. Bracketed numbers in the text refer to this list.

[1] Massachusetts POST Commission, Proposed 555 CMR 3.00, Regulated Agencies, Officers, and Conduct, revision September 20, 2026, 5:00 p.m., §§ 3.01–3.11, pp. 1–8. Source

[2] *Brady v. Maryland*, 373 U.S. 83, 87 (1963). Source

[3] *Giglio v. United States*, 405 U.S. 150, 153–55 (1972). Source

[4] *Kyles v. Whitley*, 514 U.S. 419, 436–38 (1995). Source

[5] *United States v. Bagley*, 473 U.S. 667, 682 (1985). Source

[6] *Napue v. Illinois*, 360 U.S. 264, 269–71 (1959). Source

[7] Massachusetts Rule of Criminal Procedure 14, Pretrial Discovery from the Prosecution, particularly (a)(1)–(2), (b)(2), (c), and (d), effective March 1, 2025; official consolidated rules, November 2025 compilation. Source

[8] *Graham v. District Attorney for the Hampden District*, 493 Mass. 348 (2024), No. SJC-13386, decided January 23, 2024. Source

[9] *Commonwealth v. McFarlane*, 493 Mass. 385, 390–93 (2024), No. SJC-13430, decided January 23, 2024. Source

[10] Massachusetts Office of the Attorney General, *Brady/Giglio* Procedure, revised August 29, 2025, Parts II–IV. Source

[11] Massachusetts General Laws, chapter 6E, § 3(a), particularly clauses (5), (9), (13), (18), (21), (25), (26), (28), and (29). Source

[12] Massachusetts General Laws, chapter 6E, § 8(b)–(e). Source

[13] Massachusetts General Laws, chapter 6E, § 4(h)–(j). Source

[14] Massachusetts General Laws, chapter 6E, § 13. Source

[15] Massachusetts General Laws, chapter 6E, § 10(a), (d), and (h). Source

[16] 555 CMR 12.00, Maintenance, Reporting, and Audits of Law Enforcement Records and Information, official Commission copy as of December 6, 2024; particularly §§ 12.03(1)(d), 12.03(5)–(6), 12.04, and 12.07–12.08. Source

[17] *Commonwealth v. Wanis*, 426 Mass. 639, 643–44 (1998). Source

[18] *Pennsylvania v. Ritchie*, 480 U.S. 39, 57–61 (1987). Source

[19] *Commonwealth v. Dwyer*, 448 Mass. 122 (2006). Source

[20] *Monell v. Department of Social Services*, 436 U.S. 658, 690–94 (1978). Source

[21] *Connick v. Thompson*, 563 U.S. 51 (2011). Source

[22] Massachusetts POST Commission, Officer Disciplinary Records, public description and exclusions; downloadable records listed as updated October 13, 2026. Source

[23] 555 CMR 8.00, Databases and Dissemination of Information, official Commission copy as of September 1, 2023; particularly §§ 8.05–8.07. Source

[24] Massachusetts POST Commission, Policy on Removal of Certain Information from the Commission's Public Database, approved November 16, 2023, Part I, especially I.E.3. Source

[25] *Garrity v. New Jersey*, 385 U.S. 493 (1967). Source

[26] *Kastigar v. United States*, 406 U.S. 441, 453, 460–62 (1972). Source

[27] Massachusetts Rules of Professional Conduct, Rule 3.8(d), (g), (i)–(k), and Comments 3A, 7, and 8. Source

[28] *United States v. Ruiz*, 536 U.S. 622, 629–33 (2002). Source

[29] Massachusetts Rule of Criminal Procedure 14.2, Pretrial Discovery Procedures, particularly (d), (e), (g), and (j), effective March 1, 2025. Source

[30] Massachusetts Code of Judicial Conduct, Rule 2.15, Responding to Judicial and Lawyer Misconduct. Source

[31] Massachusetts POST Commission, 2025 Annual Report, published April 2026, pp. 13–15 and 29, concerning complaint intake, preliminary inquiries, final disciplinary orders, and information systems. Source

[32] Massachusetts POST Commission, POST Dashboards, current index of public information products. Source

[33] Committee for Public Counsel Services v. Attorney General, 480 Mass. 700 (2018). Source

[34] Massachusetts POST Commission, Notice of Public Hearing for Proposed 555 CMR 3.00, published October 23, 2026. The notice schedules a virtual hearing for November 17, 2026, from 10 a.m. to noon and states that comments received after November 17 at 5 p.m. might not be considered. This comment addresses the version linked in that notice. Source

About the Author

Johann Drolshagen is a cloud architect, software engineer, author, and the founder and architect of The *Brady List*. He has served as Chief Technical Officer of Level Playing Field *Solutions* (LPF) since 2009. His work brings together systems design, information architecture, software development, and the practical information needs of government, law enforcement, and the administration of justice. His professional background includes enterprise cloud systems, open-source platforms, automation, and the integration of information across organizational boundaries.

Level Playing Field *Solutions* develops technology for government, justice, and law enforcement professionals, with an emphasis on accessible information and services that support both institutions and the people they serve. LPF's approach combines shared technical infrastructure with the requirements of individual organizations and jurisdictions. Its published service model provides institutional subscription services alongside free public access. The *Brady List* applies that approach to potential impeachment disclosures and information concerning official conduct.

The perspective advanced in this comment is informed by the development and maintenance of a public platform that organizes records across individuals, organizations, and jurisdictions. Its central concern is the operational distance between possessing relevant information and ensuring that the proper person receives it in time to act. The recommendations therefore address identifiable records, clear responsibility, reliable transmission, correction, and reviewable results. LPF develops and operates the platform proposed below; the author's relationship to that platform is expressly identified so that the Commission can evaluate both the regulatory analysis and the implementation proposal on their merits.

The Brady List

LPF proposes The *Brady List* as a turnkey platform and service framework for implementing the information-management recommendations in this comment. The existing platform organizes potential impeachment disclosure information concerning law enforcement officers, prosecutors, judges, and other government personnel. Its public resources include misconduct records, complaints, disciplinary information, decertification information, and do-not-call material. Institutional participation and jurisdictional compilation provide a practical starting point for a coordinated Massachusetts disclosure system, supported by training and ongoing services.

A turnkey Massachusetts deployment would combine the existing platform and training resources with an agreed implementation scope: agency onboarding, source-record mapping, identity matching, disposition terminology, reporting procedures, authorized access, referral protocols, and support. POST, participating agencies, prosecutors, courts, and defense representatives would establish the rules governing their respective roles. Massachusetts-specific integrations, confidential-record handling, and proof of delivery would be specified and tested during implementation. This approach allows the Commonwealth to begin with an operating platform while requiring the resulting deployment to demonstrate the controls necessary for its particular legal environment.

For POST and Other Oversight Bodies. The proposed deployment would organize information by individual, employing agency, jurisdiction, source, and procedural status. It would connect reporting and correction procedures to a defined referral process, including records relevant to former employment and earlier criminal proceedings. POST would retain responsibility for certification, investigation, discipline, and statutory reporting. The platform would support those functions by making discrepancies, incomplete submissions, unresolved referrals, and changes in status easier to identify and review.

For Law Enforcement Agencies and Officers. Participation would provide a common method for organizing relevant findings and supporting information, identifying the responsible records custodian, and communicating with the appropriate prosecuting office. Officers would benefit from accurate identification, clear distinctions between allegations and findings, and a documented process for correcting errors or recording favorable dispositions. An agency's implementation should carry relevant information through transfers, retirement, and changes in personnel without losing the historical connection to affected cases.

For Prosecutors. The *Brady List* provides a resource for locating potential impeachment information across organizational and jurisdictional boundaries. A Massachusetts implementation would connect that resource to office procedures for inquiry, acquisition of supporting records, case matching, timely disclosure, and supplementation. The operational objective is a record of what was checked, what was located, what remains outstanding, and what was transmitted. The assigned prosecutor would continue to make the legal determinations required by Rule 14 and applicable professional obligations.

For Judges and Court Administrators. The proposed system would support reviewable disclosure procedures by organizing source references, record histories, and the information needed to examine a claim of compliance. Courts could use properly presented records to evaluate requests for further inquiry,

production, protective orders, or other relief. Judicial access to nonpublic material would operate through authorized procedures, with appropriate notice to the parties. Judges would retain responsibility for adjudication, and the platform would not determine credibility, admissibility, or the disposition of a criminal case.

For Defense Counsel, Public Defenders, and Self-Represented Defendants. Public access supplies a practical starting point for identifying relevant people, agencies, source material, and issues requiring investigation. Counsel can use that information to frame targeted requests, examine disclosure completeness, and identify potentially affected prior proceedings. A coordinated deployment should also define the route for obtaining material that cannot lawfully appear on a public website. Access to public records and training should assist the defense without shifting the prosecution's affirmative discovery obligations onto the accused.

For the Public and Independent Reviewers. Searchable public information and documented submission and correction procedures support informed examination of official conduct. Distinguishing a complaint, a pending investigation, a sustained finding, and a later reversal protects the usefulness and fairness of that record. The platform's compliance classifications express its published evaluation standard; a judicial determination of a constitutional violation remains a separate legal question.

Training and Implementation Support. Brady Training Academy provides resources directed to law enforcement, prosecutors, judges, defense counsel, public defenders, and self-represented litigants. A Massachusetts program should combine those resources with instruction on current Rule 14, chapter 6E, POST regulations, confidentiality, preservation, correction, and urgent disclosure deadlines. Training should be tied to the actual procedures personnel use, with practical exercises demonstrating how to recognize relevant information and route it to the responsible recipient.

The Commission should evaluate the proposed service through a defined pilot involving representative agencies and participating prosecuting offices, with judicial and defense consultation. Acceptance should depend on measurable results: accurate identity matching, traceable sources, correct disposition labels, timely referrals, functioning access controls, documented corrections, and verified delivery to responsible recipients. The agreement should establish data ownership, retention, export, support responsibilities, and continuity of access. These requirements would give POST a concrete basis for deciding whether to expand the deployment and would make the service accountable to the same performance standards recommended for the Commission.

The *Brady List* offers an existing institutional and public information resource around which that work can begin. Its proposed value is a common, supported method for organizing and communicating information across the parties responsible for a fair proceeding. Each institution would retain its authority and legal obligations, while the implementation would make the performance of those obligations more consistent, visible, and capable of verification.

Town of Sandwich

THE OLDEST TOWN ON CAPE COD

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SELECT BOARD

TOWN MANAGER

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November 11, 2026

Massachusetts POST Commission
84 State Street
Suite 200
Boston, MA 02109

Re: Town of Sandwich Comments on Draft 555 CMR 3.00 Regulations

Dear POST Commission:

The Town of Sandwich would like to submit the following comments based on the proposed regulations on Draft 555 CMR 3.00: Regulated Agencies, Officers, and Conduct. Specifically, we would like clarification on what positions the proposed regulations would apply to, with our concerns focusing on Harbormaster and Shellfish Officer positions we have locally.

Sandwich, like most coastal communities in Massachusetts, has harbormasters and shellfish officers who assist in regulating protecting areas, ensuring proper behaviors on and near waterbodies, and proper behaviors of individuals using these areas, in coordination with other Town officials, including as necessary the Sandwich Police Department. While these officials are empowered to take enforcement actions, it is extremely rare when a harbormaster or shellfish officer would detain someone without the active involvement of the Police Department, as the primary law enforcement agency.

In submitting comments about the proposed regulation changes to POST, Sandwich wants to make sure the proposed changes do not restrict our existing harbormasters and shellfish officers from exercising the same duties they always have. These officials do not arrest or detain violators and would only take such action with the active involvement of an officially designated law enforcement officer, who is already under the jurisdiction of POST's training and certification requirements.

In addition, if harbormaster and shellfish officer positions are required to attend the State Police Academy, the cost of this would be prohibitive and we would not be able to send them.

Sandwich would request that POST clarify what these proposed regulatory changes would mean for civilian harbormasters and shellfish constables before any changes are officially considered. This clarification would go a long way toward alleviating any concerns we have.

In short, our biggest concern is harbormasters and shellfish officers should not have to be police academy trained or certified to fulfill their jobs. They do not arrest or detain individuals. This is left to properly trained police officers, who are certified by the POST Commission as "law enforcement officers."

Thank you for your consideration of our comments and any clarity you could provide on the role of harbormasters and shellfish officers would be greatly appreciated.

Sincerely yours,

George H. Dunham
Town Manager

Nicolas Giordano
Harbormaster

Jenna Silva
Director of Natural Resources

cc: Select Board
Town Counsel

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



[redacted]

From: Shellfish <shellfish@oakbluffsma.gov>
Sent: Tuesday, November 17, 2026 8:43 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: "555 CMR 3.00."

Good Day,

Please see the attached public comment letter being submitted upon a vote by the Massachusetts Shellfish Officers Association. Please note that this letter was drafted prior to our discussions with Executive Director Zuniga and legal counsel Ravitz.

Respectfully,

Donovan McElligatt
Director
Shellfish Constable
Herring Warden
Town of Oak Bluffs Shellfish Department
dmcelligatt@oakbluffsma.gov
(508) 958-5401

October 15, 2026

Massachusetts Peace Officer Standards and Training Commission

RE: Public Comments on Proposed 555 CMR 3.00 — Regulated Agencies, Officers, and Conduct

Subject: Application of POST Regulations to Municipal Shellfish Constables Appointed Under M.G.L. Chapter 130, Section 98

Dear Commissioners:

The Massachusetts Shellfish Officers Association (MSOA) respectfully submits the following comments concerning the proposed 555 CMR 3.00, Regulated Agencies, Officers, and Conduct, last revised September 20, 2026. MSOA voted to approve this letter for submission on behalf of the Association.

We are concerned about the potential consequences of this regulation for municipal shellfish constables and deputy shellfish constables throughout the Commonwealth.

Our concerns are not intended to challenge the Commission's mission of establishing professional standards, accountability, and oversight for Massachusetts law enforcement. Rather, they concern the application of a regulatory framework designed principally for law enforcement officers to a specialized class of municipal officials whose responsibilities, statutory authority, and training are fundamentally different from those of general police officers.

Of particular concern is the possibility that the proposed regulation could prohibit uncertified shellfish constables from performing essential regulatory enforcement functions, including inspections, investigations, and enforcement of state shellfish laws and municipal bylaws.

Such an interpretation could significantly affect municipal shellfish management, public health protections, and the Commonwealth's ability to maintain compliance with the National Shellfish Sanitation Program (NSSP).

1. The Statutory Role of Municipal Shellfish Constables

Municipal shellfish constables and deputy shellfish constables are appointed pursuant to Massachusetts General Laws Chapter 130, Section 98. Unlike traditional municipal constables appointed under Chapter 41, shellfish constables serve as specialized natural resource management and regulatory enforcement officials. Their responsibilities extend well beyond enforcement and include shellfish propagation, restoration, aquaculture oversight, resource assessments, water quality coordination, public education, and the administration of municipal shellfish management programs. It should be noted that these duties would not easily be able to be assumed into a local Police Department and that M.G.L. Ch 130, Section 8A, provides only limited enforcement authority to local police over Ch. 130 violations, primarily with respect to lobster violations.

Nevertheless, enforcement remains a central statutory responsibility.

Chapter 130, Section 98 expressly directs municipal shellfish constables to enforce laws and regulations concerning shellfish. It also provides specific inspection authority, incorporates certain natural resource officer powers, and currently authorizes arrest without a warrant under specified circumstances. Shellfish constables therefore occupy a unique statutory position. They are municipal natural resource officials with limited enforcement powers expressly conferred by the Legislature. They are **not** general police officers, do not possess general police jurisdiction by virtue of their appointment, and are not necessarily POST-certified.

The distinction between specialized regulatory enforcement authority and general police authority must be clearly established before adopting regulations that may restrict the ability of these officials to perform their statutory duties.

2. Distinction Between Chapter 41 Constables and Chapter 130 Shellfish Constables — Proposed Section 3.02

Proposed Section 3.02 defines a constable as an individual elected or appointed pursuant to M.G.L. Chapter 41, Sections 1, 91, or 91A. However, the proposed regulation does not reference municipal shellfish constables appointed under Chapter 130, Section 98. These are separate statutory offices with different appointment requirements, responsibilities, and authorities.

The shared use of the title "constable" should not automatically result in identical treatment under POST regulations.

We respectfully request that the Commission expressly clarify whether the definition of constable in proposed Section 3.02 includes shellfish constables appointed under Chapter 130, Section 98, or whether these officials must be evaluated separately according to the duties and powers of their specific statutory office. Without this clarification, municipalities may be unable to determine whether their appointed shellfish constables are subject to POST certification requirements.

3. Distinction Between Regulatory Inspections, Investigative Detentions, and Arrests — Proposed Sections 3.02 and 3.04

The proposed regulation defines arrest broadly, including actual or constructive seizures and certain demonstrations of authority. While we recognize the importance of properly identifying an arrest, the proposed language raises questions concerning ordinary regulatory enforcement encounters.

For example, a shellfish constable conducting a lawful inspection may direct a harvester to present shellfish for examination, produce required documentation, or remain at an inspection location while compliance is verified.

Such encounters may involve an assertion of statutory authority and, depending on the circumstances, a temporary restriction on an individual's freedom of movement.

However, not every seizure or compulsory inspection constitutes an arrest. There is a legally significant distinction between:

- A consensual encounter;
- A compulsory regulatory inspection;
- A temporary investigative detention; and
- An arrest.

These forms of interaction involve different legal standards, authorities, and constitutional considerations. The proposed regulation should recognize these distinctions and clarify that a lawful regulatory inspection or temporary investigative detention does not automatically constitute an arrest for POST classification purposes.

This clarification should not create additional authority to detain, search, or arrest. Those powers must remain grounded in applicable statutory and constitutional law.

4. Ongoing Legislative Revision of Chapter 130, Section 98

Chapter 130, Section 98 is currently the subject of an effort to modernize and more clearly define the duties and enforcement authority of municipal shellfish constables. A central component of the proposed revision is the **removal of the existing arrest authority**, while establishing clearer statutory language concerning inspections, investigations, regulatory compliance, and the enforcement of state and municipal shellfish laws.

The intent is to create a well-defined statutory framework that preserves the specialized regulatory enforcement role of shellfish constables without conferring general police authority.

The revision also seeks to clarify what authority shellfish constables possess during lawful field inspections and investigations, including the scope and limitations of temporary investigative detention and reasonable officer safety measures. This effort is especially relevant to the proposed POST regulation.

Removing arrest authority from Section 98 does not necessarily resolve the questions raised by proposed 555 CMR 3.00. Under Section 3.08, activities such as stopping individuals, investigating suspected violations, questioning persons, searching, and seizing evidence may be classified as police duties and functions.

Consequently, even after the removal of arrest powers from Section 98, shellfish constables could potentially remain subject to POST certification requirements simply by performing routine statutory enforcement duties. We respectfully request that the Commission consider this ongoing legislative effort when determining the appropriate classification of municipal shellfish constables.

5. Potential Elimination of Effective Municipal Shellfish Enforcement — Proposed Section 3.08

This is our principal concern with the proposed regulation.

Under Section 3.08, numerous activities ordinarily undertaken by shellfish constables may fall within the proposed definition of police duties and functions. These include questioning individuals,

conducting investigations, exercising authority during inspections, temporarily restricting movement when legally authorized, and seizing evidence of violations.

Section 3.08(2) further establishes potential sanctions for certain uncertified individuals who perform police duties or functions.

