

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

501 CMR 15.00: STANDARDS FOR IDENTIFICATION CARDS FOR ACTIVE DUTY LAW ENFORCEMENT OFFICERS

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15.01: Purpose

The purpose of 501 CMR 15.00 is to establish rules and regulations governing the standards for identification cards for active duty law enforcement officers in compliance with the provisions of the Federal Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926B and An Act Relative to the Issuance of Uniform Police Identification Cards, St. 2010, c. 461.

15.02: Definitions

For the purpose of 501 CMR 15.00, the words shall have the following meanings:

Chief Law Enforcement Officer: The chief of a municipal police department, the Chief of the Massachusetts Bay Transportation Authority Transit Police Department, or the designee of any of the above.

Full-time Law Enforcement Officer: A Law Enforcement Officer, as defined in 501 CMR 15.02, who is employed by a Law Enforcement Agency at least 20 hours per week, on average, and who has completed an approved full-time police academy or received an appropriate waiver pursuant to M.G.L. c. 41, § 96B.

Law Enforcement Agency: A municipal police department, or the Massachusetts Bay Transportation Authority Transit Police Department.

Law Enforcement Officer: An individual who meets the definition of a law enforcement officer under 18 U.S.C. § 926B, specifically a person who:

- (a) is an employee of a governmental agency;
- (b) is authorized by law engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- (c) is authorized by the agency to carry a firearm;
- (d) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
- (e) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- (e) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (f) is not prohibited by Federal law from receiving a firearm.

The definition of Law Enforcement Officer shall include a full-time police commissioner of a police department that has only one police commissioner.

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The definition of Law Enforcement Officer shall not include auxiliary officers, civilian dispatchers, personnel who are not police officers even though they may have been granted police authority, such as school crossing guards, animal control officers and community service officers, persons who have been granted police powers for the purpose of performing private details, employees of non-police organizations or government agencies who have special police powers, honorary police officers or elected or appointed officials who, by virtue of a city or town charter, special legislation or other mechanism are deemed to be "police commissioners" or otherwise have supervisory responsibility for a police agency.

Part-time Law Enforcement Officer: A law enforcement officer who does not meet the definition of a Full-time Law Enforcement Officer.

15.02: continued

Secretary: The Secretary of Public Safety and Security or his or her designee.

15.03: Issuance of Identification Card

The Chief Law Enforcement Officer of a Law Enforcement Agency shall issue one identification card to each Law Enforcement Officer employed by the Law Enforcement Agency. All identification cards issued to Law Enforcement Officers shall be of the same design and appearance, shall be manufactured by the same vendor and shall have the same security features.

15.04: Standard Components of Identification Cards

Identification cards for Law Enforcement Officers shall, at a minimum, contain the following information:

- (1) On the front of the card:
 - (a) the name of the Law Enforcement Officer;
 - (b) the rank of the Law Enforcement Officer;
 - (c) the name, business address and telephone number of the Law Enforcement Agency issuing the identification card;
 - (d) the issuance date of the identification card;
 - (e) a photograph of the Law Enforcement Officer; and
 - (f) security features designed to thwart tampering and counterfeiting.

Cards issued to Part-time Law Enforcement Officers will denote the officer's rank as reserve officer, special officer or permanent intermittent officer.

- (2) On the back of the card:
 - (a) a statement which reads: "The person whose photograph and signature appear hereon is a duly sworn law enforcement officer as defined by 18 U.S.C. § 926B"; and
 - (b) the signature of the Law Enforcement Officer.

15.05: Requirements

(1) Identification cards issued by a Law Enforcement Agency are the property of the Agency and shall be surrendered immediately upon the demand of the Chief Law Enforcement Officer of said Agency.

(2) Law Enforcement Officers shall diligently safeguard their identification cards so as to prevent loss, destruction or theft.

- (a) Any Law Enforcement Officer who loses an issued identification card, or whose card is stolen, shall immediately report the loss or theft to a superior officer of the Law Enforcement Agency. The superior officer shall ensure that the card is entered into the National Crime Information Center (NCIC) as a stolen article. Lost or stolen cards that are subsequently recovered shall be cancelled in NCIC. If a replacement card was issued, the original card shall be destroyed.
- (b) Law Enforcement Agencies shall replace lost, damaged or stolen identification cards in a timely manner.
- (c) Law Enforcement Officers shall not loan or give their identification cards to any person, other than a superior officer of their Law Enforcement Agency.
- (d) Identification cards shall expire on a schedule established by the Chief Law

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Enforcement Officer of the Law Enforcement Agency issuing the card. A Law Enforcement Officer shall return an expiring card as soon as a new one is issued.

(e) Law Enforcement Officers are responsible for applying for a new identification card whenever there is a change in the Law Enforcement Officer's name, rank or department.

(f) The issuing Law Enforcement Agency shall immediately demand the return of an identification card from any Law Enforcement Officer who is suspended, terminated or out of compliance with the definition of Law Enforcement Officer, or when the officer resigns, transfers or retires.

(g) Each Chief Law Enforcement Officer shall issue and enforce a Law Enforcement Agency policy and/or procedure requiring adherence with 501 CMR 15.00.

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15.06: Department of State Police

(1) The Colonel of the Department of State Police (Colonel) may elect to have the State Police participate in the identification card program described in 501 CMR 15.02 through 15.05.

If the Colonel elects to so participate, the definition of Chief Law Enforcement Officer in 501 CMR 15.02 shall include "the Colonel of the Department of State Police." The definition of Law Enforcement Agency in 501 CMR 15.02 shall include "the Department of State Police."

(2) If the Colonel so elects to participate, the Department of State Police must abide by the entirety of 501 CMR 15.00.

15.07: Severability Clause

If any article, section, subsection, sentence, clause or phrase of 501 CMR 15.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 15.00.

REGULATORY AUTHORITY

501 CMR 15.00: M.G.L. c. 41, § 98D; c. 22C, § 19; c. 161A, § 3(s); and 18 U.S.C. § 926B.

NON-TEXT PAGE