



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Larry E. Ellison

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

EXECUTIVE DIRECTOR

Enrique A. Zuniga

December 14, 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 #45

December 19, 2023

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 933 2263 8861

- 1) Call to Order
- 2) Approval of minutes
 - a. October 24, 2023
- 3) Executive Director Report – Enrique Zuniga
 - a. Disciplinary Records & Complaint Portal
 - b. Administrative Update
- 4) Finance Update – CFAO Eric Rebello-Pradas
 - a. FY25 Budget
 - b. Diversity Update
- 5) Recommendation to Establish a Subcommittee on Certification Policy
- 6) Legal Update – General Counsel Randall Ravitz
 - a. Draft Proposed Regulations – Maintaining, Reporting & Auditing of Records

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- 7) Matters not anticipated by the Chair at the time of posting
 - 8) Executive Session in accordance with the following:
 - M.G.L. c. 30A, § 21(a)(1), in anticipation of discussion regarding “the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, . . . or individual”;
 - 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-2023-12-19-001
 - ii) PI-2023-12-19-002
 - iii) PI-2023-12-19-003
 - iv) PI-2023-12-19-004
 - v) PI-2023-12-19-005
 - vi) PI-2023-12-19-006
 - b. Approval of commencement of adjudicatory proceedings for the following cases:
 - i) PI-2022-11-22-001
 - ii) PI-2023-10-24-004
 - iii) PI-2023-06-15-004
 - iv) PI-2023-04-13-020
 - c. Approval to enter into voluntary disposition agreements in the following case:
 - i) PI-2023-01-12-002; 2023-19-S
 - ii) PI-2023-04-13-019
 - iii) PI-2022-11-22-004

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- d. Recommendation to close the following preliminary inquiry without further action:
 - i) PI-2023-02-16-003
- e. Approval of the minutes of the Executive Sessions of 11/16/23

2a.



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION PUBLIC MEETING MINUTES

October 24, 2023

8:30 a.m.

Documents Distributed in Advance of Meeting

- Minutes of Public Meeting of September 14, 2023 (Proposed)
- Executive Director Report
- FY24 Organizational Chart (Current)
- Policy on Voluntary Relinquishment of Certification (Proposed)

In Attendance

- Commission Chair Margaret R. Hinkle
- Commissioner Lester Baker
- Commissioner Hanya H. Bluestone
- Commissioner Lawrence Calderone
- Commissioner Larry Ellison
- Commissioner Deborah Hall
- Commissioner Marsha V. Kazarosian
- Commissioner Charlene D. Luma
- Commissioner Clyde Talley

1. Call to Order

- At 8:36 a.m., Chair Hinkle welcomed the public to the Commission's forty-third meeting and called the meeting to order.
- Chair Hinkle took a roll call of the Commissioners present. It proceeded as follows:
 - Commissioner Baker – Present
 - Commissioner Bluestone – Present
 - Commissioner Calderone – Present
 - Commissioner Ellison – Present
 - Commissioner Hall – Present
 - Commissioner Kazarosian – Present
 - Commissioner Luma – Present
 - Commissioner Talley – Present
- Chair Hinkle stated that all nine members were present, and she recognized a quorum.

2. Approval of minutes

- Chair Hinkle asked for a motion to approve the minutes of the September 14, 2023 meeting.
- Commissioner Kazarosian so moved.
- Commissioner Talley raised a question about the discussion of credentials for certified officers on page 9 of the minutes. He asked whether the minutes should reflect what the annual cost figure of \$80,000 to \$100,000 represented, such as whether it was an administrative cost or was associated with purchasing something.
- Executive Director Zuniga stated that the minutes could easily reflect that, as there was a memo in the packet that provided explanation.
- Commissioner Ellison seconded the motion to approve the minutes.
- The Chair took a roll call vote on the motion. The Commissioners voted as follows:
 - Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Ellison – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Luma – Yes
 - Commissioner Talley – Yes
 - Chair Hinkle – Yes
- The September 2023 meeting minutes were unanimously approved.

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

- Executive Director Zuniga offered a slide presentation.
 - a. Certification Update**
- The Executive Director provided a certification update, explaining as follows.
 - According to Commission records, there are no pending submissions from agencies and no individuals with last names I through P who have pending recertification submissions.
 - 96.9% of officers are in compliance with the certification requirements or are conditionally certified.
 - Those who are conditionally certified failed to satisfy a technical requirement. Typically, they completed the Bridge Academy but not the associated work requirement, but they can satisfy that over a period of years.
 - The Commission has sent 5,645 letters outlining the certification status of individuals and will continue to process conditionally certified individuals.
 - The Commission has a high degree of confidence that officers are in compliance with certification requirements, including in-service training, based on information from the Municipal Police Training Committee, with which there is a high level of coordination.
 - The certification team has processed about 867 individual officers who graduated from academies, and graduates are processed monthly.
 - The Certification and Legal Teams are preparing to process school resource officer certifications, and an update on that effort is planned for the November meeting.

b. Disciplinary Records Update

- The Executive Director provided an update on disciplinary records as follows.
 - The Commission has received requests for changes to disciplinary records, which fall into five categories.
 - The first category involves documented verbal reprimands that are eligible to be expunged or vacated after a period of time, which are sometimes referred to as letters of counseling. In the case of the Massachusetts State Police, the individual officer must request that a letter be removed, and it is only eligible to be removed after one year. Where there is no request, the letter remains in the officer's file. Under the regulations on dissemination of information, matters that have been reversed or vacated will not be part of the public database. The Commission is interpreting a removal as being equivalent to vacating a matter under the regulation. Thus, the Commission intends to inform agencies that it requires an affirmative confirmation that the letter of counseling has been removed or the decision has been reversed before it is removed from the public database. Once the Commission receives that confirmation, it will remove the matter from the public database.
 - The second category involves a couple of instances where the discipline occurred at a time when the individual was not a law enforcement officer. The statute and regulations refer to an "officer," as opposed to an individual, and the Commission has found a number of positions to be out of the statute's scope. So, it is recommended that such instances be removed from the database.
 - Note that there are mechanisms to discipline dispatchers or student candidates, such as through dismissal from an academy, a process in which the Commission is not involved.
- Commissioner Luma asked if it is foreseeable that a request for removal would be made prior to the disciplinary action being published in the database.
- The Executive Director responded that information regarding different steps will be submitted to the portal in real time, and pending matters will not be made public.
- Commissioner Luma next asked about notifications to the Commission of pending requests.
- The Executive Director replied that the regulations provide a process for requesting a change, which requires the Commission to respond in writing and offer a mechanism to appeal.
- Commissioner Luma further inquired if the Commission would be informed of the request while it is pending within the officer's agency or only after an agency determination.
- The Executive Director replied that the Commission would be informed only afterwards. He added that the Commission requests documentation and is deferential to agency determinations.
- Commissioner Bluestone asked how "letters of counseling" are defined, stating that a counselor should be licensed. She also asked what was meant by the reference to items that are "similar" to letters of counseling.
- The Executive Director replied that there are local policies for documenting a verbal reprimand and then removing the information, without necessarily using the term "letter of counseling." He further explained that a "letter of counseling": is a State Police term;

does not involve psychological counseling; involves documenting a verbal reprimand without an opportunity to appeal, but with the ability to have the letter removed after a year; and will be elevated to a documented reprimand upon another instance of similar misconduct.