If POST interprets these provisions to mean that uncertified shellfish constables cannot perform compulsory inspections, investigate violations, or take other authorized enforcement actions, the practical consequence could be the near-immediate elimination of effective municipal shellfish enforcement in communities employing uncertified shellfish constables.

In such circumstances, enforcement of state shellfish laws and municipal bylaws could become effectively voluntary from the perspective of the local shellfish department. An individual could potentially refuse to cooperate with an inspection or investigation, leaving the shellfish constable unable to compel compliance or proceed with ordinary enforcement activities without risking a POST violation.

This would produce the unusual circumstance in which the Commonwealth requires municipalities to enforce shellfish laws while simultaneously restricting the appointed officials from exercising the authority necessary to fulfill that responsibility. Although the Massachusetts Environmental Police and other appropriately authorized officials would retain their independent enforcement powers, those agencies cannot automatically replace the daily local enforcement presence provided by municipal shellfish constables.

Shellfish harvesting occurs across extensive shorelines, tidal flats, and coastal waters, frequently outside normal business hours and according to changing tides. If POST determines that the only measure of control municipal shellfish constables is consensual compliance and by-law issuance, it relegates shellfish constables to having similar enforcement power as health agents, or building inspectors. However, unlike the typically stationary and breath of available time available to address these civil issues, municipal shellfish constables are required to enforce both criminal and civil violations that involve vehicles, boats and a highly mobile public, where evidence is easy to be disposed of or be consumed quickly.

Effective enforcement requires personnel who are locally available, familiar with specific waterways, and capable of conducting routine inspections when harvesting activity occurs. Without that enforcement presence, the effectiveness of state and municipal shellfish regulations could be substantially diminished.

6. Public Health Consequences and Shellfish Sanitation Enforcement

The potential consequences of this regulatory uncertainty extend beyond fisheries management and conservation. Municipal shellfish constables play an important role in the Commonwealth's shellfish sanitation system. Their public health responsibilities include Vibrio parahaemolyticus prevention and control, enforcement of harvesting closures, and inspections for compliance with applicable tagging, safe harvest, handling, and transport requirements.

North Shore shellfish constables report issuing citations for unlawful harvesting from closed or prohibited areas, including harvesting during rainfall closures, red tide closures, seasonal closures, and sanitary sewer overflow (SSO) closures. They report that most of the illegal harvesting they encounter involves recreational harvesters. These local experiences underscore that public health enforcement extends beyond commercial harvesting and Vibrio controls.

Constables also report inspecting commercial catches at landings for compliance with the requirements described in the Division of Marine Fisheries (DMF) Shellfish Harvesting, Handling, and Transporting Affidavit. These inspections include checking proper tagging, protection of shellfish from sunlight and contamination, clean containers and handling surfaces, and raised storage aboard vessels to prevent contact with bilge water, fuel, oil, or other contaminants. Applicable requirements also address covering shellfish during handling and transport. These safeguards help prevent contamination and preserve the ability to trace harvested shellfish.

Commercial shellfish harvesting and handling are also subject to time-to-temperature requirements and other controls intended to minimize the risk of foodborne illness. Local shellfish officers may be responsible for conducting field inspections, reviewing documentation, and identifying potential violations. These duties often require immediate action in the field or at landings.

If POST determines that uncertified shellfish constables cannot conduct compulsory regulatory inspections or other authorized enforcement activities, the effectiveness of both Vibrio controls and these broader shellfish sanitation safeguards could be significantly compromised.

Inspections could become dependent upon the voluntary cooperation of recreational and commercial harvesters unless another authorized enforcement official is available. Delays in detecting or correcting violations could allow unlawfully harvested or improperly handled shellfish to be consumed or enter commerce before appropriate action can be taken.

A municipality must be able to respond promptly when DMF orders an area closed to harvesting and enforce applicable ongoing closures. Rainfall, sewage discharges, marine biotoxins, and seasonally poor water quality present public health concerns distinct from Vibrio. The inability of appointed shellfish officers to conduct lawful inspections, investigate suspected violations, or issue appropriate citations within their statutory authority could create a substantial gap in these protections.

The Commission should therefore consider the full scope of municipal shellfish sanitation enforcement, including recreational harvest enforcement, commercial landing inspections, and emergency closure response, when evaluating whether the proposed regulation could interfere with activities necessary to maintain compliance with the National Shellfish Sanitation Program.

7. Existing Division of Marine Fisheries Expectations for Municipal Shellfish Constables

The potential conflict between POST certification requirements and municipal shellfish enforcement is especially significant when considered alongside the expectations formally established by the Massachusetts Division of Marine Fisheries.

On September 16, 2024, DMF Director Daniel J. McKiernan issued correspondence concerning shellfish constable powers to the Massachusetts Shellfish Officers Association. The correspondence addressed concerns that some municipalities were restricting the ability of their shellfish constables to perform their statutory duties, potentially in response to uncertainty concerning POST requirements.

Director McKiernan identified DMF's expectations that municipal shellfish constables:

1. Maintain working schedules that allow them to be present when shellfishing activity occurs, including schedules dictated by tides and harvesting conditions.
2. Conduct routine inspections to verify compliance with applicable state and municipal shellfish laws and regulations.
3. Issue appropriate warnings and citations when violations are identified.
4. Work directly with DMF to ensure the effective implementation of emergency public health closures.

The Director also addressed the fact that some municipal shellfish constables are not POST-certified and the importance of municipalities obtaining legal guidance concerning their enforcement authority. This correspondence demonstrates that DMF continues to expect municipal shellfish constables to maintain an effective regulatory enforcement presence, including inspections, enforcement action, and emergency public health responsibilities.

These expectations are directly relevant to the proposed regulation.

If POST determines that uncertified shellfish constables cannot undertake the enforcement functions identified by DMF, municipalities could face conflicting expectations from two agencies of the Commonwealth.

DMF expects municipalities to maintain effective shellfish enforcement programs and to carry out their public health responsibilities. POST could potentially prohibit uncertified municipal shellfish constables from conducting the very activities necessary to satisfy those expectations.

This is not merely an administrative concern.

Municipalities operate shellfish management programs under state authority and must maintain compliance with applicable DMF requirements. Failures in local management or enforcement can jeopardize municipal shellfish program approvals and, depending on the circumstances, result in restrictions or closures of shellfish harvesting areas. A regulatory interpretation that substantially restricts municipal enforcement could therefore create consequences extending to commercial fishermen, aquaculture operators, recreational harvesters, and local economies.

This issue was also discussed during the November 5, 2025 Shellfish Advisory Panel meeting.

During that meeting, Director McKiernan acknowledged continuing uncertainty concerning the extent of shellfish constables' enforcement authority under POST and discussed ongoing efforts to amend Chapter 130, Section 98. The discussion also recognized the challenges created by differences in how municipality’s structure and administer their shellfish departments. These statements demonstrate that

the conflict between the statutory role of municipal shellfish constables and POST requirements is an ongoing issue recognized by DMF.

We respectfully request that the Commission consider the Director's correspondence and the Shellfish Advisory Panel discussion as part of its regulatory review.

8. Classification of Municipal Shellfish Departments as Law Enforcement Agencies — Proposed Sections 3.03, 3.05, and 3.06

Proposed Section 3.03 identifies various law enforcement agencies and allows the Commission to consider additional governmental entities that principally perform functions substantially similar to recognized law enforcement agencies. Municipal shellfish departments are not expressly identified in this section.

A municipal shellfish department is fundamentally a natural resource management department. Its responsibilities typically include managing shellfish populations, operating propagation and restoration programs, maintaining shellfish management infrastructure, coordinating with state regulatory agencies, and administering municipal shellfish licenses and regulations. Although enforcement is an important component of these responsibilities, a shellfish department is not necessarily principally engaged in general law enforcement functions.

Proposed Section 3.06 identifies numerous factors that may be used when determining an individual's status, including uniforms, badges, marked vehicles, enforcement responsibilities, supervision, and statutory authority. Many of these factors apply to shellfish constables simply because of the manner in which their offices have historically been established and operated.

A shellfish constable may wear a uniform, operate a marked municipal vehicle, carry a badge, issue citations, and supervise deputy shellfish constables without possessing general police authority. These characteristics should not, by themselves, establish that the individual or department is equivalent to a traditional law enforcement officer or agency.

The Commission should clarify how specialized municipal natural resource departments are evaluated and whether their regulatory enforcement responsibilities, considered alongside their broader resource management duties, place them within POST jurisdiction.

9. Certification Does Not Confer Additional Statutory Authority — Proposed Section 3.07

We support the principle established in proposed Section 3.07 that POST certification does not independently confer additional jurisdiction or enforcement authority. The authority of a shellfish constable must originate from Chapter 130 and other applicable laws.

Similarly, certification requirements should not be interpreted as creating enforcement powers that the Legislature has not authorized. However, the reverse concern must also be addressed.

If an officer possesses statutory regulatory enforcement authority but is prohibited from exercising it because of certification requirements, the Commission should clearly identify the legal basis for that restriction and the means by which the officer or municipality may satisfy the applicable requirements.

The distinction between possessing statutory authority and satisfying the qualifications necessary to exercise that authority should be expressly addressed in the final regulation.

10. Operational and Municipal Liability Concerns — Proposed Sections 3.08 Through 3.10

The proposed regulation also raises concerns regarding the potential consequences for municipalities and individual officers who continue performing established shellfish enforcement functions. Section 3.08 provides for sanctions involving certain unauthorized police duties and functions.

Section 3.09 outlines the Commission's jurisdiction, while Section 3.10 addresses circumstances under which a law enforcement agency may be held responsible for the actions of its personnel.

Without clear guidance concerning the classification of shellfish constables and their departments, municipalities may face considerable uncertainty. A municipality may direct its shellfish constable to conduct inspections and enforce state and local shellfish regulations in accordance with Chapter 130. The officer may perform those duties in good faith, relying on statutory authority, municipal policy, specialized training, and expectations communicated by DMF.

Nevertheless, if POST subsequently determines that those activities constitute police duties requiring certification, both the individual and the municipality could potentially face regulatory consequences where the applicable jurisdictional requirements are met. This uncertainty is particularly concerning given the longstanding role of municipal shellfish constables throughout Massachusetts.

We respectfully request that the Commission establish clear prospective guidance concerning the scope of any certification obligations and provide an appropriate transition process if previously accepted activities are determined to require POST certification.

11. Requested Clarifications and Recommendations

Before adopting the final version of 555 CMR 3.00, we respectfully request that the Commission address the following questions and recommendations.

A. Statutory classification

Does the Commission consider municipal shellfish constables and deputy shellfish constables appointed under Chapter 130, Section 98 to be law enforcement officers under Chapter 6E? If so, what specific statutory language establishes that classification?

B. Regulatory inspections

May an uncertified municipal shellfish constable continue to conduct inspections expressly authorized by Chapter 130 and applicable DMF regulations? Does the Commission consider compulsory regulatory inspections to constitute police duties and functions requiring certification?

C. Investigations and temporary detention

Does the Commission distinguish between an arrest and a lawful temporary investigative detention for purposes of determining certification requirements? Would properly limited investigative detention authority established through the proposed revision of Section 98 affect the Commission's classification of shellfish constables?

D. Removal of arrest authority

Would removing the existing arrest authority from Chapter 130, Section 98 materially affect whether a shellfish constable falls within POST jurisdiction? If not, which remaining statutory duties or enforcement activities would trigger certification requirements?

E. Vibrio and public health inspections

Would uncertified shellfish constables remain authorized to conduct compulsory Vibrio prevention and control inspections and other shellfish sanitation compliance inspections? How does POST intend to reconcile any restrictions on those activities with DMF's public health requirements and responsibilities under the NSSP?

F. Municipal shellfish department classification

Does the Commission consider municipal shellfish departments to be law enforcement agencies under Section 3.03? What factors distinguish a specialized natural resource management department from a general law enforcement agency?

G. Enforcement continuity

If POST determines that any existing shellfish enforcement functions require certification, what process would allow municipalities to maintain uninterrupted regulatory enforcement and public health protections? Would the Commission consider specialized certification, recognition of relevant training, or another legally authorized mechanism appropriate to these officers' limited duties?

H. Interagency coordination

Will the Commission formally consult with the Division of Marine Fisheries, Massachusetts Environmental Police, Massachusetts Shellfish Officers Association, and municipal representatives before adopting the regulation? We believe that coordination is essential to prevent conflicting interpretations of the authority and responsibilities of municipal shellfish constables.

12. Conclusion

Massachusetts municipal shellfish constables have long served as the primary local officials responsible for managing shellfish resources and enforcing state and municipal shellfish regulations. Their duties involve a unique combination of resource management, conservation, regulatory compliance, and public health protection.

The proposed revision of Chapter 130, Section 98 is intended to modernize and more clearly define those responsibilities, including the removal of arrest authority while preserving appropriately limited regulatory enforcement powers. However, if the proposed 555 CMR 3.00 is interpreted to prohibit uncertified shellfish constables from conducting inspections, investigating violations, or undertaking other statutory enforcement activities, the consequences could be substantial and immediate.

Such an interpretation could effectively turn compulsory municipal shellfish enforcement into a voluntary system, leaving municipalities responsible for enforcing laws that their appointed officials are no longer permitted to meaningfully enforce.

The resulting enforcement gap could extend directly to Vibrio prevention inspections, shellfish sanitation requirements, emergency harvesting closures, resource conservation, and the operation of municipal shellfisheries.

The Division of Marine Fisheries has expressly communicated its expectation that shellfish constables remain capable of performing these duties. The Commission should reconcile those expectations with the proposed POST framework before adopting regulations that could materially affect the Commonwealth's existing shellfish enforcement system.

We are not requesting that shellfish constables be exempted from accountability, appropriate training, or constitutional limitations.

We are requesting that the Commission recognize the distinction between specialized statutory regulatory enforcement and general police authority, and provide clear guidance concerning the activities municipal shellfish constables may continue to perform without POST certification.

We respectfully ask that the Commission expressly address municipal shellfish constables appointed pursuant to M.G.L. Chapter 130, Section 98 in the final regulation, consult with DMF concerning the implications for shellfish sanitation and enforcement, and ensure that municipalities have a legally workable means of fulfilling their statutory responsibilities.

Thank you for your consideration of these comments and for the opportunity to participate in the regulatory process.

Respectfully submitted,
On behalf of the Massachusetts Shellfish Officers Association

Donovan McElligatt

Shellfish Constable / Director of Shellfish Department

Town of Oak Bluffs, Massachusetts

Supporting References

1. Massachusetts POST Commission, *Proposed 555 CMR 3.00: Regulated Agencies, Officers, and Conduct*, draft revised September 20, 2026.
2. Massachusetts General Laws, Chapter 130, Section 98 — Shellfish Constables.
3. Massachusetts General Laws, Chapter 6E — Peace Officer Standards and Training Commission.
4. Daniel J. McKiernan, Director, Massachusetts Division of Marine Fisheries, correspondence concerning *Shellfish Constable Powers*, September 16, 2024.
5. Massachusetts Marine Fisheries Advisory Commission, meeting materials and minutes, September–October 2024.
6. Massachusetts Division of Marine Fisheries, Shellfish Advisory Panel meeting materials, November 5, 2025.

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[redacted]

[redacted]

From: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Sent: Tuesday, November 17, 2026 9:29 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: 555 CMR 3.00

Dear POST Commissioners,

Please find attached public comment on the proposed 555 CMR 3.00 from the Town of Wellfleet Selectboard, which is the executive branch of the municipality's government and the regulatory authority for shellfishing in Wellfleet. The Selectboard is also the appointing authority for Shellfish Constables in the town.

Thank you for your attention and consideration.
Nancy

Nancy Civetta
Shellfish Constable
Town of Wellfleet
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TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

Date: November 10, 2026
To: Massachusetts Peace Officer Standards and Training Commission
RE: Public Comments on Proposed 555 CMR 3.00 — Regulated Agencies, Officers, and Conduct and Application of POST Regulations to Municipal Management of Local Shellfish: M.G.L. Chapter 130, Section 52, and Shellfish Constables Appointed Under M.G.L. Chapter 130, Section 98

Dear Commissioners:

The Wellfleet Selectboard (Board) is an elected board of five members which forms the Executive Branch of the municipal government. The Board also serves as the regulatory authority for shellfishing and the appointing authority for the Shellfish Constable. As such, the Board respectfully submits the following comments concerning the proposed 555 CMR 3.00, Regulated Agencies, Officers, and Conduct, last revised 9/20/2026.

The Board understands that the Massachusetts Peace Officer Standards and Training (POST) Commission is responsible for establishing professional standards, training requirements, certification, and accountability for individuals serving in law enforcement positions throughout Massachusetts. We are concerned because the development of 555 CMR 3.00 raises important questions for municipalities regarding which employees qualify as peace officers under Massachusetts law, which positions may require POST certification, and how the proposed requirements could affect employees who perform specialized regulatory and enforcement duties but are not traditionally employed as police officers. Shellfish officers and constables are specialized municipal personnel that administer and enforce state and local regulations. With 555 CMR 3.00 as proposed, municipalities are facing uncertainty regarding which enforcement activities their employees are legally permitted to perform.

Of particular concern to us both as Wellfleet's executive branch of government and as its regulatory authority for shellfishing, are the responsibilities of Shellfish Constables. Massachusetts General Laws (MGL), Chapter 130, Section 52, establishes the authority of coastal municipalities to control and regulate their local shellfish resources, and MGL Chapter 130, Section 98, authorizes municipalities to appoint Shellfish Constables and Deputy Shellfish Constables and gives Constables their authority, e.g. "to (shall) enforce all statutes, ordinances, by-laws, rules and regulations relative to shellfish." Municipalities operate shellfish management programs under this state authority and must maintain compliance with applicable Mass. Division of Marine Fisheries (MADMF) and National Shellfish Sanitation Program requirements. In order to fulfill these mandates, Shellfish Constables essentially detain shellfishermen to inspect their catches and sometimes seize catches. Under the proposed new Peace Officer Standards and Training (POST) Commission's draft 555 CMR 3.00, Shellfish Constables not currently POST-certified, i.e. having graduated from the Police Academy, will no longer

have the powers of arrest, powers to detain, conduct searches or seizures, and no longer be authorized to write criminal citations for by-law violations.

At Town Meeting on December 14, 1937, an article was passed unanimously "to see if the town will vote to accept Chapter 130 of the General Laws as amended by the Acts of 1933, Chapter 329." This meant that Wellfleet opted into so-called Home Rule, as defined in MGL Chapter 130, Section 52 below. This autonomy has defined our town's cultural identity through the decades.

The role of Shellfish Constable has been constant in Wellfleet since the late 1800's. The position was a supervisor out on the intertidal flats functioning under various titles, such as Fish Constable, Clam Warden and Overseer of the Flats, and one exemplary employee held the position of Shellfish Warden from 1916 to 1952. The positions of Shellfish Constable, Assistant Shellfish Constable and Deputy Shellfish Constable have been continuously filled in Wellfleet to the present day as required by MGL Chapter 130, Section 98. These provisions recognize the unique character of individual coastal communities like ours and the importance of local stewardship in managing and protecting our own natural resources.

