



2022 ANNUAL REPORT

GOVERNOR

Maura Healey

LT. GOVERNOR

Kim Driscoll

COMMISSION CHAIR

Margaret R. Hinkle

EXECUTIVE DIRECTOR

Enrique Zuniga

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MISSION AND GOALS

The Massachusetts Peace Officer Standards and Training (POST) Commission was established as part of the criminal justice reform legislation enacted in Chapter 253 of the Acts of 2020.

Mission Statement

To improve policing and enhance public confidence in law enforcement by implementing a fair process for mandatory certification, discipline, and training for all peace officers in the Commonwealth.

SPECIFIC GOALS INCLUDE

- 1 Implement a mandatory certification process for police officers, including decertification, suspension of certification, or reprimand in the event of certain police misconduct.
- 2 Receive, investigate, and adjudicate officer misconduct complaints and improper use of force.
- 3 Maintain a public portal (database) of officer information, including certification status, suspensions, and disciplinary records.
- 4 Standardize practices throughout the Commonwealth by implementing a process for certifying agencies including regulations, model policies and best practices that address use of force, ensure bias-free policing, and enhance officer wellness.
- 5 Collaborate with the MPTC to standardize and implement best practices in training and ensure compliance with annual in-service requirements.
- 6 Build an effective and well-regarded diverse agency that fosters collaboration, professional excellence, and personal growth.

MESSAGE FROM COMMISSION CHAIR

We are pleased to submit the first annual report of the POST Commission. This report includes activities from inception of the Commission (April 1, 2021) through December 31, 2022.

From the time that I and the other eight Commissioners were sworn in, we have focused on ensuring that POST and the 438 law enforcement agencies that come under its purview met the statutory obligations and deadlines included in the statute (Chapter 253 of the Acts of 2020). At the same time, we have been focusing on the critical tasks associated with building a new agency including the regulatory and technology infrastructure that will enable POST to further its mission.

The mission of POST as provided in the statute comes at a critical time and is both broad and ambitious. The tasks are critical because every one of the approximately 20,000 peace officers in the Commonwealth is in some form (large or small) affected by the work that POST undertakes.

This last year we greatly benefitted from the able and timely help of many individuals in other State agencies (The Executive Offices of Technology Services and Security, Public Safety, Administration and Finance, the Human Resources Division and the Comptroller's office). We are deeply grateful for their continuing help, patience, guidance and insight.

We have met and strongly believe we will continue to meet all our obligations under the statute, while building an effective and well-regarded agency. We are able to do so because of the strong partnership with the Municipal Police Training Committee (MPTC) and the crucial collaboration of the Law Enforcement Agencies in the Commonwealth. We know that this ongoing collaboration will be critical to our success.

Enhancing trust between law enforcement and the communities they serve is at the heart of our mission. Therefore, we are committed to doing our work diligently, in an objective and fair way and with the utmost transparency.



Margaret R. Hinkle
Chair, POST Commission

POST COMMISSIONERS

The nine-member Commission is made up of appointees of the Governor, Attorney General, or both. The Commissioners have experience in law enforcement practice and training, criminal law, civil rights law, the criminal justice system, mental health, post-traumatic stress disorder, crisis intervention, de-escalation techniques, and social science fields related to race or bias.

While serving on the Commission, the Commissioners cannot hold, or be a candidate for elected office; hold an appointed

office in government; or serve as an official in a political party. No more than 7 Commissioners shall be from the same political party.

Each Commissioner serves for a term of 5 years or until a successor is appointed, and are eligible for reappointment, but cannot serve more than 10 years.

APPOINTEES OF THE GOVERNOR

Margaret R. Hinkle served from 1993 until 2011 as a Justice of the Superior Court of Massachusetts and serves as Chair of the POST Commission.

Michael Wynn has served since 2007 as Chief of the Pittsfield Police Department.

Charlene Luma is a licensed social worker who has served since 2019 as the Chief of the Victim Witness Assistance Program for the Suffolk County District Attorney's Office.

APPOINTEES OF THE ATTORNEY GENERAL

Lawrence Calderone is the Chair & President of the Massachusetts Law Enforcement Policy Group, and President of the Boston Police Patrolmen's Association.

Larry Ellison is a Detective in the Boston Police Department's School Unit, a position he has held since 2005.

Marsha Kazarosian is an experienced trial attorney who has been practicing in Massachusetts since 1982.

JOINT APPOINTEES OF THE GOVERNOR AND ATTORNEY GENERAL

Dr. Hanya H. Bluestone is a licensed psychologist who has served since 2016 as CEO of Labyrinth Psychological Services, PC, in Holden.

Clementina M. Chéry is an ordained senior chaplain and the Co-Founder and CEO of the Louis D. Brown Peace Institute in Boston, a center of healing, teaching and learning for families and communities impacted by homicide, trauma, grief and loss.

Kimberly P. West has served since 2019 as a Partner of Ashcroft Law Firm in Boston, where she represents clients in investigations involving federal and state agencies.

