

RPEACE OFFICER STANDARDS & TRAINING COMMISSION

February 15, 2022

11:00 AM

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

PUBLIC MEETING MINUTES

Documents Distributed in Advance of Meeting:

- Draft Meeting Minutes of January 14, 2022
- Requirements and Plan for Recertification of Certain Law Enforcement Officers (Proposed)
- Construction of Scope of Chapter 6E of the Massachusetts General Laws (Proposed)
- Authorization of Conditional Recertification for Certain Law Enforcement Officers Who Are Unable to Complete In-Service or Supplemental Training Due to Documented Hardship (Proposed)

In Attendance:

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

1. Call to Order

- The Chair recognized a quorum.

2. Approval of Minutes

- Commissioner Kazarosian made an oral amendment to the draft minutes. 337 agencies have submitted their disciplinary records to the Commission.
- Commissioner Bluestone moved to approve the minutes from the January 14, 2022 meeting, as amended.
- Commissioner Wynn seconded the motion.
- The Commission unanimously approved the minutes from the January 14, 2022 meeting as amended.

3. Executive Director Report

a. Administrative update

- The Commission now has office space at 100 Cambridge Street in Boston. The Commission will employ a “hybrid” work model.
- Exececqoust

- Executive Director Zuniga introduced Brian Cooper, a senior certification specialist. Mr. Cooper will work with Ms. Joyce on certification and complaint matters.
 - The Commission is in various stages of the hiring process for the positions of Chief Financial Officer, Solutions Architect, Business Analyst, Director of Certification, Director of Standards, Director of Communications, and Product Manager. The Commission continues to develop postings for additional positions.
 - Requests for Responses for Case Management are due on February 16. The Commission expects it will be a competitive RFR process, and anticipates selecting a response by March 31.
 - The Commission continues to gather and analyze disciplinary records and complaints.
 - The Commission is in the process of finalizing a web-based form for complaints, and will begin a beta test soon. Executive Director Zuniga anticipates presenting that form for approval to the Commission at its next meeting.
 - The Commission is designing a workflow that will allow agencies to update a prior submission to aid in the Commission's review.
 - To date, the Commission has received disciplinary records from 402 agencies. 11 agencies are still within their extension period. 7 agencies may be dropped from the list for a variety of reasons, including falling outside the scope of certification by the Commission. Twenty-six agencies have not submitted their disciplinary records and the Commission has reached out to them.
 - The Commission continues to receive and review complaints submitted to the Commission.
- b. Certifications process update (academy candidates & SSPOs) – Gina Joyce, Senior Certification Specialist
- The Commission anticipates that on February 18, it will have certified 175 new police officers. These certifications represent 45 different law enforcement agencies and 6 SSPOs.
 - Ms. Joyce reviewed the SSPO certification process, as proposed and approved at the Commission's last meeting. She stated that process has been going smoothly, and thanked the State Police and the Municipal Police Training Committee for their assistance.
 - There are currently 11 police academies in session or slated to begin soon, with approximately 388 cadets who are expected to graduate before July 1. Ms. Joyce continues to work with Bob Ferullo of the MPTC to ensure that all academies are aware of certification requirements.
4. Plan for Officer Re-certifications (officers with last name A-H) – General Counsel Ravitz
- Before presenting the Plan for Officer Re-certifications, General Counsel Ravitz thanked those in the Commission and outside for their contributions to developing the plan.

- General Counsel Ravitz then reviewed the Plan for Officer Re-Certification, as outlined in “Requirements and Plan for Recertification of Certain Law Enforcement Officers (Proposed).”
- General Counsel Ravitz reviewed additions made to the plan since it was provided to the Commissioners. Those additions include:
 - Upon a report from an employing agency regarding recertification, the Commission will exercise its authority and discretion to determine the appropriate action to be taken.
 - The background check requirement has been changed to clarify that information comes to the Commission in different ways, and to include certification disqualifications that appear in statute.
 - Additions to moral character and fitness requirement do not alter the intent of the requirement, but again clarify the requirement consistent with statute.
- Commissioner Ellison asked if these standards would apply for the entirety of an officer’s career. Commissioner Ravitz clarified that this plan is meant to apply to officers that were automatically certified by statute and are now coming up for recertification, in particular the first class of officers with last names starting with A-H. The plan applies to the subsequent two classes, in order to keep those classes on par with the first class. However, after those three classes have been certified, it is up to the Commission to decide whether or how to adjust recertification standards.
- Commissioner Ellison asked General Counsel Ravitz to clarify how officers can meet the physical fitness requirement. General Counsel Ravitz clarified that an officer would satisfy the requirement if they satisfied it previously; satisfaction of the physical fitness requirement would only come into question if an officer’s agency reports such a concern. But even if such a concern is raised, the agency is required to develop a plan to help the officer meet physical fitness requirements. Commissioner Ellison then asked how such a plan complies with HIPAA. General Counsel Ravitz explained that such a plan would be developed on an individual level and through a collaborative process so potential HIPAA issues, or any other issues, would have to be addressed on a case-by-case basis.
- Commissioner Bluestone asked how the Commission could ascertain that an officer had passed psychological and physical fitness requirements at the academy, and whether the psychological exam was conducted by a qualified evaluator. General Counsel Ravitz suggested the Commission include psychological and physical fitness as an element on an attestation form. General Counsel Ravitz agreed with Commissioner Bluestone’s concern regarding the qualifications of evaluators who conducted past psychological evaluations.
- Commissioner Bluestone also raised whether an evaluation should be conducted, prior to developing a remediation plan. General Ravitz expressed his agreement and said he would consider the suggestion.
- Commissioner Wynn expressed his agreement with Commissioner Bluestone regarding the qualifications of psychological evaluators who previously conducted such evaluations.

