

Municipal Police Training Committee
Standards Subcommittee Meeting
MPTC Headquarters - Randolph
June 21, 2023

I. CALL TO ORDER

At 9:02AM on June 21, 2023, an in-person meeting of the Standards Subcommittee was called to order at MPTC headquarters, Randolph, MA. Advance notice of the meeting was posted in compliance with the open meeting law. A quorum of the seven-member Subcommittee was present.

Subcommittee Members Present

- Chair Kevin Coppinger
- Chief Edward Conley
- Chief Jennifer Gundersen
- Major Steven McCarthy (9:15AM)
- Superintendent Richard Sullivan
- MPA Representative Joseph Vieira

MPTC Staff Present

- Jim O'Brien
- Andrea Nardone
- Lara Thomas
- Denise Flagg
- Gina Masotta
- Elsie Sanon
- Felisha Arnold

Guests Present

- Mary Beth Riley, MIT Police Department
- Jim Donovan, Middlesex Sheriff's Office
- Kevin Kelley, Middlesex Sheriff's Office
- Joseph Graham
- Jeremy Musa

II. APPROVAL OF SUBCOMMITTEE MINUTES

A motion was made and seconded to approve the Standards Subcommittee minutes from the May 17, 2023 Meeting. A vote was taken, and the motion passed with two abstentions (Jennifer Gundersen and Joseph Vieira).

A motion was made and seconded to approve the Standards Subcommittee minutes from the public portion of the June 8, 2023 Special Meeting. A vote was taken, and the motion passed with three abstentions (Kevin Coppinger, Richard Sullivan, and Edward Conley).

A motion was made and seconded to approve the Standards Subcommittee executive session minutes from the June 8, 2023 Special Meeting. A vote was taken, and the motion passed with three abstentions (Kevin Coppinger, Richard Sullivan, and Edward Conley).

III. POLICE WAIVERS AND OUT-OF-STATE EXEMPTIONS

Temporary Waivers

There were no temporary waivers on the June agenda.

Out-of-State Exemptions

There were two out-of-state exemptions on the June agenda.

1. Jared J. Andrews

Oak Bluffs PD

- Basic Training:
 - Graduated December 16, 2011 from a 22-week Rhode Island State Police Recruit Training School in Foster, RI.
- Work Experience as a law enforcement officer: 11+ years as a fulltime officer.
 - December 2011 – April 2023: Rhode Island State Police Trooper (11+ years).
- In-Service/Specialized Training: Yes, in RI.
- Break-in-Service: No.
- CPR/1st Responder Certified: Yes (4/27/23).
- MPTC Firearms Certified: Yes (5/6/23).
- MPTC Police Officer Core Competency Exam: Yes (76% on 5/4/23).

2. Michael J. Magnante

Salem State PD

- Basic Training:
 - Graduated June 30, 2020 from a New York City Police Academy that, notwithstanding COVID, appears to have had a curriculum equal to or greater than a comparable 800-hour MPTC operated/authorized police academy.
- Work Experience as a law enforcement officer: 2+ years as a police officer.
 - June 2020 – April 2023: Full-time police officer for the New York City Police Department (2 years and 9 months).
- In-Service/Specialized Training: Yes, in NY.
- Break-in-Service: No.
- CPR/1st Responder Certified: Yes (5/1/23 – 5/5/23).
- MPTC Firearms Certified: Yes (5/23/23).
- MPTC Police Officer Core Competency Exam: Yes (89% on 5/16/23).

A single motion was made and seconded to recommend to the full Committee that Officers Jared J. Andrews and Michael J. Magnante have the necessary out-of-state training/experience needed to obtain an exemption from the requirement of completing a fulltime MPTC operated/authorized Police Academy. A vote was taken, and the motion passed unanimously.

Out-of-State Exemption Advisory

The June agenda had one request by staff for guidance on an out-of-state exemption advisory request.

1. Ilikea Fuentes

Syracuse University PD

- Basic Training:
 - Graduated August 16, 2019 from the 18 week, 673.5-hour New York Municipal Police Training Council Campus Public Safety Officer Course (AKA Campus Peace Officer Academy – ARMED).
- Work Experience as a law enforcement officer: 2+ years as a fulltime officer.
 - August 2019 – Present: Syracuse University Police Department, Syracuse, NY.
- In-Service/Specialized Training: Yes, at least 97 additional hours of training.
- Break-in-Service: No.
- CPR/Ist Responder Certified: No.
- MPTC Firearms Certified: No.
- MPTC Police Officer Core Competency Exam: No.

After the Subcommittee was presented with the training/work experience of Officer Fuentes, a Subcommittee member asked if a municipal law enforcement agency in New York would hire her based on her campus academy/work experience. Jim O'Brien stated that he would follow-up with Officer Fuentes and report back at the next Subcommittee meeting. No vote was taken.

