



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

December 16, 2024

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Eddy Chrispin

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

EXECUTIVE DIRECTOR

Enrique A. Zuniga

In accordance with [M.G.L. c. 30A, §§ 18-25](#), and [St. 2021, c. 20](#), as amended by [St. 2022, c. 22](#), by [St. 2022, c. 107](#), and by [St. 2023, c. 2](#), 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 #58

December 19, 2024

8:35 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 976 1949 0694

- 1) Call to Order
- 2) Approval of Minutes
 - a. November 21, 2024
- 3) Executive Director Report – Enrique A. Zuniga
 - a. Finance & Administrative Update – Eric Rebello-Pradas
 - i) FY26 Budget Development
 - ii) Diversity Update
- 4) Legal Update – Randall E. Ravitz, Annie E. Lee, and Elizabeth B. Smith
 - a. Recertification
 - i) Issues related to officers' physical fitness and behavioral health
 - b. Agency Certification Initiative
 - i) Discussion of draft standard on the use of force and reporting uses of force
 - ii) Discussion of draft standard on Officer Code of Conduct
- 5) Matters not anticipated by the Chair at the time of posting
- 6) Executive Session in accordance with the following:

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mass.gov/orgs/post-commission

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- M.G.L. c. 30A, § 21(a)(1), to discuss “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), to discuss 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, to discuss 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), to discuss and approve the minutes of a prior Executive Session.
- a. Suspension hearing in the matter of William Chu, Case No. 2024-040
 - b. Reports of Preliminary Inquiry in the following cases:
 - i) PI-2024-046
 - ii) PI-2023-011
 - iii) PI-2024-040
 - iv) PI-2024-002
 - v) PI-2024-050
 - c. Division of Standards request to enter into voluntary decertification or suspension agreement in the following cases:
 - i) PI-2023-12-19-003
 - d. Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
 - i) PI-2024-077
 - ii) PI-2024-078
 - iii) PI-2024-079
 - iv) PI-2024-080
 - e. Approval of the minutes of the Executive Session of November 21, 2024

Note that M.G.L. c. 66, § 6A(d) provides that “[a]n electronically produced document submitted to an agency . . . for use in deliberations by a public body shall be provided in an electronic format at the time of submission.”

2a.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Public Meeting Minutes
November 21, 2024
8:30 a.m.
Via Zoom

Documents Distributed in Advance of Meeting

- October 17, 2024, Public Meeting Minutes
- Executive Director Report
- Copies of an excerpt from 555 CMR 1.01(1), showing corrections and current text
- Memo concerning certain policy questions related to determinations of character and fitness for recertification
- Document containing definitions of “credible” and “substantiate”
- Memo concerning the law surrounding physical fitness and behavioral health, and certain policy questions
- Memo on a draft agency certification standard regarding an officer code of conduct
- Draft agency certification standard regarding an officer code of conduct

Commissioners In Attendance

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

1. Call to Order

- The meeting began at 8:32 a.m.
- Chair Hinkle took a roll call of the Commissioners present. The roll call proceeded as follows:
 - Commissioner Baker – Present
 - Commissioner Bluestone – Present
 - Commissioner Calderone – Present
 - Commissioner Chrispin – Present
 - Commissioner Hall – Present
 - Commissioner Kazarosian – Present
 - Commissioner Talley – Present
- Chair Hinkle noted that Commissioner Luma would be present for this meeting and would join shortly.

2. Approval of Minutes

- Chair Hinkle asked for a motion to approve the October 17, 2024, minutes. There was a motion by Commissioner Kazarosian, seconded by Commissioner Baker.
- The Commissioners voted to approve the October 2024 public meeting minutes as follows:

- Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Talley – Yes
 - The minutes were approved.
- 3. Executive Director Report – Enrique A. Zuniga**
- Executive Director Zuniga began his report by acknowledging the recent passing of Lieutenant Scott Carroll of the Malden Police Department.
 - He added that, moving forward, fallen officers will be acknowledged in public meetings.
 - Executive Director Zuniga began with an update on reports due to POST.
 - Commission staff continue to use the portal to interact with agencies to close overdue complaints, Executive Director Zuniga stated.
 - He reported that as of last week there were only 14 agencies with overdue complaints.
 - 11 of these agencies had only one case pending, which was a significant decrease since the last report.
 - He acknowledged the hard work of agencies and the Commission’s intake coordinators in following up on the outstanding complaints.
 - He reported on another category of cases in which the internal affairs investigation concluded with at least one sustained allegation, but discipline was not yet imposed.
 - In most cases, the officer may be out on administrative leave pending discipline.
 - Executive Director Zuniga reported there were 56 closed cases pending discipline across 13 agencies.
 - The Boston Police Department was an outlier, accounting for more than half of the 56 cases.
 - The Boston Police Department took an average of 110 days to impose discipline. All other agencies took an average of 61 days.
 - He postulated that the Boston Police Department’s number of cases may have been due to a backlog of cases and cases going through the arbitration process.
 - Executive Director Zuniga reminded agencies that they have the ability to correct or update discipline records if they are appealed or reversed.
 - Executive Director Zuniga provided an update on a project to collect and publish data on letters of commendation.
 - The regulations in 555 CMR 8.06(3)(a)(5) provide that the public database shall make commendations received by the officer in connection with the officer’s service in law enforcement available to the public.
 - This project is consistent with the Commission's mission to enhance public confidence in law enforcement.
 - While the Commission does not have commendation letter information yet, it will be collected through the agency portal in the same manner as officer disciplinary record information.

- Executive Director Zuniga provided a brief update on the physical health and fitness project.
 - On October 18, 2024, the Commission led an in-person panel discussion on physical health and fitness.
 - International subject matter experts and researchers in the area of physical fitness convened to discuss this topic.
 - He stated his belief that the Commission plays an important role in improving officer health and wellness.
 - He thanked Paralegal Elizabeth B. (Lizzie) Smith and physical fitness and human performance expert Joe Dulla for putting the event together.
 - Two key takeaways from the panel were:
 - There is a lot of documented evidence supporting the idea that officers come into the profession with better health and fitness than the general population. However, officers tend to leave the profession comparatively less physically fit than the general population.
 - Officers with lower fitness levels are more likely to use force that is disproportionate to what the situation requires.
- Executive Director Zuniga then ended his presentation, and Chair Hinkle introduced General Counsel Ravitz for the legal update.

4. Legal Update – Randall E. Ravitz, Pauline Nguyen, Elizabeth B. Smith, and Annie E. Lee

- General Counsel Ravitz began by sharing that he had three updates regarding regulations. He stated as follows.
 - First, 555 CMR 1.01, which concerns the transmittal of complaints by law enforcement agencies to the Commission, was updated to resolve errors which were not attributable to the Commission or its counsel.
 - The updated version of 555 CMR 1.01 can be found on the main Commonwealth website.
 - The second update concerned regulations regarding the maintenance, reporting, and audits of law enforcement records and information, which the Commission voted to promulgate as 555 CMR 12.00.
 - Those regulations were published in the Massachusetts Register and became effective on November 8, 2024. They can be found on the Commission’s website as well as the main Commonwealth website.
 - The third update concerned the Municipal Police Training Committee’s (MPTC) regulations regarding requirements for law enforcement officer training.
 - He stated that the MPTC was in the process of revising those regulations, and that more information about that process would be provided moving forward.
- General Counsel Ravitz then turned the floor over to Deputy General Counsel Nguyen, for her update on the recertification process.
- Deputy General Counsel Nguyen shared a PowerPoint presentation and began a discussion on the requirement that an officer must possess good moral character and be fit for employment in law enforcement.
- She stated that her discussion regarded two questions that were presented at the previous Commission meeting. She continued as follows.