EXECUTIVE SUMMARY

During the first year of operations, the Commission achieved important milestones as required by the statute (Chapter 253 of the Acts of 2020, also referred to as “Police Reform”). The major accomplishments can be summarized as follows:

- In June of 2021, jointly promulgated regulations on **Use of Force** with the Municipal Police Training Committee (MPTC). These regulations codify the prohibition of certain practices and clarify the use of certain tactics including the requirement for de-escalation in most encounters between law enforcement and the public. During the same month, the Commission issued guidance on alternative use of force and alternatives in dealing with minors.
- From September 2021 through January 2022, began collecting and aggregating **disciplinary records** of all officers in the Commonwealth. Agencies were required to submit a summary of all historical disciplinary records to POST for “Active Officers.” Similarly, agencies submitted records of officers no longer working in those agencies who are active in other agencies (“Transferred Officers”), to ensure that the Commission and the public have a complete view of the historical records of all officers. The Commission will continue to aggregate and validate this large dataset and is working to make most of the information available to the public in the coming months.
- On December 1, 2021 began **certifying graduates of new academies**. The certification process includes verifying that individuals meet certain statutory requirements outlined in section 4(f) of the statute. To date the Commission has certified approximately 1,200 new law enforcement officers.
- Promulgated regulations that govern the processes for receiving, investigating and adjudicating complaints regarding law enforcement officers, as well as regulations that govern the recertification process.
- Finally, on July 1, 2022 accepted, processed, **recertified and notified approximately 8,800 law enforcement officers**. The statute grandfathered the certification of officers whose last name begins with letters between A-H and this certification expired on June 30, 2022. The Commission has a high degree of confidence that most of those individuals met the requirements of the statute for recertification. There is a small group of individuals that merited further review, some of whom will not be issued a recertification.

Next year will bring additional progress that will build on the work done to date. The Commission will continue to receive complaints and disciplinary records; certify new academy graduates; recertify officers with last names I through P; investigate and adjudicate some disciplinary matters and publish key information regarding law enforcement officers as required by the statute.



KEY DATES

December 2020

Chapter 253 of Acts of 2020 signed into law

April – June 2021

Commissioners appointed by Governor Charles Baker and Attorney General Maura Healey
Guidance on dealing with minors released
Use of force regulations released

September – December 2021

Commission appoints Executive Director
Collect disciplinary records of active officers
Begin certifying police academy graduates
Collect disciplinary records of active and transferred officers
Implement interim technology solution (JIRA)

January – March 2022

Formulate plan for recertification of officers
Hire positions in the Certification Division
Build interim technology solution to process certifications
Clarify in-scope agencies and officers
Formulate plan for recertification (part 1 and 2)

April – June 2022

Litigation regarding recertification questionnaire
Draft and promulgate recertification regulations
Recertify approximately 8,800 officers with last names A-H

July – September 2022

Procurement and contracting for permanent technology software (Salesforce)
Process certification exceptions
Process cases requiring “Further Review”

October – December 2022

Draft levels of review for Certification, Executive Director and Commission
Salesforce solution – first task order and release 1 (law enforcement agencies and officers)
Public complaint form debuts on POST website
Suspensions and preliminary inquiries started
Release data on certified officers A-H and new academy graduates

PROVISIONS OF THE POLICE REFORM ACT OF 2020

Chapter 253 of the Acts of 2020 (“Police Reform”) established the POST Commission to create a mandatory certification process for police officers and for certifying law enforcement agencies, along with the following goals:

1. CERTIFY NEW AND EXISTING OFFICERS EVERY THREE YEARS.

The statute outlines certain requirements for certification of new officers and recertification of existing officers. The law initially granted a certification to all active officers and requires new officers to be certified according to certain criteria. Further, the law requires that all officers be recertified every three years. To distribute the certification workload, the law outlined the expiration of said certification according to the last name of individuals: Officers with last names A-H were the first officers to be re-certified by POST on July 1, 2022. The next group of officers (with last names I-P) will be required to be recertified by POST on July 1, 2023, and the last group of officers (with last names Q-Z) by July 1, 2024. This process will continue.

2. INVESTIGATE ALLEGATIONS OF MISCONDUCT AND CREATE A PROCESS FOR RETRAINING, CONDITION, LIMIT, DISCIPLINE, OR REPRIMAND.

The mission of POST includes creating a process for suspension of certification of a law enforcement officer. Such process is required to include procedures for hearings and adjudication. The Commission has the authority to suspend, limit, condition or revoke certifications, or order retraining of officers. This also includes the authority to “decertify” an officer in the event of certain prohibited conduct. In those instances, an officer will be listed in the National Decertification Index and prevented from working in law enforcement in the future.

As part of the investigatory process, the Commission is tasked with receiving complaints from both the public and law enforcement agencies within 2 business days. Agencies are also tasked with submitting reports and disciplinary disposition to POST when those tasks are completed. When investigating misconduct, the staff will evaluate information to detect patterns, as well as situations that may warrant referral to prosecuting agencies.

3. REGULATE OFFICERS AND AGENCIES TO STANDARDIZE TRAINING AND BEST PRACTICES ACROSS THE STATE.

The mission includes the authority to certify law enforcement agencies and individuals to ensure that officers are well trained and adhere to high standards and sound policies, and to prevent and address excessive force and misconduct. The Commission endeavors to follow best practices, dictate minimum standards and require model policies for agencies with the overall goal of improving policing in the Commonwealth.

4. MAINTAIN AND PUBLICIZE INFORMATION REGARDING OFFICERS.

To further its mission and the important goal of enhancing public confidence and trust in policing, the Commission is tasked with maintaining a public facing database of officer information, including disciplinary records and complaint history. The statute also requires that the public information include the certification status of every officer in the Commonwealth.

DIVISION REPORTS

MASSACHUSETTS

POST

COMMISSION

POLICE

DIVISION OF CERTIFICATION

The Division of Certification establishes uniform policies and standards for the certification of all law enforcement officers. In addition, Division staff work in conjunction with the Municipal Police Training Committee (MPTC) to verify standards related to training.

