



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

UPDATED

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Hanya H. Bluestone

Lawrence Calderone

Clementina Chéry

Larry E. Ellison

Marsha V. Kazarosian

Charlene D. Luma

Kimberly P. West

Michael Wynn

EXECUTIVE DIRECTOR

Enrique A. Zuniga

May 8, 2023

In accordance with [Sections 18-25 of Chapter 30A of the Massachusetts General Laws](#), and [Chapter 20 of the Acts of 2021](#), as amended by [Chapter 22 of the Acts of 2022](#), by [Chapter 107 of the Acts of 2022](#), and by [Chapter 2 of the Acts of 2023](#), notice is hereby given of a meeting of the Peace Officer Standards and Training Commission. The meeting will take place as noted below.

NOTICE OF MEETING AND AGENDA

Public Meeting #37

May 11, 2023

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 958 8352 0184

- 1) Call to Order
- 2) Approval of minutes
 - a. March 16, 2023
 - b. April 13, 2023
- 3) Executive Director Report – Enrique Zuniga
 - a. Administrative Update
 - b. Disciplinary Records Update
 - c. Certification Update
 - d. LEA Portal – CTO Owen Mael
 - e. Finance Update – CFAO Eric Rebello-Pradas
- 4) Legal Update – General Counsel Randall Ravitz
 - a. Maintenance, Reporting, and Auditing of Law Enforcement Records and Information
- 5) Matters not anticipated by the Chair at the time of posting

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6) Executive Session in accordance with the following:

- M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct;
 - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; and
 - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, §§ 22(f) and (g), in anticipation of discussion and approval of the minutes of prior Executive Sessions.
- a. Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
- i) PI-2023-05-11-001
 - ii) PI-2023-05-11-002
 - iii) PI-2023-05-11-003
 - iv) PI-2023-05-11-004
 - v) PI-2023-05-11-005
 - vi) PI-2023-05-11-006
 - vii) PI-2023-05-11-007
- b. Division of Standards request for approval to conduct Preliminary Inquiry and suspend certification in the following case:
- i) PI-2023-05-11-008
- c. Update on the following Preliminary Inquiry matter:
- i) PI-2023-02-16-002
- d. Approval of the minutes of the Executive Sessions of 3/16/23 and 4/13/23

2a.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

CHAIR

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Enrique A. Zuniga

Public Meeting #35

March 16, 2023 - 8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 995 9076 7695

Documents Distributed in Advance of Meeting:

- Memorandum of March 16, 2023 re “RECERTIFICATION PROCESS 2023 – Officers with last names I – P”
- Letter of December 29, 2022 to Law Enforcement Officer re in-service training
- 555 CMR 9.00: *Initial Certification of Officers; and Initial or Renewed Certification of Independently Applying Officers, Including Constables* (redlined draft)

In Attendance:

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

Commissioner Kimberly P. West was not present.

1. Call to Order

The Chair recognized a quorum and called the meeting to order.

2. Executive Director Report – Executive Director Enrique A. Zuniga

a. Certification Update

- Overview
 - Started to communicate process and timeline for recertification of officers I-P. Process governed by 555 CMR 7.00
 - Agencies complete two documents (Part 1 and Part 2); verify compliance with certain requirements

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- Chief or designee conducts oral interview with the help of Questionnaire (Part 2). Attest to good moral character of officer.
- Recertification I-P- Updated certain questions in Part 1
- Part 2 - Questionnaire remains the same (6 questions)
- Attestations for Chiefs already started
- New technology platform (Salesforce)
 - Information is entered directly into portal
 - Agencies submitting 100+ officers have data migration option
 - Training & office hours during May
 - Everyone with a prior login (JIRA) will be e-mailed a new login by May
- Notification decisions e-mailed directly to officers
 - Agencies can access reports in the portal
- Time sensitive notices – where individuals may seek review
 - Will be emailed to individual, Chief, head of bargaining unit
 - POST protocol continues to be to ask Chiefs to serve these
 - POST will verify compliance with training requirements before sending notifications
 - This will minimize issuing correction letter
- Timeline
 - March - POST and IT vendor finalized new platform
 - April 15 – Documents and worksheet available on website
 - May 1 – Chiefs attestations due
 - May 22 – Portal available
 - June 30 – Deadline for submission
 - July 31 – POST sends notifications

b. Administrative Suspensions for Failure to Complete In-Service Training

- In service training requirement - Chapter 6E, § 9(b)
 - Directs POST to administratively suspend an officer who fails to complete in service training requirements
 - Requirement is on a fiscal year basis ending June 30
 - Agencies report compliance to MPTC by September 30
- Compliance with FY22 (June 30, 2022)
 - POST sent notification of lack of compliance to approximately 300 officers on 12/27/22
 - MPTC routinely notifies officers who are out of compliance
 - 46 individuals still not yet complied with this requirement
 - POST will administratively suspend these individuals
 - Suspension may be lifted as soon as officer is in compliance

c. Budget Update

- Brief history of POST expenditures:

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- FY22 \$2 million (\$5 million funding)
- FY23 \$7.5 million (\$5 million funding with \$2.9 rollover)
- FY24 \$9.1 million projection (Commission approved)
- House 1 budget includes \$5.15 million in funding for POST
- Virtually the same number as prior 2 years
- Next steps: POST testifying in Joint Committee on Ways & Means on April 4, 2023

Questions from the Commissioners

- Commissioner Ellison had a question regarding reports being cross referenced, receiving reports from agencies and reports directly submitted to the POST
- Executive Director stated that agencies are responding and we rely on the agencies to report the complaints that come directly to them
- Commissioner Bluestone questioned in-service training to bring law enforcement officers into compliance.
- Executive Director stated the MPTC administers courses for training services.

3. General Counsel Update – General Counsel Randall E. Ravitz

a. Collecting and Utilizing Information Regarding Uses of Force, Injuries, and Deaths

The General Counsel delivered a presentation in which he stated as follows.

- Reporting by Officer to Supervisors
 - Agencies must develop and implement policies and procedures for personnel to:
 - Report uses of force, including incidents involving officer-involved injuries or deaths; a
 - Report abuse by other personnel, without retaliation. M.G.L. c. 6E, § 15(c); 555 CMR 6.07, 6.09.
 - Each officer must:
 - Complete a reporting form upon using force. 555 CMR 6.07.
 - If serving as an officer in charge, report to the agency head or a designee regarding uses of force that result in death or serious injury. 555 CMR 6.09.
 - Submit a report, “consistent with uniform protocols,” to a supervisor regarding another officer’s excessive force. M.G.L. c. 6E, § 15(b); 555 CMR 6.07.
 - Report “harassment, intimidation, or retaliation,” with respect to intervention or reporting, to a supervisor. 555 CMR 6.07.
- Reporting by Agencies to the POST Commission and National Databases
 - The statute and regulations also provide that each agency must:
 - Report each death, serious bodily injury, and discharge of a firearm toward a person to the FBI-maintained National Use of Force Data Collection Database. 555 CMR 6.07.
 - FBI guidelines call for various forms of data to be reported.