- The first question before the Commission was whether to use the term “credible allegations” or “substantiated allegations” when evaluating an officer’s character and fitness. She provided the following information to help the discussion on the matter.
 - Within the regulations are standards to be used when evaluating an officer’s character and fitness.
 - Additionally, there is a list of the types of information an agency may consider when doing this assessment.
 - The list is non-exhaustive and demonstrates that such an evaluation requires a consideration of the totality of the circumstances.
 - The Commission’s guidance clarifies that “[a] ‘credible report’ is one that is capable of being believed by a reasonable person and is not based solely on speculation or conjecture.”
 - Black Law’s Dictionary defines substantiate as “[t]o establish the existence or truth of (a fact, etc.), esp. by competent evidence; to verify.” SUBSTANTIATE, Black’s Law Dictionary (12th ed. 2024).
- Deputy General Counsel Nguyen then gave the floor back to Chair Hinkle for a discussion on the topic.
- Chair Hinkle asked if there were any questions or comments.
- Commissioner Calderone then restated his position from the previous Commission meeting. His position was that various law enforcement organizations that made comments at the subcommittee meetings, the people he represented, and he himself preferred the term “substantiate.”
- He continued by stating that he believed evidence should be as factual as possible and verified, and credible just does not suggest equal treatment to those involved.
- Commissioner Kazarosian reiterated that the credibility standard is not dispositive but allows investigations to move forward and gather additional information. She emphasized that credible complaints enable the process to begin, allowing for substantiating evidence to be collected later.
- She cautioned that requiring substantiation at the outset could unnecessarily limit the number of complaints that proceed to investigation.
- Commissioner Chrispin agreed in part with Commissioner Kazarosian but noted that some individuals who initially appear credible may not maintain that credibility under further questioning.
- He stated that he supported the term “substantiated,” as he felt it would ensure thorough and fair investigations.
- Commissioner Hall raised concerns about the impact of requiring substantiation on victims of trauma, such as survivors of sexual assault. She explained that these individuals may find the process of reporting intimidating and that their accounts may change due to trauma, not dishonesty.
- Hall supported the term “credible,” as it provided an opportunity for further investigation without deterring victims from coming forward.
- Commissioner Baker agreed with the previous statement made by Commissioner Chrispin. He stated that most police departments, including his, accept anonymous complaints, which are followed by thorough investigations.

- He emphasized that, even in cases where complaints are submitted anonymously or without immediate verification, investigators must ask questions and gather additional evidence to ensure fairness and thoroughness in the investigative process.
- At 9:02 AM, Commissioner Luma joined the meeting.
- Commissioner Kazarosian clarified that credible allegations initiate the investigative process, allowing for further questioning and evidence collection.
- She stated that substantiation occurs later and warned that if the process started with substantiation, it could exclude many valid complaints from review, which she deemed a serious mistake.
- Commissioner Calderone disagreed with Commissioner Kazarosian. He stated that both credible and substantiated allegations initiated the investigative process and could lead to outcomes such as decertification.
- He continued by stating that fairness required more than just a credible complaint and stressed the need for verification before proceeding with serious consequences.
- He expressed concerns about the subjectivity involved in determining credibility, and he argued that substantiation is a more reliable standard for initiating investigations.
- Commissioner Chrispin acknowledged the points raised by Commissioner Hall and Commissioner Kazarosian, emphasizing that he did not want to present the discussion as split between law enforcement and non-law enforcement perspectives.
- He recognized the flaws in the system but noted that various measures are now in place to ensure that complaints are heard and investigated, such as through the Office of Police Accountability and Transparency.
- Commissioner Chrispin then reflected on his experience in internal affairs, where initial complaints sometimes seemed shocking, only for further investigation or video evidence to discredit the complaint.
- Commissioner Bluestone emphasized the need to balance the risks of false positives and false negatives. She argued that excluding credible complaints from investigation could prevent serious issues from being addressed.
- Commissioner Bluestone highlighted that, while some credible complaints might not be substantiated, they still warrant investigation to ensure no misconduct goes unexamined.
- Commissioner Luma expressed the need for a mechanism that effectively addresses public complaints, acknowledging the difficulty in substantiating them.
- Chair Hinkle asked General Counsel Ravitz and Deputy General Counsel Nguyen what they were anticipating the Commission do that day.
- Deputy General Counsel Nguyen stated that it would be helpful if there was a vote, but that she deferred to the Chair.
- Chair Hinkle stated that the Commissioners were clearly split on the issue and that she was trying to think of a way to proceed.
- Executive Director Zuniga stated that he felt a vote on the matter would be best, but that, if the Commissioners agreed, more options on how to tackle the matter could be discussed.
- Commissioner Kazarosian suggested that the terms “trustworthy” or “reliable” be used as potential compromise terms. Additionally, she suggested “sustainable,” as she felt that term would suggest a higher standard, but not as high as “substantiated.”

