



# Massachusetts Municipal Association

December 7, 2022

Massachusetts Peace Officer Standards & Training  
Commission (POST)



# Agenda

- I. Police Reform Overview
- II. POST Commission & Collaboration with MPTC
- III. Agency Milestones
- IV. Key Provisions for Appointing Authorities
- V. Upcoming Priorities
- VI. Appendix



# Massachusetts Peace Officer Standards & Training Commission (POST)

## I. Police Reform Overview

Chapter 253 of the Acts of 2020  
Themes & Objectives  
Charge of the POST Commission



# Chapter 253 of the Acts of 2020

*“An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth”*

- Signed into Law December 31, 2020
- Establishes an independent 9-member Commission
- Mandatory certification process for all Peace Officers
- Process for decertification, suspension or discipline in the event of certain misconduct
- Uniform training standards in collaboration with MPTC



# Police Reform – Themes/Objectives

- Supporting Law Enforcement
  - The service and sacrifices of officers are appreciated
  - Overwhelming majority of them have good motivations and do their jobs well
- Improve standards for training and policing
  - Agencies and officers can benefit from better training, consistent high standards and more collection and dissemination of information



# Police Reform – Themes/Objectives

- Enhance trust between police and communities they serve
  - When some engage in misconduct and/or excessive force significant erosion of trust within the community
- Ensure accountability
  - When officers are accused of mis-conduct they should be judged through fair procedures protective of their rights
  - There must be mechanisms to suspend, retrain, and/or remove them from law enforcement



# Police Reform – Themes/Objectives

- Use of Force must be restricted and monitored
- Certain conduct/tactics are limited, restricted or prohibited
  - Use of Force regulations address tactics, including de-escalation, firearms, rubber pellets, stun guns, chokeholds, tear gas, etc.
- Officers must intervene when witnessing misuse of force
- Conduct regarding bias or dishonesty warrants special consequences and monitoring
- POST to compile information on “proportionality of force”



# Police Reform – Themes/Objectives

Make certain information public including:

- Disciplinary records & complaints (publicly available/searchable)
- Certification status (including de-certification)
- Issue regulations and consider health and safety of officers when making certain information public





# Police Reform – Themes/Objectives

## Regulating through a new POST Commission

- Broad range of authority with respect to agencies and officers
- Independence from any branch of government
- Diverse membership with a civilian majority
- Collaboration with Municipal Police Training Committee (MPTC)
  - Continues to be under the Governor and the Executive Officer of Public Safety and Security



# Construction of Scope

## 431 Law Enforcement Agencies

- Municipal Police Departments (Cities & Towns)
- State Agencies: State Police, MBTA, Umass, Environmental, MassPort
- State Colleges and Universities PD's
- Sheriffs
- Human Society Police Department (MSPCA, ARL)

Additional Details on LEA's and LEO's on the Appendix

<https://www.mass.gov/doc/construction-of-scope/download>



# Charge of the POST Commission

- Develop Certification Standards for officers and agencies
  - Working with Municipal Police Training Committee (MPTC)
  - Certify officers, School Resource Officers (SRO's), and agencies
- Receive complaints, investigate and adjudicate
- Suspend, condition, limit certification, order retraining, decertify
- Disciplinary records and complaints of all officers – collect, manage and publish