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- Upon the use of certain weapons against a crowd, report information concerning agency de-escalation efforts to the Commission. M.G.L. c. 6E, § 14(e); 555 CMR 6.08.
- These obligations are in addition to the duty of each agency to:
 - Provide the Commission with “a comprehensive disciplinary record for each law enforcement officer.” St. 2020, c. 253, § 99.
 - Transmit any non-minor complaint to the Commission, indicate whether it “alleges that [an] officer’s conduct . . . involved excessive, prohibited or deadly force . . . [or] resulted in serious bodily injury or death,” and submit related and follow-up information. M.G.L. c. 6E, § 8(b)(1); 555 CMR 1.01.
- The Commission’s Use of Such Information
 - The Commission must review each report concerning use of weaponry against a crowd; may investigate further; and “shall, if applicable, make a finding” about the conduct’s propriety. M.G.L. c. 6E, § 14(e).
 - It could rely on reported information:
 - In certification decisions. M.G.L. c. 6E, §§ 3(a), 4.
 - To initiate preliminary inquiries and take disciplinary actions. M.G.L. c. 6E, §§ 8(c), 9, 10; 555 CMR 1.00.
 - In referring matters to other offices for civil or criminal enforcement. M.G.L. c. 6E, §§ 3(a), 8(c)(2); 555 CMR 1.00.
 - The Commission could take into account reported information in developing:
 - Regulations “identifying patterns of unprofessional police conduct, including . . . patterns of . . . escalating behavior that may lead to the use of excessive force.” M.G.L. c. 6E, § 3(a).
 - Further regulations and policies on the use of force with the MPTC, or other regulations or policies. M.G.L. c. 6E, §§ 3(a), 14(a), 15(d).
 - Agency certification standards, which must include “the establishment and implementation of agency policies regarding . . . use of force and reporting of use of force,” in consultation with the MPTC. M.G.L. c. 6E, § 5(b).
 - The Commission may also look to such information as it:
 - Maintains a database with information on “complaints and related information,” including whether they allege that officer conduct “involved excessive, prohibited or deadly force . . . [or] resulted in serious bodily injury or death.” M.G.L. c. 6E, § 8(e); a
 - “[M]onitor[s] the database to identify patterns of unprofessional[ism],” for which it may recommend preliminary inquiries. M.G.L. c. 6E, § 8(f).
 - The Commission also:
 - Must submit certain information concerning officer-involved injuries and deaths to the Legislature, Governor, and Attorney General. M.G.L. c. 6E, § 16.
 - Could rely on reported information to provide those same entities with “any operational, policy, regulatory or legislative recommendations to reduce the number and seriousness of officer-involved injuries or deaths.” M.G.L. c. 6E, § 16.
- Standard Form and Process for Reporting Information

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- Officers, agencies, the MPTC, and the Commission will all benefit from the development of a standard form and process for reporting information concerning uses of force, injuries, and deaths, as contemplated by the use-of-force regulations. 555 CMR 6.07(1).
- The staff of the Commission and the MPTC have begun working together, and expect to continue doing so, on this initiative, as well as others regarding uses of force.
- One approach discussed recently is a form for law enforcement agencies that would:
 - Remind law enforcement agencies of certain obligations.
 - Facilitate the electronic submission, analysis, and reporting of data, and interfacing with other databases concerning officer information.
 - Capture information:
 - On uses of force, including uses of certain weapons.
 - On injuries and deaths, of officers and members of the public.
 - And, in particular:
 - That officers and agencies are required to report internally, to the Commission, or to the FBI-maintained database.
 - That the Commission is expected to maintain, analyze, and/or report.
 - On specific forms of conduct that are referenced in statutory and regulatory provisions regarding the use of force.

Questions from the Commissioners

- Commissioner Ellison asked if there is statutory authority for the Commission to audit agencies for compliance.
- The General Counsel stated that there is a statutory provision that requires the Commission to promulgate regulations regarding audits of agency records.

b. Proposed regulations re: Initial Certification of Officers; and Initial or Renewed Certification of Independently Applying Officers, Including Constables (555 CMR 9.00)

The General Counsel delivered a presentation in which he stated as follows.

- Drafting History
 - At Commission public meetings:
 - Protocols for initial certification and regulations on recertification were discussed and approved over time.
 - There were 10 public meetings, a public hearing, and multiple invitations for public comment between December 2021 and September 2022.
 - A presentation on issues involving Constables was delivered at the October 13, 2022 meeting.
 - Draft regulations were discussed without being formally presented at the November 22, 2022 meeting.
 - Outside Commission meetings:

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- Staff from POSTC, MPTC, and EOPSS have discussed issues and drafts regarding initial certification, recertification, constables and other independent applicants, and these proposed regulations at various points over time.
- Staff from POSTC, MPTC, and/or EOPSS have met or communicated with representatives of constable associations at several points dating back to at least early April 2021 and continuing until March 2023.
- Draft regulations were provided to association representatives in early December 2022.
- Feedback was provided by association representatives in early March 2023.
- Specific comments resulted in revisions that will be highlighted today.
- Overview
 - By way of reminder, these regulations would govern:
 - Any initial certification; and the certification of any officer who applies independently,
 - Instead of applying with the endorsement of an employing agency,
 - Whether that officer seeks an initial or a renewed certification,
 - Including any constable.
 - The regulations would generally apply the same standards and processes that the Commission adopted for the recertification process.
 - In the draft, provisions regarding constables in particular are in boldface, for convenience in discussing them.
- Special Provisions for Independent Applicants
 - A question that arises is: How would the certification standard of “successful completion of a state and national background check” be evaluated?
 - The applicant could either:
 - Request that a law enforcement agency conduct one, for which it may charge a fee; or
 - Request that the Commission conduct one, for which it would charge a fee.
 - Another question that arises is: How would the certification standard of “successful completion of an oral interview administered by the commission” be evaluated?
 - The Commission:
 - Would arrange for it to be conducted by one of several approved individuals; and
 - Could prescribe the asking of certain questions, coverage of certain topics, or the use of a questionnaire.
 - Another question that arises is: How would the certification standard of “being good moral character and fit for employment in law enforcement, as determined by the commission” be evaluated?
 - The Commission would make an assessment based on:
 - Certain information collected in the process, including 3 professional references, 1 of which would need to be a certified officer; and
 - A set of guidelines that is based on protocols previously approved by the Commission
- Additional Provisions for Constables – the Meaning of Arrest
 - Another question that arises is: Since Chapter 6E extends to “a constable executing an arrest for any reason,” what would constitute an “arrest” for these purposes?
 - Revised Section 9.03(2) would define “Arrest.”

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- For the purposes of 555 CMR 9.00,” “unless the context requires otherwise,” “Arrest” “ha[s] the following meaning[]:”
 - First Sentence: “An actual or constructive seizure or detention of a person, performed with the intention to effect an arrest and so understood by the person detained.”
 - Derived from Massachusetts caselaw defining “arrest.”
 - Second Sentence: “For purposes of applying this definition, the following shall constitute seizures:”
 - Clause 1: “an application, to the body of a person, of physical force that objectively manifests an intent to restrain;”
 - That is derived from a fairly recent, 2021 U.S. Supreme Court decision concerning seizures involving physical force.
 - Clause 2: “a show of authority, through words or conduct, that a reasonable person would consider coercive;”
 - That is derived from a fairly recent Massachusetts Supreme Judicial Court decision concerning seizures involving shows of authority.
 - Clause 3: “and an exercise of the powers of a constable that is facilitated by the use or display of a weapon.”
 - Federal and state courts treat the use or display of a weapon as something that militates in favor of an action being found to constitute a seizure.
 - The Commission previously expressed the view that the carrying of a weapon should bring a constable within the scope of the statute.
 - There is a need for a rule that can be applied in advance of action by a constable.
 - An option is to add that an arrest also includes any service of a capias or arrest warrant.
- Additional Provisions for Constables – Becoming Subject to Commission Oversight, and Executing Powers
 - Other questions that arise are as follows. How could it be established whether a constable will be subject to Chapter 6E and Commission regulations before the constable executes their first arrest? And what rules should govern the interplay between certification and the ability to exercise arrests?
 - A constable who seeks to make arrests:
 - Could affirmatively apply for certification; and
 - If certified:
 - Would be deemed a “law enforcement officer” subject to Chapter 6E and Commission regulations;
 - Would simultaneously be in violation of a regulatory provision that precludes constables from making arrests unless they are certified and otherwise have the power to do so under law; and
 - Could face various consequences.
 - A constable who executes an arrest without being certified or without having the power to do so under law:
 - Would be deemed a “law enforcement officer” subject to Chapter 6E and Commission regulations;