- Executive Director Zuniga highlighted the importance of considering trends, such as multiple credible but unsubstantiated complaints, as part of the evaluation process.
- Commissioner Chrispin addressed concerns regarding historical barriers to filing police misconduct complaints and emphasized that the current system ensures all complaints are investigated.
- Commissioner Talley suggested that using terms like “verified” or “confirmed” instead of “substantiated” might be more agreeable.
- Commissioner Calderone emphasized that the recertification process should rely on “substantiated” complaints and cautioned against subjective evaluations.
- Commissioner Kazarosian restated her suggestion of using a term like “sustainable” or “supportable.”
- Commissioner Bluestone stated that, of the options presented by Commissioner Kazarosian, she preferred the term “supportable.”
- Chair Hinkle asked the Commissioners whether they should move forward with a vote between “substantiated” and “credible.”
- The Commissioners responded as follows.
 - Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chrispin – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Luma – No
 - Commissioner Talley – Yes
 - The response from the Commissioners was in favor of moving forward with a vote.
- Chair Hinkle asked for clarification regarding the nature of the motion and vote before the Commission.
- Commissioner Calderone made a motion to choose between the two words for recertification, “credible” or “substantiated.”
- Chair Hinkle asked if there was a second to that motion. Commissioner Chrispin seconded the motion.
- Chair Hinkle asked if there were any further comments, and Commissioner Kazarosian asked whether she could make an amendment to the motion. Commissioner Calderone stated that he was against that.
- Commissioner Bluestone asked for Chair Hinkle’s opinion on whether they should accept the amendment.
- Chair Hinkle stated that they would move forward and take a vote on whether to use the term “substantiated” or “credible,” as was proposed by Commissioner Calderone.
- Chair Hinkle took a roll call vote on the motion. The Commissioners voted as follows.
 - Commissioner Baker – Substantiated
 - Commissioner Bluestone – Credible
 - Commissioner Calderone – Substantiated
 - Commissioner Chrispin – Substantiated
 - Commissioner Hall – Credible
 - Commissioner Kazarosian – Credible

- Commissioner Luma – Credible
- Commissioner Talley – Substantiated
- Chair Hinkle – Credible
- The motion carried in favor of the term “credible” over “substantiated.”
- Chair Hinkle thanked the Commissioners for participating in the discussion. She then turned the floor back to Deputy General Counsel Nguyen.
- Deputy General Counsel Nguyen shared a PowerPoint presentation, and introduced her second policy question, which was whether to require an appointing authority to provide a written explanation for a positive attestation, and if so, in which circumstances.
- She then provided further information to aid the discussion on the decision.
- Deputy General Counsel Nguyen then turned the floor back over to Chair Hinkle who asked for comments from the Commissioners.
- Commissioner Baker stated that he did not believe the matter was ready for a vote. He emphasized the administrative burden that could be imposed on police chiefs and called for a more thorough discussion.
- Commissioner Bluestone and Commissioner Chrispin agreed with the points raised by Commissioner Baker.
- Chair Hinkle asked Deputy General Counsel Nguyen what she was expecting the Commission to do at that time.
- Deputy General Counsel Nguyen then proposed options for how the Commission should move forward.
- Chair Hinkle asked the Commissioners whether there was any reason why they should not take up whether they wanted positive attestations at that time.
- Commissioner Chrispin stated that he agreed with requiring positive attestations in the case of misconduct but cautioned against a wholesale approach.
- Commissioner Bluestone made a motion to take a vote on whether to endorse positive attestations. Commissioner Hall seconded the motion.
- Commissioner Chrispin asked whether they were voting on attestations for every single police officer or only under certain circumstances.
- Chair Hinkle stated that she believed the motion was whether to endorse positive attestations. Commissioner Bluestone stated that that was correct.
- Commissioner Chrispin stated that he was still unsure of what they were voting on. Commissioner Bluestone stated that she was proposing whether to endorse requiring positive attestations at all.
- Commissioner Chrispin stated that he would be in support of it if it were more specific. Commissioner Baker agreed with Commissioner Chrispin.
- Commissioner Bluestone clarified her motion. She stated that a yes vote would mean that they would have further discussions regarding positive attestations, while a no vote would mean that they would not consider positive attestations at that time.
- Deputy General Counsel Nguyen stated that any changes to regulations, including maintaining the current rules or proposing new language, would go through the public comment process.
- Commissioner Calderone stated that he was under the impression that a vote on this matter would not be able to be revisited.