Break-in-Service

There was one break-in-service issue on the June agenda.

Joseph R. Graham was present and explained to the Subcommittee that he has a potential employment opportunity as a police officer with the Boston Housing Authority Police Department. In August 1995 he graduated from Campus Police Officer Course #4 (CPOC4), which the Committee previously determined was the equivalent of a fulltime MPTC Police Academy. He thereafter worked as a campus law enforcement officer for Emerson College (1995-2001), MassBay Community College (2007-2010), Anna Marie College (2010-2011), Clarion University of Western PA (2014), and Cape Cod Community College (2017). From August 2017 to present (over five years), Mr. Graham has been the co-founder and Chief Direction Finder of *Commonwealth Landlord Leadership*, a private company that assists landlords with civil litigation. Mr. Graham acknowledged that he had had a break-in-service from policing duties of more than five years and that most people with a break of that length need to re-attend and successfully complete a fulltime Police Academy, but made an argument for Bridge training or some other hybrid training less than a full Academy for the following reasons: (1) Prior to police reform, the MPTC regulations, including the five-year interruption-in-service rule, did not apply to SSPO's and he did not know when he stopped working as a law enforcement officer in 2017 that he would become subject to this limitation; (2) the pandemic disrupted and delayed his return to policing; (3) he obtained a Masters in Criminal Justice from Anna Marie College in 2022 and as a result comes within the language in 550 CMR 3.04(3) providing for alternatives to re-attending a fulltime Police Academy if the person "...has been involved in the police profession to a level and degree the reasonably assures that he or she has stayed abreast of legal, ethical, and professional issues relevant to municipal policing in Massachusetts..."

A discussion ensued. The Subcommittee was aware that it had recently been asked to make an accommodation for an officer who had been injured-on-duty and subsequently missed eight years of work. In that case, the officer was not granted an accommodation from meeting the academy fitness standards and was required to attend and successfully complete the entire fulltime academy.

After considering Mr. Graham's arguments and request, a motion was made and seconded not to support a training accommodation below that of a fulltime police academy following his 5+ year interruption-in-service. A vote was taken, and the motion passed unanimously.

Mr. Graham was advised that the Subcommittee vote is advisory, that the full Committee has final authority, and that the matter would be presented at the full Committee meeting (immediately following) for its consideration. Mr. Graham was invited to attend the full Committee meeting and renew his arguments.

IV. BRIDGE ENROLLMENT/HOURS/EXEMPTIONS

Bridge Enrollment

1. John Sobieski

Hampshire Sheriff's Office

Hampshire Deputy Sheriff John Sobieski seeks enrollment in the Bridge Training Program but has not completed an MPTC authorized reserve/intermittent training program. Instead, he provided MPTC staff with: (a) a one-page document from the Nantucket Police Department's 1995 Summer Special Police Officer Training Program showing the courses he completed, and (b) a certificate reflecting his completion in 2013 of the Massachusetts Sheriff's Association County Corrections Basic Training Program. Deputy Sheriff Sobieski was not in attendance and the Subcommittee had no additional information about the curriculum for the County Corrections Basic Training program and where Deputy Sheriff Sobieski had worked from 1995 to 2013.

Pending additional information, a motion was made and seconded to table Deputy Sheriff Sobieski's request to have his 1995 Nantucket Special Police Officer training and/or his 2013 County Corrections Basic Training program deemed the equivalent of an MPTC authorized reserve/intermittent training program. A vote was taken, and the motion passed unanimously.

2. Mary Beth Riley

MIT PD

As noted in the discussion involving Joseph Graham, the MPTC Committee previously voted that Campus Police Officer Course #4 (CPOC4) was the equivalent of a fulltime MPTC police Academy. MIT Sgt. Mary Beth Riley states that she graduated from CPOC4 in August 1995 but there is nothing on her graduation certificate referencing CPOC4 and her name does not appear on a roster of CPOC4 graduates which the MPTC received from the Massachusetts State Police (MSP). Sgt. Riley appeared in-person at the meeting. She explained that CPOC4 initially started at a school in Burlington, MA but the class was subsequently divided in two, with one half completing CPOC4 at the MSP facility in New Braintree and the other half completing CPOC4 at Tewksbury State Hospital. She was in the cohort who completed CPOC4 at Tewksbury State Hospital and the names of those student officers do not appear on the CPOC4 roster that the MPTC received from MSP. In support of Sgt. Riley's claim, the MPTC received emails from a former CPOC4 classmate (Lt. William Rymill of the Somerville Police Department) and the

former Defensive Tactics instructor at CPOC4 (Stephen M. Daley), both of whom corroborated that Sgt. Riley attended and completed CPOC4. Mr. Daley explained that at that time he was the Recruitment Sergeant for the MIT Police Department, and that Student Officer Riley's outstanding effort in CPOC4 led to her being hired by the MIT Police Department, where she has worked without interruption since 1995.

