

## **Peace Officer Standards and Training Commission**

### **Agency Official's Attestation Regarding Candidate for Certification as a Law Enforcement Officer**

#### **I. General Instructions for Agency Head**

Your continued efforts to ensure that the Commonwealth's law enforcement officers are qualified and deserving of the public's trust are greatly appreciated. In order to be certified as a law enforcement officer by the Peace Officer Standards and Training (POST) Commission in accordance with Chapter 6E of the Massachusetts General Laws, an individual must meet certain specified standards. The POST Commission thus asks that you provide this attestation form to the individual within your Agency who has been charged with evaluating the qualifications of the relevant Candidate. That individual should ensure that the Candidate has answered certain questions on a written application, review the results of background checks concerning the Candidate, conduct an oral interview of the Candidate that includes questioning on specified topics, and take other steps necessary to diligently complete a thorough examination of whether the Candidate possesses the requisite character and fitness. After completing those steps, the Evaluator should execute the attestation below. Ultimately, the Evaluator's determination as to a Candidate's character and fitness for employment should be based on the totality of the information obtained. Please be advised that, if the Evaluator attests that the Candidate does possess such character and fitness without having thoroughly or diligently investigated the Candidate, the Evaluator's actions may be reported to the POST Commission and considered a complaint against the Evaluator that is subject to investigation and possible sanction by the Commission.

#### **II. Candidate and Evaluator**

Please provide the following information.

- A. Candidate Name:** \_\_\_\_\_
- B. Evaluator Name:** \_\_\_\_\_
- C. Agency Name:** \_\_\_\_\_
- D. Date:** \_\_\_\_\_

#### **III. Candidate Application**

Pursuant to M.G.L. c. 6E, § 4(f)(1)(ix), (f)(2)(i), the POST Commission requires your Agency to: ask all questions listed in the attached Appendix to the Candidate, within a written application for appointment; incorporate the "Instructions for Applicant" provided in the Appendix, or substantially similar instructions, into any such application; and provide the "Instructions for Agency Head or Designee" stated in the Appendix, or substantially similar instructions, to any personnel who may administer or review such an application.

#### IV. **Background Check**

Pursuant to M.G.L. c. 6E, § 4(f)(1)(v), (ix), (f)(2)(i)-(iii), a state and a national background check must be conducted on the above-named Candidate. Please individually check “yes” (completed) or “no” (not completed) for each of the below queries.

YES NO

_____	_____	Fingerprinting (individual must be fingerprinted and submitted through AFIS)
_____	_____	Full employment history (where the Candidate was previously employed in law enforcement in any state or United States territory or by the federal government, the Candidate’s full employment record, including complaints and disciplinary records, was reviewed). This includes a reference check with agencies where the individual was previously employed.
_____	_____	DQ: Driver History
_____	_____	BOP: MA Criminal History
_____	_____	Q5: MA Suicide Check
_____	_____	QWA: CJIS/NCIC Wanted/Missing Person/Vehicle
_____	_____	WMS: MA Warrants
_____	_____	SX: MA Sex Offender
_____	_____	DQ: Out-of-State Driver’s License
_____	_____	BOPFI: MA License to Carry (LTC)/Firearms Identification Card (FID)
_____	_____	FSI: MA Firearms Ownership
_____	_____	QH/QR: Criminal History NCIC/III (AFIS-R results)
_____	_____	R3: MA Driver’s License
_____	_____	Coplink
_____	_____	If Coplink not completed, list jurisdictions checked

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### V. **Oral Interview**

Pursuant to M.G.L. c. 6E, § 4(f)(1)(viii), (ix), (f)(2)(i), the POST Commission requires your Agency to orally interview the above-named Candidate. At a minimum, such an interview must address the types of matters covered in the application questions prescribed in these sections of the Appendix:

- ☐ Section II.C: Other Legal Matters (including those involving crime or physical abuse)
- ☐ Section II.D: Social Media and Affiliations (including conduct suggestive of bias)
- ☐ Section II.E: Substance Use and Other Conduct (including substance abuse and violence)

#### VI. **Evaluator’s Attestation**

Please complete the attestation below.