All officers in the Commonwealth that fall within the scope of the statute are required to be recertified every three years. Officers who were active on July 1, 2021 were certified [grandfathered] by statute. The statute also provided that those initial certifications were to expire as follows:

Officers with last names A through H **June 30, 2022**

Officers with last names I through P **June 30, 2023**

Officers with last names Q through Z **June 30, 2024**

The Commission requires agencies to help verify certain requirements of the statute and submit information to renew the certification of officers A-H prior to the date of expiration. In addition, the statute requires that all new officers attending an academy training and graduating December 1, 2021 be certified by the Commission.

THE CERTIFICATION STANDARDS FOR ALL OFFICERS INCLUDE:

- (i) Attaining the age of 21;
- (ii) Successful completion of a high school education or equivalent, as determined by the Commission;
- (iii) Successful completion of the basic training program approved by the Municipal Police Training Committee;
- (iv) Successful completion of a physical and psychological fitness evaluation approved by the Commission;
- (v) Successful completion of a state and national background check, including, but not limited to, fingerprinting and a full employment history; provided, that if the applicant has been previously employed in law enforcement in any state or United States territory or by the federal government, the applicant's full employment record, including complaints and discipline, shall be evaluated in the background check;
- (vi) Passage of an examination approved by the Commission;
- (vii) Possession of current first aid and cardiopulmonary resuscitation certificates or the equivalent, as determined by the Commission;
- (viii) Successful completion of an oral interview administered by the Commission; and
- (ix) Being of good moral character and fit for employment in law enforcement, as determined by the Commission.

The Division of Certification, in consultation with the Division of Standards, is also tasked with creating and maintaining a database of records for each certified law enforcement officer. The division plans to publish searchable databases available to the public.

OPERATIONS

In early 2022, the total number of law enforcement officers in the Commonwealth was estimated at 22,000. The total number of individuals with last names A-H was initially estimated at 10,000.

Last year the Division of Certification partnered with the Executive Office of Technology Services and Security (EOTSS) to build a technology solution to process and maintain all records while simultaneously completing the requirement to certify all officers by July 1, 2022. This very large undertaking required the creation of an algorithm to process a large amount of officer data and corroborate information submitted to the Commission. The Division relied on the representation and attestations of police chiefs for compliance with

the requirements of the statute. Shortly after those submissions, the Commission undertook a process of review and quality assurance.

The certification team built an interim solution using the JIRA service management system to accept information from law enforcement agencies and complete the recertification of officers. The solution is a task-based application that was utilized to process requests and recertifications. While not intended to be the final technology platform, the technology was flexible enough to be deployed quickly, enabling the Division to process records expeditiously, given the short implementation timeline.

CERTIFICATION STATUS

As of December 31, 2022, the Division processed 8,838 officers for recertification and 1,207 new graduates of the MPTC Academies. As of the same date the status of officers is as follows:

CERTIFICATION CATEGORY	NUMBER OF OFFICERS AS OF 12/31/22
Certified (A-H)	8,269
Conditionally Certified (A-H)	231
Not Certified (A-H)	338
Total (A-H)	8,838
Certified New Graduates (since December 1, 2021) (A-Z)	1,207
Suspended Officers (A-Z)	15*

*All suspended officers (fifteen officers as of December 31, 2022) were suspended in accordance with M.G.L. c. 6E § 9 (a)(1), which states that the Commission shall immediately suspend the certification of an officer who is arrested, charged or indicted for a felony.

THE LIST OF SUSPENDED OFFICERS IS UPDATED FROM TIME TO TIME. FOR A LIST OF SUSPENDED OFFICERS PLEASE VISIT: [DATA AND REPORTS | MASS.GOV.](#)

BRIDGE ACADEMY

The Police Reform Act of 2020 required standardization of training. Officers that had never attended a full-time academy (~800 hours) but were active and counted with policing experience, and/or had attended reserve training or were working part time, were given an opportunity to attend a “Bridge Academy” to meet the new standard.

The MPTC afforded an opportunity to sign up for the Bridge Academy to bring those part-time or reserve officers into compliance with the training requirement. The Bridge Academy is only available for the year that an officer’s

statutory certification comes due (FY22 for officers A-H; FY23 for officers I-P and FY24 for officers Q-Z). The Bridge Academy training is coupled with certain required work hours (depending on the prior training and experience).

The opportunity to attend the Bridge Academy expires in 2024, and officers who do not sign up for the Bridge Academy, or sign up and fail to complete it, will be required to attend a full academy training in order to be certified as a law enforcement officer.

LAW ENFORCEMENT AGENCY CERTIFICATION

In addition to policies and standards for officers, the Division of Certification is required to establish minimum certification standards for all law enforcement agencies that shall include, but shall not be limited to, the establishment and implementation of agency policies regarding: (i) use of force and reporting of use of force; (ii) officer code of conduct; (iii) officer response procedures; (iv) criminal investigation procedures; (v) juvenile operations; (vi) internal affairs and officer complaint investigation procedures; (vii) detainee transportation; and (viii) collection and preservation of evidence.

The Commission made important progress regarding the categories listed above, including the use of force, guidance in dealing with minors, and initial submission of officer disciplinary records. The Division of Certification has begun efforts to study standards and approach for future agency certification.

FUTURE GOALS

The Division of Certification plans to replace the interim solution with a robust system called Salesforce to manage both certification and complaints. This implementation is currently in process and will be fully operational by the end of the second quarter of 2023.

