

Municipal Police Training Committee
Monthly Meeting Minutes
Randolph Police Academy
December 18, 2019

Call to Order

At 9:08 AM, Chairman Jim Hicks called the monthly meeting of the Municipal Police Training Committee to order and greeted all present.

Attendees: Voting Members

Chairman Jim Hicks – Northeast Mass; U/S Terrence Reidy – EOPSS; Superintendent Winnie Cotter- Boston Police; Superintendent Richard Sullivan- MBTA; Jim O'Brien – AGO; Commandant Daniel McGinn- MSP, Joseph Vieira- MPA; Chief Tom O'Donnell– Central Mass; Chief Brian Kyes- Mass Chiefs, and Chief Michael Botieri-Southeast; and Chief Scott Livingstone- Western Mass.

MPTC Staff

Mary Bragg, Melixza Esenyie, Dori-Ann Ference, ED Robert Ferullo, Kris Gottlander, Lynda Kearns, Andrea Kenney, Maura Landry, Laura Nichols, Marylou Powers, Denise Sarro, Rick Smith, and Sheila Gallagher.

Guests

James Barron, Jay Brennan, Regina Caggiano, Bruce Howard, Jerry O'Rourke, Jeffrey Scott and Phillip Terenzi.

Review/Approval of Minutes

A motion was made to approve the minutes for the November 20, 2019, meeting. The motion was seconded and passed by a unanimous voice.

Police Standards and Training

There were three (3) requests for temporary waivers presented to the Committee after a favorable recommendation from the Standards Subcommittee.

Temporary Waivers:

The following requests for temporary waivers were recommended for approval by the Committee.

Dylan Denis
Nikolas Gaudete
Javier Valdivieso

Ashby PD
Dalton PD
U Mass Boston PD

A motion was made to approve the three (3) temporary waivers as presented. The motion was seconded and passed by unanimous voice.

Permanent Exemptions:

There were three (3) requests for permanent exemptions were recommended for approval by the Committee.

John Brack
Karl Kapinos
Elysha O'Brien

North Adams PD
South Hadley PD
Westborough PD

**A motion was made to approve the requests for permanent exemptions.
A motion was seconded and passed by unanimous voice.**

Disciplinary Hearings:

There were no disciplinary appeals pending.

Update on the 550 CMR 3.00:

The discussion pertaining to the CMR revisions will be postponed until January 2020.

Open Discussion

Human Resource Division:

Regina Caggiano, the Director of the Civil Service Commission, spoke to the Committee about the revalidation of the physical abilities test ("PAT") for police. Revalidation must take place every ten (10) years. The last PAT revalidation took place in 2006. The recent revalidation for the police PAT was successful and the standards are available on the Human Resource Division ("HRD")'s website. The study for the revalidation included data from a number of surveys. There were approximately one hundred and ten (110) police officers from forty (40) police departments who provided feedback for the revalidation process. Additionally, HRD developed a video of the PAT that is available online.

During this revalidation process, HRD implemented a new policy related to the PAT. The former policy allowed a candidate to retake the PAT within a sixteen (16) week window before a department could rescind the conditional offer of employment. If the appointing authority and a candidate signed a waiver, the candidate could retake the PAT prior to sixteen (16) weeks. This policy remains in place.

One policy change mandates that a candidate preview the PAT before taking the test. Second, HRD requires that departments give a new conditional offer of employment to a candidate that has failed the PAT twice and intends to take the PAT again. This policy applies to both civil and non-civil service departments. Lastly, HRD eliminated the expiration date for the medical and the PAT. The medical and PAT are tied directly to the conditional offer of employment.

Additionally, HRD explained that a candidate has two (2) opportunities to take the

PAT before a conditional offer of employment expires. If a candidate fails the PAT twice, and the initial conditional offer of employment is rescinded, a new certification is required for that same candidate to take the PAT. James Barron, the director of HRD's certification team, said that a candidate has (2) attempts to take the PAT per conditional offer of employment. If a police chief does not fill all the numbers allotted for a list, the chief could call a new list and restart the certification process. There was further discussion about the process. A candidate who fails the PAT twice, does not qualify as a bypass because it is revocation of a conditional offer. The Civil Service Commission does not govern staffing guidelines.