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- Would simultaneously be in violation of a regulatory provision that precludes constables from making arrests unless they are certified and otherwise have the power to do so under law; and
 - Could face various consequences.
- Additional Provisions for Constables – Obligations and Consequences
 - Another question that arises is: How could constables be made subject to obligations and consequences that are comparable to the full range of what is provided for with other officers?
 - Note that Chapter 6E:
 - Makes officers subject to various restrictions, obligations, and consequences that apply without regard to whether the officer is employed by an agency; and
 - Also provides that:
 - Police departments must take, and refrain from taking certain steps in handling mass demonstrations; and
 - Decertified officers will be barred from appointment or employment by an agency.
 - Any constable who is deemed a “law enforcement officer”:
 - Would be subject to, and thus need to comply with, all provisions of Chapter 6E and Commission regulations, governing officers;
 - Would also need to comply with the provisions applicable to police departments in Section 14(e) of Chapter 6E, which deals with mass demonstrations; and
 - Upon performing an arrest without certification or without having the power to do so under law, or violating Chapter 6E or Commission regulations, would be subject to decertification, suspension of certification, retraining orders, restrictions on powers, publication of actions, and fines.
- Additional Provisions for Constables – Obligations and Consequences
 - Another question that arises is: How could constables be subject to supervision comparable to what is expected for officers employed by agencies?
 - Note that, in various ways, Chapter 6E provides for officers to be overseen by, investigated by, and reported by supervisors, with respect to matters such as alleged misconduct and uses of force.
 - To be certified, a constable would need to have a “supervisor” (formerly, “monitor”) that:
 - Is a municipal executive or a municipal law enforcement agency;
 - Agrees to serve; and
 - Designates 1 or more individuals who would take personal responsibility for overseeing the constable and taking steps that Chapter 6E requires of supervisors.
 - With respect to potential supervisors revised Section 9.14 would provide:
9.14: Supervisor for a Constable
 - (1) To qualify as a supervisor for a constable, an entity must:
 - (a) Be either:
 - 1. A municipal executive of a Massachusetts municipality in which the constable desires to serve; or
 - 2. The principal law enforcement agency of a Massachusetts municipality in which the constable desires to serve, provided that such

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agency has not been barred from serving as the constable's supervisor by a municipal executive of the municipality.

- As compared to the prior draft, this would broaden the range of possible supervisors, allowing appointed and elected constables to seek supervision from municipal executives or municipal law enforcement agencies.
- But it would also reflect respect for the ability of a municipal executive to exercise control over who serves.
- Among the designee's responsibilities would be:
 - Obtaining periodic reports regarding the constable's exercise of duties;
 - Receiving reports regarding uses of force;
 - Taking steps to ensure that the constable complies with their obligations;
 - Investigating alleged misconduct;
 - Reporting allegations of misconduct and failures to complete in-service training to the Commission; and
 - Making records available for audit or inspection.
- A law enforcement agency or officer serving in such a role would be subject to discipline for nonperformance

Commissioner Questions

- Commissioner Luma asked if appointed constables are subject to the supervision of the appointing authority.
- The General Counsel stated that, with regard to appointed authorities, there is a variation among different municipalities because it's a local matter, and for a lot constables this would be something new.
- Commissioner Luma questioned the monitoring of the supervisors of the constables.
- The General Counsel stated the supervisor would have the training as the appointing authority.
- Chair Hinkle stated the Commission is not taking public comments today.
- The Executive Director stated the public can make comments on the POST website.

4. Matters Not Anticipated by the Chair at the Time of Posting

Chair Hinkle stated there were no matters.

5. Executive Session

- M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct;
- M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; and

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- M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, §§ 22(f) and (g), in anticipation of discussion and approval of the minutes of prior Executive Sessions.
- Commissioner Kazarosian made the motion to go into Executive Session, and Commissioner Chéry seconded the motion.
- The Commissioners voted as follows:
 - Commissioner Hanya H. Bluestone – yes
 - Commissioner Lawrence Calderone – yes
 - Commissioner Clementina M. Chéry – yes
 - Commissioner Larry Ellison – yes
 - Commissioner Marsha V. Kazarosian – yes
 - Commissioner Charlene D. Luma – yes
 - Commissioner Michael J. Wynn – yes
 - Chair Margaret R. Hinkle – yes
- The public meeting was adjourned, and the Commissioners proceeded to meet in Executive Session.

2b.



Massachusetts POST Commission

100 Cambridge Street, 14th Floor, Boston, MA 02114

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING
COMMISSION
PUBLIC MEETING MINUTES
April 13, 2023
8:30 a.m.
Remote Participation

Documents Distributed in Advance of Meeting

- Public Meeting Minutes of February 16, 2023 (Proposed)

In Attendance:

- Commission Chair Margaret R. Hinkle
- Commissioner Hanya H. 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 J. Wynn

1. Call to Order

- At 8:31 a.m., Chair Hinkle said the entire Commission was present and called the meeting to order.

2. Approval of Minutes

- Commissioner Chéry moved to approve the minutes of the February 16, 2023, meeting.
- Commissioner Luma seconded the motion.
- Chair Hinkle took a roll call vote, and the Commissioners voted as follows:
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chéry – Yes
 - Commissioner Ellison – Yes
 - Commissioner Luma – Yes
 - Commissioner West – Yes
 - Commissioner Wynn – Yes
 - Chair Hinkle – Yes
- Chair Hinkle skipped Commissioner Kazarosian in the vote as she did not attend the

February 16, 2023 meeting.

- The Commissioners unanimously approved the minutes of February 16, 2023.

3. Executive Director Report – Executive Director Enrique A. Zuniga

a. Administrative Update

- The Executive Director reported as follows.
- Administrative Suspensions
 - At the last meeting, Executive Director Zuniga gave an update on potential administrative suspensions for lack of compliance with in-service training. At the end of December 2022, there were approximately 300 officers not in compliance with the requirement, which was to complete in-service training by June 30, 2022, the end of FY22. They have until September 30, 2023, to report compliance with the requirement. As of last month, there were still forty-six individuals who were non-compliant and facing the prospect of an administrative suspension.
 - As a follow up to the report from the Division of Certification last month, all officers except seven are in compliance. The seven officers' compliance is in progress. They have signed up and partially completed some of the requirements. The training will be completed in the coming days. Numbers were shared with the Municipal Police Training Committee (MPTC), and we are approaching 100% compliance.
 - Next year POST is likely to have 100% compliance earlier than April, as this becomes a requirement with the potential of administrative suspension.
- Commission Decisions & Orders
 - Executive Director Zuniga announced the Commission will be deploying a new function on its website as the Commission makes decisions and orders. They will be posted in a section of the website titled "Commission Decisions & Orders," which is similar to what other agencies like the Division of Professional Licensure and the Civil Service Commission use to report decisions and orders.
 - Decisions and orders will be posted once the parties (individual, attorney, head of Collective Bargaining Unit, and head of agency) have been notified of the decision in writing.
 - Individuals and members of the public will be able to sign up to receive notifications and updates. People can go to the "[Contact Us](#)" tab to receive upcoming notifications.
- Overview of Budget Process
 - Executive Director Zuniga gave a brief overview of the FY24 budget.
 - On April 4, 2023, Chair Hinkle, Chief Financial and Administrative Officer (CFAO) Eric Rebello-Pradas, Director of Communications and Community Engagement Cindy Campbell, and Executive Director Zuniga provided testimony to the Joint Committee on Ways and Means in Springfield, Massachusetts. Others associated with public safety, including the Attorney General and the Executive Office of Public Safety and Security, were present.
 - This was their first time testifying on the budget since POST started, but it will be part of the budget process every year as it moves through the legislature.
 - They met with the leadership of the House Ways and Means Committee about the budget and will meet with leadership and staff of the Senate Ways and Means Committee.