# Massachusetts Peace Officer Standards & Training Commission (POST)

## II. POST Commission

Organizational Structure  
Collaboration with MPTC

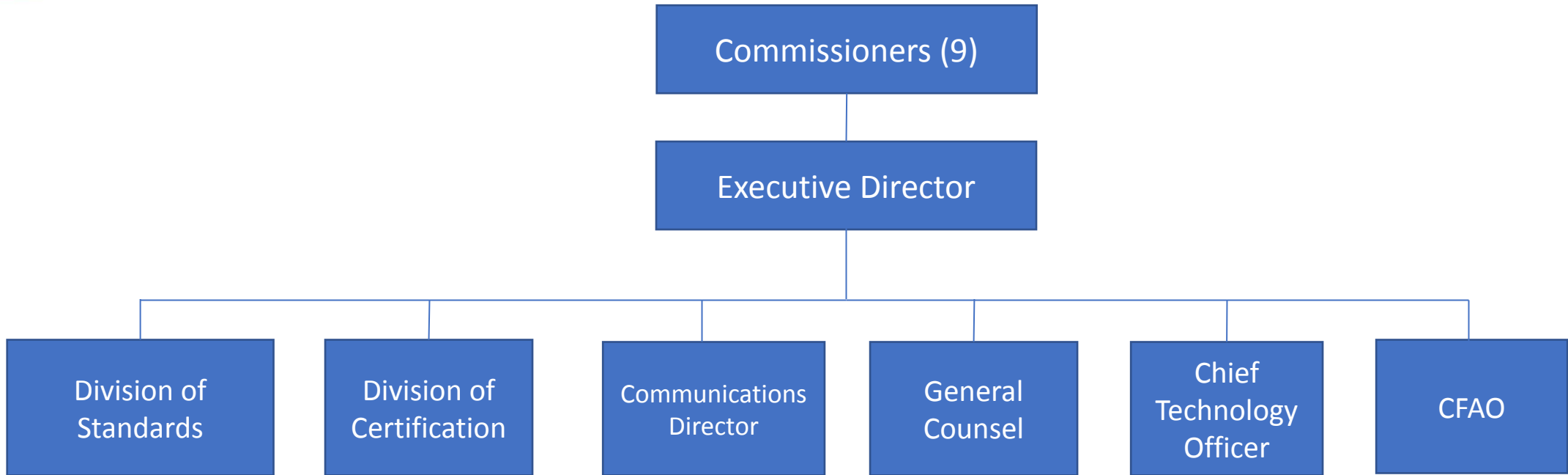


# The POST Commission

- 9-member Commission
  - Appointed by Governor (3), Attorney General (3) and jointly (3)
- Diversity of background and perspective
  - 6 Civilians
  - 3 Law Enforcement (management, non-management/union)
  - Diversity includes party affiliation and geography
- Retired judge, social worker, attorneys, people of color (5), women (6)
- Executive Director and Division of Standards employees cannot be former Law Enforcement



# POST Organizational Structure





# POST Organizational Structure

- Executive Director
  - Serves at the pleasure of Commission
  - Cannot be a member of the Commission
  - Cannot have been previously employed as Law Enforcement Officer
- Division of Certification
  - Establishes uniform policies and standards for certification
  - Issues certifications (expire 3 year after the date of issuance)
  - Maintains publicly available dataset containing records of officers



# POST Organizational Structure

- Division of Standards
  - Investigates officer misconduct and makes disciplinary recommendations to the Commission
  - Initiates inquiries into the conduct of an officer if credible evidence is received that the officer has engaged in prohibited conduct
  - Shall be a law enforcement agency and employees shall have law enforcement powers to receive intelligence on officers
  - Members of this Division cannot be former law enforcement officer or retired officers from LEA





# Collaboration with MPTC

- Jointly promulgate regulations regarding Use of Force\*
- Twelve statutory certification requirements\*
  - Completion of Basic Training Program approved by MPTC
  - As entry point MPTC helps POST verify many of the other 11 requirements
- Regulations and procedures that affect each agency
  - Example: School Resource Officers (POST promulgates, MPTC implements)

\* Use of Force and Certification Requirements are further detailed in Appendix



# Massachusetts Peace Officer Standards & Training Commission (POST)

## III. Agency Milestones

Certification timelines

Certification A – H Update

Complaints & Disciplinary Records



# Recent Agency Milestones

- Dec/20 Chapter 253 of Acts of 2020 signed into law
- Apr/21 Commissioners appointed by GOV and AG
- Jun/21 Guidance on dealing with minors
- Jun/21 Use of Force Regulations; New Complaints
- Sep/21 Collect disciplinary records active officers
- Dec/21 Begin certifying academy graduates
- Dec/21 Collect disciplinary records transfer officers
- Jun/22 Recertify ~8,800 individual officers A-H



# Certification Timelines

- Certifying new graduates since December 1, 2021
- June 30, 2022 Recertify officers last name A- H
- June 30, 2023 Recertify officers last name I – P
- June 30, 2024 Recertify officers last name Q – Z
- Every 3 years Certify officer whose certification expired
- Certify Law Enforcement Agencies (TBD)