Based on the changes, with the PAT, the Committee may want to consider whether it wants the PAT to remain as one of the requirements for entrance into the academy. Chief Hicks explained that HRD's role is separate from the MPTC. The PAT focuses on the essential functions of police officer whereas the MPTC fitness standards focus on what is necessary for a recruit's training in an academy. Chief Hicks proposed a scenario and asked whether HRD would require a reserve officer to retake the PAT in order to become a full time officer. According to HRD, the reserve officer is an employee of the department and therefore it would not require the reserve officer to take the PAT again to become a full time officer. Regina Caggiano emphasized that the entrance requirements for an academy falls within the Committee's authority not HRD. The Committee discussed whether it should continue to require the PAT. Chief Hicks suggested that the Committee continue to consider this issue and he will add it as an agenda item.

Regina Caggiano outlined for the Committee the changes to the PAT. The PAT simulates what duties a police officer needs to perform the essential functions of the job. Some of the changes include, the removal of the trigger pull and the under obstacle. The height of the wall was amended and the footholds were removed. The obstacle course at the beginning of test is longer and incorporates uneven terrain. The score time for the PAT also changed. All the changes to the PAT are posted on the Civil Service website as well as examples of exercises that candidates can follow in preparation of the PAT. The exercise examples mirrored the MPTC entry level fitness standards and also factored in age and gender.

New Business

MBTA Academy Discussion

Chief Hicks and Chief Kyes recused themselves and did not participate in the discussion about the MBTA because they have recruits in the current academy. Chief O'Donnell will facilitate the discussion related to the issue before the Committee. Executive Director Ferullo explained that there were some logistical and communication issues related to the implementation of the new curriculum. The 44th academy is in its eighth week and the MBTA is seeking a waiver to permit this academy to utilize the prior curriculum for the recruits. Superintendent Sullivan asked the Committee not to construe this waiver request as an intentional act of noncompliance and that the 45th recruit academy will implement the new recruit curriculum. Chief Botieri asked whether the 44th

recruit academy will follow the 960 hour curriculum. Superintendent Sullivan said that the academy will follow the old academy standards and span twenty-four (24) weeks. The class is scheduled to graduate in April. The main issues for this academy involved logistics in delivering the new curriculum and coordinating instructor availability. The standards for the academy are the same. The MPTC will work with the MBTA to support delivery and implementation of the new curriculum for the next academy.

A motion was made to grant a waiver request for the 44th MBTA Academy to follow the old academy standards. The motion was seconded and passed by unanimous voice. There were two (2) abstentions.

Firearms Training Update:

After meeting with the firearms subject matter experts, Sgt. Brennan gave the Committee an update about options available regarding the firearms training for recruits. Sgt. Brennan detailed the three (3) available options for the Committee to consider.

1. One day familiarization with onus on police departments to train;
2. Three day certification and no qualification; and
3. Five day qualification which result in a recruit graduating with a qualified rifle.

Sgt. Brennan said based on his analysis to qualify with a rifle within three (3) days is not sufficient. ED Ferullo explained that the time and cost on the range to train the recruits in firearms is significant. However, the Committee will have to decide what standard it intends to implement. The Committee will not vote on this issue today because the police chiefs may want to offer feedback. Sgt. Brennan explained the difference between certification and qualification. For certification, the MPTC does not test the recruits for pass/fail qualification. Rather department would be responsible for the test. For qualification, the recruits would receive five (5) days on the range and the MPTC would test the recruits. A bridge allows a three (3) day certification and the department would be responsible for qualifying the recruit in rifles. There was more discussion about the qualification versus certification. Chief Hicks said it would be beneficial to message the regional firearms instructors as well as messaging the chiefs about the available options.

Pre-Academy Fitness Test

Chief Kyes spoke to the Committee about the pre-academy fitness test. One of the candidates missed the running portion by five (5) seconds. Chief Kyes asked whether candidates can use watches when taking the pre-academy fitness test. Chief Hicks said the MPTC does not ban candidates from wearing watches when taking the pre-academy standards. The confusion about wearing watches is not a MPTC rule and ED Ferullo will connect with the academies to notify them about this issue.

EOPPS will be advertising the Director of Training and Standards position. Additional staffing concerns will be addressed later.

Executive Director's Report

Recruit Officer Training Updates

Boston: A class of only 121 Boston police officers began on December 9, 2020, and currently 119 remain.