Shellfish officers are specialized municipal employees responsible for protecting shellfish resources, inspecting commercial and recreational harvesting, enforcing licensing requirements, investigating illegal harvesting and possession, issuing warnings and citations, and responding to public health closures. These positions oversee every aspect of shellfish propagation, restoration, aquaculture operations, resource assessments, water quality coordination, public education, and the administration of our municipal shellfish management program. More importantly, in order to comply with the federal, state and municipal laws and regulations that allow our shellfish resources to enter the marketplace for public consumption and interstate sales of shellfish, these employees perform essential regulatory enforcement functions, including public health protection, inspections, investigations, seizures and enforcement. Shellfish harvesting occurs across extensive shorelines, tidal flats, and coastal waters, frequently outside normal business hours and according to changing tides. Effective enforcement requires personnel who are locally available, familiar with specific waterways, and capable of conducting routine inspections when and where harvesting activity occurs, e.g. on intertidal flats. Without that enforcement presence, the effectiveness of state and municipal shellfish regulations could be substantially diminished.

The proposed 555 CMR 3.00 is in direct conflict with MGL Chapter 130 and the authorities granted to Shellfish Constables therein. Failures in local management or enforcement can jeopardize municipal shellfish program approvals and, depending on the circumstances, result in restrictions or closures of shellfish harvesting areas if Shellfish Constables are unable to carry out their required responsibilities in order to oversee compliance with federal, state and town laws and bylaws to protect both the resource and public health. A regulatory interpretation that substantially restricts municipal enforcement could therefore create consequences extending to commercial fishermen, aquaculture operators, recreational harvesters, and local economies. This will greatly impact our hundreds-year old shellfishing community and could affect many of the Commonwealth's other coastal towns, whose home rule-managed ex-vessel shellfish landings contribute more than $50M annually to the state's economy.

If the proposed POST 555 CMR 3.00 prevent Shellfish Constables from performing their duties, we would risk that the state close Wellfleet waters to shellfishing because we are unable to meet the requirements set forth to maintain open status by the Commonwealth. If Shellfish Constables would be required to be POST-certified in order to continue these normal professional functions, it would cost the municipality money that currently is neither appropriated nor able to be raised given tight economies. Furthermore, and perhaps even more importantly, it has the potential to change the overwhelmingly positive and respectful relationships that exist between our Shellfish Constables and the hard-working shellfishermen that allow our town to enjoy both the economic and brand success that has been the cornerstone of our town's economy for hundreds of years.

In 2025, Wellfleet landed more shellfish than any other town in the Commonwealth, valued at more than $8M; impressive for a small town of 3,200 year-round residents. Shellfishing is the number one year-round industry in Wellfleet, employing roughly 25% of the working-age population. We sell more than 220 commercial shellfishing permits each year. Wellfleet is the largest aquaculture municipality in the state, by double. Shellfish grants (farms) have existed here since the late 1950's. Today, we have 125 family farms, made up of 163 grants and 136 grant holders who farm more than 203 acres of intertidal bottom. Wellfleet is also the only town in the Commonwealth that allows year-round oyster harvest, which attracts many recreational harvesters. By issuing recreational shellfishing permits, Wellfleet provides opportunities for 1,000 members of the general public to collect oysters, clams and other shellfish.

In order to oversee this large industry as well as the recreational shellfishery, Wellfleet currently employs five staff: a Shellfish Constable, an Assistant Shellfish Constable, and two Deputy Shellfish Constables, all full-time, year-round, as well as a seasonal 20-week, full-time Deputy Shellfish Constable for assistance with the busy summer season of recreational harvest. This is a big financial investment for a small town, but the size of our shellfishing industry, the amount of shellfish sold from our waters each year and the number of people permitted to harvest shellfish merit a professional department this size.

The Wellfleet Oyster brand has existed since the 17th century and is central to the historical and cultural fabric of our community. The revenue that this activity brings into the town is vital to our survival. Not only is $8-$10M a year generated strictly in shellfish sales from local harvesters to wholesale dealers alone, thereby helping our local families thrive, but revenue from shellfish permit sales and grant fees directly supports the town's propagation and capital budgets.

The unintended consequences of mandating Shellfish Constables to be POST-certified include:
1. Loss of enforcement capabilities: Employees may have to discontinue certain activities if they are classified as police duties requiring certification.
2. Increased reliance on police departments: Municipalities may need to redirect arrests, detentions, investigations, and other enforcement responsibilities to local police departments.
3. Increased municipal costs: Additional training, certification, staffing, overtime, and administrative expenses could create significant financial burdens.

4. Reduced enforcement coverage: Specialized municipal employees often provide enforcement coverage during early morning hours, weekends, seasonal activities, and other periods when traditional police coverage may be limited.
5. Potential municipal liability: Municipalities may face additional exposure if employees perform activities determined to be outside their authorized scope or if appropriate training and supervision are lacking.
These concerns are particularly important for smaller communities like ours that rely on specialized personnel to provide regulatory oversight and protect public resources and health without maintaining separate police enforcement divisions for every municipal function. We understand that these CMRs may also apply to harbormasters, building inspectors, health inspectors, and herring wardens, creating further regulatory and financial impacts to a small town like ours.

We would respectfully ask the Commission to think about these consequences, factor in the potential hardships created for municipalities, and evaluate the best way forward to continue the long-standing and effective enforcement of one of the state's largest economies: town-managed shellfish. It is our understanding that the MADMF and Mass. Shellfish Officers Association are re-writing Section 98 and proposing to remove the powers of arrest from Shellfish Constable powers. We support this tactic.

In addition, we would encourage the Commission to carve out Shellfish Constables from required full POST certification when finalizing 555 CMR 3.00. Instead, we would respectfully request that specific courses through the Municipal Police Training Committee (with funding made available) be made available that would help Shellfish Constables achieve something like a mini-POST certification. For example, training around detainment, search and seizure, constitutional law and rights, de-escalation, evidence collection, report writing, or other, all targeted for their specific duties and responsibilities.

The objective should be to maintain professional standards, public accountability, and appropriate oversight without undermining the ability of municipalities to protect public resources, public health, community interests and our vital marine-based economies.

Thank you for your time and consideration of these comments.

Respectfully submitted,
Town of Wellfleet Selectboard

Josh Yeston, Chair

Barbara Carboni, Vice Chair

John Wolf

Shelia Lyons

Ryan Curley

[redacted]

From: Condon, David <dcondon@yarmouth.ma.us>
Sent: Tuesday, November 17, 2026 10:19 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Cc: Rountree, Gracyn (HOU) <Gracyn.Rountree@mahouse.gov>; Dante.lambros@masenate.gov; Smith, Kathryn (SEN) <Kathryn.Smith@masenate.gov>; Bruce Tarr <bruce.tarr@masenate.gov>; LaNatra, Kathleen - Rep. (HOU) <Kathleen.LaNatra@mahouse.gov>; achapdelaine <achapdelaine@mma.org>; Luddy, Hadley - Rep. (HOU) <Hadley.Luddy@mahouse.gov>; Diggs, Kip - Rep. (HOU) <Kip.Diggs@mahouse.gov>; Flanagan, Christopher - Rep. (HOU) <christopher.flanagan@mahouse.gov>; Moakley, Thomas - Rep. (HOU) <Thomas.Moakley@mahouse.gov>; Xiarhos, Steven - Rep. (HOU) <Steven.Xiarhos@mahouse.gov>; Julian Cyr <julian.cyr@masenate.gov>; susan.moran@masenate.gov; brian.taylor@town.barnstable.ma.us; Victoria Cotone <vcotone@plymouth-ma.gov>; Stephanie Ridenour <stephanie.ridenour@harwich-ma.gov>; Pete Whinn <pwhinn@provincetown-ma.gov>; Nicholas Giordano <ngiordano@sandwichmass.org>; tcox@fairhaven-ma.gov; Condon, David <dcondon@yarmouth.ma.us>
Subject: 555 CMR 3.00- Cape & Islands Harbormaster Association Comments

Good morning,

Please accept the attached comment letter from the Cape and Islands Harbormaster Association regarding the proposed updates to 555 CMR 3.00.

Please do not hesitate to contact me with any questions.

Respectfully,

David Condon
Director of Natural Resources
Town of Yarmouth

Office: (508) 760-4800
Direct: (508) 398-2231 ext. 1613
Email: dcondon@yarmouth.ma.us

Cape and Islands Harbormasters Association
P.O. Box 424 Sandwich, MA 02563
www.cihma.org

November 16, 2026

Submitted via email to POSTC-comments@mass.gov

Massachusetts Peace Officer Standards and Training Commission
Attn: Randall E. Ravitz, General Counsel
84 State Street, Suite 200
Boston, Massachusetts 02109

Re: Comments on Proposed Regulation, 555 CMR 3.00: *Regulated Agencies, Officers, and Conduct*

Dear Atty. Ravitz and Members of the POST Commission:

On behalf of the Cape & Islands Harbormasters Association (the "Association"), thank you for the opportunity to comment on the proposed revisions to 555 CMR 3.00. The Association is dedicated to the efficient operation, environmental protection and safety of our harbors and embayments through coordination and training. Our current membership is composed of 23 municipalities, including harbormasters and assistant harbormasters from the Cape & Islands and surrounding areas.

We support the POST Commission's mission of professionalism and accountability under M.G.L. c. 6E and its effort to define clearly who is subject to its authority. We ask that the final regulation state expressly that it does not alter the powers and duties of harbormasters and assistant harbormasters under M.G.L. c. 102, §§ 19 through 21, or other applicable law.

Our central concern is that the draft revisions do not exclusively mention harbormasters, even though the POST Commission has previously addressed them by name. The discussion at the February 15, 2022 POST Commission meeting lists as subject to the statute "harbormasters and assistant harbormasters appointed or employed as law enforcement officers by law enforcement agencies," and as not subject to it those "not appointed or employed as law enforcement officers by law enforcement agencies" (Part III.A and B, item 6). We request revision to the proposed regulations to include similar language defining harbormaster staff that may or may not fall under the statute.

Harbormasters appointed under M.G.L. c. 102, §§ 19 through 21 serve a number of functions, including but not limited to ensuring safe and navigable waterways, search and rescue, emergency medical response, overseeing mooring and dockage, maintaining aids to navigation, and law enforcement under M.G.L. Ch 90B. In several of our member communities the harbormaster operates within a natural resources, harbor or marine services department rather than a police department. We therefore:

(1) request an extension of the comment period,

(2) describe the Massachusetts Harbormaster Training Council and the training framework that already applies to harbormasters,

Cape and Islands Harbormasters Association
P.O. Box 424 Sandwich, MA 02563
www.cihma.org

(3) ask the Commission to clarify whether and when harbormasters fall within M.G.L. c. 6E and 555 CMR 3.00, and
(4) ask the Commission to coordinate with the Council.

1. Request for an extension of the comment period

The Association respectfully requests that the Commission extend the public comment period on proposed 555 CMR 3.00, which is currently set to close on November 17, 2026, by at least 60 days, through January 19, 2027, and that it hold a public hearing or listening session at which harbormasters and municipal appointing authorities can be heard. The draft does not mention harbormasters, so our members and their appointing authorities (select boards, town managers and administrators, with the assistance of municipal counsel) are only now assessing how the proposed regulations may apply to them. Responsible comment requires time to consult those officials, the Massachusetts Harbormaster Training Council, the Massachusetts Environmental Police and the Municipal Police Training Committee. We also ask that this letter be accepted as preliminary and that we be allowed to supplement it, as may be necessary.

2. The Massachusetts Harbormaster Training Council and the existing training framework

We want the Commission to have a clear picture of the training system that already applies to harbormasters. The Massachusetts Harbormaster Training Council (MHTC) sits within the Executive Office of Public Safety and Security and sets policies and standards for training harbormasters and assistant harbormasters in accordance with M.G.L. c. 102, §§ 19 through 21. Its purpose and authority are described in 501 CMR 16.00 and on its website (mass.gov/harbormaster-training-council).

Under M.G.L. c. 102, § 19A and 501 CMR 16.00, harbormasters and assistant harbormasters appointed on a full-time or permanent part-time basis must complete an initial course of study approved by MHTC, and must complete annual in-service training. By statute the initial course must be completed within two years of appointment, and failure to complete required training can result in removal by the appointing authority. Key features of the framework include:

- **Initial course of study:** an MHTC-approved harbormaster training program, which includes: Harbormaster Law Enforcement; a USCG Captain's License (or completion of a USCG Captain's License course, OUPV "six-pack" or higher); NASBLA/USCG Basic Boat Crewman Course; NASBLA/Massachusetts Environmental Police Boating Under the Influence Course; an Officer Water Survival Course; DEP Oil Spill Response Course; USCG Aids to Navigation and Private Aids to Navigation (ATON/PATON); Laws Pertaining to Harbormasters; Marine Theft; and Marine Medical Emergencies
- **Annual in-service training:** in 2025, MHTC approved 20 hours of in-service training for harbormasters and assistant harbormasters, with eligible programs in maritime, law enforcement, environmental, medical, mental health and crisis intervention subjects

- **Exemptions and waivers:** an appointing authority may petition MHTC to exempt a harbormaster with substantially equivalent or greater training and at least two years of experience (501 CMR 16.06), and MHTC has adopted a sub-policy on temporary waivers.
- **Seasonal personnel:** Seasonal employees are excluded from the initial and in-service training mandates (M.G.L. c. 102, § 19A; 501 CMR 16.05 and 16.07)

This framework was designed specifically for the harbormaster role. As the curriculum shows, it pairs law enforcement, boating-under-the-influence and marine theft training with USCG licensing, boat crew, water survival, oil spill response, aids to navigation and marine medical emergency training, reflecting a role that combines navigation safety, rescue and waterfront management with the enforcement of boating and harbor laws. Any potential POST certification pathway for harbormasters should recognize this training and build on it rather than duplicate or displace it. We urge the POST Commission to consult MHTC directly as it finalizes 555 CMR 3.00.

3. Request that the POST Commission clarify whether, and which, harbormasters fall under POST jurisdiction

The Association respectfully asks the POST Commission to state clearly, in the regulation itself and in written guidance, whether harbormasters and assistant harbormasters are "law enforcement officers" subject to M.G.L. c. 6E and 555 CMR, and if so, which ones. Specifically, we ask the POST Commission to address:

- harbormasters and assistant harbormasters appointed on a full-time or permanent part-time basis under M.G.L. c. 102, §§ 19 and 20;
- seasonal, per diem and other temporary harbormaster personnel;
- harbormasters who serve within a police or other department in a law enforcement agency, as opposed to those who serve within a natural resources, harbor, marine, or other department outside a law enforcement agency;

The February 15, 2022 POST Commission meeting discussion distinguished harbormasters appointed or employed as law enforcement officers by law enforcement agencies from those who are not, but it leaves open these questions: which harbor departments are "law enforcement agencies," and how an appointing authority can confirm the answer. We ask that the final regulation resolve these questions, that the 2022 construction remain in effect until the proposed regulations are adopted and take effect, and that appointing authorities be given a reasonable transition period. Municipalities cannot responsibly plan, budget or train until they know whether their personnel are covered.

We recommend that the regulation expressly address harbormasters and assistant harbormasters appointed under M.G.L. c. 102, §§ 19 and 20: those whom the appointing authority has authorized to execute arrests or perform police duties and functions would be law enforcement officers, and those who have not been so authorized would not. The appointing authority could attest to the scope of each individual's authority,

subject to Commission determination, as the draft already provides for Sheriffs and deputies. This creates a clear, administrable line and focuses oversight on those who actually exercise police powers.

4. Coordinate with the Harbormaster Training Council and provide a transition period

As described in Comment 2, harbormasters already operate under MHTC's training framework. We ask the Commission to coordinate with MHTC and MPTC so that any harbormaster who is a law enforcement officer can obtain and maintain certification through a pathway that recognizes MHTC-approved training and avoids unnecessary duplication, and so that training capacity is in place before enforcement begins. If any changes are made such that harbormasters will fall under M.G.L. c. 6E and 555 CMR 3.00, we recommend a transition period of 12 months after the effective date for harbor departments to confirm their status and complete any required certification.

Conclusion

The Association shares the POST Commission's commitment to professional, accountable public safety services on our waterways. We believe the changes above would give harbormasters, appointing authorities, MHTC, and the POST Commission a clearer framework without diminishing oversight of those who exercise police powers. We would welcome the opportunity to meet with POST Commission staff and to assist in developing language for the final regulation. Thank you for your consideration.

Respectfully submitted,

David Condon
President, Cape & Islands Harbormasters Association
dcondon@yarmouth.ma.us
(508) 760-4800

[redacted]

From: Annemarie Grant [redacted]
Sent: Tuesday, November 17, 2026 11:03 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: written copy of spoken public comment for the record

Public Comment on Proposed Regulation 555 CMR 3.00

My name is Annemarie Grant. I submit these comments as a Massachusetts resident and as someone who supports meaningful police accountability, transparency, and independent oversight.

First, I appreciate the Commission's effort to provide clearer definitions regarding who falls under POST jurisdiction and to address situations where individuals exercise law enforcement authority without proper certification. Several provisions, particularly those defining arrests, police duties and functions, and agency responsibility for misconduct, represent important steps toward closing accountability gaps that have historically allowed some individuals to exercise police powers while avoiding regulatory oversight.

However, I urge the Commission to strengthen several aspects of the proposed regulations.

Agency Accountability Must Be More Than a Paper Exercise

Section 3.10 appropriately recognizes that law enforcement agencies may be responsible for misconduct that is knowingly tolerated or results from failures in hiring, training, or supervision. This language is important because misconduct rarely occurs in isolation. Too often, patterns of misconduct develop because supervisors fail to intervene, warning signs are ignored, or problematic practices become normalized within an agency.

I encourage the Commission to clarify how these provisions will be enforced and what consequences agencies can expect when they repeatedly tolerate misconduct. Without meaningful enforcement, agency accountability risks becoming a theoretical concept rather than a practical safeguard for the public.

The Definition of Law Enforcement Officers Should Be Applied Broadly

I support provisions that prevent agencies from avoiding certification requirements through job titles or administrative classifications. Section 3.04 correctly focuses on the actual functions performed by an individual rather than the label assigned to their position.

If an individual is carrying law enforcement authority, supervising officers, conducting investigations, representing themselves as law enforcement, or influencing police operations, they should fall under POST oversight. Public confidence depends on ensuring that accountability follows authority.

Transparency Around Sheriff's Offices Is Critical

The proposed regulations allow sheriffs or their designees to attest that certain employees are not law enforcement officers. While there may be legitimate reasons for those distinctions, I urge the Commission to require public disclosure of such determinations.

The public should know which personnel exercise law enforcement powers and which do not. Transparency is especially important in sheriff's offices, where duties and authority can vary widely between positions. Determinations that remove individuals from certification requirements should not occur behind closed doors.

Constables Should Not Remain an Accountability Gap

I support the inclusion of constables when they engage in activity intended to further an arrest. For too long, certain categories of officials exercising law enforcement authority have operated with limited oversight. When an individual exercises coercive authority over members of the public, that authority should be accompanied by training, certification, and accountability requirements.

Off-Duty Conduct Matters

I strongly support Section 3.09, which recognizes Commission jurisdiction over conduct that occurs on or off duty. Public trust is affected not only by an officer's conduct during scheduled work hours but also by conduct that reflects an abuse of authority, misuse of police status, dishonesty, violence, or other serious misconduct outside of work.

The badge should not function as a shield from accountability when misconduct occurs off duty.

The Public Needs Confidence That Decertified Officers Cannot Simply Reappear Elsewhere

The Commission's authority to sanction uncertified or decertified individuals who continue exercising police powers is essential. Communities across the country have witnessed officers leave one agency after misconduct only to obtain employment elsewhere. Strong enforcement of certification requirements is necessary to prevent this revolving-door problem.

Conclusion

The Legislature created POST because internal accountability mechanisms alone have too often failed to protect the public. These regulations move Massachusetts closer to a system where authority and accountability are inseparable.