I, the above-named Evaluator, a member of the above-named Agency, on the Date listed above, under the pains and penalties of perjury, hereby attest to all the following with respect to the above-named Candidate:

1. A state and national background check on the Candidate, which included the checks indicated above, was conducted.
2. I reviewed the results of background checks.
3. The Candidate successfully passed the background check.
4. The Candidate has not been convicted of a felony.
5. The Candidate is not listed in the national decertification index (<https://www.iadlest.org/our-services/ndi/about-ndi>).
6. After conducting due diligence, mindful of the terms of Chapter 6E of the Massachusetts General Laws, I have not concluded that, if the Candidate was previously employed in law enforcement in any state or United States territory or by the federal government, the Candidate would have had their certification revoked by the POST Commission if employed by an agency in the Commonwealth.
7. I have conducted an oral interview of the Candidate.
8. In my oral interview of the Candidate, I specifically discussed: any answers provided on the Candidate's application that are deserving of further exploration; and the topics listed in Section V above.
9. I have taken other steps necessary to diligently complete a thorough examination of whether the Candidate possesses good moral character and fitness for employment in law enforcement.
10. I believe that the Candidate \_\_\_\_\_ ( ☐ does / ☐ does not ) possess good moral character and fitness for employment in law enforcement, and specifically as an officer with the above-named Agency.
11. I additionally state as follows (optional):

**Signature:** \_\_\_\_\_

## **APPENDIX**

### **Peace Officer Standards and Training Commission**

#### **Questions and Instructions for Law Enforcement Officer Applications**

##### **I. Instructions**

###### **A. Instructions for Applicant**

Thank you for your interest in serving the People of Massachusetts as a law enforcement officer. Your desire to devote yourself to keeping our communities safe is commendable. In light of the importance of the role of peace officer, the responsibility that it entails, and the benefits of ensuring public confidence in law enforcement, your candidacy will be evaluated carefully. To facilitate a thorough evaluation process, you are asked to complete this application. Please note that affirmative responses to the questions below will not necessarily disqualify you from serving as an officer. The Agency to which you are applying is encouraged to discuss any such affirmative response with you, to consider the severity of the circumstances and the length of time that has passed since the occurrence of any event that you identify, and to base any determination of your character and fitness for employment on the totality of the information that it obtains. If a particular question is not applicable to you, write "N/A" in the space below the question. If you have a good faith belief that you cannot answer a question completely and accurately without waiving a privilege, protection, or right recognized by law, you may state that belief in lieu of answering. However, it is important that any answer you provide is complete and accurate. If you intentionally make any false statements, or intentionally omit any pertinent information other than as provided above, your application will need to be disqualified and, if you have been certified as a law enforcement officer, the matter will need to be reported to the POST Commission and considered a complaint subject to investigation and possible sanction by the Commission.

###### **B. Instructions for Agency Head or Designee**

Your continued efforts to ensure that the Commonwealth's law enforcement officers are qualified and deserving of the public's trust are greatly appreciated. This application is designed to further that same objective. Please administer the application to each Candidate. Note that affirmative responses to the questions below will not necessarily disqualify a Candidate, and they should not automatically be treated by your Agency as a basis for finding that a Candidate lacks the requisite character and fitness for employment. Rather, you should discuss the details of any affirmative response with the Candidate, and you are encouraged to consider the severity of the circumstances and the length of time that has passed since any event that the Candidate identifies. Please contact any agencies listed in Question #4 directly to inquire about any relevant disciplinary information (suspensions, terminations, separations or resignations to avoid discipline). Ultimately, your determination as to a Candidate's character and fitness for employment should be based on the totality of the information that you obtain.

## **II. Questions**

### **A. Education and Employment**

1. Were you ever expelled from, or asked to terminate your enrollment at, a school based on disciplinary issues? If so, please provide details as to each such event.
  
2. Have you ever been expelled, been released, been dismissed, or resigned from a law enforcement academy or law enforcement training course in any jurisdiction, for any reason other than an injury? If yes, please provide the details, including the jurisdiction and your dates of attendance, as to each such occurrence.
  
3. Have you ever applied to any other law enforcement or corrections agency? If so, were you offered the position for which you applied? If you were not offered the position, what was the reason, if you know? Please provide the requested information as to each such application.
  