- Executive Director Zuniga clarified that this vote would start the process and that the proposed regulations would still be voted on.
- Commissioner Calderone asked how the Commission would restart the discussion if a no vote occurred.
- Outside Counsel Lon Povich clarified that a vote at that stage only determined what would go out for public comment, and that the final decision would be made after reviewing the feedback, not immediately.
- Commissioner Calderone stated that he understood.
- Commissioner Baker asked whether a yes vote would then require chiefs to do positive attestations, possibly for every officer.
- Executive Director Zuniga stated that a yes vote meant that they were open to some kind of positive attestation.
- Commissioner Baker thanked Executive Director Zuniga for the clarification.
- The Chair then took a roll call vote on the motion proposed by Commissioner Bluestone. The Commissioners voted as follows.
 - Commissioner Baker – No
 - Commissioner Bluestone – No
 - Commissioner Calderone – No
 - Commissioner Chrispin – Yes
 - Commissioner Hall – No
 - Commissioner Kazarosian – No
 - Commissioner Luma – No
 - Commissioner Talley – No
 - Chair Hinkle – No
- The Commissioners voted to not endorse the idea of positive attestations at that time.
- Chair Hinkle then turned the floor back over to General Counsel Ravitz, who then introduced Counsel Lee, who gave a presentation on the physical fitness and behavioral health of law enforcement officers.
- Counsel Lee shared a PowerPoint presentation and stated that she and Paralegal Elizabeth Smith would be discussing four topics related to the physical fitness and behavioral health of law enforcement officers.
- These topics included the Commission’s governing law, related law in the Commonwealth, law in other jurisdictions, and key policy questions for consideration.
- Counsel Lee began her presentation and stated the following.
 - The Commission’s enabling statute states that the Commission “shall not recertify any person as a law enforcement officer unless the [C]ommission certifies that the applicant for recertification continues to satisfy the requirements of subsection (f).”
 - Subsection (f) establishes minimum certification standards for officers, and it includes the “successful completion of a physical and psychological fitness evaluation by the [C]ommission.”
 - The Commission has the discretion to determine what that evaluation may entail.
 - In the past, the Commission stated that this standard would be met if the officer successfully completed a physical and psychological fitness evaluation at some point, regardless of how recent the evaluation was.

- However, this plan was intended to only last through the first recertification cycle. That cycle ended in July 2024.
- In the Commonwealth, the Human Resources Division requires that Civil Service officers undergo in-service, medical and physical fitness exams no less frequently than once every 4 years. This standard has not been enforced.
- In the police reform bill that created the Commission, the legislature called on the MPTC to develop curriculum on mental wellness and suicide prevention.
- Counsel Lee then introduced Paralegal Smith, who discussed the work that other states have done in relation to physical and behavioral health requirements.
- Paralegal Smith continued as follows.
 - New Hampshire and Texas solely require a physical fitness test. New Hampshire requires that a fitness standard be met every three years but allows for the opportunity of retesting if an officer fails to pass the evaluation.
 - Within Texas, agencies have more discretion to develop physical fitness programs and standards. Officers that meet those standards are rewarded with a certain amount of administrative leave.
 - Connecticut and Missouri have behavioral health requirements.
 - Connecticut requires a behavioral health assessment at least once every 5 years, and the assessments consist of mental wellness checks with a board-certified mental health professional.
 - Missouri, like Connecticut, requires that all officers meet with program service providers once every 3 to 5 years for a mental health check-in.
 - Nevada and Illinois require an annual behavioral wellness evaluation.
 - Maryland has both physical fitness and behavioral health standards. Paralegal Smith went into details regarding what these standards entail.
- Paralegal Smith thanked the Commission for the opportunity to present and turned to Counsel Lee to wrap up their presentation.
- Counsel Lee then brought two policy questions before the Commission.
- The first question was whether the Commission should continue with the approach they used in the first recertification cycle.
- The second question, if the Commission decided to move away from that approach, was how, if at all, physical fitness and behavioral health requirements for recertification should differ from the requirements of the initial certification.
- Counsel Lee then asked Chair Hinkle if it would be helpful for her to provide a recommendation, or if the Commissioners would like to discuss the topic further.
- Chair Hinkle suggested that the Commissioners have the opportunity to ask questions or make comments on the materials that she provided.
- Executive Director Zuniga highlighted a comment within the meeting chat which stated that New Hampshire has a mandatory retirement age, which is not the case for many communities within Massachusetts.
- Commissioner Talley inquired about studies comparing initial and subsequent health and fitness evaluations for officers.
- Counsel Lee noted research indicating a decline in physical fitness over an officer's career, attributed to the sedentary nature of the job despite occasional physical demands.
- Paralegal Smith then offered to investigate further and provide updates on the relationship between periodic fitness testing and changes in officers' health.