# Certification

- Recertification of ~8,800 officers (A-H), June 2022
- 431 agencies within purview of POST (Construction of Scope)
- Practical implications for some (Sheriffs, Harbormasters, etc.)
- POST relied on Chiefs for verification of statutory requirements
- Had to assume there would be exceptions (no attestations)
- Re-certification process occurs every 3 years (not anticipated to be the same every 3 years)



# Certification Update (A-H)

Initial Classification	November 20, 2022	
Certified	8,322	
Conditionally Certified	269	
Potential Inquiry / Hearing / Suspension	12	133 Out on Leave 63 Failed Bridge 21 Retired/Resigned 26 Disc. Matter
Not Recertified	243	
Total	8,846	



# Complaints & Disciplinary Records

## Complaints Reportable to POST

1. All Complaints that allege:
  - Bias
  - Excessive, prohibited or deadly force
  - Action that resulted in serious bodily injury or death
  
2. Complaints that allege Unprofessionalism:
  - Do not report “minor matters” basic work rule violations, tardiness, inattention to detail, equipment violations, grooming violations or comparable infractions
  - Defined in 555 CMR 1.00 § 1.01



# Complaints & Disciplinary Records

- Disciplinary Records (Historical) - Ongoing
  - Active and Transferred officers
  - Submissions complete, need validation
- Complaints (except minor complaints) are due to POST within 2 business days
- New Complaints => I/A => Disposition => New Record





# Technology Platforms

- Information due to POST:
  - Complaints, Disciplinary Records (including terminations), Certification documents and recertification packets
- Additional information needed
  - Changes in employment status
- Stop-gap measures (spreadsheets, e-mail mailbox)
- Interim (JIRA project management platform)
- Permanent Solution (SalesForce)



# Public Complaint Form

- POST also receives complaints directly from Public
- [Police misconduct complaint form \(mass.gov\)](https://www.mass.gov/info-details/police-misconduct-complaint-form)
- (policecomplaints.mass.gov)
- Complaints submitted to agencies still due to POST within 2 business days
- Coordination with agencies



# Massachusetts Peace Officer Standards & Training Commission (POST)

## IV. Key Provisions for Appointing Authorities

Hiring  
Discipline  
Regulations



# Key Provisions for Appointing Authorities

## Prior to Hiring:

- LEA's required to verify individual meets certain statutory requirements (age, education, background, etc.)\*
  - In Chapter 6E section 4(f)
  - 555 CMR 7.00 (Recertification Regulations)
- No LEA can hire an individual if they have not been certified (procedures for certification and recertification)
  - By POST, or grandfathered by Statute according to last name

\* Certification Requirements are detailed in Appendix



# Key Provisions for Appointing Authorities

## Disciplining:

- Complaints are due to POST within 2 business days
  - I/A Report and Disposition due to POST as soon as completed
  - Required to request extension if investigation takes more than 90 days (and report reasons)
- If officer resigns to avoid discipline, I/A should still be completed, and disposition with recommendation forwarded to POST
- Appointing authorities are required to submit complaints and disciplinary records of Chiefs



# Regulations

- 550 CMR 1.00 “Phase 1 Regulations / Complaints”
  - Procedural rules for receiving, investigating, hearing and adjudicating complaints against law enforcement
- 555 CMR 6.00: Use of Force
- 555 CMR 7.00: Recertification

Promulgating (Hearing December 6, 2022):

- 555 CMR 8.00: Databases and Dissemination of Information for Law Enforcement Officers
- School Resource Officers (SRO's)



# Massachusetts Peace Officer Standards & Training Commission (POST)

## V. Upcoming Priorities

Certification  
Standards  
Technology



# Upcoming Priorities

## Certification

- Complete certification A - H
- Corroborate compliance with conditions placed on Conditional Certifications
- Manage A-H certification exceptions (deferrals, leave, etc.)
- Corroborate compliance with in-service training
  - Every year
  - Administrative suspension for those out of compliance





# Upcoming Priorities

## Disciplinary Records Validation (target early 2023)

- Dec/21 spreadsheets created great need for data clean-up and validation
- POST to provide new template (with limited editing capabilities)
- POST will ask Agencies to identify records of retired individuals and/or complaints not reportable to POST
  - Because these records need to be excluded from public database