The Division anticipates the new technology will provide full functionality for the staff and agencies to interact. We have contracted to purchase Salesforce and consulting services to build a complete solution to manage the certification, reporting, and standards requirements.

Additionally, the Division continues to work closely with the MPTC to integrate the latest information regarding the training status of each officer from their database to the Commission’s records management system.

The Division also plans to provide a reporting system for the public to search the certification status of each officer, in addition to disciplinary records.



DIVISION OF STANDARDS

The Division receives complaints regarding allegations of officer misconduct from law enforcement agencies and the public. For certain categories of misconduct, the Division begins an investigation (preliminary inquiry) into law enforcement officers upon the Commission's receipt of a sufficient complaint, report, or other evidence that: (1) an officer is involved in an incident that results in injury or death; (2) an officer commits a misdemeanor or felony; (3) an officer uses excessive force in violation of Mass. Gen. Laws Ch. 6E, § 14; (4) an officer observes another officer use excessive force in violation of Mass. Gen. Laws Ch. 6E, § 14, and does not intervene or report the incident; or (5) the head of the officer's appointing agency recommends that the Commission

take disciplinary action in the form of retraining, suspension or revocation of an officer's certification. If an officer engages in other categories of prohibited conduct, the Division of Standards may, but is not required to, conduct a preliminary inquiry.

The Division of Standards, in connection with a preliminary inquiry hearing, may compel the attendance of witnesses and the production of materials pursuant to subpoenas. It may also administer oaths and require testimony under oath. As a result of a preliminary inquiry, the Commission may determine that retraining, suspension, or decertification of a law enforcement officer is appropriate.

THE DIVISION OF STANDARDS INVESTIGATES ALLEGATIONS OF POLICE MISCONDUCT AND MAKES DISCIPLINARY RECOMMENDATIONS TO THE COMMISSION.

OPERATIONS

In addition to investigating police misconduct, the Division of Standards may audit all records related to complaints, investigations, and investigative reports of any law enforcement agency related to allegations of officer misconduct or unprofessionalism. By statute, the Division of Standards also must create and maintain a database that documents an officer's complaint history, allegations of untruthfulness, failure to complete training requirements, and records of discipline, including decertification, suspension, and termination. If the Division of Standards detects a pattern in an officer's behavior based on the information contained in its database, it may initiate an investigation into that officer, which could result in disciplinary action by the Commission.

DATABASE/REPORTING REQUIREMENTS

The Division of Standards also supports the Division of Certification in creating and maintaining a separate database containing various information regarding law enforcement officers, including officers' dates of certification and recertification, records relating to training, arrest, conviction, and disciplinary records, and any other information relevant to the Commission's business.

As required by statute, the Commission must maintain a separate publicly accessible database of the officers who are subject to retraining, suspension, or decertification because of the Commission's actions.

CURRENT CASELOAD FOR FISCAL YEAR 2023:

Preliminary Inquiries

As of December 31, 2022, the Division of Standards discussed 12 (twelve) cases with the Commission for a potential preliminary inquiry.

As per Commission regulations 555 CMR 1.03, proceedings and records related to preliminary inquiries by the Division of Standards including any internal review to determine whether there is sufficient credible evidence to initiate a preliminary inquiry, shall be kept strictly confidential pursuant to M.G.L. c. 6E, § 8(c)(2) and M.G.L. c. 4, § 7, twenty-sixth, the exemptions to the definitions of public records.

The case numbers are as follows:

- | | |
|----------------------|-----------------------|
| 1. PI-2022-11-22-001 | 7. PI-2022-12-13-001 |
| 2. PI-2022-11-22-002 | 8. PI-2022-12-13-002 |
| 3. PI-2022-11-22-003 | 9. PI-2022-12-13-003 |
| 4. PI-2022-11-22-004 | 10. PI-2022-12-13-004 |
| 5. PI-2022-11-22-005 | 11. PI-2022-12-13-005 |
| 6. PI-2022-11-22-006 | 12. PI-2022-12-13-006 |

Complaint Data Received by POST

The number of complaints concerning police officer conduct received by the Commission is as follows:

SOURCE / METRIC	# OF COMPLAINTS (AS OF 12/31/22)
Complaints received via Law Enforcement Agency (LEA)	1,586
Citizen Complaints (submitted directly to POST)	117
Total Complaints Received	1,703
Total Complaints*	1,845

*Staff responds to all who submit a complaint (some submit multiple complaints of same incident)

On November 12, 2022 POST deployed an on-line tool to streamline the process for submitting complaints and capturing data in a structured way. The online tool is available at: www.policecomplaints.mass.gov or [Police misconduct complaint form \(mass.gov\)](#).

Suspended Officers

The Commission immediately suspends the certification of an officer who is arrested, charged, or indicted for a felony. Further, the Commission may suspend the certification of an officer who is arrested, charged, or indicted for a misdemeanor.