- Commissioner Bluestone opined that it was misleading to use the term “letter of counseling” for something that did not involve intervention.
- The Executive Director stated that it was a term used by the State Police that essentially refers to a documented verbal reprimand by a supervisor.
- Commissioner Ellison sought clarification about claims regarding matters while one was not serving as an officer.
- The Executive Director replied that some have been disciplined when they were not sworn officers, but in roles such as dispatcher; and because of the references to “officers,” mentioned, those matters should not be in the public database.
- In a set of comments, Commissioner Ellison asked: if that applied to recruit officers; whether recruits are considered officers; and if issues arising at an academy are reported to the Commission. He expressed concern about academy disciplinary matters not being reported and slipping through cracks, noting that such matters are not always handled equally and that it is important to call attention to issues observed early in one’s career.
- Through a set of responses, the Executive Director stated that: academies have mechanisms for discipline; as such individuals are not certified, he is proposing that they not be included in the database; a person expelled for egregious behavior would never become certified; if the Commissioners feel differently, that could be discussed; the Commission has received information on alleged cheating at an academy from the MPTC and coordinates efforts; and discipline is administered differently across agencies, and that can be addressed through agency certification, and through recordkeeping and auditing regulations.
- Commissioner Ellison said he would be happy to work with the Executive Director on the matter.
- Commissioner Baker sought confirmation that: student officers are not considered officers; and their disciplinary matters are still reported to the Commission.
- The Executive Director confirmed that they are not officers and that such information is reported in many instances.
- Commissioner Baker then stated that policies differ, and a letter of counseling can be a documented conversation and not discipline. He asked if agencies can appeal on the ground that they do not constitute discipline.
- The Executive Director said yes, many such matters would not be reportable to the Commission going forward.
- The Executive Director further stated as follows.
 - The third category involves claims that a matter should not have been reported as discipline or does not constitute discipline.
 - The Commission is generally very skeptical about these, it will look at the regulations and publicly available guidance regarding minor matters, and it will apply them on a case-by-case basis.
 - As an example, the governing statute classifies retraining as discipline, so the staff is skeptical about removing retraining orders from the database where they have not been vacated or reversed.

- Commissioner Bluestone noted the struggle of balancing a false positive and a false negative, and the possibility that, if too many minor disciplinary matters are included, the bar for discipline could be raised.
- The Executive Director agreed, describing anecdotal evidence of agencies overreporting to avoid risk, and noting questions that have been raised, particularly since the dissemination of disciplinary information.
- The Executive Director continued as follows.
 - The fourth category involves requests to modify a previously reported category.
 - It is understandable that additions or edits may be made to better describe events, and that can be done. But the Commission should avoid changing descriptions or categories in a way that will eliminate or obfuscate descriptions, such as generic descriptions like “other.” It is better to add information that may provide additional context, which can be illustrated with examples.
 - The Commission’s initial release of disciplinary records was August 22, and updates were made in August, on September 1, and on September 15. It is expected that additional releases planned for November and December will be done in the coming weeks.
 - The Commission will communicate with the chiefs’ associations and with individual departments and chiefs about the information.
 - Records that the Commission has received after January 31, 2023 will be partially populated into the portal that will be rolled out, made available to agencies, and updated.
 - The portal rollout is envisioned for early December. Complaints will be entered by agencies, the general mailbox will be phased out, deadlines will be tracked, and reports will be generated.

c. Finance & Administrative Update – Chief Financial and Administrative Officer Eric Rebello-Pradas

- CFAO Rebello-Pradas offered a slide presentation, and he reported as follows.
 - The books of the Commonwealth officially closed at the end of October.
 - The highest expenses amounted to about 49% or \$3.3 million.
 - The Commission managed to keep virtually all of the Salesforce development spending within the \$2.9 million that was left over from FY 22.
 - The second highest expense was payroll, which amounted to 44% or \$2.9 million.
 - The Commission ended FY 23 with 31 employees.
 - Having just finished the first quarter of FY 24, about 17% of the budget has been spent.
 - The expenditures total about 1.45 million. With the addition of about \$750,000 in commitments or contracts, the total is about 2.2 million or about 26% of the budget. Thus, the Commission is about where it should be.
 - The Commission posted six new positions.
 - It has received quite a few resumes for the Information Technology program analyst, data analyst, and compliance agent positions, and not as many for open attorney positions.
 - The Commission is reviewing over 150 resumes and will be scheduling interviews for intake coordinator positions.
 - Laura Martin has been promoted to Senior Intake Coordinator.

- The packet contains an organizational chart and more detail.
- With respect to FY 25, the next phase in the state's budget cycle is the maintenance stage, which will be followed by cuts and expansions and the Governor's recommendation in January.
- Similar to last year, the Commission will essentially be filing an evolving budget, as it is not fully operational and there are still remaining statutory requirements to satisfy. It has been known that it would take about three to five years to get to a fully operational status.
- He will be meeting with the Executive Director and Commissioner Ellison to go over the numbers for FY 25 and will return with more information.
- Commissioner Luma stated she wanted to ensure that the Commission is being intentional about hiring and considering diverse candidates, keeping that at the forefront.
- The CFAO stated that is being done and positions were posted using affinity or diversity resources available through Massachusetts Lawyers Weekly or the Boston Bar Association.
- The Chair asked what an intake coordinator is.
- The CFAO responded that the intake coordinator, within the Division of Police Standards, receives public complaints about police officers, will handle complaints from agencies through the portal, triage complaints, and ensure they are documented and that there is follow-up.
- Commissioner Hall echoed Commissioner Luma's point, stating it was important and asking that the Commission additionally attend to diversity on hiring teams.
- The CFAO indicated that would be done, adding that the staff could return with a report on the Commission's diversity composition.
- Commissioner Ellison, as Treasurer and on behalf of the Commissioners, thanked the CFAO and the Executive Director for keeping him informed, stating that he can only imagine the work that goes into the lengthy reports and that they give him a better understanding of how money is being spent.
- The Chair echoed the expression of gratitude to the Executive Director and all those who worked on the report and the extraordinary amount of time and attention by the staff in addressing the issues raised.

4. Legal Update – General Counsel Randall E. Ravitz

a. Process for Relinquishing Certification

- The General Counsel offered a slide presentation and stated as follows.
 - There is a proposal concerning voluntary relinquishment of certification for the Commission's consideration, based largely on what was discussed at the last Commission meeting.
 - The reasons to consider such a policy are as follows.
 - The regulations on databases and dissemination of information provide that the public database shall not make available, to members of the general public, information concerning any individual who is no longer serving as an officer and who last received a certification more than three years earlier but who has not been decertified. An exception is that the public database could be designed to allow particular individuals to access certain forms of information that ordinarily would be excluded, partly

because of statutes that bar disclosure of information other than to certain people.