# Upcoming Priorities

## Division of Standards

- Evaluate cases of individuals requesting ED review
- Adopt Procedures for Adjudicatory Hearings (Manual)
- Conduct hearings for some individuals Not Recertified
- Publish list of Certified Officers & Suspended Officers



# Upcoming Priorities

- Transition to “Permanent Technology Solution” (SalesForce) in this and upcoming Fiscal Year.
  - Submitting Complaints and new Disciplinary Records
- Guidance and/or Regulations
  - Other information due to POST (injury leave, military, retirement, resignation)



# Time Check

# Questions?



# Massachusetts Peace Officer Standards & Training Commission (POST)

## VI. Appendix

Law Enforcement Agency  
Law Enforcement Officer  
Certification Requirements  
Use of Force Regulations



# Law Enforcement Agency (LEA)

1. A “state, county, municipal or district law enforcement agency, **including, but not limited to:**
  - “a city, town or district police department”;
  - “the office of environmental law enforcement”;
  - “the University of Massachusetts police department”;
  - “the department of the state police”;
  - “the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department”; and
  - “the Massachusetts Bay Transportation Authority police department.”



# Law Enforcement Agency (LEA)

2. A “sheriff’s department in its performance of police duties and functions”;
3. A “public or private college, university or other educational institution or hospital police department”; and
4. A “**humane society police department** in [M.G.L. c. 22C, § 57].”

M.G.L. c. 6E, § 1.



# Law Enforcement Officer (LEO)

1. “any officer of an agency, including the head of the agency”;
2. “a special state police officer appointed pursuant to [M.G.L. c. 22C, §§ 57, 58 or 63, which concern those serving humane societies, the Port of Boston Authority, or educational institutions or hospitals, respectively]”;
3. “a special sheriff appointed pursuant to [M.G.L. c. 37, § 4] performing police duties and functions”;





# Law Enforcement Officer (LEO)

4. “a deputy sheriff appointed pursuant to [M.G.L. c. 37, § 3] performing police duties and functions”;
5. **“a constable executing an arrest for any reason”;** or
6. **“any other special, reserve or intermittent police officer.”**

*The statute does not extend to those such as unlisted SSPOs, correction officers, probation officers, parole officers, and court officers.*



# Certification Requirements

1. “attaining the age of 21”;
2. “successful completion of a high school education or equivalent, as determined by the commission”;
3. “successful completion of the basic training program approved by the municipal police training committee”;
4. “successful completion of a physical and psychological fitness evaluation approved by the commission”;



# Certification Requirements

5. “successful completion of a state and national background check, including, but not limited to, fingerprinting and a full employment history; provided, that if the applicant has been previously employed in law enforcement in any state or United States territory or by the federal government, the applicant’s full employment record, including complaints and discipline, shall be evaluated in the background check”;
6. “passage of an examination approved by the commission”;
7. “possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the commission”;
8. “successful completion of an oral interview administered by the commission”;



# Certification Requirements

9. “being of good moral character and fit for employment in law enforcement, as determined by the commission”;
10. “[not having] been convicted of a felony”;
11. “[not being] listed in the national decertification index or the database of decertified law enforcement officers maintained by the commission pursuant to [M.G.L. c. 6E, § 13(a)(i)]”; and
12. “while previously employed in law enforcement in any state or United States territory or by the federal government, would [not] have had their certification revoked by the commission if employed by an agency in the commonwealth.”



# 555 CMR 6.00

## Use of Force by Law Enforcement Officers

- Non-deadly force definition
  - Any use of force (other than deadly) that involves physical effort to control, restrain, or overcome the resistance of another
  - Does not include physically escorting or handcuffing with minimal resistance
- De-escalation must be used first before any non-deadly force
- Use of Force must be necessary and proportionate
- When possible, provide medical assistance
- Cannot sit, kneel, stand on individual's neck, chest, spine or force to lie on stomach



# 555 CMR 6.00

## Use of Force by Law Enforcement Officers

- Deadly force definition
- All feasible de-escalation tactics must have first been attempted
- Where feasible
  - Officers identify themselves as officers and issue some warning
  - Officers shall always provide appropriate medical response
- Duty to Intervene (6.06)
- Use of Force reporting



# Thank You

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