The list below includes the names of individual officers who have been suspended by the Commission as of January 3, 2023:

NAME	POLICE DEPARTMENT	REASON FOR SUSPENSION
Bones, Devon	Holyoke Police Department	MGL c.6E §9 (a)(1)
Custadio, Bryan	Fall River Police Department	MGL c.6E §9 (a)(1)
Davis, Leon	Springfield Police Department	MGL c.6E §9 (a)(1)
Fontaine, Ernest	Fitchburg State University Police Department	MGL c.6E §9 (a)(1)
Forte, David	Needham Police Department	MGL c.6E §9 (a)(1)
Garneau, Kevin	Lowell Police Department	MGL c.6E §9 (a)(1)
Hoar, Nicholas	Fall River Police Department	MGL c.6E §9 (a)(1)
Morales, Thomas	Woburn Police Department	MGL c.6E §9 (a)(1)
O'Donnell, Keith	Somerville Police Department	MGL c.6E §9 (a)(1)
Pomeroy, Brian	West Springfield Police Department	MGL c.6E §9 (a)(1)
Quilty, James	Natick Police Department	MGL c.6E §9 (a)(1)
Rooney, Kevin	Watertown Police Department	MGL c.6E §9 (a)(1)
Sheehan, Matthew	Massachusetts State Police	MGL c.6E §9 (a)(1)
Turner, Colby	Worcester Police Department	MGL c.6E §9 (a)(1)

All officers included in the above list have been suspended in accordance with MGL c.6E §9 (a)(1) which states that “The Commission shall immediately suspend the certification of an officer who is arrested, charged or indicted for a felony.”

FUTURE GOALS

A primary goal of the Division of Standards for the upcoming year is to continue hiring attorneys, investigators, and other support staff to fulfill the Commission's broad statutory mandate. Although most complaints are transmitted to Commission staff by law enforcement agencies, the Division projects that complaints submitted directly to the Commission will increase. Regardless of the way those complaints are submitted, the Division will address and prioritize complaint-related matters originating from both law enforcement agencies and civilians. Staff will identify matters for potential investigation and conduct preliminary inquiries when required or appropriate.

In addition to conducting preliminary inquiry hearings, Division of Standards personnel will assist the Executive Director and the Commission in addressing officers whose provisional certifications require further attention under

555 CMR 7.10 (possible actions following decisions declining to grant full recertification).

The Division of Standards works with the technology vendor to establish the interim and permanent technology platforms that will assist in standardizing and managing complaint and disciplinary information received from law enforcement agencies across the state. The Director of the Division of Standards and others have collaborated in the design of workflows with our vendor. This effort will necessitate consultation and coordination with law enforcement agencies to ensure efficiencies in the process of submitting complaints, reports, and other materials to the Commission.

The Division of Standards will take the necessary steps to satisfy its remaining statutory mandates, including monitoring information contained in POST databases to identify and address patterns of unprofessional police conduct.



FINANCE AND ADMINISTRATION

The Finance and Administration team manages all aspects of accounting, budgeting, financial reporting, payroll, and human resources administration. In addition, the group is responsible for maintaining the Commission's Internal Control Plan and administrative policies and procedures, as well as overseeing contracting and procurement.

The legislature provided the Commission with start-up funding through Chapter 29 of the Acts of 2021 (FY21 supplemental budget). The full allocation of \$5 million was presumed to cover expenses for both the remaining of fiscal year 2021 and the full fiscal year of 2022.

The following table exhibits actual expenditures for FY21-FY22, as well as estimated activity for the first half of FY23:

FY21-FY23 ACTIVITY

	FY21 ACTIVITY	FY22 ACTIVITY	FY23 ACTIVITY*
Beginning Balance	\$5,000,000	\$4,904,269	\$7,899,430
Expenditures	[\$95,731]	[\$1,989,257]	[\$3,119,976]
Ending Balance	\$4,904,269	\$2,915,012	\$4,779,454

*Represents estimated financial activity for the first six months of FY23. In particular, incurred expenses are included in expenditures.

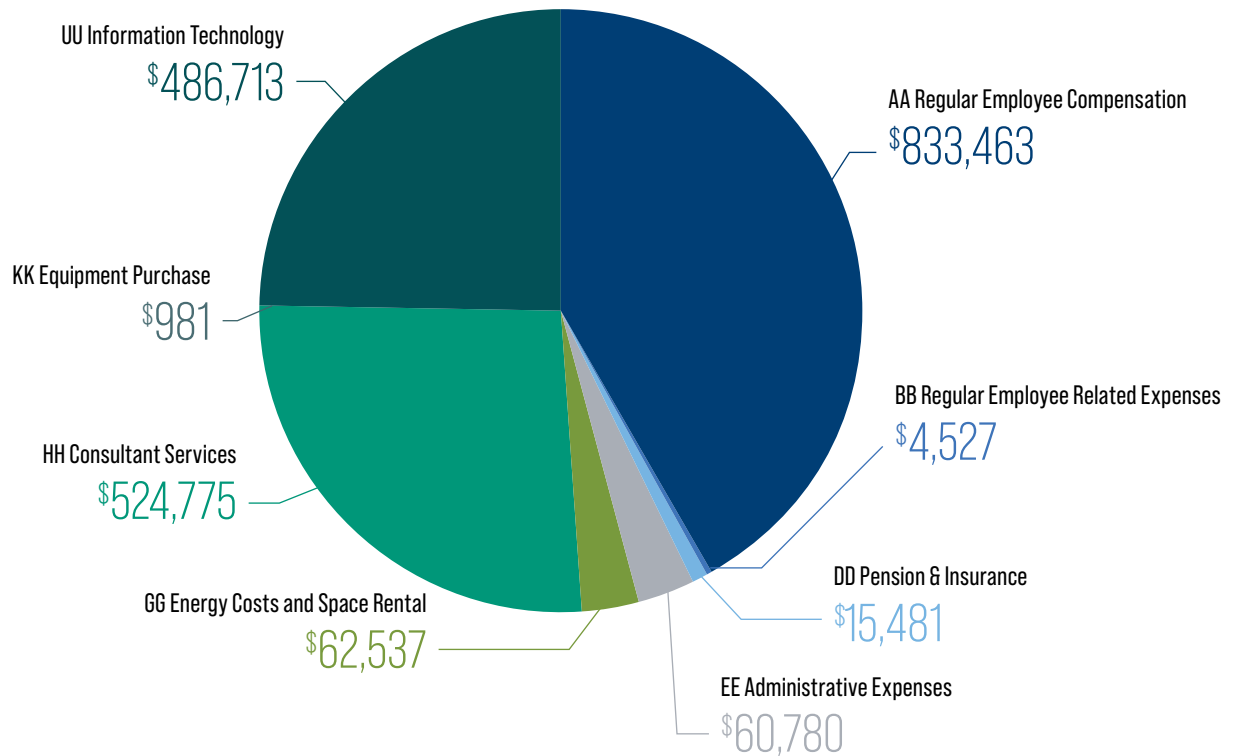
Most of the unused portion of the original \$5 million allocation will be needed to finance the commission's major IT solution – an extensive case management system designed to support mission-critical processes. Following an extensive procurement process, work began on the IT solution at the end of August 2022. The work will continue over the next 2-3 years.