I encourage the Commission to strengthen provisions relating to transparency, agency responsibility, and public disclosure while maintaining broad jurisdiction over all individuals who exercise law enforcement authority. The public deserves confidence that anyone entrusted with police powers is properly certified, subject to meaningful oversight, and accountable for misconduct regardless of position, title, or agency affiliation.

Thank you for considering these comments.

Annemarie Grant

Sister of Thomas Purdy murdered by Reno PD & WCSO 10/08/2015

From:	Hill, Carrie (SDA)
To:	Ravitz, Randall E (PST); Hinkle, Margaret R. (PST)
Cc:	Campbell, Andrea J (AGO); Zuniga, Enrique (PST); Landry, Anne (AGO); Cahillane, Patrick; Cocchi, Nicholas (SDH); Coppinger, Kevin (SDE); Bowler, Thomas (SDB); Streeter, Lori (SDF); Joseph McDonald, Sheriff; Donna Buckley; sheriff; Ogden, Robert (SDD); Koutoujian, Peter (SDM); Perelman, James (NSD); McDermott, Patrick (SDN); Tompkins, Steven; Evangelidis, Lewis (SDW); dbair
Subject:	Comments by the Massachusetts Sheriffs" Association: POST 555 CMR 3.00 Regulated Agencies, Officers and Conduct
Date:	Tuesday, November 17, 2026 8:02:16 AM
Attachments:	image001.png MSA Comments to 555 CMR 3.00 11 17 26 .pdf

Dear Attorney Ravitz and Members of the Commission:
On behalf of the Massachusetts Sheriffs' Association (MSA) and the Sheriffs of the Commonwealth, we respectfully submit the attached comments concerning proposed 555 CMR 3.00, *Regulated Agencies, Officers, and Conduct*, published for public comment in advance of the Commission's November 17, 2026 hearing.
Respectfully submitted,

Carrie Hill
Executive Director
Massachusetts Sheriffs' Association
612-306-4831
Carrie.hill@mass.gov
https://www.masssheriffs.org/https://www.masssheriffs.org/

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Massachusetts Sheriffs' Association

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Suffolk County

Lewis G. Evangelidis
Worcester County

November 17, 2026

Randall E. Ravitz, General Counsel
Massachusetts Peace Officer Standards and Training Commission
84 State Street, Suite 200
Boston, MA 02109

(Sent Via Email Only)

RE: Proposed 555 CMR 3.00 — Regulated Agencies, Officers, and Conduct; Comments of the Massachusetts Sheriffs' Association

Dear Attorney Ravitz and Members of the Commission:

On behalf of the Massachusetts Sheriffs' Association (MSA) and the Sheriffs of the Commonwealth, we respectfully submit these comments concerning proposed 555 CMR 3.00, *Regulated Agencies, Officers, and Conduct*, published for public comment in advance of the Commission's November 17, 2026 hearing.

The Massachusetts Sheriffs recognize and support the important objectives of Chapter 6E of the General Laws, including professional standards, accountability, training, and appropriate certification of individuals performing police duties and functions.

The Sheriffs likewise recognize that Deputy Sheriffs and other personnel who actually perform police duties and functions within the meaning of Chapter 6E may appropriately be subject to the Commission's regulatory authority.

The concern addressed in these comments is not the legitimacy of POST oversight, but the scope of its application to the constitutionally and statutorily established Offices of the Massachusetts Sheriffs.

The Massachusetts Sheriffs' perform a broad range of functions that differ materially from ordinary municipal police duties and functions. These include operating correctional institutions, maintaining custody of prisoners, transporting persons in custody, providing court security, executing civil process, and carrying out additional responsibilities established by statute and common law.

The Legislature expressly recognized these distinctions in defining the reach of Chapter 6E.

The MSA is extremely concerned that certain provisions of proposed 555 CMR 3.00 may unintentionally extend POST certification requirements and regulatory jurisdiction beyond personnel who actually perform police duties and functions. In particular, the proposed regulation may require Sheriffs to disclaim longstanding statutory and common-law authority, classify correctional and custodial activities as police duties and functions, and expose Sheriffs' Offices to uncertain regulatory responsibilities.

The MSA respectfully requests that the Commission revise the proposed regulation to preserve the distinction between traditional Sheriffs' functions and general criminal law enforcement duties, while retaining appropriate POST oversight of personnel genuinely performing police duties and functions.

I. The Governing Statutory Distinction Under Chapter 6E

General Laws chapter 6E, § 1 defines a "law enforcement agency" to include a "sheriff's department "in its performance of police duties and functions.

The statute also identifies Deputy Sheriffs and Special Sheriffs within the definition of "law enforcement officer" in connection with their performance of police duties and functions.

The Legislature's use of this limiting language is significant.

It reflects recognition that a Sheriff's Office performs functions that are not necessarily police duties and functions and that the classification of Sheriffs' personnel must take account of the responsibilities actually undertaken.

A regulation implementing Chapter 6E should give operative effect to this distinction.

The mere fact that an individual possesses the title of Deputy Sheriff, works for a Sheriff's Office, carries a firearm, possesses limited arrest authority, or occasionally exercises protective powers should not automatically establish that the individual performs police duties and functions for purposes of Chapter 6E.

Conversely, where a Deputy Sheriff is assigned to general criminal law enforcement duties, conducts criminal investigations outside traditional correctional responsibilities, makes arrests as a regular police function, or otherwise undertakes duties encompassed by Chapter 6E, appropriate certification and oversight applies.

The MSA therefore urges adoption of a functional approach that considers actual and authorized assignments, rather than relying on title, equipment, generalized authority, or isolated conduct alone.

II. Proposed § 3.03 — Definition of Law Enforcement Agency

Proposed § 3.03(1)(h) includes each Sheriff's Office within the definition of a law enforcement agency, subject to exclusions for members or resources that the Sheriff identifies and the Commission determines are neither law enforcement officers nor supporting the work of law enforcement officers.

This formulation presents two concerns.

First, it appears to establish a presumption that the entire Sheriff"'s Office falls within POST jurisdiction, unless particular personnel or resources are affirmatively excluded.

That approach does not reflect the Legislature's, through the enactment of Chapter 6E, distinction between the Sheriff's Office in its performance of police duties and functions and the same Office in its performance of traditional custodial, correctional, administrative, civil responsibilities, common law and Chapter 37 authority.

Second, the proposed reference to resources or personnel supporting the work of law enforcement officers is overbroad.

Personnel engaged in payroll, information technology, records administration, correctional operations, maintenance, transportation, or institutional security may indirectly support POST-certified personnel without themselves performing police duties and functions.

The fact that an employee provides administrative or logistical support to an agency engaged in some law enforcement activities should not, by itself, establish that the employee performs police duties and functions or is subject to officer certification.

Requested Revision

The MSA recommends replacing § 3.03(1)(h) with the following:

"(h) A sheriff's department or office, to the extent that the department or office performs police duties and functions within the meaning of M.G.L. c. 6E, § 1. The inclusion of a sheriff's department or office within the definition of a law enforcement agency shall not, standing alone, establish that all of its members, employees, functions, or resources are subject to law enforcement officer certification or regulation under M.G.L. c. 6E. Such determinations shall be made in accordance with the statutory definitions and the nature of the functions actually performed."

This amendment would preserve the Commission's jurisdiction over qualifying police operations while preventing an extension to unrelated Sheriffs' functions.

III. Proposed § 3.04 — Classification and Attestation of Deputy Sheriffs

Proposed § 3.04(1)(f) raises the Association's most immediate concern.

The proposed provision classifies each Sheriff, Deputy Sheriff, and Special Sheriff as a law enforcement officer unless the Sheriff makes several attestations and the Commission determines that the individual is not a law enforcement officer, thus placing those individuals outside of POST's jurisdiction and regulatory authority.

Among those attestations are statements concerning whether the individual is authorized to execute arrests and which enumerated police duties and functions the individual is not authorized to perform.

The difficulty is that Massachusetts law independently confers certain statutory and common-law authority upon Sheriffs and Deputy Sheriffs. Moreover, the Sheriffs are elected,constitutional officers and the proposed regulatory changes have the operative effect of interfering with, hampering and/or impeding their lawful authority to carry out core functions they were elected to carry out. These core functions were intentionally not abrogated by the Legislature by the passage of Chapter 6E.

A. Existing statutory and common-law authority

In *Commonwealth v. Howe*, 405 Mass. 332 (1989), the Supreme Judicial Court recognized the common-law status and limited arrest authority of Deputy Sheriffs.

In *Commonwealth v. Baez*, 42 Mass. App. Ct. 565 (1997), the Appeals Court discussed the statutory and common-law authority of Deputy Sheriffs, including certain motor vehicle citation powers.

In *Commonwealth v. Gernrich*, 476 Mass. 249 (2017), the Supreme Judicial Court distinguished the limited peace-officer powers of Deputy Sheriffs from the broader authority possessed by municipal police officers under G.L. c. 41, § 98.

These decisions confirm a Deputy Sheriff's powers are not necessarily identical to those of a municipal police officer, and the existence of certain peace-officer powers does not automatically resolve whether a Deputy Sheriff holds the broader legal status of a police officer.

Additional statutory authority is granted in G.L. c. 37, including §§ 11–14 and 24, and G.L. c. 90C, § 3.

G.L. c. 147, § 8A addresses authority relating to the carrying of weapons and equipment by Sheriffs, Deputy Sheriffs, and specified correctional personnel. This authority, granted by the Legislature without limitation, gives the Sheriffs the authority to arm and equip personnel in accordance with the operational needs of the organization in carrying out its core and essential functions.

G.L. c. 269, § 1, *et seq.*, imposes responsibilities upon Sheriffs and their deputies concerning unlawful assemblies and the restoration of public order. Failure to perform these responsibilities carries civil and criminal liability.

Chapter 6E should not be construed as either silently extinguishing these independently established powers, nor abrogating the broad authority granted to the Sheriffs pursuant to Chapter 37.

B. The problem with categorical attestations

The proposed regulations requires a Sheriff to certify that an individual is not authorized to undertake activities which are permitted or required by statute or common law.

There is an important distinction between a Sheriff's decision not to assign a Deputy Sheriff to perform general criminal law enforcement duties and a representation that the Deputy possesses no legal authority to undertake particular acts under any circumstances.

The former is an appropriate administrative determination.

The latter may conflict with longstanding statutory and common-law principles, or create uncertainty concerning the continued availability of protective powers in unusual or exigent circumstances.

For example, a Deputy Sheriff engaged in court security, prisoner transportation, traffic control detail, or civil process may possess authority to intervene in a breach of the peace or to respond to an immediate public safety emergency without ordinarily functioning as a POST-certified police officer.A Sheriff should be able to attest that such an individual is not assigned to perform police duties and functions without being required to disclaim the existence of independent legal authority.

The MSA does not assert that all exercises of arrest authority are outside Chapter 6E. Rather, it requests clarification that the nature, purpose, and circumstances of the activity must be considered before determining that certification is required.

C. The proposed majority-of-time criterion

The requirement concerning whether an individual devotes a majority of working time to police duties and functions also warrants clarification.

Time devoted to particular activities may assist in determining the nature of an assignment, but the statutory question should not turn exclusively upon a numerical percentage. Rather, an individual's post assignment should be the key determining factor.

A Deputy regularly assigned to perform police duties and functions may require certification even though those duties occupy less than half of the deputy's working time.

Conversely, an employee whose responsibilities involve correctional supervision, custody, prisoner transportation, traffic control details, civil process, and court security should not be classified as a law enforcement officer merely because some activities resemble those ordinarily performed by POST-certified police officers.

D. Requested replacement language

The MSA recommends replacing § 3.04(1)(f) with:

"(f) A Sheriff, Deputy Sheriff appointed pursuant to M.G.L. c. 37, § 3, or Special Sheriff appointed pursuant to M.G.L. c. 37, § 4, to the extent that the individual is authorized and assigned to perform police duties and functions within the meaning of M.G.L. c. 6E, § 1.

In determining whether an individual covered by this subsection performs police duties and functions, the Commission shall consider the individual's assigned responsibilities, actual duties, customary activities, and the nature and purpose of any law enforcement authority exercised, and the post or assignment of said individual.

An individual shall not be classified as a law enforcement officer solely because the individual holds the title of Sheriff, Deputy Sheriff, or Special Sheriff; possesses limited statutory or common-law peace-officer authority; is authorized to carry a firearm or other defensive equipment; or performs traditional correctional, custodial, civil process, traffic control details, prisoner transportation, or court security functions.

A Sheriff may submit a written designation describing an individual's assigned duties and identifying whether those duties include police duties and functions. The designation shall not require the Sheriff to disclaim independently established statutory or common-law authority. The Commission may review such a designation and make a contrary determination, supported by written findings identifying the duties and statutory grounds for its decision."

E. Additional savings provision

The MSA further recommends adding a new § 3.04(5):

"Nothing in 555 CMR 3.04 shall be construed to extinguish, diminish, or require a Sheriff to disclaim any statutory or common-law authority conferred upon a Sheriff, Special Sheriff, or Deputy Sheriff under Massachusetts law. The existence of such authority, without more, shall not establish that an individual performs police duties and functions within the meaning of M.G.L. c. 6E.

Any classification determination shall consider the nature of the individual's assigned duties, the purposes for which authority is exercised, and the distinction between traditional sheriff functions and general criminal law enforcement activities. Nothing in this subsection shall authorize an individual to perform police duties or functions without certification where certification is required by law."

The final qualification is intended to preserve the Commission's proper authority over uncertified individuals who undertake functions requiring certification.

IV. Proposed § 3.06 — Commission Status Determinations

Proposed § 3.06 identifies numerous factors that the Commission may consider when determining whether an individual qualifies as a law enforcement officer or agency head.

Several of these factors may be relevant in ordinary police agencies. However, their application to Sheriff's Offices could produce unintended consequences.

For example, the proposed regulation identifies firearms, uniforms, badges, handcuffs, supervision of certified personnel, work within agency facilities, and organizational position as considerations bearing on POST status.

Many correctional officers, transportation personnel, court security personnel, and supervisory employees possess one or more of these characteristics as an ordinary incident of performing Sheriff's Office functions.The presence of those characteristics does not necessarily establish that the employee performs police duties and functions.Nor should the supervision of a certified Deputy Sheriff, or participation in administrative reporting, automatically convert a civilian or correctional administrator into a law enforcement officer.

The proposed regulation should give primary weight to the nature of the person's actual and assigned responsibilities.

Requested Revision

The MSA recommends adding the following provision to § 3.06:

"In applying the factors identified in this section to personnel of a Sheriff's Office, the Commission shall distinguish between traditional correctional, custodial, court security, traffic control details, civil process, and prisoner transportation responsibilities and the performance of police duties and functions within the meaning of M.G.L. c. 6E. No individual's status shall be determined solely by title, uniform, badge, possession of equipment, authorization to carry a firearm, location of employment, or incidental supervisory or administrative responsibilities. The Commission shall consider the individual's actual and assigned duties and

shall provide a written explanation identifying the duties and statutory basis supporting any determination contrary to the Sheriff's designation."

V. Proposed § 3.07 — Preservation of Existing Law Enforcement Powers

Certification should not be treated as a substitute for an underlying statutory or common-law grant of authority.

Classification under Chapter 6E should not itself be construed as extinguishing authority that Massachusetts' law independently grants to Sheriffs and Deputy Sheriffs.

Requested Addition

"Nothing in 555 CMR 3.00 shall be construed to diminish or limit the statutory or common-law powers of a Sheriff, Special Sheriff, or Deputy Sheriff, except to the extent that applicable law expressly conditions the performance of particular police duties and functions upon certification or other legal requirements."

This language would supplement, rather than replace, the present provision.

VI. Proposed § 3.08 — Police Duties and Functions

The MSA recognizes the Commission's effort to identify activities that constitute police duties and functions.

However, proposed § 3.08(1)(a) lists activities that may occur as a routine and necessary part of traditional Sheriffs' responsibilities.

These include suppressing disturbances, dispersing individuals, searching persons, questioning individuals, carrying a firearm, and supervising employees engaged in such activities.

The proposed provision concerning activities undertaken outside correctional facilities creates uncertainty.

A. Prisoner transportation and court security

Sheriff's personnel regularly operate outside correctional facilities while transporting prisoners to courts, hospitals, medical appointments, other correctional institutions, and authorized destinations.

The transportation function may require firearms, restraints, searches, custody maintenance, escape prevention, and immediate intervention to preserve safety.

Similarly, court security may require deputies to maintain order, protect judicial personnel and members of the public, screen or search individuals, and respond to threats or disturbances.

The MSA appreciates that proposed § 3.08(1)(b) recognizes prisoner transportation as an activity that does not independently constitute a police function.

However, the proposed regulation should clarify that the necessary incidents of that function are also included in the exclusion, where they are performed pursuant to lawful authority and in furtherance of custody, institutional security, or court security responsibilities.

Otherwise, a function nominally excluded from POST jurisdiction could become subject to certification requirements whenever it involves an activity separately identified in § 3.08(1)(a).

B. Civil process

Service of process and execution of court orders may require Deputy Sheriffs to encounter hostile individuals, preserve order, secure property, or respond to threats.

These activities should not automatically transform civil process service into general police work.

However, where an individual is separately assigned to perform general criminal law enforcement duties, those duties remain subject to applicable certification requirements.

C. Disturbances and limited peace-officer powers

The Commission should also recognize that the possession and occasional lawful exercise of limited peace-officer powers is not necessarily equivalent to performing general police functions as an ordinary assignment.

The need to respond immediately to a breach of the peace, protect another person, or exercise authority conferred by statute should not produce uncertainty about an employee's underlying status.

D.Traffic Control by Deputy Sheriffs (Traffic Control Details vs. Security Details)

The MSA further notes that Deputy Sheriffs have historically performed traffic-direction duties throughout the Commonwealth, including construction details and other assignments involving the orderly movement of vehicles and pedestrians.

In its June 1, 2026, *Final Report on Sheriffs' Budgets and Expenditures*, the Massachusetts Office of the Inspector General acknowledged that nearly all Sheriffs' Offices permitted non-POST-certified deputies to work private traffic details and expressly identified uncertainty concerning the application of Chapter 6E to those assignments. See Finding 35, at 90.

Further, Massachusetts law also recognizes that Deputy Sheriffs possess certain traffic-related powers.
See *Commonwealth v. Baez*, 42 Mass. App. Ct. 565, 567–568 (1997), recognizing a Deputy Sheriff's authority under G.L. c. 90C to stop a motorist for a civil motor vehicle infraction and issue a citation.

The MSA respectfully requests clarification that traffic control details lawfully undertaken by a Deputy Sheriff does not become a police function solely because the Deputy carries authorized defensive equipment, wears a uniform or badge, or gives ordinary traffic-control instructions.

This clarification would preserve the Commission's authority over actual police functions while avoiding unnecessary uncertainty concerning longstanding sheriff operations. Nothing in the requested clarification would independently confer traffic-control powers or authorize any activity beyond the deputy's otherwise lawful authority.

D. Requested clarification

The MSA recommends adding the following provision to § 3.08(1):

"For purposes of this section, the performance of traditional Sheriffs' functions, including correctional operations, custody and control of prisoners, authorized prisoner transportation, court security, civil process service, traffic control details, and activities reasonably incidental to those functions, shall not, standing alone, constitute the performance of police duties and functions.