Boylston: The Boylston Academy will begin on February 24, 2020. Currently, the class is full.

Cambridge/Northeastern: A class of 28 student officers will begin on January 6, 2020, and graduation is scheduled for May 22, 2020.

Cape Cod: A class of 41 student officers graduated on November 22, 2019. The next academy will begin on February 17, 2020.

FSU: The 3rd iteration of an academy with 35 students will begin on May 18, 2020.

Lowell: The next class will begin on May 11, 2020.

NECC: A class of 56 student officers will begin on January 6, 2020. There is a retest at the end of the week.

Plymouth: A class of 52 student officers will begin on January 6, 2020, and graduate on June 5, 2020.

Randolph: A class of 41 student officers remain and graduation is February 14, 2020. The next class will begin on April 13, 2020.

Reading: A class of 46 student officers will begin on January 13, 2020.

RTT: The next class of 275 will begin on January 6, 2020 and graduation is expected on June 11, 2020.

Springfield: A class of 50 Springfield officers began on December 2, 2019 and graduation is scheduled for May 22, 2020.

Transit: A class of 35 student officers began on October 15, 2019 and a tentative graduation date is April 10, 2020.

WMASS: A class of 48 student officers will begin on February 10, 2020.

Worcester: Worcester is partnering with the National Guard to host a class of National Guard police. The class began on September 23, 2019 and will graduate on January 10, 2020. Currently, 24 student officers remain.

Worcester Police Academy is hoping to start a class of 20 student officers on

June 1, 2020. There may be available seats for outside agencies.

ED Ferullo announced that he would like to have a regional process for pre-academy fitness testing. The MPTC could rent facilities where the pre-academy fitness standards can be offered in advance of the actual test. Ideally, ED Ferullo would like the MPTC to standardize the process where there are fitness tests offered throughout the state multiple times a year.

Southbridge Update

There are three (3) events planned in Southbridge. On February 11, 2020, there is a Civil Rights event. In March, there will be a domestic violence and sexual assault conference. The week of May 11th, the Lieutenant Governor will host a human trafficking and sexual assault event.

The MPTC is still consulting with developers about using Southbridge. The space the MPTC wanted to lease is unavailable.

Specialized Training:

ED Ferullo provided an update about the classes the MPTC will offer. There will be three (3), additional FBI LEEDA programs offered in the western part of the state. The IACP will offer a leadership conference and two (2), sergeant classes. The goal is to run first line supervisor trainings every month throughout the state. The MPTC will host the IACP women's leadership conference in the first half of the year in the eastern and western part of the state. There are a few capital projects for firearms and training facilities. Also, MPTC headquarters will move out Randolph since the lease expires in one (1) year.

ED Ferullo would like the Committee to consider topics for in-service by the March meeting. The MPTC plans to add more weeks of in-service as well as identify where to offer specialized trainings. The goal is to develop a one (1) year plan for training versus a one (1) month plan. The Committee discussed how to hold departments accountable for failing to satisfy in-service requirements. The legislation does not provide the Committee with any authority to sanction departments that are non-compliant. More discussion followed.

Old Business:

Legislation Affecting Police Training:

There are no legislative updates.

Executive Director Selection Process:

Chairman O'Brien told the Committee that the Subcommittee planned to wait until the Committee selected a date for the January meeting. Chairman O'Brien added that the Subcommittee has the job description and intends to meet after the meeting in January.

New Business

Election of the Chair

Executive Director Ferullo will guide the process for the election of the chairperson for the Committee. ED Ferullo asked if there were any nominations. Chief Kyes and Chief Livingstone left prior to the election of the chair. The Committee nominated Chief Hicks to serve as chair for the Committee.

A motion was made to nominate Chief Hicks as chair of the Committee. The motion was seconded and passed by unanimous voice.

Chief Hicks thanked Marylou Powers for her years of dedication and congratulated her on retirement. AAG O'Brien also spoke and gave a nice tribute to Marylou. Marylou has been constant professional and a devoted public servant.

Next Meeting

The next meeting is scheduled for **Wednesday, January 15, 2020**, at the Randolph Police Academy.

Adjournment

At 11:15 AM a motion was made to adjourn the meeting. The motion was seconded and passed by unanimous voice.