A motion was made and seconded to confirm that Sgt. Mary Beth Riley successfully graduated from CPOC4 (previously recognized by the Committee as the equivalent of a fulltime MPTC Police Academy) and that she does not need to enroll in and complete the Bridge Training Program. A vote was taken, and the motion passed unanimously.

Bridge Hours

MPTC staff requested Subcommittee guidance on crediting/not crediting law enforcement work hours of four officers enrolled in the Bridge Training Program.

1. Kevin Kelley

Middlesex Sheriff's Office

Middlesex Sheriff's Office Legal Counsel Jim Donovan and Deputy Sheriff Kevin Kelley attended the Subcommittee meeting in-person and presented information regarding Deputy Sheriff Kelley's job duties in the Middlesex Sheriff's Civil Enforcement Unit (CEU). As a deputy sheriff assigned to CEU from October 2008 to present, he has conducted investigations and interviews (sample investigation reports were provided), is involved in civil arrest warrants, applying for criminal complaints, making criminal arrests, testifying in court, and engaging in an assortment of other traditional "law enforcement" duties and functions.

A motion was made and seconded to count Deputy Sheriff Kelley's CEU work hours pending receipt of an attestation signed by Sheriff Peter Koutoujian. A vote was taken, and the motion passed unanimously.

2. Ed Krug

Norfolk Sheriff's Office

Deputy Sheriff Krug did not attend the Subcommittee meeting in-person and the Subcommittee was unable to make an informed assessment of his job duties and functions as an "Outreach Corrections Officer." No vote was taken and the matter was tabled for more information and an in-person appearance at the next Subcommittee meeting.

3. Jeremy Musa

Connecticut DOC

Connecticut Corrections Officer Jeremy Musa appeared in-person to ask for the Subcommittee's support counting his out-of-state DOC corrections officer hours. In considering CO Musa's request, the Subcommittee was aware that it has previously been determined that MPTC staff cannot count out-of-state law enforcement work hours and/or in-state MA DOC correction officer hours towards the Bridge requirement of 2,400-hours of law enforcement work experience. No vote was taken but there was a consensus among Subcommittee members in attendance that CO Musa's out-of-state DOC hours could not be counted by MPTC staff.

4. Jim Harrington

Ludlow PD

Jim Harrington did not attend the Subcommittee meeting but provided an email explaining that he has been a reserve officer with the Ludlow Police Department for eleven years. Up until 2019, Ludlow reserve officers were required to perform a minimum of 150 patrol hours/year as a "volunteer." Because there had been previous discussion at the Committee level about not counting volunteer hours, MPTC staff was looking for guidance. In this instance, Officer Harrington was able to provide detailed dispatch records created by the Ludlow Police Department and maintained by the Lieutenant assigned to oversee the Reserve Division. Those dispatch records corroborated which volunteer shifts involved "Patrol Duty," "Park & Walk" duty, and "Public Rel" duty (as distinct from details), all three of which involve police patrol duties and functions. No vote was taken but there was a consensus among Subcommittee members present that those three categories of patrol duties and functions can be counted, even though they were volunteer hours, because of the level of detail in the documentation produced.

Bridge Exemptions

The Standards Subcommittee considered Bridge exemption requests for Officers numbered 611 through 616 on the June Bridge Academy A-H Class List.

A motion was made and seconded to recommend to the full Committee that it approve Bridge exemption requests for officers numbered 611 through 616 on the June Bridge Academy A-H Class List. A vote was taken, and the motion passed unanimously.

The Standards Subcommittee considered Bridge exemption requests for Officers numbered 243 through 319 on the June Bridge Academy I-P Class List. Jim O'Brien advised the Subcommittee that, based on information provided by the Bristol Sheriff's Office, he had instructed staff to count the hours of Deputy Sheriff Justine Morel and include her on the Bridge exemption list (#289).

A motion was made and seconded to recommend to the full Committee that it approve Bridge exemption requests for officers numbered 243 through 319 on the June Bridge Academy I-P Class List. A vote was taken, and the motion passed unanimously.

The Standards Subcommittee considered Bridge exemption requests for Officers numbered 17 through 28 on the June Bridge Academy Q-Z Class List.

A motion was made and seconded to recommend to the full Committee that it approve Bridge exemption requests for officers numbered 17 through 28 on the June Bridge Academy Q-Z Class List. A vote was taken, and the motion passed unanimously.

V. DISCIPLINARY DISMISSAL APPEALS

The John Posada/Lynnfield Police Academy appeal was held on May 17, 2023. The decision had not been finalized as of the June Subcommittee meeting.

VI. ADJOURNMENT

At 10:22AM a motion was made and seconded to adjourn the Subcommittee meeting. A vote was taken, and the motion passed unanimously.