Such activities may include the lawful carrying of firearms or defensive equipment, searching persons in connection with custodial or security responsibilities, applying restraints, maintaining custody, preventing escapes, preserving order, responding to disturbances, and exercising limited protective or peace-officer authority when necessary and otherwise authorized by law.

This provision shall not exempt an individual who is separately assigned to perform general criminal law enforcement duties or who otherwise performs activities for which certification is required by M.G.L. c. 6E. The nature, purpose, and circumstances of the conduct shall govern."

E. Sanctions and emergency circumstances

The MSA also requests clarification concerning §§ 3.08(2), (3), and (4).

The draft contains exceptions for self-defense, prisoner safety during transportation, and other exigent circumstances.

Those exceptions are helpful but do not fully resolve uncertainty about the classification of ordinary Sheriffs'activities.

The Commission should distinguish between an individual who knowingly undertakes police duties and functions requiring certification and an individual lawfully performing traditional Sheriffs' functions that do not independently require certification.

Any sanction should be grounded in an identifiable statutory authorization and imposed through procedures appropriate to that sanction.

The MSA therefore requests additional language providing:

"No sanction under this section shall be imposed solely because an individual lawfully performs a traditional Sheriffs' function or exercises authority incidental to that function, where the conduct does not constitute police duties and functions requiring certification under M.G.L. c. 6E. Any sanction shall rest upon an identified statutory basis and shall be imposed in accordance with applicable notice, hearing, and review requirements."

VII. Proposed § 3.09 — Scope of Commission Jurisdiction

Proposed § 3.09 identifies a broad range of persons, entities, conduct, and circumstances potentially subject to the Commission's jurisdiction.

The MSA recognizes that the Commission must possess sufficient authority to investigate matters within its statutory responsibilities.

Nevertheless, regulatory jurisdiction should remain connected to the persons, activities, and subject matter that Chapter 6E places within the Commission's authority.

The mere fact that an individual works for a Sheriff's Office, supervises an employee who is POST-certified, or provides administrative support to an operation involving certified personnel should not independently confer unrestricted regulatory jurisdiction over matters unrelated to Chapter 6E.

The Commission's power to compel information or regulate the conduct of individuals should similarly be exercised within the bounds of express statutory authority.

Requested Addition

"Nothing in this section shall be construed to extend the Commission's substantive jurisdiction beyond that authorized by M.G.L. c. 6E or other applicable law. With respect to a Sheriff's Office and its personnel, the Commission's exercise of jurisdiction shall be related to the statutory status, conduct, certification, or other matter that provides the legal basis for such jurisdiction. Employment by, affiliation with, or administrative support of a Sheriff's Office shall not, standing alone, establish that an individual performs police duties and functions or is subject to law enforcement officer certification."

VIII. Proposed § 3.10 — Responsibility of Sheriff's Offices for Individual Conduct

The MSA understands the Commission's interest in ensuring that agencies are accountable for matters properly within POST jurisdiction.

However, § 3.10 should not be construed as establishing new substantive forms of employer liability beyond the authority provided by Chapter 6E.

The proposed references to supervisory responsibility, institutional policies, and deliberate indifference could be understood as incorporating legal standards developed in other contexts without clearly identifying their applicability to particular POST proceedings.

The MSA requests that the Commission clarify that agency responsibility under § 3.10 must be based upon an identifiable statutory or regulatory obligation within the Commission's jurisdiction.

The regulation should also distinguish between conduct knowingly authorized, directed, or tolerated by agency leadership and conduct independently undertaken by an employee contrary to instructions and established agency policy.

Requested Addition

"A determination of agency responsibility under this section shall identify the statutory or regulatory duty applicable to the agency, the conduct constituting the alleged violation, and the factual basis for attributing that conduct to the agency. Nothing in this section shall create a new independent cause of action or a basis for

imposing monetary or other sanctions beyond those authorized by M.G.L. c. 6E or other applicable law. Any determination shall be subject to applicable procedural protections."

IX. Need for a Clear, Predictable Classification Procedure

Because the proposed regulation will directly affect operational assignments, staffing, certification, training, and public safety responsibilities, the MSA believes a clear and efficient classification procedure is essential.

The MSA respectfully recommends that the Commission adopt a process under which a Sheriff may submit a written designation identifying the ordinary duties of an individual or class of positions.

The Commission should be authorized to request additional information where necessary and should provide written notice of any determination that differs from the Sheriff's designation.

The written determination should identify the particular duties constituting police duties and functions and explain the statutory and regulatory grounds supporting the Commission's conclusion.

The MSA also recommends a reasonable opportunity for the Sheriff to seek reconsideration or administrative review before an adverse classification determination produces prospective certification or enforcement consequences, except where immediate action is authorized by law to address a significant public safety concern.

A practical implementation period should be provided for existing personnel whose classification changes because of the adoption of the regulation, to the extent consistent with statutory requirements.

These procedures would promote consistency among the Sheriff's Offices, reduce unnecessary disputes, and allow the Commission to focus its resources on individuals performing actual police duties.

X. Conclusion and Requested Action

The Massachusetts Sheriffs' Association supports the Commission's responsibility to implement Chapter 6E and ensure professional accountability for individuals who perform police duties and functions.

At the same time, the MSA respectfully submits that the proposed regulations requires further clarification to avoid interfering with, hampering and/or hindering traditional Sheriffs' core functions and responsibilities granted via longstanding statutory and common-law authority.

The essential distinction is between the possession of authority and the performance of police duties and functions requiring certification.

A Deputy Sheriff may possess limited peace-officer authority, carry a firearm, provide court security, transport prisoners, engage in traffic control details, or carry out civil process responsibilities without necessarily being assigned to perform general criminal law enforcement duties.

Conversely, a Deputy Sheriff actually assigned to perform police duties and functions within the meaning of Chapter 6E should remain subject to appropriate POST oversight.

The MSA therefore respectfully requests that the Commission:

1. Revise § 3.03 to limit the classification of Sheriff's Offices to their performance of police duties and functions, consistent with Chapter 6E.
2. Revise § 3.04 to eliminate categorical presumptions based solely upon Sheriff or deputy status and replace the existing attestation requirements with a functional classification procedure.
3. Expressly preserve independently established statutory and common-law authority without treating that authority, standing alone, as determinative of POST certification status.
4. Clarify §§ 3.06 and 3.08 to distinguish traditional Sheriffs' functions and necessary incidental activities from general criminal law enforcement duties.
5. Retain § 3.07's principle that POST certification does not independently confer additional powers, while clarifying that the regulation does not independently extinguish existing lawful authority.
6. Clarify §§ 3.09 and 3.10 to ensure that Commission jurisdiction and agency responsibility are exercised within applicable statutory and procedural limits.
7. Establish a clear, written process for resolving disputed classifications and provide appropriate implementation guidance for existing personnel.

The MSA would welcome the opportunity to continue working cooperatively with the Commission and its staff to develop language that achieves these objectives while preserving the Commission's important responsibilities under Chapter 6E.

Thank you for your consideration of these comments and for the Commission's continuing work to strengthen public confidence in law enforcement throughout the Commonwealth.

Respectfully submitted,

On behalf of the Massachusetts Sheriffs' Association and its member Sheriffs,



Sheriff Patrick Cahillane, President

Cc: Andrea Campbell, Attorney General
Sheriff Nicholas Cocchi, Vice President
Carrie Hill, Executive Director

From:	Wendy Brough
To:	POSTCcomments (PST)
Subject:	555CMR 3:00 Letter in Opposition
Date:	Tuesday, November 17, 2026 12:34:15 PM
Attachments:	POSTC 555CMR 3.00 - Town of Oak Bluffs 11.17.2026.pdf

Good Afternoon POST Commission:

Please find the attached letter from the Town of Oak Bluffs MA, Select Board, in opposition to the proposed **555 CMR 3.00: Regulated Agencies, Officers, and Conduct**.

Thank you for your consideration of our letter and we remain available for any further comment.

Respectfully,

Wendy Brough
Town Administrator
TOWN OF OAK BLUFFS
wbrough@oakbluffsma.gov
Tel: 508-693-3554 ext: 113
Fax: 508-696-7736

PO Box 1327
Oak Bluffs, MA 02557

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However, the information contained in this e-mail and in the accompanying attachments is intended solely for the use of the individual/entity named above. If you have received this e-mail in error, please notify us.

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Select Board

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William F. Cleary
Sean P. DeBettencourt
Emma Green-Beach
K. Mark Leonard

Wendy Brough
Town Administrator

November 16, 2026

Massachusetts Peace Officer Standards and Training Commission
84 State Street, Suite 200
Boston, MA 02109
By email: POSTC-comments@mass.gov

Re: Proposed 555 CMR 3.00 — Opposition to adoption at this stage and request for municipal impact review

Dear Members of the Commission:

The Oak Bluffs Select Board opposes adoption of proposed 555 CMR 3.00 at this stage and requests that the Commission defer final action until the fiscal, legal, and seasonal enforcement consequences for municipalities have been evaluated and addressed. In particular, we oppose changes that would broaden or materially alter the treatment of specialized municipal enforcement personnel without clear legal boundaries, a municipal impact assessment, identified funding, and a workable transition. The unresolved consequences are substantive implementation issues, not details that should be left for towns to solve after adoption.

We support professional standards, constitutional protections, and public accountability. The proposal's stated purpose—clarifying regulated agencies, officers, police duties, and agency responsibility—makes precision essential. A statewide framework must distinguish specialized regulatory and resource-management work from police functions and explain the consequences of that distinction before municipalities are expected to change appointments, staffing, or service delivery. Coastal, island, and tourism-dependent communities should not bear avoidable enforcement gaps and unbudgeted costs as the price of regulatory uncertainty.

Fiscal impacts: new obligations require a costed and funded plan. If specialized personnel become subject to additional certification, training, or supervision requirements, municipalities could incur paid training time, replacement coverage, overtime, recruitment, travel, lodging, recordkeeping, and recurring compliance expenses. Island transportation and housing constraints can make those obligations harder to meet. Transferring shellfish or harbor enforcement to police would shift—not eliminate—costs and workload, potentially requiring additional staffing or displacing existing services. Before final action, the Commission should identify affected positions, estimate initial and recurring costs, assess available training capacity, and identify state funding. Municipal budget and appropriation cycles must be respected; new obligations should not be presumed absorbable within existing resources.

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K. Mark Leonard

Wendy Brough
Town Administrator

November 16, 2026

Legal impacts: define authority and responsibility before changing practice. The Commission should provide a written reconciliation of the proposed framework under M.G.L. c. 6E with specialized statutory appointments and duties, including M.G.L. c. 130, § 98 governing shellfish constables. A statutory appointment does not by itself resolve POST certification requirements, and the Town does not seek permission for uncertified personnel to exercise police powers contrary to existing law. We seek specific, legally supportable boundaries between administrative inspections, permit checks, notices, resource management, and functions requiring certification or additional legal authority. Unclear boundaries could expose enforcement actions to challenge, complicate evidence handling and supervision, and increase legal and risk-management expenses. Routine building and health inspections should not be presumed subject to POST solely because they involve regulatory compliance. Any change requiring legislative action should be identified expressly, rather than left to uncertain local interpretation.

Seasonal enforcement: do not compound summer-policing constraints. Oak Bluffs must plan for concentrated summer demands on its harbor, waterfront, roads, businesses, and public spaces. Shellfish and marine enforcement also depend on tides, harvesting seasons, weekends, and public-health closures. The concerns surrounding POST and summer police enforcement provide a warning: certification eligibility and training lead times can narrow the personnel available for short seasonal assignments. POST certification and police-training requirements are related but distinct, and their combined effects on seasonal hiring and coverage warrant explicit review. Extending comparable obligations to specialized personnel could compound seasonal recruitment difficulties while redirecting additional enforcement calls to the certified police officers needed for traffic, events, and emergency response. That combination could reduce timely coverage precisely when demand is greatest. The Commission should assess this cumulative effect, not evaluate each affected position in isolation.

Accordingly, the Select Board requests that the Commission defer final action and complete the following steps before bringing the proposal forward for adoption:

1. **Publish a duty-by-duty applicability matrix.** Address shellfish possession inspections, permit checks, administrative citations, harbor and mooring compliance, herring-run protection, building and health inspections, and referrals to police. Explain which activities require certification, which do not, and the statutory basis for each distinction. Evaluate actual powers and duties rather than job titles alone.
2. **Resolve statutory and supervisory questions in writing.** Reconcile specialized municipal authority with M.G.L. c. 6E, identify matters requiring legislative action, and explain agency responsibility,

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November 16, 2026

supervision, and the process for obtaining formal applicability determinations. Deferral of this proposal must not be represented as suspending existing law.

3. **Complete a coastal and seasonal municipal impact assessment.** Identify affected positions, qualifications, training availability and lead times, initial and recurring costs, and reporting obligations. Compare retaining specialized personnel with transferring work to police, including overtime, replacement coverage, and cumulative peak-season demands. Include coastal, island, small-town, and tourism-dependent communities.
4. **Consult the municipalities that must implement the rule.** Engage specialized enforcement departments, municipal officials, police leadership, marine-fisheries and harbor-management stakeholders, and police-training authorities before settling revised language. Consultation should address practical enforcement scenarios and lawful continuity of essential services.
5. **Provide funding and a realistic transition.** Identify state financial assistance and adequate training capacity before imposing new obligations. Align implementation with municipal appropriations, recruitment, and seasonal operations. Evaluate legally permissible specialized training or certification pathways proportionate to actual duties, without weakening constitutional protections or accountability.
6. **Provide further public review before final action.** Publish the legal analysis, municipal impact findings, implementation plan, and materially revised text with a meaningful opportunity for additional comment.

The Town should not be placed in the position of choosing among uncertain enforcement authority, unbudgeted expenditures, and reduced seasonal coverage. Until the Commission supplies clear legal guidance, a credible municipal impact assessment, and an adequately funded implementation plan, the Oak Bluffs Select Board opposes adoption at this stage. We urge the Commission to address these issues before final action, not after essential coastal enforcement programs have been disrupted. Oak Bluffs is prepared to participate in a process that advances accountability while preserving lawful, effective protection of public health, natural resources, residents, and visitors.

Respectfully,

Dion P. Alley
Chair
Oak Bluffs Select Board

From: R.E. Ramponi
To: POSTCcomments (PST)
Subject: 555 CMR 3.00
Date: Tuesday, November 17, 2026 12:38:20 PM
Attachments: POST Testimony and Statement 555 CMR 3.00.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Attached please find pdf file containing our Oral Testimony and Statement in Opposition to 555 CMR 3.00 concerning POST Commission Public Hearing on November 17, 2026.

Respectfully,

Richard E. Ramponi, President
Massachusetts Bay Constables Association, Inc. (MBCA)

Paul H. Terrio, President
Massachusetts Constables Association, Inc. (MCA)

FIVE-MINUTE ORAL TESTIMONY

Opposition to Proposed 555 CMR 3.00

Mass. Bay Constables Assn., Inc. and Mass. Constables Assn. Inc.

Presented directly to the Massachusetts POST Commission

Chairperson and Members of the Commission:

Good morning.

My name is Richard E. Ramponi, President of (MBCA) and I am speaking today on behalf of the Mass. Bay Constables Assn., Inc. (MBCA) and the Mass. Constables Assn. Inc., (MCA) representing the interests of Massachusetts elected and appointed constables.

We are here today to formally oppose proposed regulation 555 CMR 3.00, as it relates to Massachusetts constables.

Let me make one thing perfectly clear from the beginning:

We are not opposed to professional standards. We are not opposed to training. We are not opposed to accountability. And we are certainly not opposed to protecting the public.

What we oppose is a regulatory system that places requirements, restrictions, and potential disciplinary consequences upon Massachusetts constables without first providing them with a clearly defined, accessible, and attainable pathway to obtain the POST certification that the Commonwealth requires of them.

Commissioners, that is fundamentally unfair.

It has been nearly six years since the Massachusetts Legislature enacted Chapter 6E, establishing the POST Commission and the statewide framework for police officer standards and training certification.

Yet, during all that time, Massachusetts constables have not been provided with a clear and comprehensive training and educational pathway through either the POST Commission or the Massachusetts Police Training Committee that explains exactly how they can obtain the certification contemplated by this regulatory framework.

Six years.

Six years without a clearly established constable-specific training program. Six years without definitive guidance concerning applicable educational requirements, academy attendance,

training equivalencies, and certification procedures. I hope you will agree that six years is a completely unreasonable period of time.

And now, we are being presented with regulations that could directly affect our professional status and our ability to perform certain legally authorized duties.

How can the Commonwealth reasonably expect compliance with a certification system when it has not first provided a clear and accessible means of achieving that certification?

That is the question this Commission must answer.

Under proposed 555 CMR 3.04, constables who take action to further or execute an arrest fall within the regulatory definition of a law enforcement officer.

The proposed regulations also raise significant concerns about when a constable is considered a law enforcement officer and what activities may constitute police duties and functions under 555 CMR 3.08.

We understand that the Legislature and the Commission have responsibilities concerning police standards and public accountability.

But Massachusetts constables are not municipal police department employees. Many are independently elected or appointed public officers. Many serve part-time. Many do not have access to a municipal police department that can sponsor them through an academy or provide the resources necessary to satisfy traditional police training requirements.

You cannot simply apply a traditional police academy model to the constable community and assume that it creates a workable certification pathway.

The duties, responsibilities, and operational circumstances of constables must be recognized and addressed.

We are asking for a practical solution.

We are asking the POST Commission and the MPTC to work together and directly with our associations to develop a recognized Massachusetts Constable Basic Training and Certification Program.

That program should establish appropriate training in Massachusetts law, constitutional rights, arrest authority, civil process, use-of-force considerations, de-escalation, ethics, public interaction, and the other responsibilities associated with the lawful duties of constables.

It should also recognize appropriate prior training and experience, establish reasonable equivalency provisions, and provide a realistic transition period for existing constables.

Most importantly, it must provide clear written guidance identifying which constable activities require POST certification and which activities remain outside those requirements.

Commissioners, we are not asking for a free pass.

We are asking for a fair opportunity to comply, which we have not been provided.

We are willing to participate. We are willing to train. We are willing to meet reasonable standards. We are willing to be held accountable.

But we should not be penalized, restricted, or placed in regulatory jeopardy because the Commonwealth has not established a clearly defined process through which we can obtain the required training and POST certification.

Therefore, on behalf of both associations, we respectfully ask this Commission to take three specific actions:

First: Do not adopt or implement proposed 555 CMR 3.00 in its current form insofar as it affects Massachusetts constables until the outstanding training and certification issues have been addressed.

Second: Establish a joint working group consisting of representatives of the POST Commission, the MPTC, and the Massachusetts constable associations to develop a recognized constable-specific training and certification pathway.

Third: Defer certification-related enforcement, restrictions, and sanctions against constables until that pathway has been formally established, communicated, and made reasonably accessible to the constable community.

We believe this is a reasonable request. It is a request grounded in fairness, administrative responsibility, and the Commonwealth's obligation to provide a meaningful opportunity to comply with its own regulatory requirements, which it has not.

Let me close with this:

Massachusetts constables should not be treated as an afterthought in the implementation of Chapter 6E.

We are elected or appointed public officers. We serve our communities. We carry out responsibilities established under Massachusetts law. We deserve the same clarity, consideration, and opportunity to meet professional standards that should be afforded to every individual subject to this regulatory process.

I hope you will agree that the Commonwealth cannot demand a destination while failing to provide the road to get there.

So please establish the training pathway. Define the certification requirements. Give constables a fair opportunity to comply. Then hold everyone to the standards that have been clearly established.