- The original request to the Executive Office of Administration and Finance was for \$9.1 million. House Ways and Means published the budget on April 12, 2023, and included \$8.5 million for POST funding for FY24. They will vote on this budget on April 24, 2023.
- The Senate will release its budget on May 10, 2023, and vote on May 22, 2023.
- b. Finance Update & Administrative Update – Chief Financial and Administrative Officer Eric Rebello-Pradas**
- CFAO Rebello-Pradas provided the following update.
 - The green chart in the packets summarizes Q3 financial activity. March 31, 2023, closed the third quarter of FY23.
 - All major categories of spending remain under budget for the January, February, and March period.
 - The majority of savings from payroll is due to the pace of onboarding, fluctuation of hours and overbudgeting for contractor-turned-employee positions.
 - POST will most likely lower the Q4 forecast for payroll with an estimated final spending of \$2.6M.
 - The postponement of the office move will push the purchase of office equipment, furniture, and other moving expenses to FY24.
 - Travel reimbursements are under forecast and amount to about \$25,000. This is difficult to predict because the Police Standards Division compliance agents are not yet on the road. It will likely be better forecasted in the coming fiscal years.
 - Consulting services trend 50% below estimates. POST will most likely lower estimates for Q4. Estimated final spending is just under \$200,000.
 - The IT variance is beyond what was estimated for now. That is due in part to the large chunk of Salesforce development expenditures in February and March.
 - CFAO Rebello-Pradas anticipates catching up on severely delayed invoices but cannot accurately predict the month of those expenditures. He will get the month in which those expenditures will get executed.
 - POST is caught up on Task Order 0 and Task Order 1. He recently received the invoice for Task Order 2, which covers work for January 2023 and February 2023. He anticipates processing that payment by the end of the month.
 - Out of the \$2.5 million IT solution the Commission predicted, \$923,000 has been spent. This is just under halfway to the projected number.
 - Now that POST is entering the last quarter of FY23, spending predictions will become more accurate. For now, POST estimates total reversions, which will go back to the general fund, will be about \$850,000.
 - Governor Healey already filed this and will move forward any balance up to \$1.5 million from FY23.
- Hiring Status
 - CFAO Rebello-Pradas provided an update on POST's hiring status. POST currently has 29 employees and continues to grow. In the last two quarters, the hiring rate has increased.
 - POST recently posted two Intake Coordinator positions and has one accepted offer. POST is looking to make another offer before the end of the month. Both Intake Coordinator positions will be onboarded before the end of FY23 on June 30, 2023.

- POST also currently has postings for an Enforcement Counsel and a Compliance Agent. It is estimated that POST will have about 31 employees by June 13, 2023, and about 33-35 employees by the end of FY23.
 - Since the last meeting in March, POST has onboarded 2 new employees: Sebastian Giuliano, the Salesforce Administrator, and Lizzie Smith, a paralegal and Hearings Administrator.
- Executive Director Zuniga asked if any Commissioners had questions.
- Commissioner Ellison asked Executive Director Zuniga where POST is in processing the new round of certifications and if there is a deadline for compliance.
- Commissioner Ellison also asked Rebello-Pradas what the cost savings have been since onboarding the legal team.
 - Executive Director Zuniga answered that the process for certification will begin when the new portal opens on May 22, 2023. He stated he was in a meeting with the chiefs to outline the process and will provide the Commissioners and the public with an overview of the portal in the May meeting. This will be a permanent solution where agencies can enter officer certification information and will eventually be used for submitting any other disciplinary records.
- Commissioner Ellison asked Executive Director Zuniga if notifications for those who are coming up will be sent from their departments or if POST will also send out a notification that their certification is being processed.
 - Executive Director Zuniga said one of the things POST wants to enhance through the new portal is its ability to notify individuals. It will collect information on individual officers and their notification preferences so POST can communicate directly with officers as part of the recertification process. One of the first things POST will ask agencies to do is confirm that the information in the portal is correct. POST will no longer require agencies to send a roster of individuals. The first thing agencies will see in the portal are the individuals who have yet to be certified because their last name is between I and P. Agencies will be able to answer questions and recertify officers directly in the portal.
 - Regarding Commissioner Ellison's question on cost savings since onboarding the legal team, CFAO Rebello-Pradas said average bills for legal consulting services were about \$30,000-\$40,000 per month. As the legal division was onboarded under the General Counsel, the amount in the last six months has been about \$8,000-\$10,000 per month. There have been considerable cost savings, and it is estimated the savings over the entire fiscal year for consulting services will be just over \$200,000.
- Chair Hinkle asked if there were any other questions from the Commissioners. There were none.

4. Legal Update – General Counsel Randall Ravitz

- a. **Proposed Regulations re: Initial Certification of Officers; and Initial or Renewed Certification of Independently Applying Officers, Including Constables (555 CMR 9.00)**
- General Counsel Ravitz provided the following information.
 - The first topic of discussion was the draft set of regulations discussed previously that would cover the initial certification of all officers as well as the initial or renewed certification of independently applying officers,

sometimes referred to as self-sponsored officers, which includes constables.

- This came before the Commission at the last meeting, but some revisions have been made since then. These regulations have not been voted on and put out for promulgation by the Commission. The Commission may be prepared to take a vote on the regulations at this meeting.
- One change made since the last draft involves collecting more information. There are now provisions that require the submission of an employment and disciplinary record for an officer as part of the certification process. 9.05(4)a, 9.05(5)(b).
- The latest draft also calls for due consideration of Commission certification and disciplinary records. This was borrowed from a comment that was offered on a different set of draft regulations concerning School Resource Officers (SROs) 9.08(1)(a).
 - A member of the public suggested that the process should include a review of POST records of any prior certification applications or disciplinary records.
 - General Counsel Ravitz noted this likely would have been done without the regulation but having that in the regulation helps ensure that it is done.
- The proposed regulations would preclude a person from being certified if that person did not provide all information that the person was required to provide as part of the certification process. This is based on another comment on the other set of regulations stating that the person who does not provide the information required should be treated differently than a person who receives a conditional certification because of some extenuating circumstance.
- The proposed regulations would also clarify the restrictions on powers in certain situations.
 - The regulations now allow the Commission to place an individual's certification on restricted status while review or hearing is pending.
 - In certain situations where an individual receives an adverse decision from the Division of Certification, in some extenuating circumstances, it may be appropriate to restrict their certification during a period of time.
- Another provision to the above-mentioned regulations would preclude constables from performing police duties and functions without certification or without legal authority.
- It would also preclude an individual from performing police duties and functions while their certification is suspended.
- Another provision would preclude an individual from performing police duties and functions, or serving as a law enforcement officer, after revocation or decertification.
- Another category of revisions to the regulations involves improving the mechanics of the process.