- Commissioner Ellison suggested that officers be allowed to request independent evaluations, in addition to department evaluations. Executive Director Zuniga took Commissioner Ellison's suggestion into consideration
 - Executive Director Zuniga previewed the next anticipated steps for finalizing this plan in the next few weeks.
5. Discussion of In Scope/Out of Scope Agencies – General Counsel Ravitz
- General Counsel Ravitz reviewed “Construction of Scope of Chapter 6E of the Massachusetts General Laws (Proposed),” which is meant to answer the question of the range of individuals subject to Chapter 6E.
 - Executive Director Zuniga suggested the Commission vote to approve the construction, although it was not identified as a topic for voting, due to the volume of questions the MPTC has received on this issue and the upcoming June 30 deadline.
 - Commissioners Ellison and Wynn agreed with Executive Director Zuniga's suggestion.
 - Mr. Povich identified questions from the public regarding the scope of Chapter 6E, and General Counsel Ravitz responded, clarifying that Chapter 6E extends to officers with the full range of police powers.
 - The Chair asked for a motion to adopt the proposed Construction of Scope of Chapter 6E of the Massachusetts General Law. Commissioners West and Kazarosian so moved. Commissioners Ellison, Bluestone, and Chery seconded the motion. The Commission unanimously voted to adopt the proposed Construction of Scope of Chapter 6E of the Massachusetts General Law.
6. Policy regarding officers unable to complete in-service or supplemental training due to exceptional circumstances – General Counsel Ravitz
- General Counsel Ravitz reviewed “Authorization of Conditional Recertification for Certain Law Enforcement Officers Who Are Unable to Complete In-Service or Supplemental Training Due to Documented Hardship (Proposed).”
 - Commissioner Luma suggested the policy include officers who take paternal leave. General Counsel Ravitz agreed.
 - Commissioner Bluestone suggested the policy include officers who take adoption leave. General Ravitz agreed.
 - Executive Director Zuniga suggested the Commission vote to approve the Authorization of Conditional Recertification, though the Commission could vote on it at a later meeting.
 - Mr. Povich identified a question from the public regarding officers on leave who are able to undertake administrative duties. Executive Director Zuniga clarified that those officers would not necessarily be decertified. Those officers could be exempted from academy or training requirements based on the showing of good cause.
 - The Chair asked for a motion to approve the proposed Conditional Recertification for Certain Law Enforcement Officers Who Are Unable to Complete In-Service or Supplemental Training Due to Documented Hardship. Commissioner West so moved. Commissioner Kazarosian seconded the motion. The Commission unanimously voted to approve the proposed Conditional Recertification for

Certain Law Enforcement Officers Who Are Unable to Complete In-Service or Supplemental Training Due to Documented Hardship.

7. Public comment

- Two members of the public raised a question regarding the standards for recertification.
 - General Counsel Ravitz clarified that Reserve Officers who have completed the bridge academy have undertaken medical certification prior to admission to the bridge academy. If that certification was met, then those officers will be deemed to have satisfied physical and psychological requirements for certification.
 - General Counsel Ravitz also clarified that the physical fitness requirement is whatever was sufficient when the officer was admitted to the academy.
- A member of the public asked a question about firearms training for specific situations. Executive Director Zuniga proposed addressing the question offline.
- Commissioner Ellison raised a question about officers who transfer between agencies and institutions. Executive Director clarified that officers who transfer between agencies and institutions are subject to the standard recertification cycle so long as the transfer is not deemed a break in service by the MPTC.
- Mr. Povich and Ms. Lee confirmed that a public hearing regarding the Phase I regulations is proposed for March 23. Executive Director Zuniga added that the Commission has already begin receiving public comments.

8. Matters not anticipated by the Chair at the time of posting

- There were no new matters and the Commission adjourned.