That is not a request for special treatment.

That is a request for equal treatment, fairness, and common sense.

On behalf of the Mass. Bay Constables Assn., Inc. and the Mass. Constables Assn. Inc., we respectfully urge this Commission to reconsider proposed 555 CMR 3.00 as it applies to Massachusetts constables and work with us toward a fair and workable resolution.

Thank you for your time, your consideration, and the opportunity to be heard.

Respectfully submitted,

Mass. Bay Constables Assn., Inc. (MBCA)

Mass. Constables Assn. Inc. (MCA)

Speaker: Richard E. Ramponi, President, (MBCA)

EXPANDED OVERVIEW:

Our central argument is that Massachusetts constables should not be subjected to additional regulatory requirements under proposed 555 CMR 3.00 without first being provided a clearly defined, accessible, and attainable pathway to POST certification, including an appropriate training and educational curriculum established in coordination with the Massachusetts Police Training Committee (MPTC).

Our statement also emphasizes fairness, administrative accountability, due process, and the need to recognize the distinct statutory duties and responsibilities of Massachusetts constables.

PUBLIC HEARING STATEMENT IN OPPOSITION TO PROPOSED 555 CMR 3.00

Regulated Agencies, Officers, and Conduct

Submitted by:

Massachusetts Bay Constables Association, Inc.
and
Massachusetts Constables Association, Inc.

To: Massachusetts Peace Officer Standards and Training (POST) Commission
Re: Proposed Regulation 555 CMR 3.00
Date: November 17, 2026

FORMAL STATEMENT OF OPPOSITION

The Massachusetts Bay Constables Association, Inc. and the Massachusetts Constables Association, Inc., representing the interests of Massachusetts constables throughout the Commonwealth, respectfully submit this statement in opposition to the proposed regulation 555 CMR 3.00, entitled *Regulated Agencies, Officers, and Conduct*.

Our organizations recognize and support the importance of professional standards, appropriate education, comprehensive training, accountability, public safety, and responsible law enforcement practices. We agree that individuals exercising law enforcement authority should possess the necessary knowledge, qualifications, training, and professional competency to perform their duties lawfully and responsibly.

However, we strongly oppose the implementation of additional regulatory requirements, restrictions, and potential sanctions affecting Massachusetts constables when, for nearly six years following the enactment of Chapter 253 of the Acts of 2020, establishing M.G.L. Chapter 6E, the Commonwealth has failed to provide constables with a sufficiently clear, comprehensive, accessible, and attainable training and educational pathway leading to POST certification.

It is fundamentally unfair and administratively unreasonable to impose additional regulatory obligations upon a class of public officers while the state agencies responsible for establishing and administering the certification and training process have not provided that class of officers with a clearly defined means of achieving compliance.

I. THE ABSENCE OF A CLEAR PATHWAY TO POST CERTIFICATION

The enactment of Chapter 253 of the Acts of 2020, which established the POST Commission and substantially reformed law enforcement standards and training in Massachusetts, created significant questions concerning the status, responsibilities, qualifications, and certification requirements applicable to Massachusetts constables.

Since that legislation became law, constables have repeatedly faced uncertainty regarding the precise educational requirements, training standards, certification procedures, and practical steps necessary to obtain and maintain POST certification.

Although the POST Commission and the Massachusetts Police Training Committee (MPTC) have issued regulations, guidance documents, and other materials addressing various aspects of law enforcement certification, these efforts have not adequately resolved the fundamental problem facing Massachusetts constables.

Constables need a clearly established pathway that answers the following questions:

1. What specific educational qualifications must a Massachusetts constable possess to become eligible for POST certification?
2. What initial law enforcement training curriculum must a constable successfully complete?
3. Does the MPTC provide, or will it authorize, a training program specifically designed for independently appointed Massachusetts constables?
4. Are constables required to attend the same police academy training programs as full-time municipal police officers, or will an alternative curriculum recognize the distinct statutory duties, responsibilities, and operational functions of constables?
5. What provisions exist for recognizing prior law enforcement experience, previous training, professional education, and demonstrated competency?
6. What are the application procedures, required documentation, applicable fees, and anticipated timeframes for obtaining POST certification?
7. What transitional or grandfathering provisions will be made available to currently serving constables who have performed their duties lawfully for many years?

These are not unreasonable questions. They are essential questions that should have been answered through a coordinated and transparent process involving the POST Commission, the MPTC, and representatives of the Massachusetts constable community.

Nearly six years after the enactment of Chapter 6E, constables should not still be left attempting to determine what educational and training requirements apply to them, how those requirements can be satisfied, and where they can obtain the necessary training.

II. REGULATORY REQUIREMENTS MUST BE ACCOMPANIED BY A REASONABLE OPPORTUNITY TO COMPLY

The proposed 555 CMR 3.00 seeks to define and clarify which agencies, officers, and activities fall within the regulatory authority of the POST Commission.

It also addresses the classification of law enforcement officers, the performance of police duties and functions, restrictions on individuals performing such duties without

appropriate certification or legal authority, and potential consequences for agencies and individuals.

These are matters of substantial importance to the Massachusetts constable community.

Our organizations are particularly concerned that the proposed regulation could impose additional restrictions, responsibilities, and potential disciplinary consequences upon constables without first ensuring that they have been provided with an established and attainable means of satisfying the applicable certification and training requirements.

The Commonwealth cannot reasonably expect independently appointed or elected constables to meet standards when the agencies responsible for implementing those standards have not provided adequate direction concerning how those standards can be achieved.

A regulatory system must be more than a list of requirements and prohibitions. It must include a reasonable, understandable, and accessible process through which affected individuals can obtain the qualifications necessary to comply.

Compliance cannot reasonably be demanded without a meaningful opportunity to achieve compliance.

We believe that implementing additional regulatory restrictions before resolving these outstanding training and certification issues would place Massachusetts constables at an unreasonable disadvantage and could unnecessarily jeopardize their ability to continue performing their lawful duties.

III. MASSACHUSETTS CONSTABLES ARE A DISTINCT CLASS OF PUBLIC OFFICERS

Massachusetts constables occupy a unique position within the Commonwealth's public safety and legal system.

Constables are independently appointed or elected public officers who perform a variety of statutorily authorized functions, including the service and execution of civil process, enforcement of certain court orders, and other duties authorized by Massachusetts law.

Their responsibilities, appointment structures, employment relationships, operational activities, and training needs are not necessarily identical to those of regularly appointed municipal police officers.

Many constables serve their communities in an independent capacity rather than as employees of municipal police departments.

Consequently, a certification and training structure designed primarily around traditional municipal police departments and full-time police academy recruits may not adequately address the circumstances of independently appointed or elected constables.

This does not mean that constables should be exempt from appropriate professional standards or accountability.

To the contrary, we believe constables should have access to appropriate education, training, and professional development that recognizes their responsibilities and prepares them to perform their legally authorized duties as defined in the General Laws of the Commonwealth.

However, those standards must be developed with meaningful participation from the constable community and must recognize the distinctive nature of the office of constable in Massachusetts.

A one-size-fits-all approach that fails to account for these differences risks creating unnecessary barriers rather than improving public safety and professional competency.

IV. THE POST COMMISSION AND MPTC MUST ACCEPT RESPONSIBILITY FOR ESTABLISHING A WORKABLE CERTIFICATION PROCESS

M.G.L. Chapter 6E establishes the framework for law enforcement certification and assigns responsibilities to the POST Commission and the MPTC.

The law contemplates coordination between these entities concerning minimum certification standards and basic training requirements.

Accordingly, our organizations believe that the POST Commission and MPTC must work together to establish a definitive certification and educational pathway for Massachusetts constables.

That pathway should not be left to individual constables to develop independently, nor should constables be expected to navigate conflicting interpretations, incomplete information, or uncertain administrative procedures.

We respectfully request that the Commission and MPTC jointly undertake the following actions:

A. Establish a Constable-Specific Training and Education Pathway

Develop and publish a written curriculum identifying the educational prerequisites, required courses, training hours, competency standards, and examinations applicable to Massachusetts constables.

B. Establish an Accessible Training Program

Provide or authorize an MPTC-approved training program specifically designed to address the statutory duties and responsibilities of Massachusetts constables.

C. Recognize Prior Training and Experience

Establish a process for evaluating length of service, previous law enforcement training, military or public safety experience, professional education, and other relevant qualifications for possible credit toward applicable requirements.

D. Provide Clear Certification Instructions

Publish comprehensive instructions identifying the application process, documentation requirements, deadlines, fees, and administrative contacts necessary for constables to obtain POST certification.

E. Establish Transitional Provisions

Provide currently serving constables with a reasonable period to complete any newly established educational and training requirements once an approved pathway has been made available.

F. Create a Constable Advisory Working Group

Formally include representatives of the Massachusetts Bay Constables Association, Inc., and the Massachusetts Constables Association, Inc., in a working group with representatives of the POST Commission and MPTC to address outstanding certification and regulatory concerns.

V. THE COMMISSION SHOULD NOT IMPLEMENT ADDITIONAL RESTRICTIONS WITHOUT FIRST RESOLVING THESE DEFICIENCIES

Our organizations are especially concerned about the practical consequences of implementing proposed 555 CMR 3.00 before a clear certification pathway has been established.

Depending upon how the proposed regulation is interpreted and applied, independently appointed or elected constables could face uncertainty regarding their authority to perform certain duties, their eligibility to continue serving, and their exposure to regulatory or disciplinary consequences.

Such uncertainty is harmful not only to constables but also to the municipalities, courts, attorneys, businesses, and members of the public who depend upon constables to perform their legally authorized responsibilities.

We believe that regulatory implementation should be postponed until the Commission and MPTC have addressed the outstanding certification and training deficiencies relating to constables.

At a minimum, the final regulation should expressly recognize the need for a reasonable transition period and should not impose new restrictions or penalties upon currently serving constables solely because the Commonwealth has not yet provided an accessible and clearly defined certification pathway.

No constable should be placed in the position of facing professional consequences for failing to complete a training or certification process that the responsible state agencies have not made reasonably available.

VI. OUR ORGANIZATIONS SUPPORT ACCOUNTABILITY, EDUCATION, AND PROFESSIONAL STANDARDS

We want to make clear that our opposition to proposed 555 CMR 3.00 should not be interpreted as opposition to professional standards, appropriate training, or accountability.

Both associations support the advancement of professional education and training for Massachusetts constables.

We recognize that public confidence in law enforcement depends upon competency, integrity, responsible conduct, and compliance with applicable law.

We also recognize the important role of the POST Commission in promoting professional standards throughout the Commonwealth.

However, meaningful reform requires cooperation, transparency, communication, and a practical understanding of the individuals and professions affected by regulatory decisions.

Constables should be treated as stakeholders and partners in this process, not simply as individuals subject to new regulatory requirements.

The constable community has waited nearly six years for a definitive resolution to the questions surrounding its POST certification and training requirements, and we are still waiting.

That delay should not be compounded by the adoption of additional regulations that create further uncertainty without first addressing the underlying problem.

VII. FORMAL REQUEST FOR RELIEF

For the reasons stated above, the Massachusetts Bay Constables Association, Inc., and the Massachusetts Constables Association, Inc., respectfully request that the POST Commission:

1. **Reject or defer the adoption of proposed 555 CMR 3.00** until a clear and accessible POST certification and training pathway for Massachusetts constables has been formally established.
2. Direct the MPTC and POST Commission to jointly develop and publish a comprehensive constable-specific training and educational curriculum.
3. Establish a formal working group that includes representatives of both Massachusetts constable associations to participate in the development of certification standards and related regulations.
4. Provide a reasonable transitional period for all currently serving constables to complete applicable training and certification requirements once an approved pathway becomes available.
5. Ensure that no currently serving constable is subjected to unnecessary restrictions, adverse administrative consequences, or penalties arising solely from the absence of a reasonably accessible certification and training process established by the Commonwealth.
6. Provide written clarification concerning the application of proposed 555 CMR 3.00 to independently appointed or elected Massachusetts constables and the specific duties they are legally authorized to perform.

CONCLUSION

The Massachusetts Bay Constables Association, Inc., and the Massachusetts Constables Association, Inc., respectfully submit that the Commonwealth has an obligation to establish a fair, transparent, and workable certification process before imposing additional regulatory restrictions upon Massachusetts constables.

Nearly six years have passed since the enactment of M.G.L. Chapter 6E. During that time, Massachusetts constables have continued to seek clarity concerning their professional status, training obligations, educational requirements, and pathway to POST certification, all to no avail.

The answer cannot simply be more regulations, additional restrictions, or potential sanctions.

The answer must begin with education, training, communication, and a clearly defined opportunity to comply.

You cannot hold an entire class of public officers accountable for failing to complete a certification process without first providing them with a clear and reasonable opportunity to obtain that certification.

Our associations are prepared to work cooperatively and constructively with the POST Commission, the MPTC, the Legislature, and other appropriate Commonwealth agencies to establish a fair and effective certification program that protects the public, recognizes the important role of Massachusetts constables, and promotes professional standards throughout the Commonwealth.

Until that process is established, we respectfully urge the Commission to reject or defer proposed 555 CMR 3.00 as it relates to Massachusetts constables.

We request that the Commission give serious consideration to the concerns expressed herein and recognize that Massachusetts constables deserve the same fundamental fairness, transparency, and opportunity for professional advancement afforded to other members of the Commonwealth's law enforcement community.

Respectfully submitted,

MASSACHUSETTS BAY CONSTABLES ASSOCIATION, INC.

Name: Richard E. Ramponi

Title: President

Date: November 17, 2026

MASSACHUSETTS CONSTABLES ASSOCIATION, INC.

Name: Paul H. Terrio

Title: President

Date: November 17, 2026

Submitted to:
Massachusetts Peace Officer Standards and Training Commission
84 State Street, Suite 200
Boston, MA 02109

RE: Public Comments – Proposed 555 CMR 3.00

From:	Jason Holm
To:	POSTCcomments (PST)
Cc:	Bill McHugh (North Shore); Jason Holm
Subject:	555 CMR 3.00
Date:	Tuesday, November 17, 2026 1:10:44 PM
Attachments:	doc00442820261117131207.pdf

Good afternoon,

The Massachusetts Harbormaster Training Council (MHTC) met yesterday November 16, 2026, and voted unanimously to submit the following comments regarding the draft of 555 CMR 3.00. On behalf of the MHTC please see the below comments with signed attached pdf. Thanks.

Jason Holm
Chairperson
Massachusetts Harbormaster Training Council

November 16, 2026

To: Massachusetts Peace Officer Standards and Training (POST) Commission

From: Massachusetts Harbormaster Training Council

Subject: Proposed 555 CMR 3.00, Potential Impacts on Massachusetts Harbormasters and Assistant Harbormasters

Dear Members of the POST Commission:

On behalf of the Massachusetts Harbormaster Training Council (MHTC), I am writing to express our concerns regarding the potential implications of the proposed regulations under 555 CMR 3.00, *Regulated Agencies, Officers, and Conduct*, and their applicability to municipal Harbormasters and Assistant Harbormasters throughout the Commonwealth.

Massachusetts harbormasters serve a unique and essential public safety function within coastal communities. Their responsibilities encompass maritime law enforcement, search and rescue, emergency response, harbor management, navigation

safety, and enforcement of state laws and local waterways regulations. While certain aspects of their duties involve the exercise of statutory enforcement authority, harbormasters are not traditionally structured or employed as municipal police officers. Their responsibilities require specialized training, experience, and operational knowledge that differ significantly from those associated with conventional law enforcement positions.

Recognizing these unique responsibilities, the Massachusetts Legislature established the Massachusetts Harbormaster Training Council under Massachusetts General Laws Chapter 6, Section 116F. The Council operates within the Executive Office of Public Safety and Security and consists of 11 members, including seven gubernatorially appointed harbormasters representing coastal communities throughout the Commonwealth, along with representatives from the Massachusetts State Police, Massachusetts Environmental Police, United States Coast Guard, and Executive Office of Public Safety and Security.

Under this statute, the Legislature specifically charged the Council with establishing policies and standards for the training of Harbormasters and Assistant Harbormasters in accordance with applicable laws and regulations. This framework provides a dedicated body with the professional expertise and statutory responsibility necessary to address the specialized training requirements associated with maritime public safety and enforcement operations.

It is also important to recognize that the applicability of POST certification requirements to Massachusetts harbormasters has been the subject of previous discussions between representatives of the Massachusetts Harbormaster Training Council and the POST Commission. In 2022, members of the Council met with representatives of the POST Commission to discuss the unique statutory authority and responsibilities of municipal harbormasters and whether these positions would fall within the scope of the Commission's certification requirements.

During the POST Commission's February 15, 2022, meeting, the Commission discussed the distinction between agencies considered "in scope" and "out of scope" for POST certification. During that discussion, General Counsel Ravitz clarified that certification requirements applied to agencies whose officers possessed full police powers. Based on that interpretation, municipal harbormasters, who exercise specialized statutory enforcement authority but are not granted general police powers solely by virtue of their appointment as harbormasters, would fall outside the scope of POST certification requirements. This distinction was significant in recognizing the difference between traditional law enforcement officers and specialized municipal officials whose

enforcement authority is limited to specific statutory responsibilities.

The Council is concerned that the proposed regulations under 555 CMR 3.00 may represent a departure from the understanding established through these earlier discussions. Any expansion of POST certification requirements to include municipal harbormasters would warrant careful consideration of the Commission's previous interpretation, the statutory authority of the Harbormaster Training Council under MGL Chapter 6, Section 116F, and the potential operational and financial consequences for coastal municipalities. We respectfully request that the Commission clarify whether its previous interpretation regarding agencies considered outside the scope of POST certification remains applicable and, if not, identify the statutory or regulatory basis for any change in that interpretation.

The proposed POST regulations raise important questions regarding the relationship between the Commission's regulatory authority and the existing statutory responsibilities of the Harbormaster Training Council. To the extent that the proposed regulations could require Harbormasters and Assistant Harbormasters to obtain POST certification or complete additional Municipal Police Training Committee (MPTC) training, such requirements could create duplicative or potentially conflicting training standards, significant administrative and financial burdens, and operational challenges for coastal municipalities.

Of particular concern is the potential impact on smaller coastal communities that rely upon part-time, seasonal, or appointed Assistant Harbormasters to carry out essential maritime public safety functions. Requiring these individuals to complete training and certification programs designed primarily for traditional municipal police officers could substantially affect municipalities' ability to recruit, retain, and deploy qualified personnel. Any resulting reduction in staffing or operational capacity could have direct consequences for boating safety, emergency response, and the effective management of local waterways.

The Council recognizes and supports the POST Commission's important mission of promoting professional standards, accountability, and appropriate training for law enforcement personnel throughout Massachusetts. However, we believe it is equally important to recognize that the Legislature has already established a specific statutory framework for the training of Harbormasters and Assistant Harbormasters. Any additional regulatory requirements should be carefully evaluated to ensure they do not inadvertently undermine or duplicate the authority expressly delegated to the Council.

Accordingly, the Massachusetts Harbormaster Training Council respectfully requests that the POST Commission:

1. Clarify the applicability of 555 CMR 3.00 to municipal Harbormasters and Assistant Harbormasters, particularly where their statutory enforcement responsibilities may fall within the proposed definitions of regulated officers or agencies.
2. Recognize the existing statutory authority of the Massachusetts Harbormaster Training Council under MGL Chapter 6, Section 116F, and consider how the Council's established training framework relates to any proposed POST certification or training requirements.
3. Evaluate the operational and financial impacts that additional certification requirements could impose on coastal municipalities, particularly those relying on part-time and seasonal personnel to provide essential maritime public safety services.
4. Engage directly with the Massachusetts Harbormaster Training Council before implementing regulatory requirements affecting Harbormasters and Assistant Harbormasters, to explore appropriate clarifications, exemptions, or other measures that recognize their specialized responsibilities and existing training standards.