- One provision requests that the head of the applicant's Collective Bargaining Unit (CBU) be identified.
 - Another provision would require the provision of email addresses and provide for service of papers by email.
 - Another provision would require notice of changes in contact information, place of employment and work status.
 - Another provision would give the Executive Director discretion regarding the participants that may appear at meetings concerning review of a challenge to a certification decision.
- There was a question raised at the last meeting about constables who would be subject to supervision by a supervisor that they would need to line up (could be a municipal executive or local law enforcement agency)—would the person be subject to supervision by a civilian who is not as familiar with law enforcement practices?
 - The regulations provide that a municipal executive, who might be a civilian, would have to designate someone who is a certified law enforcement officer and who has the resources to perform this role, to be the point person to carry out the duties of a supervisor.
- General Counsel Ravitz entertained questions from the Commissioners and said if the Commissioners are prepared to vote on this today, he requests they consider doing so.
- Commissioner Wynn asked General Counsel Ravitz to clarify the last point on a municipal executive designating a police supervisor.
 - General Counsel Ravitz said the provision only applies to constables. They would have the opportunity to obtain this supervisor from either a municipal executive or a local law enforcement agency. They need a supervisor in order to be certified. This is to make sure that the constable is subject to supervision that is comparable to what all other certified law enforcement officers would be subject to.
 - If the constable has a municipal executive who will serve as a supervisor, the regulations provide in Section 914(1)(d) for either the municipal executive or the law enforcement agency to designate one or more individuals who are under the entity's control or supervision who are certified officers and have no familial relationship with the constable and have sufficient resources and expertise to perform the duties specified, to be responsible for performing the list of duties therein.
 - If the person lined up is an officer and agrees to perform duties and does not do so, then the Commission could take this up.
- Commissioner Wynn asked a final question to clarify the final section General Counsel Ravitz read: Could the designated supervisor, who is a sworn Law Enforcement Officer, be a certified police officer but not necessarily a police supervisor?
 - General Counsel Ravitz said it would have to be a certified police officer, but not necessarily a police sergeant or lieutenant. It is not written that way but could be if the Commission thinks it should be.
- Commissioner Wynn said this could be problematic for smaller departments or municipalities.

- Commissioner Bluestone asked about the timeline for certification in the interest of fairness given the fact that the certification process is based on alphabetized last names, so that everyone is not certified in the same time frame. She asked if there was anything in the regulations allowing for a delay or extended timeline for someone within the earlier cohorts to create fairness in the overall process.
 - General Counsel Ravitz said within the recertification regulations, there are things built in to ensure that people in the different thirds have an equal amount of time to satisfy the requirements. It gave people in earlier groups the same amount of time they would get as if they were in last group.
- Commissioner Bluestone asked about the transitional phase where we are going through the credentialing process and although officers have same amount of time, the officers credentialed in first year were in a very different circumstance than officers who will be certified in the third year. Is there any provision that would allow for an extension?
 - General Counsel Ravitz said there are provisions that allow for conditional certification. The standard amount of time is ninety days, but they can provide for individuals who have not met certain requirements to get an additional amount of time. They will be allowed to serve and will be considered certified as a general matter but will have to satisfy the condition within a certain amount of time.
 - In extenuating circumstances such as medical leave or military service, those individuals can get additional time.
- Commissioner Bluestone asked whether the conditional certification status is different from certification in an arguable way.
 - General Counsel Ravitz said there are things that are written that conditions need to be met in order for their certification to be continued and if they don't meet them, then they lose their certification. But it is written that in all other respects, the person is deemed certified.
 - If someone is arrested by a conditionally certified officer and says the officer was only conditionally certified and not certified, that is an invalid argument.
- Commissioner Bluestone asked if the conditional status gives the Commission some flexibility to cover the awkward transitional period if something unusual occurred?
 - General Counsel Ravitz said yes. This arose out of concern about how this new system would play out and concern that there could be unintended consequences. The regulations built in that flexibility.
- There were no more questions from the Commissioners.
- Chair Hinkle asked for a motion to approve the proposed regulations regarding the initial certification of officers and the initial or renewed certification of independently applying officers, including constables.
 - Commissioner Kazarosian moved to approve the regulations.
 - Commissioner Bluestone seconded the motion.
- Chair Hinkle asked for a vote:
 - Commissioner Bluestone – Yes

- Commissioner Calderone – Yes
- Commissioner Chéry – Yes
- Commissioner Ellison – Yes
- Commissioner Kazarosian – Yes
- Commissioner Luma – Yes
- Commissioner West – Yes
- Commissioner Wynn – Yes
- Chair Hinkle – Yes
- The motion was unanimously carried.
- b. Proposed Regulations re: Specialized Certification for School Resource Officers (555 CMR 10.00)**
- General Counsel Ravitz provided the following information.
 - This was a set of regulations pursuant to [Chapter 6E, § 3\(b\)](#). This would provide for specialized certification for School Resource Officers (SROs). The Commission previously approved this set of regulations and put them out for public hearing and comment. This is a revised version that takes into account the comments that were received.
 - The legislature previously adopted an SRO program and continued the SRO program through the 2020 legislation. It divided responsibilities among different entities.
 - It created a special Commission led by the Executive Office of Public Safety and Security (EOPSS) and the Department of Elementary and Secondary Education (DESE) that is charged with developing a model Memorandum of Understanding (MOU) for SROs.
 - That Commission shall determine the necessary provisions to achieve the district’s educational and school safety goals and help maintain a positive school environment for all students.
 - That Commission developed a thorough model MOU that was completed in 2022. Each municipality that plans to have SROs in schools needs to adopt an MOU that is based on the model MOU.
 - EOPSS and DESE can provide further guidance. DESE is charged with collecting information under the main SRO statute, [M.G.L. c. 71, § 37P](#).
 - The MPTC is charged with providing training in eight areas in a separate statute.
 - Municipalities must adopt MOUs based on the Model, as well as operating procedures governing the work of SROs.
 - Local SRO programs are overseen by local police and school officials.
 - The POST Commission issues specialized certifications for SROs.
- General Counsel Ravitz provided changes since the last version of the regulation.
 - The latest version enhanced the requirements for SRO certification, requiring an employment and disciplinary record to be submitted as part of an application and making the provision of all information required in the process necessary for certification. 10.06(3)
 - The latest version addressed the idea that a person who failed to provide all the information they are required to provide should not be certified and required the evaluation of the Commission’s own certification and

- disciplinary records regarding the individual.
- The officer is required to agree that when acting as an SRO, he or she will not serve as a school disciplinarian, enforcer of school regulations or in place of licensed school psychologists, psychiatrists, or counselors; or use police powers to address traditional school discipline issues, including nonviolent disruptive behavior. This is verbatim from the main SRO statute (see [M.G.L. c. 71, § 37P\(b\)](#)).
- The regulations required an endorsement by the individual's appointing authority that addresses whether the individual would strive to foster an optimal learning environment and educational community that promotes a strong partnership between school and police personnel. 10.05(3)(a).
- The regulations precluded SRO certification where the Commission obtained information demonstrating that the individual would not strive to foster an optimal learning environment and community that promotes a strong partnership between school and police personnel. 10.06(3).
- The regulations allowed the Commission to take into account the extent to which the individual appeared to possess personal characteristics identified in [M.G.L. c. 71, § 37P](#) as relevant to service as an SRO.
- The regulations precluded SRO certification where the Commission obtained information demonstrating that the individual would not foster an optimal learning environment and community that promotes a strong partnership between school and police personnel.
- The next changes addressed improving the administrative aspects and mechanics of the certification process. Specifically, they:
 - Requested the identification of the head of the Collective Bargaining Unit (CBU). 10.05(1)(d)
 - Required the provision of email addresses and provided for service by email. 10.05(1)(e), 10.06(6), 10.08(1)
 - Required notice of changes in contact and employment information. 10.09
 - Gave the Executive Director discretion regarding the participants at meetings that the Executive Director called as part of the review process. 10.08(1)(d)
 - Allowed the Commission to preclude review if an application was denied because it was untimely. 10.08(4)
 - Allowed the Commission to reconsider a decision. 10.09
- There was a provision in the last draft the Commission received that said, "the Commission shall make information concerning SROs available on its website pursuant to a policy adopted by the Commission." The provision provided for information regarding each SRO's certification status, their appointing authority, and their current schools of assignment. Since that was circulated, it was thought that it may raise security concerns, so General Counsel Ravitz recommended that the provision state the Division shall make information concerning SROs available on its website pursuant to a policy adopted by the Commission. This would honor the request from a member of the public that this information be publicized while providing for it to be done in a careful way.
- The next set of changes addressed the functioning of SROs.