The FY23 figures reflect only estimated financial activity for the first half of the fiscal year (July 1, 2022 – December 31, 2022), while FY21 and FY22 reflect actual activity. The *Beginning Balance* of \$7.9 million for FY23 is inclusive of \$2.9 million in unused funds carried over from FY22. The *Expenditures* category for FY23 also includes any expenses which have been incurred as of December 31st. This includes \$1.02 million in funds under contract for the IT solution.

POST COMMISSION OPERATING EXPENSES FY2022

1599-1210 – Police Reform Reserve

Figure 1. Fiscal Year 2022 Actual Spending



Consistent with most state agency budgets, most expenses for FY22 were concentrated in employee compensation. Notwithstanding the statutorily appointed nine commissioners, the Commission had 22 employees as of December 31st.

In 2022, the Finance & Administration Division conducted a major procurement for the agency's Information Technology (IT) solution and commenced a search for permanent office space for the POST Commission.

FUTURE GOALS

Looking toward 2023, the Finance & Administration team will finalize written processes and procedures via the assemblage of the Commission's first *Internal Control Plan (ICP)*, and *Employee Manual*, develop the operating budget for FY24, and finalize the office space lease for the Commission's permanent headquarters.

POST COMMISSION ORGANIZATION CHART

AS OF DECEMBER 31, 2022



EXECUTIVE DIVISION

Enrique Zuniga, Executive Director
Janice Reilly, Senior Administrative Manager
Jamie Ennis, Administrative Manager

POLICE STANDARDS DIVISION

Shaun Martinez, Enforcement Counsel
Tim Hartnett, Enforcement Counsel
John Paolillo, Compliance Agent
Tim Quinn, Compliance Agent
Chrissy Fitzpatrick, Paralegal

POLICE CERTIFICATION DIVISION

Steve Smith, Director
Gina Joyce, Senior Certification Specialist
Brian Cooper, Senior Certification Specialist
George Katsarakes, Senior Certification Specialist
Sheila Cooper, Senior Certification Specialist

COMMUNICATIONS DIVISION

Cindy Campbell, Director

LEGAL DIVISION

Randall Ravitz, General Counsel
LaRonica Lightfoot, Deputy General Counsel
Pauline Nguyen, Deputy General Counsel

INFORMATION TECHNOLOGY DIVISION

Owen Mael, Chief Technology Officer
Albert Fung, Business Analyst

FINANCE & ADMINISTRATION DIVISION

Eric Rebello-Pradas, Chief Financial & Administrative Officer
Ally Trahan, Budget & Financial Operations Manager
Jeanine Hopkins, Human Resources Manager

INFORMATION TECHNOLOGY

The Information Technology (IT) Division supports both internal and external business processes of the Commission and provides infrastructure, connectivity, hardware, software, as well as data management and security for the integrity and efficiency of the Commission's operations and its oversight of peace officer certifications throughout the Commonwealth.

OPERATIONS

In 2022, the IT Division worked with the assistance of members from the Executive Office of Technology Services and Security (EOTSS), Mass Digital, and strategic management teams to configure and implement an interim software solution referred to as JIRA.

Starting in 2022, the POST Commission prepared for the move to its permanent database solution, Salesforce.

The development of this new solution is solidly underway with the first phase of the project which enabled complaint tracking to be managed within Salesforce starting in mid-December 2022. This phase also included building a centralized case management system and the migration of data from the former system. In February 2023, the online public complaint form previously posted to our website was directly linked to Salesforce, which saved time and effort for the Division of Standards team. Preliminary investigations are also being tracked and system enhancements for the Division of Standards will continue through 2023.

Customization work is also underway that will enable the Division of Certification staff to process the second tranche of recertification documents. Given this effort, the IT Division will once again need to support approximately 431 in-scope law enforcement agencies and their submission of officers with last names starting with I-P in order to meet the statutory deadline of July 1st. To prepare for the recertification process, the Information Technology Division and the Division of Certification have started training and using Salesforce daily, enabling them to be well versed in the system by May 15, the approximate date that the Commission will start accepting recertification data.

The IT Division plans to roll out additional customizations to enable the law enforcement agencies to upload their certification requests and new disciplinary records via a portal. Currently, all information from these agencies has been handled via email and the sharing of spreadsheet data. Starting on May 15, the second tranche of recertification requests as well as the ability to upload disciplinary data will be handled via this portal, streamlining the effort of the agencies and the POST Commission.