Our concern is not with the establishment of professional standards or accountability, but rather with ensuring that any new regulatory requirements appropriately recognize the existing statutory framework and specialized responsibilities of Massachusetts harbormasters. The Legislature established the Harbormaster Training Council specifically to address these unique training needs, and we believe that framework should remain central to any discussion concerning additional training or certification requirements.

The Massachusetts Harbormaster Training Council welcomes the opportunity to work collaboratively with the POST Commission, the Executive Office of Public Safety and Security, and other appropriate state agencies to ensure that any proposed regulations are consistent with existing statutory authority while supporting the continued safety and effectiveness of maritime public safety operations throughout the Commonwealth.

Thank you for your consideration of these concerns. Given the November 17, 2026, public comment deadline, we respectfully request that these comments be considered as part of the Commission's regulatory review process.

Sincerely,

Jason Holm
Chairman

V/R,

Jason Holm
Harbormaster
Town of Chatham
508-945-5185

Commonwealth of Massachusetts
Harbormaster Training Council
www.mass.gov/eopss/agencies/hmtc/

November 17, 2026

To: Massachusetts Peace Officer Standards and Training (POST) Commission

From: Massachusetts Harbormaster Training Council

Subject: Proposed 555 CMR 3.00, Potential Impacts on Massachusetts Harbormasters and Assistant Harbormasters

Dear Members of the POST Commission:

On behalf of the Massachusetts Harbormaster Training Council (MHTC), I am writing to express our concerns regarding the potential implications of the proposed regulations under 555 CMR 3.00, *Regulated Agencies, Officers, and Conduct*, and their applicability to municipal Harbormasters and Assistant Harbormasters throughout the Commonwealth.

Massachusetts harbormasters serve a unique and essential public safety function within coastal communities. Their responsibilities encompass maritime law enforcement, search and rescue, emergency response, harbor management, navigation safety, and enforcement of state laws and local waterways regulations. While certain aspects of their duties involve the exercise of statutory enforcement authority, harbormasters are not traditionally structured or employed as municipal police officers. Their responsibilities require specialized training, experience, and operational knowledge that differ significantly from those associated with conventional law enforcement positions.

Recognizing these unique responsibilities, the Massachusetts Legislature established the Massachusetts Harbormaster Training Council under Massachusetts General Laws Chapter 6, Section 116F. The Council operates within the Executive Office of Public Safety and Security and consists of 11 members, including seven gubernatorially appointed harbormasters representing coastal communities throughout the Commonwealth, along with representatives from the Massachusetts State Police, Massachusetts Environmental Police, United States Coast Guard, and Executive Office of Public Safety and Security.

Under this statute, the Legislature specifically charged the Council with establishing policies and standards for the training of Harbormasters and Assistant Harbormasters in accordance with applicable laws and regulations. This framework provides a dedicated body with the professional

expertise and statutory responsibility necessary to address the specialized training requirements associated with maritime public safety and enforcement operations.

It is also important to recognize that the applicability of POST certification requirements to Massachusetts harbormasters has been the subject of previous discussions between representatives of the Massachusetts Harbormaster Training Council and the POST Commission. In 2022, members of the Council met with representatives of the POST Commission to discuss the unique statutory authority and responsibilities of municipal harbormasters and whether these positions would fall within the scope of the Commission's certification requirements.

During the POST Commission's February 15, 2022, meeting, the Commission discussed the distinction between agencies considered "in scope" and "out of scope" for POST certification. During that discussion, General Counsel Ravitz clarified that certification requirements applied to agencies whose officers possessed full police powers. Based on that interpretation, municipal harbormasters, who exercise specialized statutory enforcement authority but are not granted general police powers solely by virtue of their appointment as harbormasters, would fall outside the scope of POST certification requirements. This distinction was significant in recognizing the difference between traditional law enforcement officers and specialized municipal officials whose enforcement authority is limited to specific statutory responsibilities.

The Council is concerned that the proposed regulations under 555 CMR 3.00 may represent a departure from the understanding established through these earlier discussions. Any expansion of POST certification requirements to include municipal harbormasters would warrant careful consideration of the Commission's previous interpretation, the statutory authority of the Harbormaster Training Council under MGL Chapter 6, Section 116F, and the potential operational and financial consequences for coastal municipalities. We respectfully request that the Commission clarify whether its previous interpretation regarding agencies considered outside the scope of POST certification remains applicable and, if not, identify the statutory or regulatory basis for any change in that interpretation.

The proposed POST regulations raise important questions regarding the relationship between the Commission's regulatory authority and the existing statutory responsibilities of the Harbormaster Training Council. To the extent that the proposed regulations could require Harbormasters and Assistant Harbormasters to obtain POST certification or complete additional Municipal Police Training Committee (MPTC) training, such requirements could create duplicative or potentially conflicting training standards, significant administrative and financial burdens, and operational challenges for coastal municipalities.

Of particular concern is the potential impact on smaller coastal communities that rely upon part-time, seasonal, or appointed Assistant Harbormasters to carry out essential maritime public safety functions. Requiring these individuals to complete training and certification programs designed primarily for traditional municipal police officers could substantially affect municipalities' ability to recruit, retain, and deploy qualified personnel. Any resulting reduction in staffing or operational capacity could have direct consequences for boating safety, emergency response, and the effective management of local waterways.

The Council recognizes and supports the POST Commission's important mission of promoting professional standards, accountability, and appropriate training for law enforcement personnel throughout Massachusetts. However, we believe it is equally important to recognize that the Legislature has already established a specific statutory framework for the training of Harbormasters and Assistant Harbormasters. Any additional regulatory requirements should be carefully evaluated to ensure they do not inadvertently undermine or duplicate the authority expressly delegated to the Council.

Accordingly, the Massachusetts Harbormaster Training Council respectfully requests that the POST Commission:

1. Clarify the applicability of 555 CMR 3.00 to municipal Harbormasters and Assistant Harbormasters, particularly where their statutory enforcement responsibilities may fall within the proposed definitions of regulated officers or agencies.
2. Recognize the existing statutory authority of the Massachusetts Harbormaster Training Council under MGL Chapter 6, Section 116F, and consider how the Council's established training framework relates to any proposed POST certification or training requirements.
3. Evaluate the operational and financial impacts that additional certification requirements could impose on coastal municipalities, particularly those relying on part-time and seasonal personnel to provide essential maritime public safety services.
4. Engage directly with the Massachusetts Harbormaster Training Council before implementing regulatory requirements affecting Harbormasters and Assistant Harbormasters, to explore appropriate clarifications, exemptions, or other measures that recognize their specialized responsibilities and existing training standards.

Our concern is not with the establishment of professional standards or accountability, but rather with ensuring that any new regulatory requirements appropriately recognize the existing statutory framework and specialized responsibilities of Massachusetts harbormasters. The Legislature established the Harbormaster Training Council specifically to address these unique training needs, and we believe that framework should remain central to any discussion concerning additional training or certification requirements.

The Massachusetts Harbormaster Training Council welcomes the opportunity to work collaboratively with the POST Commission, the Executive Office of Public Safety and Security, and other appropriate state agencies to ensure that any proposed regulations are consistent with existing statutory authority while supporting the continued safety and effectiveness of maritime public safety operations throughout the Commonwealth.

Thank you for your consideration of these concerns. Given the November 17, 2026, public comment deadline, we respectfully request that these comments be considered as part of the Commission's regulatory review process.

Sincerely,

Jason Holm
Chairman
Massachusetts Harbormaster Training Council

From:	Tim Carroll
To:	POSTCcomments (PST)
Cc:	Ryan Rossi; Isaiah Scheffer; Marshall Carroll (squidrow@comcast.net); townadmin; townadministrator; Jeffrey Maida (jeffreychilmarkselectboard@gmail.com)
Subject:	Testimony to POST on Harbor Master, Constable and Shellfish Constable regulations.
Date:	Tuesday, November 17, 2026 1:20:28 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear POST

The Town of Chilmark respectfully requests that the Commission extend the public comment period on proposed 555 CMR 3.00, which is currently set to close on November 17, 2026, by at least 60 days, through January 19, 2027, and that it hold a public hearing or listening session at which harbormasters, constables, Shellfish Constables, and municipal appointing authorities can be heard.

The draft does not mention harbormasters, our appointing authorities (select boards and administrators, with the assistance of municipal counsel) are only now assessing how the proposed regulations may apply to them.

Thank you for your understanding.

Tim Carroll

Tim Carroll

Town Administrator
Town of Chilmark
508-645-2101 O 508-627-0034 M 508-645-2110 F

*Pursuant to the Open Meeting Law, please refrain from REPLY ALL if it might be construed as deliberation between a quorum of any **public body**.*

From: Ryan Rossi
To: POSTCcomments (PST)
Cc: townadministrator; ischeffer
Subject: Comments on Proposed Regulation, 555 CMR 3.00
Date: Tuesday, November 17, 2026 2:24:48 PM
Attachments: POST Commission Written Comments 11-17-26.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I have attached written comments regarding the proposed revisions to 555 CMR 3.00: *Regulated Agencies, Officers, and Conduct.*

Please reach out with any questions or comments about this submission.

Ryan D. Rossi
Harbormaster
Town of Chilmark
Town Hall: (508) 645-2100 ext. 2151
Harbor Office: (508) 645-2846
harbormaster@chilmarkma.gov

HARBORMASTER
401 MIDDLE ROAD
BEETLEBUNG CORNER
P.O. BOX 119
CHILMARK, MA 02535-0119

November 17, 2026

Dear Atty. Ravitz and Members of the POST Commission,

On behalf of the Town of Chilmark Harbor Department, thank you for the opportunity to comment on the proposed revisions to 555 CMR 3.00. I will be using this opportunity to address my concerns regarding the aforementioned revisions.

I believe I speak for all Harbormasters in the Commonwealth when I say that I would like to respectfully request that the Commission extend the public comment period on proposed 555 CMR 3.00, which is currently set to close on November 17, 2026, by at least 60 days, through January 19, 2027, and that it hold a public hearing or listening session at which harbormasters and municipal appointing authorities can be heard. The draft does not mention harbormasters, so we and our appointing authorities (select boards, town managers and administrators, with the assistance of municipal counsel) are only now assessing how the proposed regulations may apply us. Responsible comment requires time to consult those officials, the Massachusetts Harbormaster Training Council, the Massachusetts Environmental Police and the Municipal Police Training Committee. We also ask that this letter be accepted as preliminary and that we be allowed to supplement it, as may be necessary.

We want the Commission to have a clear picture of the training system that already applies to harbormasters. The Massachusetts Harbormaster Training Council (MHTC) sits within the Executive Office of Public Safety and Security and sets policies and standards for training harbormasters and assistant harbormasters in accordance with M.G.L. c. 102, §§ 19 through 21. Its purpose and authority are described in 501 CMR 16.00 and on its website (mass.gov/harbormaster-training-council). Under M.G.L. c. 102, § 19A and 501 CMR 16.00, harbormasters and assistant harbormasters appointed on a full-time or permanent part-time basis must complete an initial course of study approved by MHTC, and must complete annual in-service training. By statute the initial course must be completed within two years of appointment, and failure to complete required training can result in removal by the appointing authority. Key features of the framework include:

• Initial course of study: an MHTC-approved harbormaster training program, which includes: Harbormaster Law Enforcement; a USCG Captain's License (or completion of a USCG Captain's License course, OUPV "six-pack" or higher); NASBLA/USCG Basic Boat Crewman Course; NASBLA/Massachusetts Environmental Police Boating Under the Influence Course; an Officer Water Survival Course; DEP Oil Spill Response Course;

USCG Aids to Navigation and Private Aids to Navigation (ATON/PATON); Laws Pertaining to Harbormasters; Marine Theft; and Marine Medical Emergencies.

• Annual in-service training: in 2025, MHTC approved 20 hours of in-service training for harbormasters and assistant harbormasters, with eligible programs in maritime, law enforcement, environmental, medical, mental health and crisis intervention subjects.

• Exemptions and waivers: An appointing authority may petition MHTC to exempt a harbormaster with substantially equivalent or greater training and at least two years of experience (501 CMR 16.06), and MHTC has adopted a sub-policy on temporary. waivers.

• Seasonal personnel: Seasonal employees are excluded from the initial and in-service training mandates (M.G.L. c. 102, § 19A; 501 CMR 16.05 and 16.07).

This framework was designed specifically for the harbormaster role. As the curriculum shows, it pairs law enforcement, boating-under-the-influence and marine theft training with USCG licensing, boat crew, water survival, oil spill response, aids to navigation and marine medical emergency training, reflecting a role that combines navigation safety, rescue and waterfront management with the enforcement of boating and harbor laws. Any potential POST certification pathway for harbormasters should recognize this training and build on it rather than duplicate or displace it. We urge the POST Commission to consult MHTC directly as it finalizes 555 CMR 3.00.

We respectfully asks the POST Commission to state clearly, in the regulation itself and in written guidance, whether harbormasters and assistant harbormasters are "law enforcement officers" subject to M.G.L. c. 6E and 555 CMR, and if so, which ones. Specifically, we ask the POST Commission to address:

• harbormasters and assistant harbormasters appointed on a full-time or permanent part-time basis under M.G.L. c. 102, §§ 19 and 20;

• seasonal, per diem and other temporary harbormaster personnel;

• harbormasters who serve within a police or other department in a law enforcement agency, as opposed to those who serve within a natural resources, harbor, marine, or other department outside a law enforcement agency.

The February 15, 2022 POST Commission meeting discussion distinguished harbormasters appointed or employed as law enforcement officers by law enforcement agencies from those who are not, but it leaves open these questions: which harbor departments are "law enforcement agencies," and how an appointing authority can confirm the answer. We ask that the final regulation resolve these questions, that the 2022 construction remain in effect until the proposed regulations are adopted and take effect, and that appointing authorities be given a reasonable transition period. Municipalities cannot plan, budget, or train responsibly until they know whether their personnel are

covered. We recommend that the regulation expressly address harbormasters and assistant harbormasters appointed under M.G.L. c. 102, §§ 19 and 20: those whom the appointing authority has authorized to execute arrests or perform police duties and functions would be law enforcement officers, and those who have not been so authorized would not. The appointing authority could attest to the scope of each individual's authority.

Respectfully Submitted,

Ryan D. Rossi
Harbormaster
Town of Chilmark
harbormaster@chilmarkma.gov

From: Leni Nulsen
To: POSTCcomments (PST)
Subject: 555 CMR 3.00
Date: Tuesday, November 17, 2026 4:55:51 PM
Attachments: COB Public Comment.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

Please see attached for the City of Boston's public comment to 555 CMR 3.00.

Thank you,
Leni

Leni B. Nulsen (*she/her*)
Senior Assistant Corporation Counsel
City of Boston Law Department, Government Services
1 City Hall Square, Room 615
617-635-4925 | leni.nulsen@boston.gov

The City of Boston writes regarding the POST Commission's proposed "Guidance Regarding Heads and Officers of Law Enforcement Agencies" rule, 555 CMR 3.00, and to encourage the POST Commission to maintain the interpretation of "head of agency" it has used since 2022 (as described below). The City interprets the proposed regulation as impermissibly interfering with the powers provided to the Mayor of Boston under Chapter 322 of the Acts of 1962. Since its creation in 2020, the Boston Police Department and the Commissioner have worked productively and closely with the POST Commission, and we look forward to deepening that partnership in the years to come.

Chapter 322 of the Acts of 1962, the Police Commissioner's Statute

As far back as 1878, the Legislature authorized the Mayor of Boston to appoint a Board of Police Commissioners consisting of three citizens responsible for the administration and oversight of the Boston Police Department. St. 1878, c. 244 s. 1. Included among the powers and duties of the Board of Police Commissioners was the authority to appoint the policemen in the city, including a Superintendent. St. 1878, c. 244 s. 2, 4. Said Superintendent held and exercised "all the powers and duties…held and exercised by the chief of police of the city of Boston." St. 1878, c. 244 s. 4. In addition to its responsibility to appoint the Superintendent that served as the head of the police force, the Board of Police Commissioners held a duty to execute the government and discipline of the department and to prescribe such rules and regulations as may be required to fulfill this duty. St. 1878, c. 244 s. 4. There is no mention of any requirement for the Commissioners to have had prior police experience in the special act.

In 1906 the Legislature, by special act, disbanded the Board of Police Commissioners in favor of a single individual known as the Police Commissioner and moved control of the Police Department from the Mayor to the state through its Governor. See St. 1906, c. 291 s. 7. Once again, the statute contained no requirement for the Commissioner to have held prior police experience. Much like the three member Board, the Boston Police Commissioner held authority to "appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency." St.1906, c. 291 s. 7. No change was made to the appointment and authority granted to the Superintendent.

In 1962, the Legislature made the long-overdue decision to restore the authority to appoint the Police Commissioner back to the City through its Mayor when it passed the special act that governs the powers and duties of the Boston Police Commissioner to this day. St. 1962, c. 322 (Chapter 322). As has been the case since 1878, the powers and duties of the Police Commissioner under the current statute include "the authority to appoint, establish and organize

the police of said city," and to have "cognizance and control of the government, administration, disposition and discipline of the department." St. 1962, c. 362 s. 10, 11. The position of Police Commissioner continues to "make all needful rules and regulations for the efficiency of said police" much as it had since the three member Board existed in 1878, while the Superintendent maintained responsibility as the chief of police, as further detailed below. The Mayor may remove the Police Commissioner for cause after notice and a hearing.

The 1878 statute first defined the Boston Police Department's Superintendent as the equivalent to a police chief. Chapter 322 makes more explicit the Superintendent's role as police chief where it states, "(t)he Superintendent of police and the other officers and members of said police police shall have the powers to perform the duties from time to time conferred or imposed upon the chief and other police officers of cities by section 98 of chapter forty-one of the General Laws…" St. 1962, c. 322 s. 14. Further, section 14 confers upon the Superintendent and other officers of the police the power to perform duties imposed on police officers in this Commonwealth by general laws applicable to Boston. Chapter 322 clarifies that the legislature grants the Superintendent and departmental officers full police powers. This authority has remained consistent since 1871, when the civilian board was established to oversee the Superintendent as the department's highest-ranking sworn officer. Civilian oversight of the police force of the Boston Police Department, through a single Police Commissioner, has existed since 1906 and the statutorily authorized powers and duties of the position have remained consistent since the creation of the position, and therefore do not extend to the Police Commissioner.[1]

Interplay between Chapter 322 of the Acts of 1962 and M.G.L. c. 6E

The Legislature created the POST Commission through M.G.L. c. 6E ("Chapter 6E"). Chapter 6E also contains the framework which governs the POST Commission's authority. For example, section 1 of M.G.L. Chapter 6E defines "'Law enforcement officer" or "officer" as "any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 57, section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer."

[1] Also of note is that Chapter 322 passed as the first version of the Police Commissioner's statute since the advent of Civil Service in 1911. Importantly, Superintendents and Deputy Superintendents are exempted from Civil Service but, if they are transferred or removed from such a position they must return to their prior civil service rank. St. 1962, c. 322 s. 10. The Boston Police Commissioner does not have this right and instead is employed pursuant to Chapter 322 and a civilian employment contract.