- It allowed the Commission to restrict an SRO certification pending review or a hearing. 10.08(3)
- It made clear that SRO certification does not expand the scope of authority beyond what the law allows and clarified the language of certain provisions. 10.09
- It allowed the Commission to prescribe the number of SROs for a municipality to ordinarily maintain. This was included to accompany the provision stating municipalities are encouraged to line up alternates. 10.11
 - This may warrant more consideration from the Commission.
- The final section of the set of regulations, 10:13: Restricted Status, was put forth for further consideration by the Commission. POST received comments stating that the Commission should build into the regulations the requirement that an individual be operating under a sufficient MOU and sufficient operating procedures in order to be certified.
- The regulations focused more on a person's qualifications as opposed to the ultimate arrangement worked out between the police department and the schools. They took into account that it would be very difficult for the Commission to evaluate the MOUs adopted by every municipality in the Commonwealth that wants SROs. Arguably, if someone is operating as an SRO without an MOU in place, it would be inconsistent with the statute. Section 10:13 is a proposed compromise between those competing considerations whereby whether there's an MOU would not be taken into account as part of the certification decision.
- If someone operating as an SRO without an MOU and it is called to the Commission's attention that there is no sufficient MOU or there are no sufficient operating procedures in place, then the Commission would look into the matter. It would consider the available information and circumstances, including the impact on the individual's appointing authority in any school. Based on the circumstances, the Commission could restrict an individual's SRO status until the sufficient MOU and operating procedures are in place. This is analogous to the administrative suspensions we have where someone's ability to perform the duties is put on hold until that criterion is satisfied.
- General Counsel Ravitz invited questions and comments from the Commissioners.
- Commissioner Wynn noted that, as to the application for an SRO (section 10.05), in the section including endorsement, the regulation says, "includes an endorsement by the individual's appointing authority," but the language from the SRO MOU that was pointed out said "Chief of police" and that is not always the same person.
 - General Counsel Ravitz replied if it somehow creates an inconsistency or confusion, it is best to have it match exactly what the statute says. The statute uses the term "chief of police." The main SRO statute defines that to mean the chief of police or the board or officer having control of the police department in a city or town. This language can be inserted into the regulations in place of appointing authority.
- Commissioner Wynn expressed interest in knowing what the criteria for assigning

- or recommending the number of SROs would be based on.
- Commissioner Luma asked about the language around an officer striving to provide an optimal learning environment. She inquired as to what information the Commission is obtaining to make that determination.
 - General Counsel Ravitz said the phrasing comes from the SRO statute that states, “the chief of police shall assign an officer that the chief believes would strive to foster an optimal learning environment and educational community that promotes a strong partnership between school and police personnel.”
 - The evaluation would be based on the information that the Commission receives as part of the application process, and it is written in such a way in the regulations that whoever is submitting the application (chief of police) would address that, like a letter of recommendation. In order for the Commission to certify an individual, they would not have to come to their own conclusion that the person meets the criteria. They would not be able to certify an individual if it has been demonstrated that the individual lacks those characteristics.
 - The Commission itself is not expected to find out everything they need to know about the individual. They are relying on the information they get from the application process.
 - Commissioner Luma asked a follow up question: if a potential SRO wants to appeal the decision to not certify them, what kind of information would be used to determine that?
 - General Counsel Ravitz said it probably would look like the challenges the Commission is seeing now if someone is found not to have good moral character and fitness for employment.
 - They would make their case for why they have those characteristics, and it would go to the Executive Director. The Executive Director could obtain information from anyone, meet with the individual and explore the issue further. If the Executive Director upholds the denial, it will go before the Commission and there will be a hearing.
 - Commissioner Calderone agreed with Commissioner Wynn in wondering how they are going to determine the number of officers picked for departments. He also asked for clarification on the Boston MOU that asked officers not to identify any student that may need to be identified in a police report. Schools are asking the student be identified as “known to Commonwealth.” He asked whether this put officers in conflict legally or with transparency by not identifying a person that could be involved in a crime within the schools?
 - General Counsel Ravitz said there are provisions in the 2020 session law that dealt with the issue of exchanges of information between schools and law enforcement. It depends on specific circumstances. If there is a law enforcement need to provide information regarding a specific matter, it could be provided.
 - Commissioner Calderone said officers are concerned that the term “known to the Commonwealth” is not fully transparent and are concerned about their ability to testify down the road.

- Commissioner West agreed with Commissioner Luma’s concern that the language “optimal learning environment” is incredibly vague. However, she said it is in the statute, and we should repeat the exact language. Commissioner West asked a question concerning other Commissioners’ views on the number of SROs, especially Commissioner Ellison because he has some background on this.
 - Commissioner Ellison said for full disclosure he worked with BPS and BPD to finalize an MOU in Boston. One of the compromises to Commissioner Calderone’s concerns was using a student’s ID number so they can always refer back to who that individual was, rather than “known to the Commonwealth.” They would still continue in situations of arrest or threatening situations to identify the person in a police report. It would be on a case-by-case basis because a person’s name does not necessarily have to be in a police report.
- Commissioner Ellison asked a follow-up question regarding Somerville pulling out of having SROs. He asked: is SRO training or certification going to be necessary when schools are removing SROs and officers are just going to schools for service calls or presentations?
 - General Counsel Ravitz said it would only be required if the person is a full-fledged SRO based on the definition of the statute in 10.04.
- Commissioner Ellison asked whether, if the termination is at the request of the school district, does that terminate the SRO position?
 - General Counsel Ravitz said if the municipality is not requesting an SRO, then there would be no SRO. This does not necessarily mean there can be no officers appearing in schools. They cannot be individuals who are otherwise satisfying the definition of SROs and doing all the duties in every other respect, then they are an SRO. There cannot be full-time engagement at the school.
- Commissioner Calderone wants to talk with Commissioner Ellison regarding Boston not wanting to identify students by their ID number. Commissioner Ellison said this is unique to Boston alone.
- There were no other comments or questions from the Commissioners.
- Chair Hinkle asked for a motion to approve the proposed regulations with the modifications Commissioner Wynn suggested.
 - Commissioner West moved to approve the regulations with the modification.
 - Commissioner Kazarosian seconded the motion.
- Chair Hinkle asked for a vote:
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chéry – Yes
 - Commissioner Ellison – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Luma – Yes
 - Commissioner West – Yes
 - Commissioner Wynn – Yes
 - Chair Hinkle – Yes