- The regulations balance various considerations. On one hand, a person who leaves law enforcement has become a private citizen. On the other hand, one who received a certification within the last three years could use it to seek a new law enforcement position, and some members of the public might still be interested in such a person's record.
- But some may prefer to relinquish that ability to return to law enforcement in return for having their disciplinary information removed, and the Commission might want to allow for a relinquishment of certification as a way of resolving certain disciplinary or certification matters.
- Authority for allowing voluntary relinquishment can be found in M.G.L. c. 6E, § 3(a), which refers to the power to limit condition or restrict certifications and to enter into agreements or transactions.
- Authority to remove disciplinary information at an earlier point can be found in a regulatory provision that allows the Commissioners to vote to make information unavailable to the general public.
- Authority for less formal resolutions of adjudicatory matters can be found in M.G.L. c. 30A, which allows agencies to informally dispose of matters through stipulation, settlement, or other approaches.
- In the policy that was drafted for the Commission's consideration and is in the packet:
 - Section A provides definitions.
 - Section B allows one to apply for voluntary relinquishment.
 - Section C provides for an application form that outlines certain benefits, as well as certain sacrifices and limitations, consistent with existing authority.
 - Section D provides for an applicant to supply certain information and sign the form under the penalties of perjury.
 - Section E provides for the application to be circulated internally, for certain information to be checked, for the Commission to be asked to vote on it, and for the applicant to be given notice of any conditions.
 - Section F states that the Commissioners reserve the ability to rescind or amend the policy.
- Arguments in favor of such a policy are that: one should be able to leave the system and avoid seeing their sensitive information publicized; and some officers obtained certification automatically, without applying or knowing what the database would contain.
- Arguments against such a policy are that: a former officer's record could still be relevant to a criminal case or employer; it could be of interest to those looking for patterns, developing policies, or doing other research; those automatically certified had six months after enactment to leave the system; and most of those have reapplied.
- Commissioner Kazarosian sought confirmation that information removed upon relinquishment would still be available in response to a public records request.
- The General Counsel stated that was correct, "assuming it fits within the

definition of public record and so forth.”

- Commissioner Kazarosian then asked about the consequences of one’s being untruthful on the application and about the need for investigation if one were resigning to avoid discipline.
- The General Counsel stated that the policy would call for the application to be circulated to all divisions and for various records to be checked; and that the person could still face discipline for lying on the application, though the language in that regard could be clarified.
- Commissioner Kazarosian asked what disciplinary action could be taken if one already resigned.
- The General Counsel stated that one who is decertified would be entered in the National Decertification Index and be prohibited from working in certain positions, but he acknowledged that the draft language could be framed better.
- Commissioner Kazarosian then expressed concern that such an individual could work outside Massachusetts.
- The General Counsel replied that the Commission could attach a condition providing for placement in the NDI upon giving the applicant notice, depending on the circumstances.
- Commissioner Kazarosian then asked if it is possible to revisit such issues and reword provisions.
- The General Counsel said yes, in his view.
- Commissioner Baker sought confirmation that decertification information would not be removed.
- The General Counsel confirmed that was the case, consistent with the statute and regulations.
- Commissioner Talley sought confirmation that a decertified officer could not be employed in places outside Massachusetts.
- The General Counsel responded that information is submitted to the NDI and the statute provides for the Commission to work with other jurisdictions to ensure an individual is not hired, but ultimately those jurisdictions decide.
- Commissioner Ellison asked whether there were any updates regarding constables.
- The General Counsel replied that there were not. He added that it was not that there have been no discussions, but that that there was nothing significant to report.
- Commissioner Hall expressed agreement with Commissioner Kazarosian about holding off on a vote, in order to have more clarity and discussion regarding the language and the placement of information in the national database.
- The Chair stated that, based on the discussion and the affirmative nods from the Executive Director and General Counsel, the matter would be addressed at another meeting, subject to the discussion, questions, and comments at the current meeting.
- The General Counsel said that sounded fine.
- b. Update on Publication of Regulations**
- The General Counsel offered another slide presentation, and he reported as follows.
 - The Commission made certain corrections to typos and the like in 555 CMR 1.00, which concerns complaints, how they are processed by agencies, and the

Commission's adjudicatory processes.

- The corrected version was published and became effective on September 29.
- There were certain corrections that the Commission requested but were not made, and so they were requested again.
- The Commission took a similar step with 555 CMR 2.00, which provides general rules of construction regarding all Commission regulations.
- The corrected version was published and became effective on September 29.
- The regulations at 555 CMR 9.00, which concern initial certifications and certifications of independently applying officers, i.e., self-sponsored officers, were published and became effective on September 29. And, in the guidance regarding those regulations, the Commission removed the words "promulgation pending," about which someone outside the Commission had raised a question.
- Current versions of all these documents have been placed on the Commission's website.

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

- The Chair indicated that she did not believe there were any matters not anticipated at the time of posting.
- She asked the Executive Director to explain the procedure for members of the public to raise questions regarding any matter addressed at the meeting.
- The Executive Director said that questions can be submitted via the general mailbox listed on the Commission's website, which is constantly monitored.
- He added that the Commission's Director of Communications is available to answer questions and that matters proposed for future meetings can be considered.
- The Chair thanked all members of the staff for the hard work they put into the matters addressed.

6. Executive Session

- The Chair raised the issue of moving into executive session in accordance with M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct; under 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.
- She added that the agenda listed topics for discussion in the executive session.
- Commissioner Luma moved to go into executive session and adjourn the public meeting.
- Commissioner Kazarosian seconded the motion.
- The Chair took a roll call vote on the motion. The Commissioners voted as follows.
 - Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Ellison – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes

- Commissioner Luma – Yes
 - Commissioner Talley – Yes
 - Chair Hinkle – Yes
- The motion unanimously carried.
- The Chair informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- The Chair thanked the public, and the public meeting was adjourned at about 10:00 a.m.

3.



Executive Director Report

December 19, 2023



Agenda

1. Disciplinary Records Update
2. Administrative Update

Disciplinary Records Update



Upcoming Releases

- Planned next version of corrected database for next week (~ December 22)
- Additionally, a total of 894 records (1,311 allegations) in final stages of verification
 - Represents 135 agencies
 - Sent to Chiefs on November 30, 2023
 - Responses due December 22, 2023
 - Planned release in January 2024
- Additional records could represent additional allegation on individuals already reported publicly

Disciplinary Records Update



Additional Questions about Matters Reportable to POST

- Simple vehicle collisions or accidents
 - “Avoidable” typically prompts an official I/A investigation
 - “Unavoidable” does not prompt an official I/A investigation
 - Recommendation to require “avoidable” accidents and any others that prompt or warrant I/A investigations
- Continue getting requests to remove records because they were “minor matters” and should not have been reported to POST
 - Not removing them from database unless record has been reversed, vacated, or resolved in favor of the officer - 555 CMR 8.06 § 4 (b) (1) (i) and (j)

Disciplinary Records Update



Complaint Portal for Agencies

- The agency complaint portal rollout was temporarily and briefly put on hold, as the disciplinary records project took precedent
- In the last few weeks, POST staff and its vendor continued making improvements to the technology to analyze, catalog and correct disciplinary records (where corrections were necessary)
- Rollout of portal is now projected for February 1st, 2024
- As part of the rollout, POST may later decide to deploy it to a small group of agencies to test functionality or to all agencies

Disciplinary Records Update



Data from 2023

- First release of historical records were as of January 31, 2023
- Records from agencies continue to flow into the dedicated electronic mailbox
- A second and parallel project during this time has been pre-populating 2023 records into the agency portal
- Partial information on these records will be available to agencies upon rollout
- Agencies will be asked to update those records directly in portal

Disciplinary Records Update



Administrative Update - Hiring

- Final stages of two additional intake coordinators – offers extended
- Final stage of enforcement counsel – offer extended
- Interviews on-going for two additional technology positions (programmer and data analyst)
- Posting for two additional positions within General Counsel's office



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4a.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

TO: Commissioners
FROM: Finance & Administration
DATE: December 13, 2023
RE: FY25 Budget Development

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

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Rev. Clyde D. Talley

EXECUTIVE DIRECTOR

Enrique A. Zuniga

Working closely with the Commission's division heads, executive director, as well as Chair Hinkle and Treasurer Ellison, F&A submitted a preliminary FY25 operating budget request to ANF on October 30th. The budget numbers will be presented to you at the December 19th commission meeting.

