

PEACE OFFICER STANDARDS & TRAINING COMMISSION

June 30, 2022

8:30 AM

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

PUBLIC MEETING MINUTES

Documents Distributed in Advance of Meeting:

- Technology Services Procurement Memorandum
- FY23 Budget Memorandum
- Authorization to Pursue Amendment of Regulations Concerning Use of Force
- Letter from Joint Committee on Public Safety and Homeland Security requesting appointment to special legislative commission to study the establishment of a statewide law enforcement officer cadet program.

In Attendance:

- Chair Margaret R. Hinkle
- Commissioner Hanya Bluestone
- Commissioner Lawrence Calderone
- Commissioner Clementina Chery
- 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.
- The Commission will take the agenda out of order and address technical correction to the Use of Force regulations first.

2. Use of Force regulations technical corrections – General Counsel Ravitz

- General Counsel Ravitz explained the proposed corrections are meant to correct clerical errors, and are entirely consistent with the use of force regulations approved and submitted by the Commission and the Municipal Police Training Committee to the Secretary of State.
- General Counsel Ravitz explained that the corrections also include an amendment to clarify that chokeholds are unambiguously prohibited under the use of force regulations.
- General Counsel Ravitz proposed pursuing these corrections and amendment on an emergency basis, with public comment to follow.
- Commissioners West and Kazarosian voiced their support of the amendment and pursuing it on an emergency basis, reiterating that the use of force regulations were clearly not intended to provide an exception to allow a police officer to

kneel on someone's neck or head. Commissioner West asked whether the Municipal Police Training Committee has already approved the amendment. General Counsel Ravitz stated that the amendment is consistent with what the Municipal Police Training Committee approved, but that some amount of discussion would be necessary.

- Commissioner Bluestone asked whether the amendment had any impact on the safety of law enforcement officers.
- Commissioner Wynn expressed his support of the amendment, as the amendment is consistent with what is already taught in police academies.
- Commission Ellison asked whether the Municipal Police Training Committee plans to conduct a statewide training to ensure the correct regulations are being taught. General Counsel Ravitz stated he was unable to speak for the Municipal Police Training Committee, but provided that the Municipal Police Training Committee is required to administer training on the use of force regulations.
- Commissioner Kazarosian moved to approve the corrections to the use of force regulations as an emergency regulation, as presented by General Counsel Ravitz. Commissioners Wynn and Chery seconded the motion. The Commission unanimously approved the corrections to the use of force regulations, as presented by General Counsel Ravitz.

3. Executive Director Report – Enrique Zuniga

a. Officer Recertification (A-H)

- Executive Director Zuniga stated the Commission is on track to recertify the majority of officers with last names A-H inclusive by July 1, 2022, based on a high degree of confidence that those officers have met the requirements and standards for recertification. The Commission will provide departments recertification packets listing the names of recertified officers, as well as individual notification letters.
- Of the 431 agencies within the Commission's scope, 399 agencies, submitted applications for recertification, 21 agencies have extensions, 10 officers have no officers with last names A-H, and only 1 agency's application remains pending.
- Of the 21 agencies with extension, 16 agencies have sought extension in accordance with Commission policy, and Executive Director Zuniga anticipates the other 5 agencies will do so shortly.
- In total, 6,336 officers have successfully submitted applications for recertification, 2,181 have sought extensions, and approximately 20 officers have outstanding applications.
- Of officers who have successfully submitted applications for recertification, 88% of officers will be fully recertified, 10.9% will be conditionally recertified, 1% will require further review and 0.1% will fail to be recertified.
- Executive Director Zuniga stated the Commission anticipates posting a list of recertified officers on its website by July 5, and plans to periodically update the list as more applications and processed.
- Executive Director Zuniga stated the Commission also plans to create a webpage to help officer understand their certification status.
- The Chair and Commissioner Bluestone thanked Executive Director Zuniga and his staff for their tireless efforts in recertifying nearly 10,000 officers.

- b. Technology Procurement Update
 - Executive Director Zuniga reviewed the need for a permanent solution to manage data submission and workflows for things like the recertification process. Executive Director Zuniga stated he was seeking authorization to finalize negotiations and enter into a contract with the apparently successful bidder.
 - Commissioner Kazarosian moved to authorize Executive Director Zuniga to finalize negotiations and enter into a contract with the successful bidder for technology and workflow infrastructure. Commissioner Wynn seconded the motion. The Commission unanimously approved to authorize Executive Director Zuniga to finalize negotiations and enter into a contract with the successful bidder for technology and workflow infrastructure.
4. Cadet Commission Chapter 6E Section 108
 - Executive Director Zuniga reviewed the Commission's obligation to provide a member to the special legislative commission to study the establishment of a statewide law enforcement officer cadet program. The special legislative commission's first meeting is scheduled for July 12, and its goal is to report its findings by the end of the calendar year.
 - Executive Director Zuniga suggested Commissioner Bluestone would be well suited to serve on the special legislative commission. Commissioner Bluestone expressed her willingness to serve on the special legislative commission.
 - Chair Hinkle nominated Commissioner Bluestone to serve on the special legislative commission. Commissioner Kazarosian seconded the nomination. The Commission unanimously approved Commissioner Bluestone to serve on the special legislative commission.
5. FY23 Budget – CFAO Rebello-Pradas
 - Chief Financial and Administrative Officer Rebello-Pradas summarized the Commission's incurred and proposed expenditures to date.
 - Commissioner Bluestone asked Mr. Rebello-Pradas to explain the forecasted expenditures relative to outside legal services and staff salaries. Mr. Rebello-Pradas and Executive Director Zuniga explained the context of the Commission's expenditures on the two items to date, and the proposed expenditures in the next fiscal year.
6. Matters not anticipated by the Chair at the time of posting
 - There was no new business.
7. Executive Session to discuss strategy with respect to litigation, specifically *Scott Hovsepian, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2284CV00906, Suffolk Superior Court, and *New England Police Benevolent Association, Inc. et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2285CV00555, Worcester County Superior Court.
 - The Chair stated that the Commission would next take a vote to enter into executive session to discuss strategy in the two pending litigation matters, which are now consolidated in Suffolk Superior Court.
 - Commissioner Kazarosian moved to enter into executive session to discuss strategy in the two pending litigation matters. Commissioner Bluestone seconded

the motion. The Commission unanimously voted to enter into executive session to discuss the two pending litigation matters.