4. If you have previously been employed in a law enforcement capacity please list the names of those agencies and provide contact information.
  
5. Have you ever been subjected to disciplinary action in connection with any employment? If yes, please give details as to each such incident.

6. Have you ever been found by an employer to have engaged in harassment or by a school to have violated a Title IX policy (that is, one that prohibits sex-based discrimination in any school or other education program that receives federal funds)? If so, please provide details as to each such occurrence.
7. In any other prior employment or employer/employee setting, have you ever been found to have violated M.G.L. c. 151B: Unlawful discrimination because of race, color, religious creed, national origin, ancestry or sex?
8. Have you ever been dismissed or asked to resign from any employment? Have you ever been dismissed from, or not re-appointed to, a position in law enforcement? If the answer to either question is yes, please provide details as to each such instance.
9. Have you ever served in the armed forces? If so, please give the details of your service. Was your discharge anything other than honorable? If so, please explain.

**B. Regulatory Matters**

10. Have you received more than three traffic citations in the last three years? If yes, please give the details, date, and location of each citation.
11. Has your license to drive ever been suspended or revoked? Have you ever had an occupational license suspended or revoked? If either answer is yes, please provide details for each such suspension or revocation.

12. Have you ever been charged with a violation of M.G.L. c. 90 § 24, which concerns driving while under the influence of drugs or alcohol? If yes, please give the details, date, and court where the action was initiated.
13. Have you ever been found delinquent in paying child support? If so, please provide details regarding each such instance.
14. Are you current in all tax payments? This includes federal and state taxes as well as property and excise taxes. (Note: if you are subject to and in compliance with a payment plan established by the federal or state government, you may answer “yes” to this question.) If no, please explain.
15. Have you ever declared bankruptcy? If the answer is yes, please provide the timeframe and details, as well as the court, as to each such occurrence.
16. Have you ever received a license or permit to possess or carry a firearm, of any type? If so, for each such license or permit, please indicate the issuing jurisdiction or official; indicate whether any such license or permit has ever been revoked or suspended; and if it has been revoked or suspended, provide details.

**C. Other Legal Matters**

17. Have the police ever been called to your current residence or any former residence of yours, while you were a resident or occupant therein, based on a complaint about your conduct? If so, please give the address of each residence and the date of each occurrence.

18. Have you ever been arrested or been the subject of a criminal complaint as an adult or as a juvenile? If so, please indicate the disposition of each case, including any dismissal or other disposition not resulting in a conviction.
19. Have you ever been involved in a civil suit in which it was alleged that you acted violently or abusively towards another person? If so, please provide details as to each such suit.
20. Has a report pursuant to M.G.L. c. 119, § 51A, regarding suspected abuse or neglect of a child in your household ever been filed by a mandated reporter? If so, please give the date and circumstances of each such report.
21. Have you ever been the subject of a restraining order or any other court order that restricted, or imposed consequences based on, your conduct? Have you ever been found in violation of either? If so, please give the details regarding each order, including the timeframe in which it was issued and the identity of the court that issued it.

**D.     Social Media and Affiliations**

22. Please list every social media network as to which you have ever maintained an account, and every name by which you have identified yourself in using each network.



23. Have you ever been flagged or restricted by a social media network for comments you made that violated the policies of the social media network? Have you had comment or posts removed from any network?

**E. Substance Use and Other Conduct**

24. Do you consume alcohol? Do you use cannabis recreationally? If yes, please describe the frequency and amount of your consumption.
25. Have you ever tested positive for illegal drugs? If so, please state when and for what substances.

26. Have you been involved in a physical altercation with any other person within the last five years? If yes, please provide details as to each such altercation.

27. Thinking broadly, do you have any knowledge or information, in addition to that specifically addressed in the preceding questions, which is or which may be relevant, directly or indirectly, to your eligibility or fitness to be appointed as a law enforcement officer with this law enforcement Agency? This would include, but is not limited to, knowledge or information concerning your character, temperament, habits, employment, education, criminal records, traffic violations, residence, or otherwise.

### **III. Candidate Affirmation**

I hereby swear or affirm under penalties of perjury that the information provided within my application is true and complete.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Candidate Initials \_\_\_\_\_

Additional Page for Answers

(Please Identify answers by the Question Number)