It is the City of Boston's understanding that the POST Commission has now changed its original statutory interpretation to support a presumption that the executive head of a law enforcement agency should also be a certified law enforcement officer. However, this interpretation ignores the legislative intent behind Chapter 6E, as evidenced by the language of the statute as a whole and as grounded in history, effect, context.

To interpret legislative intent, "[n]one of the words of a statute is to be regarded as superfluous, but each is to be given its ordinary meaning without overemphasizing its effect upon the other terms appearing in the statute, so that the enactment considered as a whole shall constitute a consistent and harmonious statutory provision capable of effectuating the presumed intention of the Legislature." Bolster v. Commissioner of Corps. & Taxation, 319 Mass. 81, 84–85 (1946). In this matter, the Commission focuses too narrowly on the words "including the head of the agency" and gives too little weight to the words immediately preceding those: "any officer of an agency." Read together, the plain language of the clause illustrates that the definition was meant to encompass all officers, including officers who serve as the head of the agency. In most municipalities, the head of the agency is the police chief, an officer who holds police powers under Chapter 41, Section 98.

Historically, the POST Commission has adopted this definition. In its *Guidance on Construction of the Scope of GL Chapter 6E*, issued April 4, 2022, the POST Commission specifies that the head of an agency is a law enforcement officer "if that person is an officer and carries a weapon."[2] See also Ledoux v. Bristol Community College, 106 Mass. App. Ct. 1119 (2026) ("The POST Commission has issued guidance on the construction of G. L. c. 6E, clarifying its understanding that the term 'law enforcement officer,' as defined in G. L. c. 6E, § 1, is limited to full-fledged police officers and other officers who carry weapons or have the power to make arrests."). This interpretation is logical – an officer who carries a weapon and holds police powers should be subject to certification by the POST Commission, even if the officer serves as the head of the agency, in accordance with the police powers vested in the position.

The POST Commission now deviates from its own statutory interpretation with its new regulations. The proposed regulation, 555 CMR 3.00, seeks to define the head of a law enforcement agency "as the highest-level individual who exercises day-to-day supervision and

[2] Available at: https://399759da.delivery.rocketcdn.me/wp-content/uploads/2024/05/Construction-of-Scope-of-Chapter-6E-Approved-April-4-2022.pdf

control of the law enforcement activity of the agency, without regard to…Whether the individual is considered a sworn officer or a civilian." This departure impermissibly creates a presumption where the notion itself is not contemplated by the statute. If the legislature intended certification by the POST Commission to apply to civilians who oversee law enforcement agencies it would have said so. See Commonwealth v. Dones, 492 Mass. 291, 297 (2023) ("We do not read into the statute a provision which the Legislature did not see fit to put there, nor add words that the Legislature had the option to, but chose not to include."). Here, where the Police Commissioner position is one of long standing statutory and operational existence, as detailed above, the legislature would have had to clearly express a certification requirement for civilian heads of agency, like the Boston Police Commissioner, in Chapter 6E had it intended it to apply.

The historical context of the Police Commissioner's statute lends credence to the fact that the POST Commission cannot require certification of the Boston Police Commissioner through a general "heads of agency" regulation. After a century of shifting authority over Boston Police Department leadership, the legislature saw fit to enact a special law that provides the Mayor of Boston with the ability to select a Police Commissioner of her choice. General Laws Chapter 6E is not superior to the Boston Police Commissioner's Statute; therefore, any conflict between the two must be resolved in favor of the special law. "It is well established that 'the provisions of a special act generally prevail over conflicting provisions of a subsequently enacted general law, absent a clear legislative intent to the contrary.'" Dartmouth v. Greater New Bedford Regional, 461 Mass. 366, 374 (2012) (quoting Boston Teachers Union, Local 66 v. Boston, 382 Mass. 553, 564 (1981)). "In the absence of irreconcilable conflict between an earlier special statute and a later general one the earlier statute will be construed as remaining in effect as an exception to the general statute." North Shore Vocational Regional Sch. Dist. v. Salem, 393 Mass. 354, 359 (1984)); see also Nautical Tours, Inc. v. Department of Public Utilities, 469 Mass. 1007 (2014) ("It is axiomatic that 'the provisions of a special act generally prevail over conflicting provisions of a subsequently enacted general law, absent a clear legislative intent to the contrary.")

Utilizing a new regulation to require the Boston Police Commissioner to be certified by the POST Commission contravenes Chapter 322 of the Acts of 1966 and the Mayor's prerogative under the statute to appoint the person of her choice. If the new regulation were to be implemented, the Mayor's selection of the Boston Police Commissioner would be contingent on the POST Commission's approval. In this view, if the POST Commission, for whatever reason, does not certify the individual, that person would be disqualified from the Office. Alternatively, under St. 1966, c. 322, the Mayor may wish to appoint a Police Commissioner who is physically unable to perform law enforcement activities, qualify with a firearm, perform CPR, or complete the physical programs administered and approved by the MPTC. Such an appointment would be

her prerogative based on the statutory scheme. Any conclusion to the contrary is inconsistent with the legislative framework, the history of the office, and the Mayor's prerogative to administer and govern the City through selecting the Police Commissioner of her choice.

The City does not contend that a Police Commissioner who is not certified may act as a law enforcement officer and effectuate police powers. Certainly, the POST Commission's oversight extends to law enforcement officers. But the historical and statutory framework make clear, the POST Commission's certification requirements do not extend to a Police Commissioner, a civilian position, with its own special act establishing appointment and removal.

The City of Boston and the Boston Police Department are in active conversations with POST Commission leadership about how best to ensure accountability and transparency in a manner that is consistent with all existing law. We welcome the opportunity to continue conversations about how best to formalize our partnership and to ensure that the Commissioner, the Command staff, and the Department as a whole can work together with the POST Commission to meet our shared mission on behalf of the public.

From:	Dale Leavitt
To:	POSTCcomments (PST)
Cc:	scott soares; oceanrancher; Renee Gagne
Subject:	55 CMR 3.00
Date:	Tuesday, November 17, 2026 8:01:00 PM
Attachments:	MAA Support Letter MSOA_17 November 2026.pdf

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My apologies for being late with this document concerning the impact of the proposed regulation 55 CMR 3.00 on shellfish constable activities. Please consider the comment letter attached to this email.

Thank you,

Dale Leavitt, PhD
VP - Mass Aquaculture Association
Emeritus Professor of Marine Biology - Roger Williams University
Partner: Blue Stream Shellfish, LLC
10 Twin Oaks Drive
East Falmouth, MA 02536

401-450-2581

MAA Trustees

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Dan Martino - Cottage City Oyster Co., Oak Bluffs

Gregg Morris – 2 Rock Oyster Farm, Duxbury

Dave Ryan – Cape Cod Oyster, Marstons Mills

Brenden Doyle Great Marsh Shellfish Co. Rowley

17 November 2026

Massachusetts POST Commission
84 State Street, Suite 200
Boston, MA 02109

To Whom It May Concern:

In response to the public request for comments concerning the proposed regulation *555 CMR 3.00: Regulated Agencies, Officers, and Conduct*, the Massachusetts Aquaculture Association (MAA) provides the following observations.

MAA represents the 378 licensed shellfish farms throughout the Commonwealth. These farms are focused on producing shellfish (bivalve mollusks) as a food resource and generates a landed value of more than $36 million annually to the coastal municipalities of Massachusetts.

As a food resource, clams, scallops and oysters (wild and farm harvested) are subject to very stringent regulatory oversight to protect the consumer from potential health risks associated with mismanaged product. Administration of these protections is based on the federally developed National Shellfish Sanitation Program (NSSP) guidelines; however, responsibility for enforcing state and local regulations developed from NSSP standards falls on two state agencies (Division of Marine Fisheries and Department of Public Health) and the municipality within which each farm resides. The municipal Shellfish Constable is our first line of communication about and enforcement of shellfish regulations that are in place to protect our businesses and consumers of our farm products. Additionally, shellfish constables protect our ability to farm shellfish without interference from outside.

The ability of a municipal shellfish constable to exercise their authority for inspection and enforcement is well represented in Massachusetts General Laws Chapter 130, Section 98. It is critical to the success of our industry that shellfish constables maintain their capacity to enforce municipal, state and federal regulations; thus, any restrictions on that ability would be highly detrimental to our farms and to our consumers.

The proposed regulation that folds shellfish constable responsibilities under the general umbrella of standard police activities and would subject the constables to extensive training requirements over and above their existing

training would place a hardship on the constables and the municipalities for which they work. For the POST Commission to take away much of the authority of shellfish constables without POST Certification to enforce shellfish regulations is unacceptable.

While this document chooses not to detail the subtle but significant negative changes the proposed regulation would place on our shellfish constables, the MAA strongly endorses the details brought forth by the Massachusetts Shellfish Officers Association and supports their recommendations to adapt the proposed regulation to suit their needs as they conduct oversight of the shellfish resources of the Commonwealth.

Respectfully,



Seth Garfield
President MAA

MMA | Massachusetts Municipal Association

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617-426-7272 • 800-882-1498 • fax 617-695-1314
www.mma.org

November 17, 2026

Randall E. Ravitz
General Counsel
Massachusetts Peace Officer Standards and Training Commission
84 State Street, 2nd Floor
Boston, MA 02109

Re: Proposed Regulations – 555 CMR 3.00: Regulated Agencies, Officers, and Conduct

Dear General Counsel Ravitz:

On behalf of the Massachusetts Municipal Association (MMA), which represents the Commonwealth's 351 cities and towns and their local officials, we appreciate the opportunity to comment on the proposed regulations at 555 CMR 3.00, concerning regulated agencies, officers, and conduct under the Peace Officer Standards and Training (POST) Commission.

The MMA supports the Commonwealth's efforts to establish consistent professional standards, accountability, and public trust in law enforcement agencies and officers. However, we are writing to share concerns that several provisions of the proposed regulations could unintentionally extend POST oversight to specialized municipal enforcement personnel whose responsibilities are distinct from traditional policing. The proposed regulations also raise questions about the ability of municipalities to continue exercising enforcement authority expressly provided under state law and local regulations.

Municipalities rely on a broad range of specialized employees to administer and enforce state and local laws, including shellfish constables, harbormasters, herring wardens, building inspectors, health inspectors, and other regulatory personnel. These individuals perform important public safety, environmental protection, public health, and community enforcement functions. While some positions may involve limited enforcement authority, they are not necessarily traditional law enforcement positions and should not automatically be subject to the same certification and regulatory requirements as municipal police officers.

We respectfully request that the Commission engage further with municipal officials and the MMA to help address the following concerns and before finalizing the proposed regulations.

Clarification of Law Enforcement Officers and Police Duties and Functions

Sections 3.04 and 3.08 establish broad definitions of law enforcement officers and police duties and functions. In particular, Section 3.08 defines police duties and functions to include activities that a reasonable person would view as an assertion of authority over another individual or entity in connection with law enforcement. The listed activities include questioning individuals, conducting investigations, searching individuals, seizing evidence and contraband, and stopping or detaining individuals.

While these activities may appropriately describe traditional police functions, the definitions could also encompass routine activities performed by municipal employees responsible for regulatory enforcement. For example, building and health inspectors routinely investigate potential violations, question property owners or business operators, conduct inspections pursuant to statutory authority, document evidence of violations, and issue notices requiring corrective action. Harbormasters, shellfish officers, and herring wardens may similarly investigate violations and take enforcement actions under specific statutory or local authority.

The regulations should clearly distinguish between traditional police duties and specialized regulatory or administrative enforcement activities. The fact that an employee conducts an inspection, investigates a regulatory violation, issues a citation, or exercises specific enforcement authority granted by statute should not, standing alone, bring that individual within POST jurisdiction.

We recommend that the regulations be updated to expressly clarify that routine inspections, administrative investigations, regulatory enforcement, the issuance of civil citations or notices of violation, and other activities undertaken pursuant to specific statutory or local regulatory authority do not constitute police duties and functions solely because they involve an assertion of regulatory authority over an individual or entity.

Recognition of Specialized Municipal Enforcement Personnel and Existing Statutory Authority

The MMA is particularly concerned about the potential implications of Sections 3.04 and 3.08 for specialized municipal enforcement personnel, including shellfish constables, harbormasters, and herring wardens.

Section 3.04(1)(g) specifically includes each constable who takes any action that furthers, or is intended to further, the constable's execution of an arrest within the definition of a law enforcement officer. Section 3.04(4)(b) further provides that a constable who qualifies as a law enforcement officer under this provision continues to be considered a law enforcement officer at all times and in all respects while serving as a constable for that jurisdiction.

These provisions raise important questions for municipalities that appoint constables or specialized enforcement personnel under statutory authority to carry out limited enforcement responsibilities. For example, M.G.L. c. 130, § 98 authorizes appointed shellfish constables and deputy shellfish constables to enforce shellfish laws and local regulations and provides specified arrest authority under certain circumstances. Municipalities need clarity on whether these individuals may continue exercising the specific enforcement powers granted to them by the Legislature without being subject to the full scope of POST certification requirements.

More broadly, harbormasters, herring wardens, and other specialized municipal enforcement personnel may exercise particular statutory or local enforcement responsibilities involving inspections, investigations, citations, and the protection of public resources. Their authority and responsibilities are distinct from those of traditional police officers and should be evaluated accordingly.

The MMA recommends that the Commission expressly recognize the distinction between individuals exercising general police powers and specialized municipal personnel exercising limited enforcement authority under separate statutory or local regulatory provisions. The regulations should ensure that the exercise of specifically authorized regulatory enforcement powers does not automatically trigger POST certification requirements or otherwise interfere with the ability of municipalities to carry out their legally established responsibilities.

Where a municipal employee is authorized to exercise a discrete law enforcement power, the Commission should clarify whether any applicable POST requirements are limited to that specific function or instead apply to the individual's entire position and responsibilities. Municipalities should not be left to choose between discontinuing established enforcement programs and attempting to obtain police certification for specialized personnel whose primary responsibilities are unrelated to traditional policing.

Objective Criteria for Determining Employee Status and Commission Jurisdiction

Sections 3.04, 3.05, and 3.06 provide the Commission with considerable discretion to determine whether an individual qualifies as a law enforcement officer or the head of a law enforcement agency. Section 3.06 identifies numerous factors that may weigh in favor of such a determination, including job responsibilities, involvement in law enforcement-related activities, uniforms, badges, equipment, supervisory authority, and position titles.

While flexibility may be appropriate in certain circumstances, these provisions could create significant uncertainty for municipal employers and employees performing specialized enforcement functions. In particular, an employee's title, uniform, badge, equipment, or authority to investigate regulatory violations should not independently establish that the individual is a law enforcement officer subject to POST certification.

We recommend establishing more objective criteria that place primary emphasis on the individual's actual statutory authority, the nature and scope of their law enforcement powers, and their primary job responsibilities. The Commission should also expressly recognize that municipal employees who perform regulatory, inspection, administrative, or specialized enforcement functions are not necessarily law enforcement officers, even when those responsibilities involve limited investigative or enforcement authority.

Additionally, the regulations should establish a clear process for municipalities and affected employees to seek a determination from the Commission before new requirements are imposed. Such a process should provide reasonable notice, an opportunity to submit information concerning the individual's statutory authority and actual job responsibilities, and an opportunity for review or reconsideration.

Clarification of the Head of a Law Enforcement Agency

Section 3.05 defines the head of a law enforcement agency as the highest-level individual exercising day-to-day supervision and control of the agency's law enforcement activity, regardless of title or whether the individual is a sworn officer or civilian.

This definition warrants additional clarification in the municipal context. Municipal police departments operate within broader municipal organizational structures, with town managers, city managers, mayors, select boards, and other municipal administrators exercising varying levels of administrative, budgetary, personnel, and policy oversight.

Such responsibilities should not, in themselves, result in a municipal administrator being considered the head of a law enforcement agency for purposes of POST certification, reporting, or disciplinary responsibilities. The regulations should distinguish between the professional operational leadership of a police department and the general administrative and governance responsibilities exercised by municipal officials.

We recommend clarifying that the head of a municipal law enforcement agency is ordinarily the police chief or other individual designated with direct operational command and responsibility for the department, rather than a municipal official whose responsibilities are administrative or supervisory in a broader municipal management capacity.

Conclusion

The MMA appreciates the Commission's work to strengthen professional standards, accountability, and public confidence in law enforcement throughout the Commonwealth. Our concerns are not with these underlying objectives, but rather with ensuring that the regulations

are appropriately tailored and do not unintentionally undermine the ability of municipalities to deliver essential services and enforce state and local laws.

Cities and towns depend on specialized personnel to protect public health, natural resources, waterways, and community interests. These employees often exercise specific statutory or regulatory authority that is distinct from traditional police powers. The final regulations should recognize these distinctions and preserve the ability of properly appointed municipal personnel to carry out their established responsibilities without inadvertently becoming subject to certification requirements designed for traditional law enforcement officers.

If you have any questions or require additional information, please do not hesitate to have your office contact me or MMA Senior Executive & Legislative Director Dave Koffman at any time.

Sincerely,



Adam Chapdelaine
Executive Director & CEO

5.

Massachusetts Peace Officer Standards & Training Commission

84 State Street, Suite 200, Boston, Massachusetts 02109
617.701.8401 | mapostcommission.gov

Memorandum

To: Chair and Commissioners, Massachusetts POST Commission

From: Enrique A. Zuniga

Cc: Matthew P. Landry, Randall E. Ravitz, Eric Rebello-Pradas, Jeanine Hopkins

Date: November 9, 2026

Subject: Request for Temporary Designation of Acting Executive Director

---

I am writing to inform the Commission that I will be taking a short medical leave of absence beginning Wednesday December 16, 2026 and anticipated to end on Friday January 8, 2027. During this period I will be unable to perform my duties as Executive Director, including attending the Commission's upcoming public meeting on December 17, 2026.

M.G.L. Chapter 6E section 2(g) stipulates that

> *"In the case of an absence or vacancy in the office of the executive director, or in the case of disability as determined by the commission, the commission may designate an acting executive director to serve an acting executive director until the vacancy is filled or the absence or disability ceases. The acting executive director shall have all of the powers and duties of the executive director and shall have similar qualifications as the executive director."*

In light of this statutory language, and to ensure continuity of leadership and the uninterrupted operation of the agency, I respectfully request that the Commission determine that the four-week medical leave constitutes a temporary absence or disability and designate Matthew P. Landry, Director of the Division of Police Standards to serve as Acting Executive Director for the duration of my leave. Director Landry has the qualifications required by Chapter 6E section 2(g).

In this temporary capacity, Director Landry would assume the responsibilities and authority necessary to oversee the Commission's day-to-day operations, supervise staff, and address matters requiring executive-level attention, consistent with applicable law and Commission policies.

I anticipate using approved leave, expect full recovery, and plan to return to my duties on or about Monday January 11, 2027. The temporary designation would conclude upon my return, unless otherwise determined by the Commission.

I appreciate the Commission's consideration of this request and its continued support. I am confident that, under Director Landry's leadership and with the support of our experienced

management team, the agency will continue to operate effectively and advance its important mission during my absence.

Recommendation: **That in accordance with M.G.L. c. 6E section 2(g), the Commission determine that the anticipated 3 ½ week medical leave of Executive Director Enrique A. Zuniga qualifies as a temporary absence or disability, determine that Director Matthew P. Landry has the requisite qualifications to serve as the Acting Executive Director, and designate Director Landry to serve as the Acting Executive Director between the dates of December 16, 2026 and January 8, 2027, or until otherwise determined by the Commission.**