Training, data migration and customizations continue for all POST users in Salesforce as it will be our system of record moving forward.

FUTURE GOALS

Looking toward the coming year, the Information Technology Division will work with our permanent solution vendor Slalom to configure and implement changes as they arise. After the next round of recertifications are completed by late summer, we will review the workflows and make any changes to enable the Division of Certifications to be more efficient in their tasks.

In the latter half of 2023, we will start to evaluate the use of Salesforce as a case management tool that can help process any investigations, tracking all the necessary dates and data needed for the Standards division to operate smoothly and to be able to produce any data as part of a public records request.

The technology team will continue to grow over the next year to manage our Salesforce system, handle internal IT tasks and assist with projects. Currently we are filling a Product Manager role for our Salesforce system as well as a Salesforce Administrator. Along with our Business Analyst this will provide the necessary bandwidth for our immediate needs. Most likely, we will also add a Data Analyst sometime in Q2/Q3 2024 to handle our internal and external data requests and/or as the needs arise.

COMMUNICATIONS AND COMMUNITY ENGAGEMENT

One of the most important goals of police reform is to enhance public confidence in policing. The Commission is committed to engaging with the public, advocacy groups, the media, and the law enforcement community to understand and address stakeholders' concerns. In that regard, there is an on-going communications effort to disseminate the Commission accomplishments and activities. This effort also supports the needs of the division of certification and other regulatory activities.

The statute directs the Commission to maintain a public facing database with information about law enforcement officers and agencies. The communications effort of last year represented an important initial step towards that mandate and in the coming year staff will continue deploying public facing information to further that mission.

OPERATIONS

The Director of Communications manages media relations and community outreach, disseminates pertinent, accurate and consistent information to the public and other stakeholders, and promotes the Commission's website. The digital presence includes an archive of all Commission meetings, regulations, advisories and information for the public and the law enforcement community.

In 2022, staff created a YouTube channel as a second outlet to air video recordings of Commission meetings, which are also available on the Commission website. Staff maintains a growing database of individuals and organizations who have requested notifications about the Commission meetings, hearings and other activities (individuals can sign-up through our website to receive these notifications). We also communicate through other channels including Twitter to publicize meetings, hearings, request public comment and inform the public of all activities.

FUTURE GOALS

The priorities in communications will include the hiring of a digital communications coordinator in early 2023 to assist in the on-going effort to have fresh content in our website, social media, and disseminate public meeting and public hearing information. The team plans a major refresh of the POST website for 2023, along with additional video content.



LEGAL DIVISION

The Legal, or General Counsel, team provides guidance to the Commission and its personnel on the range of legal matters confronted by the agency. The team's attorneys work closely with other parts of the agency, and with the Municipal Police Training Committee, to develop regulations, policies, and advisories on matters such as the construction of the Commission's governing statute, the standards and procedures for certification, the adjudication of disciplinary matters, the use of force by officers. The team also provides advice, and helps ensure compliance, with respect to sources of law that govern agencies generally. Sources include those related to open meetings, public records, conflicts of interest, administrative procedures, and employment. Team members further contribute to the Commission's litigation, procurement, and contracting efforts. Additionally, they answer inquiries and deliver presentations on legal and policy matters, both inside and outside the Commission.

OPERATIONS

In Fiscal Year 2022, the Commission made great strides in developing regulations, policies, and standards. Working closely with the Municipal Police Training Committee, the Commission developed guidelines for its own personnel and the public on how its governing statute, Chapter 6E of the Massachusetts General Laws, should be construed. The guidelines resolved a series of questions about the range of agencies and officers that are subject to the Commission's jurisdiction.

Additionally, in conjunction with the MPTC, the Commission developed protocols for how applications for certification and recertification of law enforcement officers will be processed and evaluated. The protocols covered matters such as the steps to be taken by employing agencies, how the statutory certification standards are to be construed and applied, and how an officer's inability to complete training requirements because of certain documented hardships should be handled.

The development of such protocols led to the promulgation of a comprehensive set of regulations governing the

recertification of officers who were automatically certified for a limited time by way of Chapter 253 of the Acts of 2020. Codified at Chapter 7.00 of Title 555 of the Code of Massachusetts Regulations, they: ensure that an officer's certification does not expire while the officer's application is being processed, or is subject to review or a hearing; ensure that officers who were assigned different expiration dates based on their last names have equal opportunities to satisfy certain requirements; provide for officers to be recertified with conditions in appropriate circumstances; establish guidelines for evaluating the various standards for certification; and give officers who are not fully recertified the ability to obtain review by the Commission's Executive Director and a hearing.

The Commission also worked with the MPTC to develop an initial protocol for granting specialized certifications for school resource officers. The protocol laid the groundwork for future regulations on the subject.

Additionally, the Commission collaborated with the MPTC on the promulgation of regulations governing the use of force by law enforcement officers. The regulations can be found at Chapter 6.00 of the Title 550, and Chapter 6.00 of Title 555, of the Code of Massachusetts Regulations. Such regulations ban the use of particular forms of force, otherwise limit the circumstances and manner in which deadly and non-deadly force may be employed, restrict the use of certain methods of crowd control, require officers to intervene upon witnessing certain conduct by others in law enforcement, and establish various reporting requirements. The two agencies later approved an emergency amendment to clarify and strengthen the prohibition on placing pressure on a suspect's neck or head.

Such regulations were partly built on the foundation established by an advisory that the Commission issued at the end of Fiscal Year 2021. The advisory is entitled *Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to*

the Use of Force for Minor Children. It provides research-based recommendations for de-escalation and disengagement in situations involving juveniles, for educating and training officers on dealing with minors, for helping officers and members of the public address trauma, and for promoting positive relations with communities.