- The motion was approved unanimously.
- c. **Draft Guidance to Law Enforcement Agencies Regarding Certain Aspects of 555 CMR 1.00: Procedural Rules**
 - Chair Hinkle added this to the agenda for the next meeting. The Commission will not take up this matter today. The draft guidance is being provided to members of the public interested in this issue.
- 5. **Matters Not Anticipated by the Chair at the Time of Posting**
 - There were no matters not anticipated by Chair Hinkle at the time of posting.
 - Executive Director Zuniga made a note to ask for public feedback. It can be sent to two mailboxes that are available on our website: POSTC-comments@mass.gov and Cindy Campbell, Director of Communications Cynthia.a.campbell@mass.gov
 - Chair Hinkle asked for a motion to enter into Executive Session in accordance with [M.G.L. c. 30, § 21\(a\)\(5\)](#) to approve conducting preliminary inquiries and recommendations by the Division of Police Standards to suspend the certification of individuals. She stated that it is anticipated that discussions will surround the investigation of criminal charges and criminal offender record information.
 - Commissioner Kazarosian moved to go into executive session.
 - Commissioner Luma seconded the motion.
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chéry – Yes
 - Commissioner Ellison – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Luma – Yes
 - Commissioner West – Yes
 - Commissioner Wynn – Yes
 - Chair Hinkle – Yes
 - The Commissioners unanimously approved the Chair’s request to enter into Executive Session.
 - Chair Hinkle announced to members of the public that the open session would not reconvene after the Executive Session.
 - Chair Hinkle concluded the open meeting.
 - Chair Hinkle announced a motion to adjourn.
 - Commissioner Chéry motioned to adjourn.
 - Commissioner Ellison seconded the motion.
 - The Commissioners voted as follows:
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chéry – Yes
 - Commissioner Ellison – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Luma – Yes
 - Commissioner West – Yes
 - Commissioner Wynn – Yes
 - Chair Hinkle – Yes
 - The motion was approved unanimously.

UNAPPROVED DRAFT FOR DISCUSSION PURPOSES

- The Commissioners took a 5-minute recess before moving into Executive Session.
- At 9:47 a.m., the public meeting was adjourned.

3.

Executive Director Report
May 11, 2023





Administrative Update

- POST website now includes new section called “Decisions & Orders”
- Lists of certified, not certified and suspended individuals updated as of May 4 and published May 8
- First two Commission decisions posted May 8
- Going forward, lists will be as of 20th of the month, published on the first day of the next month



Administrative Suspensions In Service Training

Compliance with FY22 (June 30, 2022)

- 12/27/22 Approximately 300 officers non compliant
- 03/16/23 46 individuals non-compliant
- 04/10/23 7 officers – compliance is in progress
- 05/04/23 2 officers administratively suspended



Disciplinary Records Update

- 46 agencies still pending resubmission
 - Majority are small agencies with few or no records to re-submit
 - POST reaching out individually to confirm no resubmission needed
- Currently have 3,984 records of sustained complaints
 - Of those, 1,124 (~28%) require further validation
 - We estimate a majority of those errors (~500-600) could be validated in short order (~3-4 weeks)
- The last set of validation will be resource intensive
 - Will require looking at each record individually



Disciplinary Records Update

- Prior submission included 12,088 records of sustained complaints
 - Difference is mostly due to complaints not reportable to POST
 - A minority of this difference may be due to retirements
 - POST will analyze this delta and potentially supplement resubmission
- Policy Question:
 - Should POST release a partial list of records (that have been validated)? Alternatively, should POST continue validation effort until comfortable that we have most records due from most agencies



Certification Update

- POST will soon be releasing a new portal where agencies will submit information due to POST
 - Certification (available May 22, 2023)
 - Standards (available summer 2023)
- The first interaction with the new portal will be the recertification of officers I – P.
 - Through this portal POST will also accept and review complaint and disciplinary information, including I/A and disposition reports including use of force reports
 - Portal will later have certification of new graduates



Certification Update I - P

- As mentioned, the portal is still scheduled to open for all agencies May 22
- ~ 7,700 **recertification** requests are expected
 - 2,200 from the top 8 agencies (with over 100 officers I-P) - these agencies will be offered a data migration option
 - In total, we estimate about 427 agencies (about 800 authorized users) to use the portal now and throughout the year (complaints/IA)
- Working with the MPTC to streamline review process and ensure all applicants have met training requirements
- Notification letters expected to be released on August 1



Certification Update I - P

- Recertification documentation is available on the POST website
- Complaint Section is almost complete
 - Once opened (in late-June), agencies will be able to enter and review complaints (including those received directly on the POST public complaint site)
 - Historical Disciplinary records will also be visible and linked to officers
 - Training and documentation (under development) to be released in late June/early July



New LEA Portal Overview

Owen Mael
Chief Technology Officer



New LEA Portal Overview

- Internal user acceptance is complete
- Limited review with 6 agencies started May 10
 - Those agencies will be offered early access during our final configuration and internal training week
- Agencies have been notified to request portal access
- Almost 50% of the agencies have responded



New LEA Portal Overview

- Agency training will start next Tuesday (May 16)
 - Training will run 3 days per week at various times throughout June for all agencies
 - These training sessions will be staffed by Systems and Certification Team members
- Website will include instructions for obtaining credentials and logging into portal
- Help files and video's will be released starting May 22 (these will be available inside the portal)



Home

Agency Roster

Certifications ▾

Standards ▾

Welcome to the Massachusetts Peace Officer Standards and Training (POST) Commission Law Enforcement Agency Portal

View Agency Roster

Submit Recertification

View Certification Applications

Submit Complaint



The portal is designed for **streamlined data collection**.

- Only I-P officers will be available in the recertification list for each agency
- Users can select 1 or more (up to 200 at a time) candidates for recertification
- The next screen provides the entire questionnaire that applies to those selected
- If a specific answer is required for 1 officer, for example, that officer can be chosen and then the answers on the next screen will apply only to that selection

Select Officers

Select 1 or more officers to recertify from the list below. If you select more than 1 officer from this list, **ALL ANSWERS ON THE NEXT SCREEN(S)** will apply to **ALL OF THE SELECTED OFFICERS**.

	<input type="checkbox"/> First Name	Middle Name	Last Name	DoB	MPTC ID	Employment Status	Employment Su
1	<input type="checkbox"/> Maggie		Mcdermott	May 12, 1998	78948160		
2	<input type="checkbox"/> John		Linus	May 19, 1968	55759773		
3	<input type="checkbox"/> Jon		Johnston	May 26, 1985	51668053		



Application Questionnaire

If you selected **MORE THAN ONE OFFICER ON THE PREVIOUS SCREEN**, THE QUESTIONS AND ANSWERS will apply to **ALL SELECTED OFFICERS**.