As of this writing, ANF has not recommended any changes to our figures. However, we anticipate continued discussions with ANF throughout the remainder of December and early January with the goal of achieving a final number for inclusion within the Governor's Budget Recommendation. Per the Constitution, the Governor will file her budget on January 24th. Similar to last year, the Commission will be asked to vote on its budget prior to the Governor's official filing. Hence, a vote is expected on December 19th.

The POST Commission is still growing and evolving as it strives to achieve its statutory mission. It is not in a position to present a standard "maintenance" budget as with most state agencies. Entertaining "cuts & expansions" is a moot point, as well. Until POST achieves full operation, the Commission will continue to submit "evolving" budgets that reflect its growth.

PST 0800-0000

	FY24 FIN SP	FY25 PST CHG1	FY25 PST CHG2	FY25 REQ
EMPLOYEE COMPENSATION (AA) TOTAL	5,737,656	(421,606)	1,438,670	6,754,720
EMPLOYEE TRAVEL (BB) TOTAL	25,000	0	0	25,000
CONTRACT EMPLOYEES (CC) TOTAL	60,000	(48,000)	58,800	70,800
PAYROLL TAX/FRINGE (DD) TOTAL	142,265	0	24,960	167,225
OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL	242,300	(49,600)	36,884	229,584
FACILITY OPERATIONS (FF) TOTAL	51,000	0	(15,000)	36,000
OFFICE SPACE LEASE (GG) TOTAL	507,540	0	123,617	631,157
CONSULTANTS/LEGAL SERVICES (HH) TOTAL	239,101	(104,101)	34,840	169,840
SUPPORT/AUXILIARY SERVICES (JJ) TOTAL	40,000	0	73,800	113,800
OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL	140,000	(75,000)	(62,000)	3,000
OFFICE EQUIPMENT LEASE (LL) TOTAL	5,440	0	(1,126)	4,314
OFFICE MAINTENANCE/REPAIRS (NN) TOTAL	89,050	0	(84,050)	5,000
OBJECT CLASS TT TOTALS	0	0	0	0
INFORMATION TECHNOLOGY (UU) TOTAL	2,499,182	(580,227)	(956,517)	962,438
Grand Total :	9,778,534	(1,278,534)	672,878	9,172,878

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mass.gov/orgs/post-commission

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

The above table illustrates the Commission's build-up to its FY25 request by starting with the FY24 Spending Plan, backing out the \$1.28 million in PAC funding, and netting various additions and savings equaling \$673K. When developing budgets, amounts that are carried forward from prior fiscal years are typically removed, as they are considered "one-time" in nature.

Please note that removing the PAC brings the total down to \$8.5 million. This is the amount POST received in the FY24 budget. Moreover, this is the amount ANF would use as the base for FY25. After adding in the net amount of \$673K, POST's total requested budget for FY25 is \$9.17 million. This figure represents **7.9% growth** above the base, or **6.2% reduction** from the prior year's total spending plan. The bottom line is the removal of the PAC more than makes up for the \$673K in growth.

Payroll

During October's commission meeting, we illustrated the current organizational chart (see attached). POST is targeting a total of 46 positions by the end of FY24. For FY25 the number of staff positions will increase by seven positions; from 46 to 53.

The Legal Division intends to take on another staff counsel and paralegal, while the Division of Police Standards is looking to bring on a deputy director, as well as a third Intake Coordinator. In order to keep up with processing certifications for over 20,000 LEOs, the Division of Police Certification intends to move forward with a combined Senior Certification Specialist & Data Analyst position.

POST will eventually need to develop a Business Intelligence (BI) tool. As a result, an additional Data Analyst for the IT Division will be required.

Payroll Break-Out		
FY24 Total	\$	5,737,656
9 Commissioners	\$	340,811
46 Employees	\$	5,366,845
3 Hearing Officers	\$	30,000
FY25 Total Increment	\$	1,017,064
Commissioner COLA	\$	13,625
Add'l 7 Employees	\$	729,582
Employee COLA x 53	\$	243,857
Add'l 3 Hearing Officers	\$	30,000
Grand Total	\$	6,754,720

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

Information Technology

The backing-out of a number of one-time costs, especially associated with the Salesforce solution, made for significant realized savings for FY25. Total IT spending will drop by \$1.5 million (or 61%), from \$2.5 million in FY24 to an estimated \$962K in FY25 (see table from first page). This should come as no surprise as the Commission’s technical needs are stabilizing as it slowly nears full operational status.

A great portion of the Commission’s reduction in IT spending is due to shrinking Salesforce development costs, as originally predicted once the solution is fully completed. We anticipate getting to this point in FY25, where most Salesforce-related expenses will be for maintenance services, including licensing.

Salesforce Costs			
	FY23	FY24	FY25
	<small>ACT</small>	<small>EST</small>	<small>PROJ</small>
Grand Total	\$2,950,210	\$1,608,336	\$753,210
Core Infrastructure	\$2,388,437		
Additional Apps/Enhancements		\$1,099,812	
Last Call Media	\$362,266	\$40,000	
Mass Digital	\$140,925	\$20,000	\$14,400
Licensing	\$51,499	\$152,000	\$165,100
File Storage	\$1,545	\$3,000	\$3,000
AWS Hosting	\$5,538	\$6,000	\$15,000
Formstack		\$5,544	\$5,710
Data Migration Tool			\$100,000
General MNT		\$281,980	\$450,000

