

515 CMR: DEPARTMENT OF STATE POLICE

515 CMR 5.00: STANDARDS OF SKILL FOR SPECIAL STATE POLICE OFFICERS

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5.01: Purpose

515 CMR 5.00 ensures proper standards of skill for special state police officers pursuant to the terms and provisions of M.G.L. c. 22C, § 69.

5.02: Scope and Applicability

515 CMR 5.00 is adopted by the Department of State Police under the authority of M.G.L. c. 22C, § 69 and St. 1991, c. 412 to ensure proper standards of skill for special state police officers licensed by the Colonel of the Department of State Police under the provisions of M.G.L. c. 22C, §§ 56 through 68.

5.03: Definitions

Agency. Any institution, department, agency, society, authority, college, university, hospital, or corporation which is authorized pursuant to M.G.L. c. 22C, §§ 56 through 68, to request or petition the Colonel to appoint certain employees of such agency as special state police officers.

Colonel. The Colonel of the Department of State Police.

Department. The Department of State Police, a department within the Executive Office of Public Safety, as created by St. 1991, c. 412.

Qualified Officer of Agency. A person designated by an agency to act as chief or director of the special state police officers of said agency.

Special State Police Officers. Any person employed by an agency and duly appointed by the Colonel as a special state police officer in accordance with M.G.L. c. 22C, §§ 56 through 68.

5.04: General Standards for Appointment

(1) Applicant. Must not be younger than 19 years old, a United States citizen, and an employee of an agency described in M.G.L. c. 22C, §§ 56 through 68.

(2) Fingerprinting. The requesting agency shall submit with the application form referenced in 515 CMR 5.04(5) two fingerprint cards for each applicant, of the type currently in use by the Department's Identification Section.

(3) References. Each applicant shall submit reference letters from three citizens of the United States who have known the applicant for at least three years preceding the date of application. The letters shall include statements relative to the applicant's character and his/her appointment suitability.

5.04: continued

(4) Application Form.

(a) A standard Department application form shall be completed by each applicant, notarized, endorsed by the qualified officer of the requesting agency, and forwarded to the Department.

(b) The form shall contain a disclaimer whereby the agency agrees to indemnify and hold harmless the Colonel and/or the Department against any and all damages and liability resulting from or in consequence of the negligent or wrongful act or omission of the applicant while acting within the scope of his or her office, employment or commission.

(5) Applicant Processing Procedure. The Department, upon receipt of all required submissions, shall review and act upon the applicant's appointment. Upon determination of the applicant's status, the Department shall notify the qualified officer as to its decision.

(6) Carrying of Firearms by Special State Police Officers.

(a) A special state police officer employed by any agency shall not carry a firearm on duty unless the officer complies with 515 CMR 5.04(7)(b) through (d).

(b) The special state police officer shall successfully complete a firearms training instruction program as approved by the Colonel.

(c) The special state police officer shall have been issued a license to carry firearms in accordance with M.G.L. c. 140, § 131.

(d) The special state police officer shall successfully complete a firearms training component of the annual in-service training program further described in 515 CMR 5.06.

(e) Upon the discharge of an authorized service firearm, whether on or off duty, the special state police officer, through the qualified officer of the employing agency, shall immediately notify, by telephone, the Department's Detective Unit in the County where the incident occurred. A written report shall be forwarded to the appropriate Detective Unit by the qualified officer of the agency no later than five days after the incident. This reporting procedure is not required if the firearm was discharged during authorized firearms training programs or events sponsored by an agency or the Department.

(7) Conformance to Training Standards.

(a) On or after July 1, 1994, all applicants for appointment as special state police officers, shall be required to have successfully completed an approved course of training for special state police officers as further described by 515 CMR 5.05(1) through (3).

(b) All persons appointed as special state police officers prior to July 1, 1994, shall not be required to conform to the provisions of 515 CMR 5.04(8)(a).

(c) On or after July 1, 1994, all appointees, regardless of initial appointment date, shall be required, annually, to complete an approved course of in-service training as further described in 515 CMR 5.06.

(d) Failure to comply with any term or provision of 515 CMR 5.04(8) shall result in license suspension, revocation or non-renewal.

(8) Fees.

(a) Original and renewal applications submitted in accordance with M.G.L. c. 22C, § 63, shall be accompanied by a fee, the amount of which shall be determined annually by the Commissioner of Administration and Finance pursuant to the provisions of M.G.L. c. 7, § 3b.

(b) Requests for M.G.L. c. 22C, § 63 renewals shall be submitted to the Department at least 30 days prior to expiration of the license.

(9) Department's Notification of Termination. The Department shall be notified immediately, in writing, by the qualified officer of an agency ceasing to require the services of a special state police officer. The qualified officer shall, within 30 days thereafter, return such special state police officer's identification card to the Department. Upon receipt of such notification, the Department shall rescind the license and all police powers of such special state police officer.

5.04: continued

(10) Annual List of Employees.

