

Overview of Police Officer Standards and Accreditation Legislation

Accountability Functions

- New Committee: Police Officer Standards and Accreditation Committee (POSAC)
- Functions:
 - **Data Collection and Reporting**
 - **Certification**
 - **Decertification**

- **POSAC Composition**
 - 14 individuals, not fewer than 7 of whom are diverse
 - 7 Police officers
 - BPD Commissioner or designee
 - MBTA Commissioner or designee
 - MSP Colonel or designee
 - Chief of Police appointed by the Governor
 - MAMLEO representative
 - “Line” police officer (i.e. below the rank of sergeant) by the Governor
 - Police officer of any rank from western MA by the Governor
 - 7 Non-police officers
 - AGO or designee
 - 6 non-law enforcement civilians appointed by the Governor
 - Chairperson of POSAC appointed by the Governor, from among the 7 officers
 - Executive Director of POSAC, appointed by the Secretary with approval of the Governor
 - 3-year term for members, no specified term for chair or ED

- **Certification**
 - All officers performing police functions (incl. muni, MSP, MBTA, enviro, campus, sheriffs)
 - Any person performing police powers (like arresting without a warrant)
 - Recertification:
 - License valid for three years
 - Must complete **120 hours** of in-service training over 3 year period (40 hrs/yr)
 - POSAC establishes standard background check for any lateral hire
 - Includes comparison against National Decert Index and POSAC database

- **Data Collection**
 - All PDs are **required to report to POSAC**:
 - Any felony or misdemeanor conviction of an officer
 - Any separation, and the reason, including:
 - Any suspension, resignation, retirement, or termination
 - Any separation that occurred while an IA investigation was open
 - Fact of sustained IA charge and the charge name
 - What’s available to Police Departments?
 - Everything that PDs report above, PLUS
 - Certification, renewal, decertification, suspension, or reprimand info
 - Records of training
 - What’s available to the public upon request?
 - Officer certification status: active, decertified, suspended, or reprimand
 - Fact of sustained IA charge and the charge name
 - Fact of separation (but not reason)

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- Officer's training records
 - What's not available to the public upon request (because protected by PR law)?
 - Convictions (CORI)
 - Reasons for separation (personnel)
- **POSAC Decertification Hearings**
 - Heard by 7-member panel
 - 3 police members of POSAC
 - 3 non-police members of POSAC
 - 1 representative from officer's bargaining unit
 - ½ of 6 commission members diverse
 - Members designated by Chair
 - Two-year term
- **Mandatory Decertification**
 - Obtained certification by fraud
 - Decertified in another state for conduct that would cause decertification in MA
 - Been **terminated for misconduct**, defined as:
 - Intentional conduct undertaken as an officer to obtain false confessions, make false arrests, create or use false evidence, destroy evidence, hate crime (deprivation of rights), or for personal gain
 - Been **convicted of a felony**
 - Been **convicted of a misdemeanor that would result in losing firearm license**
 - Any misdemeanor punishable by more than 2 years in jail
 - Violent crime (140:121)
 - Firearm or ammunition crime
 - Drug crime
 - Misdemeanor domestic violence
 - Had a **sustained IA complaint** finding of:
 - Excessive use of force based on use of a choke hold
 - Officer failed to intervene to prevent another officer using unreasonable force
 - Excessive use of force resulting in serious bodily injury
 - "Bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death." (265:13L)
 - Conduct constituting a hate crime (22C:32)
 - Evidence tampering (268:13E) or witness intimidation (268:13B)
 - Perjury (268:1) or material false statement in police report
- **Discretionary Decertification:**
 - Officer has been convicted of any misdemeanor
 - Officer has a history of repeated sustained IA complaints
 - Potential outcomes: decertification, suspension, reprimand, no action
- **Remove Civil Service Commission Review**
 - No CSC review of any decertification decision
 - No CSC review of any employment action based upon a mandatory decertification
 - Arbitration: defend in court that these aren't subject to arbitration based on existing law

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- Any decertification is reported to National Decertification Database
- No reapplication

Training Functions:

- **Same Committee:** MPTC
- **Functions:**
 - Oversight of all training at municipal academies □ No change from current model
 - MSP not included in the “front of the house”
 - New: develop standard background check for academy applicants
 - Includes check against POSAC database and National Decertification Index
 - New: Report training data to POSAC

Educational Incentives

- **Incentive**
 - Incremental one-year bonus for successful completion of specialized and advanced coursework approved by MPTC
- **Eligibility**
 - Officer eligible regardless if already receiving Quinn Bill benefits
 - Qualifying coursework must be in addition to required 40 hours of in-service training
 - Subjects MPTC must offer include: foreign languages, advanced first aid, advanced domestic violence and sexual violence training, de-escalation techniques, narcotics training, and anti-racism and anti-bias training, and may include other coursework as determined by MPTC
 - Available for Commonwealth officers and for municipal officers by local option
- **Suggested Incentive Structure**
 - 3 incremental bonuses: \$1,000, \$2,500, \$5,000
 - Increments are only for the year in which they are earned
 - Courses or sequences of courses need to be completed annually (i.e., the increment doesn't roll forward even if an officer has completed a qualifying course in a prior year)
 - MPTC would establish qualifying courses or sequences of courses for each level
 - MPTC must validate any courses offered by third parties.
 - Where an institution of higher education is involved, they must consult with the department of higher education in carrying out such validation