Conclusion

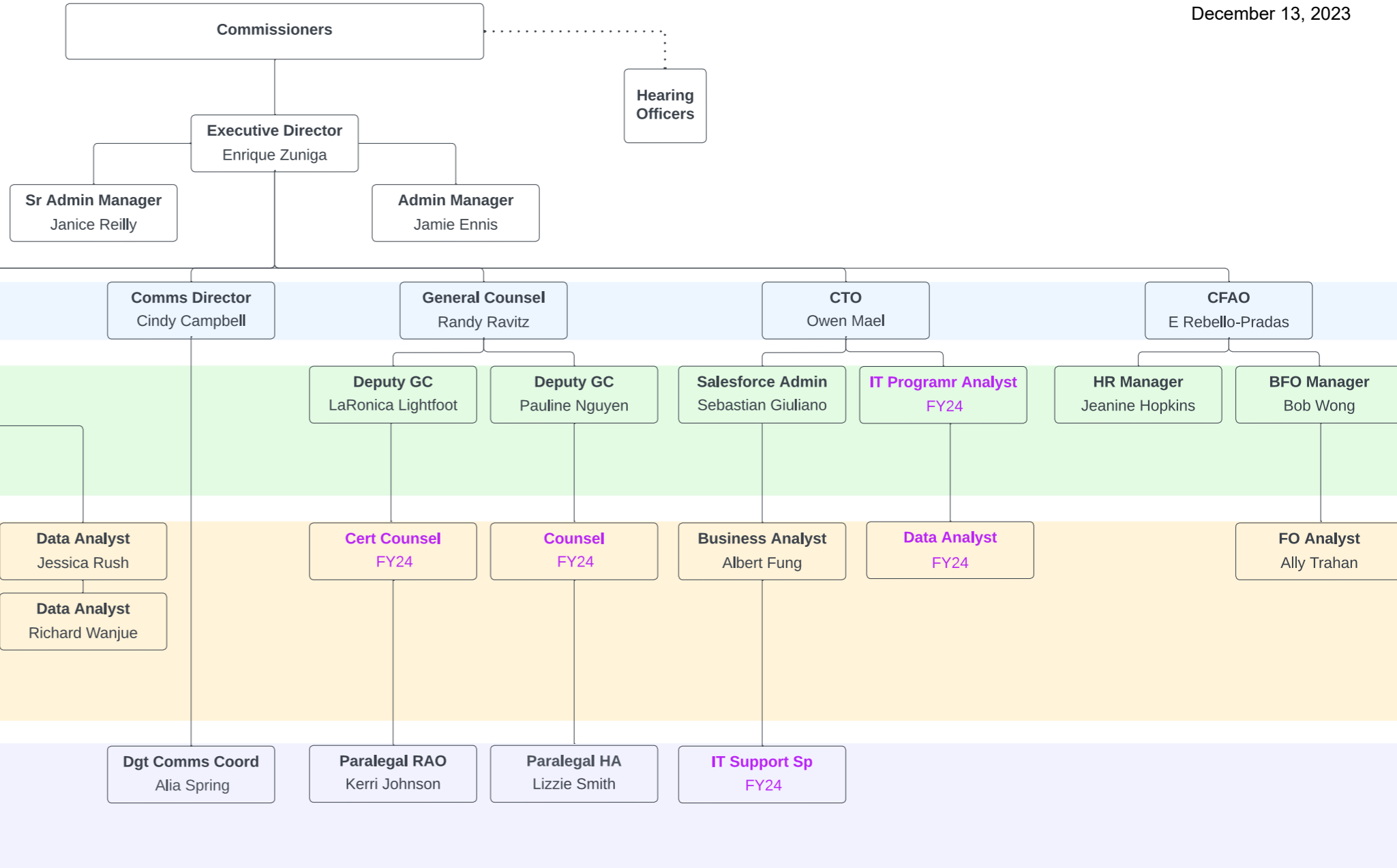
As always, F&A is available should you have any questions or concerns prior to the December 19th meeting. We are also happy to break-down any of the numbers presented for further discussion.



FY24 Organizational Chart (Current)

December 13, 2023

46 Total Positions
36 Filled
10 Open



4b.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

TO: Commissioners
FROM: Finance & Administration
DATE: December 15, 2023
RE: Diversity Statistics

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Larry E. Ellison

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

EXECUTIVE DIRECTOR

Enrique A. Zuniga

As part of its commitment to onboarding and sustaining a diverse workforce, the POST Commission regularly reviews its recruitment process and analyzes diversity statistics. The purpose of this memo is to outline and describe this process and associated methodology.

Recruitment Process

The recruitment process begins with posting a job description on *MassCareers*, the central resource for advertising state jobs. Applicants have the option to self-identify race, military, and disability. The first level of review is done by the Human Resources Manager who reviews the resumes and applications submitted to ensure the selection of qualified, diverse candidates for consideration. Prior to forwarding candidates to the hiring manager, F&A screens all applicants to confirm they meet minimum qualifications for the position to which they are applying.

The Commission takes the following steps to ensure it receives the most diverse pool of candidates:

- Advertising postings with affinity employment websites (a total of 31 affinity groups in the last two years)
- Personal outreach to a number of professional organizations that promote diversity

These steps were first implemented by the Legal Division when it was in the process of recruiting deputy general counsels. The strategy was so successful that the Commission incorporated its use within the official recruitment process.

Once the Commission begins to receive applications, the importance of diversity in maintaining a fair, equitable, supportive, and inspiring workplace is consistently brought up at every stage of the recruitment process – resume review, selection for interview, selection for second interview, and final offer.¹ This process also includes identifying and reaching out to applicants who may be unaware of positions they did not apply for, but to which they may be qualified.

The Commission also utilizes other strategies to not only encourage but also maintain a diverse workforce. Membership in professional development organizations is encouraged by offering reimbursement for annual dues. In addition, F&A collaborates with the other Divisions in reviewing the internal compensation structure on an annual basis to ensure compliance with the Commonwealth's Pay Equity Law.² Regarding this final point, the

¹ See page 10 of the POST Commission's [Employee Manual, 1st Edition](#); and, Section 1.03 of the POST Commission's [Internal Control Plan](#)

² [An Act to Establish Pay Equity \(Chapter 177 of the Acts of 2016\)](#)

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

annual review includes analyzing compensation for similar positions in other state agencies, while factoring in colleague salaries, individual experience, and demand for the position.

Diversity Statistics

To report the makeup of the entire POST Commission, we have included any and all individuals who receive direct compensation for work performed on the agency's behalf. These individuals include (a) nine Commissioners; (b) employees (i.e., part-time, full-time, and post-retiree); (c) legal interns; and, (d) *ad hoc* contractors (i.e., bailiffs).

We are using the classification metrics employed by the Office of Diversity and Equal Opportunity (organized within the Commonwealth's Human Resources Division), and the U.S. Census Bureau as benchmarks for the diversity efforts. The specific demographics are: race, sex, military, and disability. In terms of race and sex, individuals typically self-identify during the Commission's onboarding process. The Commonwealth grants state agencies limited access to military and disability status. F&A's Human Resources Manager is currently undergoing required training and certification in order to obtain such access.³

Having all individuals organized into the various demographics, the chart below compares the results with the statewide population, and with all state employees. The resulting metrics are as follows:

Demographic	Statewide Population*	POST	State Employees**
American Indian or Native Alaskan	0.5%	0.0%	0.2%
Asian	7.7%	9.8%	4.5%
Black or African American	9.5%	15.7%	17.8%
Hispanic or Latino	13.1%	7.8%	9.4%
Native Hawaiian or Other Pacific Islander	0.1%	0.0%	0.1%
White	79.4%	66.7%	63.1%
Two or More Races	2.7%	0.0%	1.0%
Female	51.0%	47.1%	53.9%
Veterans	3.3%	5.9%	3.7%
Disability	7.9%	2.0%	3.2%

*As reported by the U.S. Census Bureau; Estimates as of 7/1/2022

**As reported by the Office of Diversity and Equal Opportunity; Figures as of FY24 Q1

Based on these metrics, it may be fair to say that the collective makeup of the agency currently reflects the community it serves. In working to maintain this status, F&A will regularly review the agency's makeup, and report the results to the Commission.

³ The HR Manager expects to receive this designation within the next several weeks.

5.



MEMORANDUM

TO Commissioners
FROM Enrique Zuniga
DATE December 14, 2023
SUBJECT Recommendation to Establish a Subcommittee on Certification Policy

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Larry E. Ellison

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Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

EXECUTIVE DIRECTOR

Enrique A. Zuniga

The purpose of this memorandum is to recommend that the Commission establish a subcommittee of the Commission on matters of Certification Policy and to discuss various issues associated with the creation of such a subcommittee.