In addition to the above, the Commission developed extensive regulations concerning the disciplining of officers. The regulations are located at Chapter 1.00 of Title 555 of the Code of Massachusetts Regulations. The regulations address matters such as law enforcement agencies' handling and investigation of complaints against officers, the transmission of complaints and reports to the Commission, the Commission's conduct of preliminary inquiries, the suspension of officers pending the outcome of disciplinary matters, and Commission hearings concerning certification and disciplinary matters.

The Commission further responded to a series of public records requests, as well as appeals to the Supervisor of Public Records related to certain of those requests.

LITIGATION MATTERS

Also in Fiscal Year 2022, the Commission defended two civil lawsuits. Claims by four officers and a police association were consolidated into a single action styled as *Scott Hovsepian, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2284CV00906 in the Suffolk County Superior Court. Such claims concerned the Commission's operating procedures and its issuance of a questionnaire to officers as an aid in its evaluation of their applications for recertification.

On June 27, 2022, the Honorable Jackie Cowin of the Superior Court issued a decision in which she denied the plaintiffs' requests for preliminary injunctive relief, except in two respects. The judge refused to enjoin the use of the Commission's questionnaire. She also declined to enjoin the Commission from asking a question concerning an officer's tax compliance and a question concerning information that may be relevant to an officer's eligibility for recertification. However, the judge precluded the Commission from continuing to ask certain questions about social-media usage and organizational membership, in the form in which the questions then appeared.

The judge reasoned that "the [Commission's governing] statute vests the Commission with the power to establish the procedures it will use to effect the statute's objectives" and "the command that the Commission 'administer' an oral interview is sufficiently flexible to allow it to require that officers answer written questions as part of the interview." She also recognized that "police officers are subject to greater regulation of their speech than other professionals" and "have a 'reduced expectation of privacy,'" that "the Commission has a compelling interest in rooting out bias in policing," that "one's social media postings may be fertile ground for ferreting out discriminatory attitudes, and therefore bear a connection to an officer's fitness to serve," and that "some inquiry into officers' social media communications would pass constitutional muster." While the judge found the social-media and organizational-membership questions problematic as written, she noted that they "can be rewritten to address deficiencies, while still eliciting the information the Commission needs," and that "[n]othing in [her] decision [was] meant to prevent the Commission from requiring officers... to answer revised questions that meet constitutional requirements."

FUTURE GOALS

In the coming years, the public can look forward to the Commission's development of additional regulations, policies, and standards. In particular, the Commission anticipates promulgating regulations governing the databases on officer information that it is statutorily required to maintain, as well as its dissemination of information concerning officers. The Commission can also be expected to promulgate regulations establishing an audit procedure, and to develop various policies, guidelines, and forms for the conduct of its adjudicatory proceedings. It will likely also issue regulations concerning the initial certification of new officers and the certification of constables.

The Commission further expects to continue working with the MPTC to revise the regulations that govern the use of force by officers and to issue related forms of guidance. The Commission may also develop regulations or policies regarding matters such as in-service training by officers, certain

circumstances that will result in a denial of certification, and the issuance of advisory opinions.

The Commission additionally plans to continue providing training and advisories to its personnel in order to ensure their compliance with the various sources of law that govern Commission activity. Such sources include those governing open meetings, agency records, ethical standards, political activity, and other areas.

Added to the above, the Commission is tasked with establishing standards for the certification of law enforcement agencies, in consultation with the MPTC. Under Chapter 6E, Section 5(b) of the Massachusetts General Laws,

such standards “shall include, but shall not be limited to, the establishment and implementation of agency policies regarding: (i) use of force and reporting of use of force; (ii) officer code of conduct; (iii) officer response procedures; (iv) criminal investigation procedures; (v) juvenile operations; (vi) internal affairs and officer complaint investigation procedures; (vii) detainee transportation; and (viii) collection and preservation of evidence.”

The POST Commission has made great progress in adopting regulations and issuing advisories for law enforcement certification, as detailed in the section below. The Commission continues ongoing efforts to recommend policy and advisory standards for future officer certification.



REGULATIONS AND ADVISORIES

REGULATIONS

550 CMR 1.00 Procedural Rules for Receiving, Investigating, Hearing and Adjudicating Complaints Regarding Law Enforcement Officers: establishes process for reviewing complaints against an officer; hearing and adjudicating appeals; certifying or decertifying an officer

550 CMR 2.00 Construction, Application of Rules, Notice: establishes the authority and scope of the POST Commission

555 CMR 6.00 Use of Force Regulations: for law enforcement officers; use of force and non deadly force; use of force reporting

555 CMR 7.00 Recertification Regulations: establishes process and parameters for recertification and certification; fitness for employment

ADVISORIES

Construction of Scope: defines the POST Commission and Police under the Commission's purview (Chapter 6E of MGL)

Proposed Plan for Recertification of Officers: requirements and plan for recertification of certain law enforcement officers

De-escalation and Alternatives to Use of Force on Minor Children: guidance as to developmentally appropriate de-escalation and disengagement tactics, techniques, and procedures and other alternatives to the use of force for minor children





MASSACHUSETTS POST COMMISSION

100 CAMBRIDGE STREET, 14TH FLOOR | BOSTON, MA 02118

617-701-8401 | POSTC-COMMENTS@MASS.GOV

WWW.MASS.GOV/ORGS/POST-COMMISSION