(a) On or after January 1st, but not later than January 31st, each calendar year, each agency shall submit a list of special state police officers so employed to the Department, to include the names, dates of birth, addresses, social security numbers, special state police warrant/license numbers, expiration dates, firearms license numbers with expiration dates, and latest completion dates of in-service training for each special state police officer on a form approved by the Colonel. The list shall contain a description of the make, model and serial number of all authorized firearms carried by special state police officers of the agency, whether property of such agency or of the officer.

(b) In addition to the requirements of 515 CMR 5.04(11)(a), the Departments of Mental Health, Developmental Services and Public Health shall denote the institution to which each officer was assigned on January 1st of the referenced year.

(11) Warrant Identification Card. Upon the Department's determination that the applicant has met all requirements for appointment, an appointment warrant will be forwarded to the agency in the name of the appointee. Following administration of the prescribed oath by a notary public, the warrant shall be returned to the Department and the agency shall retain a photocopy for its records. Upon receipt of the completed warrant, a Department approved identification card will be issued to the officer and such identification shall be carried by said officer at all times while on duty.

(12) Applicant's Criminal History.

(a) Any person convicted of a felony shall not be appointed as a special state police officer.

(b) The Department shall revoke forthwith the license of any special state police officer convicted of a felony.

(c) The qualified officer of an agency, upon notification of the felonious arrest, indictment, or issuance of criminal complaint or initiation of a criminal investigation against a special state police officer of that agency, shall immediately restrict such officer's duties to administrative functions. As soon as possible, the agency shall notify the Department in writing of such action, so that the Colonel may restrict the enforcement powers of such officer as he deems necessary.

(13) Reappointment. Any special state police officer who has left the employment of an agency in good standing may, within three years, be reappointed by the Colonel, as a special state police officer upon completion of the appropriate course of in-service training as described in 515 CMR 5.06. If the period of separation is greater than three years, prior to reappointment, the Colonel may require further training in addition to that described in 515 CMR 5.06.

(14) Enforcement of Motor Vehicle and/or Recreational Vehicle Regulations by Special State Police. Any special state police officer empowered to enforce either M.G.L. c. 90B and/or M.G.L. c. 90C shall successfully complete a program of motor vehicle law training approved by the Colonel in addition to all other training required by 515 CMR 5.00.

5.05: Training Standards for Special State Police Officers

(1) On or after July 1, 1994, all applicants for appointment to the position of special state police officer shall successfully complete a recruit training instruction program. Prior to admission into the recruit training instruction program, all applicants shall be required to pass reasonable medical/physical fitness standards as approved by the Colonel.

(2) Programs of recruit training instruction approved by the Municipal Police Training Council, other governmental body, or recognized professional association of a group of agencies or institutions, may be submitted to the Colonel for acceptance and approval in lieu of requirements of 515 CMR 5.05(1). All determinations of equivalency as made by the Colonel shall be final.

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5.05: continued

- (3) The core curriculum of all programs of recruit training instruction referred to in 515 CMR 5.05(1) and (2) shall consist of a minimum of 300 hours of training.

5.06: In-service Training Standards

In order to maintain a current and valid appointment, all special state police officers, regardless of initial appointment date, shall successfully complete an annual program of in-service training approved by the Colonel.

5.07: Warrant Service and Felony Notification Procedures

(1) Arrest and Search Warrant Procedures.

(a) Any special state police officer seeking a search or arrest warrant from a court of competent jurisdiction to be served at a location not within the statutory jurisdictional boundaries of the employing agency, shall notify the Department's Troop Commander, or his or her designee, in the County where the warrant will be served, prior to service of the warrant.

(b) A special state police officer serving an arrest or search warrant, at a location not within the statutory jurisdictional boundaries of the employing agency, shall be accompanied by a sworn member of the Department, or if authorized by the Troop Commander, or his or her designee, a sworn member of a local police department of competent jurisdiction. In no case shall an arrest or search warrant be served by a special state police officer of any agency, at a location not within the agency's jurisdictional boundaries, without a sworn member of the Department or a sworn member of a local police department present at time and place of service, excepting instances of articulable exigent circumstances.

(c) A qualified officer of each agency noted in M.G.L. c. 22C, §§ 56 through 68, shall report the following information monthly to the Department for each warrant issued. Type of warrant, warrant number, reason for issuance, authorizing Court, names of arrestees, locations of buildings, dwellings or vehicles searched and identity of the sworn member of the Department or local police department present at time of warrant service. Only those search and/or arrest warrants which agencies have applied for at courts of competent jurisdiction by submission of affidavits or sworn statements are required to be reported in this manner.

(2) Felony Notification Procedures. A qualified officer of each agency noted in M.G.L. c. 22C, §§ 56 through 68, shall submit, on a form approved by the Colonel, a monthly report to the Department indicating all crimes, classified as felonies, which have occurred within the agency's jurisdiction during the previous month.

5.08: Penalties

A violation of the terms and/or provisions of 515 CMR 5.00 may result in the denial, suspension, revocation, or non-renewal of the violator's special state police license.

REGULATORY AUTHORITY

515 CMR 5.00: M.G.L. c. 22C, §§ 56 through 68.