An important reason to establish one or more subcommittees of the Commission is to divide work among Commissioners to realize operational efficiencies. By way of example, it would be easier to find times to conduct meetings for a subcommittee of two or three Commissioners than it is to convene the full Commission, with a quorum requirement is seven of nine Commissioners. In some cases, public bodies create more than one subcommittee to divide workload among the members of that public body.

The POST Commission, and other public bodies subject to the Open Meeting Law, may establish a subcommittee for a specific purpose or objective. The Open Meeting Law requires, most notably, 48-hour advance notice of meetings and posted agendas, mandates that most meetings of the public bodies be open to the public and establishes rules that the public bodies must follow in the creation and maintenance of minutes and other meeting records. Subcommittees of public bodies are subject to the same requirements of the Open Meeting Law as are the full public body.

A public body may establish a subcommittee to address any matter within that public body's jurisdiction. There are two permissible purposes of such subcommittees. A public body may provide specific instructions requesting findings and recommendations on a particular matter for consideration by the full Commission (an advisory role). In the alternative, a public body may invest the subcommittee with a set of delegated authority and/or decision-making powers (decision-making).

As I mentioned at the November 2023 meeting of the Commission, and given that there are many important policy questions before the Commission in 2024, the Commission may wish to consider forming a subcommittee on Certification Policy to consider and advise on one or more of the following policy areas:

1. The policy and approach for the second round of recertification of officers throughout the Commonwealth, including how POST will corroborate on-going compliance with the certification requirements of the statute;
2. Officer physical and psychological health and wellness;
3. Plans and options to address agency certification.

MEMORANDUM

Recommendation:

I recommend the Commission establish a subcommittee of two or three commissioners to address one or more of the policy areas outlined above. I also recommend that the Commission request recommendations on the designated topic from the subcommittee, leaving the final decision to the full Commission. The Commission should also consider whether members of the community with broad perspectives be invited to join and/or participate in the subcommittee (I have already received requests from certain members of the police departments who have expressed an interest in participating in a potential subcommittee).

I further recommend that such a subcommittee invite stakeholders to present and provide comments on these areas. This will include member(s) of the Municipal Police Training Committee (MPTC), a body that the Commission is directed by statute to consult with in formulating the recertification requirements.

6a.

555 CMR: PEACE OFFICER STANDARDS AND TRAINING COMMISSION

555 CMR 12.00: MAINTENANCE, REPORTING, AND AUDITS OF LAW ENFORCEMENT RECORDS AND INFORMATION

Section

- 12.01: Authority
- 12.02: Scope
- 12.03: Definitions
- 12.04: Agency Creation and Maintenance of Records
- 12.05: Agency Reporting of Information
- 12.06: Officer Maintenance and Reporting of Information
- 12.07: Procedures for Audits of Records
- 12.08: Areas of Examination in Audits of Records
- 12.09: Verification of Information
- 12.10: Compliance

12.01: Authority

- (1) The Commission promulgates 555 CMR 12.00 pursuant to M.G.L. c. 6E, §§ 3(a) and 8(d).

12.02: Scope

- (1) 555 CMR 12.00 governs:
 - (a) The creation and maintenance of records by agencies, officers, and individuals who possess officer certifications.
 - (b) The reporting of information by agencies, officers, and individuals who possess officer certifications; and
 - (c) The auditing of agencies, officers, and individuals who possess officer certifications by or on behalf of the Commission, pursuant to M.G.L. c. 6E, § 8(d) or otherwise.
- (2) Nothing in 555 CMR 12.00 is intended to:
 - (a) Limit any obligations that law enforcement agencies and officers otherwise have under M.G.L. c. 6E, 555 CMR, or another source of authority; or any practices that are consistent with generally accepted law enforcement or human resources standards;
 - (b) Limit the ability of the Division to initiate an audit at any time and for any reason;
 - (c) Establish a standard of care or create any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection on the part of any other person or entity, except as expressly provided; or
 - (d) Otherwise waive or limit any power, right, benefit, entitlement, remedy, cause of action, claim, defense, immunity, privilege, or protection that is available to the Commission.
- (3) Notwithstanding any other provision of 555 CMR 12.00, nothing in such regulatory chapter shall require an agency or individual to furnish any item that is protected by a privilege against disclosure recognized by law and held by that agency or individual.

12.03: Definitions

- (1) 555 CMR 12.00 incorporates all definitions and rules of construction set forth in 555 CMR 2.02: *Definitions* and 2.03: *Construction*, except those definitions of terms that are defined in 555 CMR 12.03(2).
- (2) For the purposes of 555 CMR 12.00, the following terms have the following meanings, unless the context requires otherwise:

Agency. A law enforcement agency as defined in M.G.L. c. 6E, § 1.

Audit. An audit of agency or officer records conducted by or on behalf of the Commission pursuant to M.G.L. c. 6E, §§ 3(a) and/or 8(d), or otherwise.

Authority. An individual's appointing authority or employer; the Civil Service Commission; any arbitrator or other third-party neutral with decision-making power; and any court.

Commission. The Massachusetts Peace Officer Standards and Training Commission established pursuant to M.G.L. c. 6E, § 2, including its Commissioners and its staff.

Complaint. A complaint as defined in 555 CMR 1.01(1).

Compulsory Legal Process. A summons, subpoena, judicial order, administrative agency order, or civil investigative demand.

Division. The Division of Police Standards of the Commission established pursuant to M.G.L. c. 6E, § 8.

Division Director. The Director of the Division.

Executive Director. The Executive Director of the Commission appointed pursuant to M.G.L. c. 6E, § 2(g), or that person's designee for relevant purposes.

Include (or Including). Include (or including) without limitation.

Maintain. With respect to a record, to preserve all parts of the record, including those that are not easily visible, and to store it in a manner that will enable it to be easily retrieved.

Member. An officer, employee, or independent contractor.

MPTC. The Municipal Police Training Committee within the Executive Office of Public Safety and Security established pursuant to M.G.L. c. 6, § 116.

Officer. A law enforcement officer as defined in M.G.L. c. 6E, § 1.

Officer Certification. An initial certification or a recertification of an individual as an officer pursuant to M.G.L. c. 6E, §§ 3(a) and 4, or pursuant to St. 2020, c. 253, § 102, regardless of whether it is subject to any condition, limitation, restriction, or suspension.

Official. Authorized or approved by a proper authority.

Policy. Any policy, rule, regulation, protocol, standard, guideline, operating procedures, other procedure, decree, directive, mandate, manual, handbook, guide, advisory, form of guidance, plan, mission statement or comparable statement, organizational chart, or memorandum of understanding that is duly approved by appropriate personnel and issued in writing.

Record. Any form of record, book, paper, document, written material, data, or information, regardless of whether it is a type of record referenced in M.G.L. c. 6E, § 8(d), and regardless of whether it is a "public record" under M.G.L. c. 4, § 7, cl. 26.

SRO. A school resource officer as defined in 555 CMR 10.03(2).

SRO Certification. An initial specialized certification or recertification of an individual as a school resource officer pursuant to M.G.L. c. 6E, §

3(a) and 3(b), regardless of whether it is subject to any condition, limitation, restriction, or suspension.

Suspension. When referring to an officer certification or an SRO certification, a suspension of the certification, including an administrative suspension, pursuant to M.G.L. c. 6E, §§ 3, 9, and/or 10.

