

PEACE OFFICER STANDARDS & TRAINING COMMISSION

June 8, 2022

3:00 PM

**Peace Officer Standards and Training Commission  
Remote Participation**

PUBLIC MEETING MINUTES

**Documents Distributed in Advance of Meeting:**

- Recertification Regulations (Proposed) 555 CMR 7.00

**In Attendance:**

- Chair Margaret R. Hinkle
- Commissioner Hanya Bluestone
- Commissioner Lawrence Calderone
- Commissioner Clementina M. Chéry
- Commissioner Larry Ellison
- Commissioner Marsha Kazarosian
- Commissioner Charlene Luma
- Commissioner Kimberly P. West
- Commissioner Michael Wynn

1. Call to Order

- The Chair recognized a quorum.

2. Executive Director Report – Enrique Zuniga

- The Commission continues to frequently update its website and “Frequently Asked Questions” page. Executive Director Zuniga stated the Commission’s website is the best source for answering questions and providing information relative to the recertification process.
- Executive Director Zuniga stated the Commission continues to validate information submitted by agencies to the Commission in real time.

3. Recertification Regulations (Proposed) 555 CMR 7.00 – General Counsel Ravitz

- General Counsel Ravitz reviewed the background and context giving rise to the proposed emergency recertification regulations, including past Commission discussions and approvals of related policies and procedures, such as certification of new officers and the plan for recertification.
- General Counsel Ravitz then reviewed the proposed emergency recertification regulations, including revisions since the Commission’s last meeting.
- General Counsel Ravitz then reviewed the emergency promulgation procedure and a proposed timeline.
- Commissioner Ellison asked when the public would be given an opportunity to provide comment on the recertification regulations. General Counsel Ravitz stated that the emergency regulation promulgation procedure would make the

regulations effective upon filing with the Secretary, with a public hearing and comment period to follow. The public hearing and comment period would be noticed for at least 21 days.

- Commissioner Bluestone suggested, based on feedback from the Commission's last meeting, the Commission revise the "good character" language in the proposed emergency recertification regulations. She suggested adopting language from the International Association of Chiefs of Police ("IACP") to give departments more directives about what are relevant considerations to an officer's good character and fitness. She suggested the language should, at a minimum, reflect the three following standards: (1) adherence to legal standards; (2) adherence to a professional code of conduct; and (3) conduct that maintains the public trust in law enforcement, and suggested a reference to the IACP's Code of Ethics. Commissioners West and Kazarosian expressed their support of incorporating IACP standards, per Commissioner Bluestone's suggestion.
  - Commissioners West, Wynn, Ellison, Luma and Ellison discussed whether the "good character" language should reference each department's code of conduct, or incorporate a uniform code of conduct, like the IACP's. Commissioner West suggested where a department lacks its own code of conduct or its code is less thorough than the IACP's, the language should require adherence to the IACP. Commissioner Kazarosian expressed her agreement with Commissioner West, and clarified that departments are not expected to change their current codes of conduct, but that the reference to the IACP's code is meant to promote consistency among departments. Commissioner Kazarosian also suggested the regulation should refer not only to the IACP's Code of Ethics, but should also refer to the IACP Standards of Conduct.
- Commissioner Kazarosian moved the Commission to approve the proposed emergency recertification regulations, with the amendment that the first sentence of 555 CMR 7.05(2)(a)(i) be revised as follows: "In assessing good character and fitness for employment, an employing agency may take into account whether an officer adheres to state and federal law, acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and is worthy of the public trust and of the authority given to law enforcement officers." Commissioner Bluestone seconded the motion.
  - Commissioners Bluestone, Chéry, Kazarosian, Luma, West, Wynn and the Chair voted to approve the proposed emergency recertification regulations, as amended. Commissioner Calderone voted in opposition of the approval of the proposed emergency recertification regulations, as amended. Commissioner Ellison abstained.

#### 4. Public Comment

- State Senator Nicholas Collins raised concerns about the recertification regulations, and the good moral character language. The Chair responded that while the Commission has already approved to immediately promulgated the recertification regulations as emergency regulations, the Commission would take

his comments into consideration prior to promulgating the recertification regulations as permanent regulations.

- Annmarie Grant suggested the Commission conduct greater outreach to non-law enforcement populations and articulate an independent code of conduct in order to promote greater accountability amongst law enforcement agencies and officers.
  - Patrick Bryant suggested the Commission provide greater notice of the content of public meetings and raised various concerns about the recertification regulations, including the good moral character language as amended.
  - John Scheft suggested the Commission engage in private mediation with police union groups, and offered the services of the Massachusetts Police Association to assist with the same.
  - Peter Perroni expressed his interest in Mr. Scheft's mediation suggestion.
  - Dan Purdy raised concerns that law enforcement should not be tasked with investigating their peers, and suggested the Commission create its own code of conduct to promote uniformity across law enforcement agencies and officers.
  - Mr. Bryant raised more concerns with the recertification regulations and the recertification process.
  - Michael Bradley asked when the Massachusetts Chiefs of Police Association could expect a response to its letter providing comments on the recertification process. Executive Director Zuniga stated the Commission has in part responded to the letter as reflected in information posted on the Commission's website.
5. Matters not anticipated by the Chair at the time of posting
- There was no new business.
  - Commissioner Kazarosian moved to adjourn. Commissioner Ellison seconded the motion. The Commission unanimously voted to adjourn.