* Evaluator Name i

* Authority Name

* Officer Type

--None-- ▲▼

* Q1 Has the officer successfully completed a high school education or equivalent? i

--None-- ▲▼

* Q2 Has the officer completed an MPTC-authorized full-time Police Academy or been granted an exemption, by the MPTC, from the Police Academy training requirement? i

--None-- ▲▼

* Q3 Has the officer successfully completed an examination? i

--None-- ▲▼

* Q4 Has the officer completed the annual in-service training for FY23? i

--None-- ▲▼

* Q5 If not, is it expected that the officer will complete the annual in-service training for FY23 by July 1, 2023? i



Finance and Administration Update

Eric Rebello-Pradas

Chief Financial and Administrative Officer



FY24 Budget Update

- House wrapped up debate Apr 26th
 - REQ - \$9.1M → GOV - \$5.2M → HWM - \$8.5M → HOU - \$8.5M
- Senate Ways & Means released its budget on Tuesday
 - \$8.5M
- Senate debate begins Week of May 22nd



FY23 Update

- Forecast for Reversions
 - Holding at ~\$850K
 - Lowered Spending Forecasts for Payroll, Equipment, Office Lease, and Consulting
- Salesforce Development
 - Phases 1 and 2 came in ~\$100K under budget
 - Expenditures-to-Date: \$1.4M (55%)



Hiring Status

- 30 Employees
- Welcome Laura Martin – Standards Intake Coordinator
- Open Positions: 3
 - 1 Enforcement Counsel
 - 1 Compliance Agent
 - 1 Budget & Financial Ops Manager
- Forecast: 33-35 Total Employees by June 30th

3b.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

May 8, 2023

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Hanya H. Bluestone

Lawrence Calderone

Clementina Chéry

Larry E. Ellison

Marsha V. Kazarosian

Charlene D. Luma

Kimberly P. West

Michael Wynn

EXECUTIVE DIRECTOR

Enrique A. Zuniga

MEMORANDUM

DISCIPLINARY RECORDS UPDATE

We continue to collect and validate historical disciplinary records with the main goal of publishing this information as POST is statutorily directed to do. The following provides an update to the project of updating and validating historical disciplinary records.

Background:

On February 3, 2023, I sent a letter to Chiefs asking to re-submit previously submitted disciplinary records. The resubmission was necessary because too many records were not properly identified to the correct officer (officer ambiguation), and the prior submission included records that were not reportable to POST (i.e., minor complaints). We asked agencies to resubmit these records utilizing a new template by March 15 of this year, and in some cases granted extensions.

Update:

As of May 8, there are 46 agencies that have neither re-submitted historical disciplinary records, nor confirmed that there are no records to re-submit. We are reaching out to each individual agency to ascertain whether they have not acted on the request, or whether there is nothing to re-submit. In doing so, we are advising agencies that if there is no confirmation either way, we will publish whatever records were previously submitted to POST. I will note that all 50 agencies are small, and it is very likely that there are no records to re-submit.

In parallel to the outreach and data collection effort, we continue to do data validation. This is not a small undertaking. Although the template for re-submission is a lot more robust than the previous template, we still depended on the input of information from agencies. As we began the data migration effort, we encountered many records that require some level of manual verification. This process can be resource intensive, but given the circumstances, we feel is necessary.

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

By way of example, if the date of birth of an officer is not an exact match with our roster of officers, the migration tool will not migrate that record. In instances like this, we manually review those records and correct them accordingly.

Another example of validation errors are instances where the template required an entry and the agency did not provide one. The new template included certain categories and subcategories to ensure uniformity when reporting these records (i.e., if the allegation of misconduct was “bias” agencies were required to specify the type of bias). Instances like these require that POST look at the description of the record to choose the most relevant subcategory. A less desirable alternative is to simply leave the record without a subcategory.

We currently have approximately 3,984 records of sustained complaints. Out of those records there are 1,124 that require further validation. Our approach to the validation effort is to look at records with the most instances first, and then move to those with a smaller number of occurrences. With this approach, we can assume that there will eventually be several records with only one type of error which need to be validated individually. Where many errors come from a small group of agencies, we are reaching out to those agencies individually.

At the January 2023 meeting, I reported that the first submission of disciplinary records included 12,088 records of sustained complaints. The difference between 12,088 records from the first submission and the 3,984 sustained complaints records (explained above) is likely largely explained as those records not reportable to POST (i.e., minor complaints). It is also possible that some of the difference may include individuals who have since left service since the first submission. We have not yet done an analysis of the difference in submissions, but it will be a key part of the analysis.

Policy question:

The topic of publishing these records is a matter of great public interest. Given our approach to validating records, the question of whether to partially publish these records, is worth considering. Would the Commission be comfortable publishing records where POST feels there has been a fair level of validation (even though that would only be a partial list), or would the Commission feel necessary to do as much validation as possible before any publishing?

3c.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

May 8, 2023

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MEMORANDUM

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RECERTIFICATION UPDATE 2023 – Officers with last names I - P

The following provides an update to the new process for recertification (officers I-P) previously described at the March public meeting.

1) We are on track to deploy the new technology platform on May 22.

The prior platform for managing officer recertification information (JIRA) “interim solution” has been fully phased out. POST staff has been using the permanent solution “LEA Portal” internally and we are on track to deploy the portal to agencies as planned, on May 22.

We have completed development and user acceptance of the public facing tool. We are planning to train LEA’s through virtual sessions starting in mid-May, and have issued log-ins to approximately 200 agencies (over 400 authorized contacts) at the LEA’s. We continue to reach out to agencies to make sure they have the necessary credentials (between 3-5 unique identifiable users depending on the size of the agency).

2) The process for collecting attestations for Chiefs by their Appointing Authority has already begun.

This year, we are collecting attestations for Chiefs with last names I-P separately from the recertification submission of officers. The recertification information of Chiefs still must be entered into the portal at the time of submission.

We asked that the signed attestations by the Chief’s appointing authority be submitted by May 1, 2023. To date we have received 122 attestations out of 131 Chiefs with last names I – P.

3) Training materials are being finalized and will be available on the website and the portal.

To ensure data integrity staff is providing access only to authorized and verified users. The POST recertification web page will have step-by-step instructions on how to request credentials and log-in to the portal. After that, there will be

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additional materials to help the navigation and data entry *inside the portal* only to users that are logged into the portal.

- 4) Agencies will submit information directly into the LEA Portal. Agencies with 100 or more officers will be offered a data migration option.**

Agencies must enter officer information directly into the portal. It is no longer necessary to fill out a template and upload the template. However, POST will make available a worksheet to help agencies during the data collection process.

Entering information directly into the portal will also enhance data integrity and help POST process information and send out notifications. Large law enforcement agencies (100 or more officers) will be offered a data migration option.

It is important to note that in the near future the LEA portal will be the mechanism to submit complaint and other information to POST. The portal will also be the vehicle to continue submitting certification information, so we want LEA's become acquainted with the tool, as this is the permanent platform going forward.

- 5) POST already has a roster of individuals who we anticipate will need to be recertified.**

Unlike last year, we have a roster of individuals with last names I – P that we believe will require recertification. This number stands at 7,728 individuals. The four team members of POST certification team will be responsible for agencies that comprise approximately one quarter of officers.

- 6) POST will process recertification applications throughout the month of July and e-mail the certification notices directly to officers. The deadline for submitting information into the portal is June 30, 2023.**

Agencies can request an extension and no further action will be required during that time such as the submission of a roster. However, agencies that request an extension must verify that everyone they anticipate will need recertification appears in the LEA portal.

- 7) The recertification packet and supporting documentation is now available on the POST "Recertification" section on the website. We continue to communicate these aspects of the recertification process.**

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On March 29, we updated our recertification web page. LEA's can find helpful fact sheets available for downloading on the recertification page. This includes changes to the process from 2022 to 2023 and this years' recertification timeline. Additionally, there are documents on recertification eligibility, the submission process, exceptions for officers on leave, recertification forms, a worksheet, and frequently asked questions.

The link to the recertification page: [Recertification Overview | Mass.gov](#).
Additional communications are as follows:

- On April 21, 2023, we sent a communication to all points of contact identifying the process to request and obtain credentials.
- On May 2, 2023, we sent a communication to all points of contact further describing the new process in detail.
- On May 12, 2023 we will do targeted outreach to agencies that have not obtained the necessary credentials.
- On May 19, 2023 we will again send the steps to create a log-in. The accounts will not be active until May 22.

Along with our website, our [POST Commission Twitter page](#) (@PostCommission) is regularly updated with recertification news and information.