12.04: Agency Creation and Maintenance of Records

- (1) For each officer that an agency employs, the agency shall create and maintain:
 - (a) A record reflecting each of the following forms of personnel information:
 1. The date of hiring;
 2. The date of any separation from employment and the nature of any separation, including suspension, resignation, retirement or termination;
 3. The reason for any separation from employment, including whether the separation was based on misconduct or whether the separation occurred while the appointing agency was conducting an investigation of the individual for a violation of an appointing agency's rules, policies, procedures or for other misconduct or improper action; and
 4. Professional awards, achievements, and commendations;
 - (b) A record reflecting each of the following matters, with respect to officer certification:
 1. Information generated by any background check;
 2. Information resulting from any physical or psychological evaluation;
 3. A summary of any interview;
 4. Each response to any questionnaire question;
 5. Any agency determination of whether an individual possesses good moral character and fitness for employment in law enforcement;
 6. Any other determination of whether an individual satisfies a qualification for certification;
 7. Any letter of reference or endorsement;
 8. An officer's satisfaction or failure to satisfy the conditions attached to any conditional certification; and
 9. Any other information required by statute, regulation, or Commission policy related to certification.
 - (c) The following with respect to any SRO certification or service:
 1. A record reflecting each of the matters listed in 12.04(1)(b)1. through 9.
 2. Each memorandum of understanding, as defined in 555 CMR 10.03(2), that is required by law;
 3. Each set of operating procedures, as defined in 555 CMR 10.03(2), that is required by law; and
 4. A record of the officer's places and dates of assignment as an SRO;
 - (d) A record reflecting each type of complaint against, investigation of, and discipline of the officer, including each:
 1. Complaint against the officer;
 2. Investigation of the officer by an internal affairs unit, an internal review board, a civilian oversight board, or a comparable body;
 3. Arrest of the officer;
 4. Criminal prosecution against the officer;
 5. Civil action against the officer that is related to the officer's service in law enforcement;
 6. Investigation or inquest arising from a fatality and involving the officer;

7. Civil Service Commission proceeding involving any allegation that the officer engaged in misconduct;
 8. Written reprimand of the officer;
 9. Suspension of the officer's employment or order that the officer take a leave from employment; and
 10. Determination by a prosecutor's office's that the officer has engaged in, or has been accused of, misconduct that warrants not calling the officer as a witness in court or that must be disclosed to defendants;
- (e) A record reflecting all in-service training and retraining that the officer completed, and the officer's failure to complete any required in-service training or required retraining;
- (f) The following records concerning uses of force, injuries, and deaths:
1. All records, including all policies, procedures, forms, reports, statements, plans, communications, and notifications, that are required to be created pursuant to 555 CMR 6.00: *Use of Force by Law Enforcement Officers* or any Commission policy; and
 2. A record of each serious bodily injury and officer-involved injury or death, as those terms are defined in 555 CMR 6.03, regardless of whether the injury or death was suffered by an officer or a member of the public; and
 3. A record containing the full content of each report submitted to the National Use of Force Data Collection database maintained by the Federal Bureau of Investigation; and
- (g) All other records, or categories of records, designated by the Commission.
- (2) Each agency shall additionally maintain the following records:
- (a) Each record pertaining to a type of complaint against, investigation of, or discipline of an officer, including each type listed in 12.04(1)(d)1. through 10.;
 - (b) Each agency policy, as defined in 555 CMR 12.03;
 - (c) Each official communication by the agency to its personnel regarding its policies and applicable regulatory requirements;
 - (d) Each final and official annual report or periodic report for the agency or one of its units;
 - (e) Each final and official description of the duties, powers, and functions of the agency, or one of its units or members;
 - (f) Each contract to which the agency is a party;
 - (g) With respect to any audit, analysis, or evaluation of the agency's records, finances, budget, personnel, resources, performance, compliance with legal requirements, satisfaction of accreditation or other standards, by any internal or external auditor, analyst, evaluator, consultant, or accreditor:
 1. Each record exchanged between the agency and the auditor, analyst, evaluator, consultant, or accreditor; and
 2. Each final report resulting from the audit, analysis, or evaluation; and
 - (h) Any other records, or categories of records, designated by the Commission.
- (3) Each agency shall place an original or a copy of each record required to be maintained under 555 CMR 12.04(1) and 12.04(2)(a) within the relevant officer's personnel file, if practicable.
- (4) The Commission may require an agency to employ certain terminology regarding the disposition of complaints or other matters, or certain recordkeeping practices.
- (5) Each agency shall ensure that it fully complies with M.G.L. c. 149, § 52C.

- (6) Each agency shall ensure accuracy in representations made within agency records.

12.05: Agency Reporting of Information

- (1) Each agency shall report to the Commission regarding the following, without request, pursuant to 555 CMR 1.01 if that regulation is applicable, or otherwise immediately:
- (a) The satisfaction of conditions associated with a conditional officer certification or a conditional SRO certification;
 - (b) Each placement of an officer's name, or change of an officer's status or listing, on the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training;
 - (c) The arrest, lodging of any criminal charge, or disposition of any criminal charge against any agency member;
 - (d) The assertion and disposition of any claim against any agency personnel in a civil action that relates to the member's service in law enforcement;
 - (e) The completion of in-service training required of an officer whose officer certification or SRO certification has been administratively suspended pursuant to M.G.L. c. 6E, §§ 3 and/or 9;
 - (f) The satisfaction of conditions required of an officer whose officer certification or SRO certification has been suspended, restricted, or limited pursuant to M.G.L. c. 6E, §§ 3, 9, and/or 10;
 - (g) The completion of retraining required of an officer pursuant to M.G.L. c. 6E, §§ 3 and/or 10(d); and
 - (h) Each material change in any circumstances, condition, or matter that provided the foundation for:
 - 1. An agency recommendation that the Commission suspend or revoke an individual's officer certification or SRO certification, or order an individual to undergo retraining; and
 - 2. An action by the Commission or any part of the Commission to pursue a suspension or revocation of an individual's officer certification or SRO certification, or order that an individual undergo retraining.
- (2) Each agency shall additionally provide the following to the Commission, in accordance with Commission policy:
- (a) Records of completion of training by officers; and
 - (b) Any other records, or categories of records, designated by the Commission.
- (3) Each agency shall ensure accuracy in all representations it makes to the Commission.

12.05: Agency Liaison to Commission

- (1) Each agency shall designate one or more of its members to serve as a liaison to the Commission.
- (2) A liaison shall be responsible for taking the following steps, in accordance with Commission policy:
- (a) Providing the Commission with an email address that may be used for correspondence with the Commission, and regularly monitoring the mailbox associated with the address;
 - (b) Ensuring that the agency transmits information to the Commission;
 - (c) Receiving information from the Commission;
 - (d) Ensuring that Commission policies, notices, and communications are transmitted to appropriate agency members; and
 - (e) Any other steps required by the Commission or the agency.

12.06: Individual Maintenance and Reporting of Information

- (1) Each officer and each individual who possesses an officer certification shall:
- (a) Maintain all records listed in 555 CMR 12.04(1) that relate to, and come into the possession of, the officer;
 - (b) Provide the Commission, in accordance with its instructions, with an email address that the Commission may use to correspond with the officer, and regularly monitor the mailbox associated with the address for messages from the Commission;
 - (c) Provide the Commission, in accordance with its instructions, with the name and an email address of the head of the officer's collective bargaining unit, if any;
 - (d) Report to the Commission regarding each matter that is listed in 555 CMR 12.05(1) and relates to the officer, immediately and without request;
 - (e) Provide the Commission with records of completion of training in accordance with Commission policy;
 - (f) Ensure accuracy in all representations made:
 - 1. Within records related to the individual's service as an officer;
 - 2. To any appointing authority or employer of the officer; and
 - 3. To the Commission; and
 - (g) Take any other steps required by the Commission.

12.06: Procedures for Audits

- (1) The Division may, at any time, conduct an audit of the records referenced in M.G.L. c. 6E, § 8(d) or other records of an agency, an officer, or an individual who possesses an officer certification.
- (2) Steps that may be taken by the Division as part of an audit include the following, where not precluded by law:
- (a) Requiring an agency auditee to:
 - 1. Designate one or more members who have sufficient authority to ensure that required actions are taken and recommendations will be evaluated;
 - 2. Designate one or more members who will be available to take administrative steps that may be required as part of the audit;
 - 3. Direct agency personnel to comply with the audit;
 - 4. Provide any auditor with sufficient access to the agency head;
 - 5. Provide any auditor with sufficient access to agency records;
 - 6. Provide any auditor with materials or information that sufficiently explain the structure and operation of the agency's electronic and non-electronic recordkeeping systems;
 - 7. Provide any auditor with appropriate administrative and technical assistance;
 - 8. Provide records in a designated electronic or non-electronic format;
 - 9. Cooperate in developing an audit plan;
 - 10. Ensure that appropriate personnel complete training necessary for the audit to be effective;
 - 11. Provide written or unwritten responses to recommendations by an auditor;
 - 12. Create or contribute to creating, and follow, a plan for future action, based on the audit;
 - 13. Publicly disclose the findings of the audit; and
 - 14. Take steps following the conclusion of the audit, including filing reports with the Commission or complying with one or more subsequent audits.
 - (b) Requiring a member of an agency auditee to:
 - 1. Participate in a recorded or an unrecorded interview; and
 - 2. Complete a questionnaire or self-assessment;

- (c) Requiring an individual auditee to:
 1. Cooperate in developing an audit plan;
 2. Provide any auditor with sufficient access to records of the auditee;
 3. Participate in a recorded or an unrecorded interview;
 4. Complete a questionnaire or self-assessment;
 5. Provide written or unwritten responses to recommendations by an auditor;
 6. Create or contribute to creating, and follow, a plan for future action, based on the audit; and
 7. Take steps following the conclusion of the audit, including filing reports with the Commission or complying with one or more subsequent audits;
- (d) Reviewing any records referenced in 555 CMR 12.04 or other records;
- (e) Obtaining relevant information from individuals and entities other than the auditee;
- (f) Developing a plan for the auditee to follow, or a set of recommendations for the auditee, based on the audit;
- (g) Publicly disclosing the findings of the audit;
- (h) Executing a confidentiality agreement, or otherwise maintaining confidentiality, with respect to the auditee's records and/or aspects of the audit, to the extent confidentiality is not precluded by law;
- (i) Publicizing achievements and commendable practices by agencies and individuals, and offering information on such matters in informing others in law enforcement about best practices; and
- (j) Taking any other step that is consistent with the Commission's duties, powers, and functions, or with generally accepted government auditing standards.

12.07: Areas of Examination in Audits

- (1) In conducting an audit, the Division may examine any areas related to the Commission's statutory charge, including:
 - (a) Agency or individual functioning, generally or with respect to a particular matter, in the following areas:
 1. Recordkeeping or reporting of information, within the agency, to the Commission, and to other entities;
 2. Compliance with directives, sources of authority, policies, and standards related to law enforcement and agency management;
 3. The adequacy of investigations and determinations;
 4. Communication with agency personnel, the Commission, other authorities, complainants, victims, witnesses, and other members of the public;
 5. Other aspects of performance, including the sufficiency, fairness, soundness, timeliness, efficiency, and effectiveness of policies and activity;
 - (b) Substantive information that may warrant analysis or aid the Commission in developing or recommending policies or informing the public.
- (2) A Division audit may focus on subjects that are referenced in M.G.L. c. 6E, § 8(d) or are otherwise related to the Commission's statutory charge, including:
 - (a) Officer certification;
 - (b) SRO certification, activity, memoranda of understanding, and operating standards;
 - (c) Agency certification;
 - (d) Complaints, investigations, disciplinary matters, and misconduct involving officers, including conduct involving improper:
 1. Racial profiling or other forms of bias;
 2. Violence or dangerousness;
 3. Dishonesty;
 4. Nonintervention;

5. Harassment, intimidation, or retaliation;
 6. Unlawfulness or obstruction of justice; or
 7. Unprofessionalism;
- (e) In-service training and retraining;
- (f) Uses of force, crowd control, injuries, and deaths;
- (g) Other law enforcement activity;
- (h) The law concerning:
1. Public records, criminal record information, disclosure, and fair information practices;
 2. The handling of evidence that may be exculpatory or otherwise relevant with respect to a criminal matter;
 3. Other aspects of criminal procedure;
 4. Labor and employment; and
 5. Civil rights;
- (i) Patterns on the part of single individuals, multiple individuals within an agency, or multiple individuals in different agencies; and
- (j) Any other area relevant to the development of public policy or another matter of public interest.

12.08: Verification of Information

- (1) The Commission, where not otherwise precluded by law, may require any agency or officer to furnish a statement, including one under the pains and penalties of perjury, addressing one or more of the following:
- (a) Whether certain information in a record is accurate;
 - (b) Whether a record is authentic;
 - (c) Whether a record is a true and accurate copy of another;
 - (d) The contents or disposition of an original record;
 - (e) The circumstances surrounding the making of the record or similar records;
 - (f) Efforts made to locate a record;
 - (g) How records are kept and maintained; and
 - (h) Whether a record has certain characteristics that may have relevance to its authenticity or evidentiary admissibility.

12.09: Enforcement and Disciplinary Action

- (1) The Commission may refer information that it obtains through an audit to an appropriate government office for possible criminal or civil enforcement action, pursuant to M.G.L. c. 6E, 3(a) and 8(c)(2).
- (2) The Commission may take disciplinary action against an agency, an officer, or an individual who possesses an officer certification, pursuant to M.G.L. c. 6E, §§ 3(a), 4(f)(4), 5(c), 8, 9, and/or 10, provided other applicable provisions of M.G.L. c. 6E and 555 CMR are satisfied, based on the following:
- (a) A failure to comply with 555 CMR 12.00, or with a Commission audit or directive thereunder;
 - (b) A failure to be accurate in any recordkeeping or any representations to the Commission;
 - (c) Harassment, intimidation, or retaliation against any individual for taking any step, or interference with one's taking of any step, that is required by M.G.L. c. 6E, 555 CMR, the Commission, or a Commission audit; or
 - (d) Evidence of misconduct that is uncovered through a Commission audit.
- (3) The Commission may, by a vote taken in accordance with M.G.L. c. 6E, § 2(e), levy and collect assessments, fees, and fines, and impose penalties and sanctions against an agency, an officer, or an individual who possesses an officer certification, pursuant to M.G.L. c. 6E, § 3(a), based on a ground listed in 555 CMR 12.09(2)(a)-(d).

REGULATORY AUTHORITY

555 CMR 12.00: M.G.L. c. 6E, §§ 3(a), 8(d).