- Commissioner Baker inquired about funding for officer wellness and fitness programs in other states and raised concerns about implementing unfunded mandates in the Commonwealth. He emphasized the importance of securing funding and considering collective bargaining implications.
- Paralegal Smith explained that funding structures varied by state and offered to research both funding mechanisms and the role of collective bargaining agreements in these programs.
- Commissioner Chrispin highlighted the need to address police officers' health and wellness, noting the lower life expectancy associated with the profession due to job-related stress.
- He emphasized the importance of sustained physical and mental health initiatives, raising concerns about the effectiveness of current fitness standards and suggesting a reevaluation of the mandatory retirement age.
- Commissioner Bluestone clarified that the Commission never formally adopted a "one and done" approach for evaluations, viewing the initial standards as a starting point. She stressed the importance of participation-based wellness programs that ensure confidentiality.
- Commissioner Bluestone highlighted the success of programs embedding mental health professionals in law enforcement settings, such as co-responder models and peer support networks, which have proven highly effective in the Commonwealth.
- Chair Hinkle then turned back to Counsel Lee.
- Counsel Lee stated that it would be helpful to have an informal vote on what the requirement should be moving forward.
- Chair Hinkle stated that she felt she needed more questions answered before making a decision. Specifically, she drew attention to Commissioner Baker's comment regarding funding.
- Counsel Lee stated that she has had ongoing discussions with the MPTC about those issues.
- Counsel Lee suggested requiring annual physicals as preventive care covered by health insurance and leveraging MPTC wellness training to educate officers on behavioral health.
- She noted that a survey was sent to agency chiefs and would be extended to labor unions to gather input on current practices and potential improvements for physical and behavioral health evaluations, with results to be presented in a future meeting.
- Chair Hinkle thanked Counsel Lee, and all of those who presented, for their presentations. She then turned the floor back to General Counsel Ravitz.
- General Counsel Ravitz stated that the staff would not be presenting on the agency certification initiative that day, but that they did expect to discuss that matter at a future meeting.
- General Counsel Ravitz then thanked Deputy General Counsel Nguyen, Counsel Lee, and Paralegal Smith on their thoughtful presentations. Chair Hinkle seconded that appreciation and thanked General Counsel Ravitz.

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 the posting of the meeting notice.

8. 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; 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 the prior executive session; and M.G.L. c. 30A, § 21(a)(3) in anticipation of a strategy discussion with respect to litigation in the matter of the case pending before the Suffolk County Superior Court.
- The Chair took a roll call vote to enter executive session. The Commissioners voted as follows.
 - Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chrispin – 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.
- Executive Director Zuniga reminded the public that they can send comments and find contact information through the POST Commission website.
- The Chair thanked the public, and the public meeting was adjourned at 10:25 a.m.

3.



Executive Director Report

December 19, 2024



Agenda

1. Major Milestones 2024
2. Major Projects & Initiatives for 2025
3. Finance & Administrative Update



Major Milestones of 2024

- Continued Agency Growth
 - Welcomed Commissioner Eddy Chrispin
 - Hired and on-boarded 12 new employees
- Processed ~5,951 new and recertification applications
 - 2,193 Academy Graduates
 - Enhanced reporting, history tracking, analytics
- Held 7 meetings of the subcommittee on certification
 - Character & Fitness
 - Physical Fitness and Behavioral Health
- New website www.mapostcommission.gov
 - Average usage prior website: 8,500 sessions/month
 - Average usage second ½ 2024: 39,000 sessions/month



Major Milestones of 2024

- Rolled out portal early 2024
 - Continued enhancements to technology solution
- Migrated, updated and released most records submitted during 2023 into Portal (2023 Catch-up project)
- Moving to Monthly Releases of Disciplinary Records
 - ~8,200 allegations (4,636 last year)
 - Issued 8 releases (January – November 2024); Continue updating and reconciling HDR



Major Milestones of 2024

- Promulgated Auditing Regulations (at 7 public meetings and 1 public hearing)
- Multiple draft regulations, standards & internal advisories
- Began Agency Certification process
 - Research and discussion with interested parties
 - Presentations and discussion with Commission
- Continued Implementing Internal Procedures
 - Internal Control Certification, staff training, documenting policies & procedures (SOP's), Internal Legal Advisories, public records requests (increase of 56% compared to 2023)



Major Milestones of 2024

- Presented 152 instances of disciplinary cases to the Commission (in Executive Session)
- Issued and published 52 Decisions & Orders (compared to 19 in 2023)
 - Concluded disciplinary proceedings for 35 individuals
- Conducted 4 hearings and 22 pre-hearings (3X 2023)
- Received & responded to ~30 new complaints weekly
- Received and processed ~10 new weekly reports/complaints from Agencies



Major Projects & Initiatives for 2025

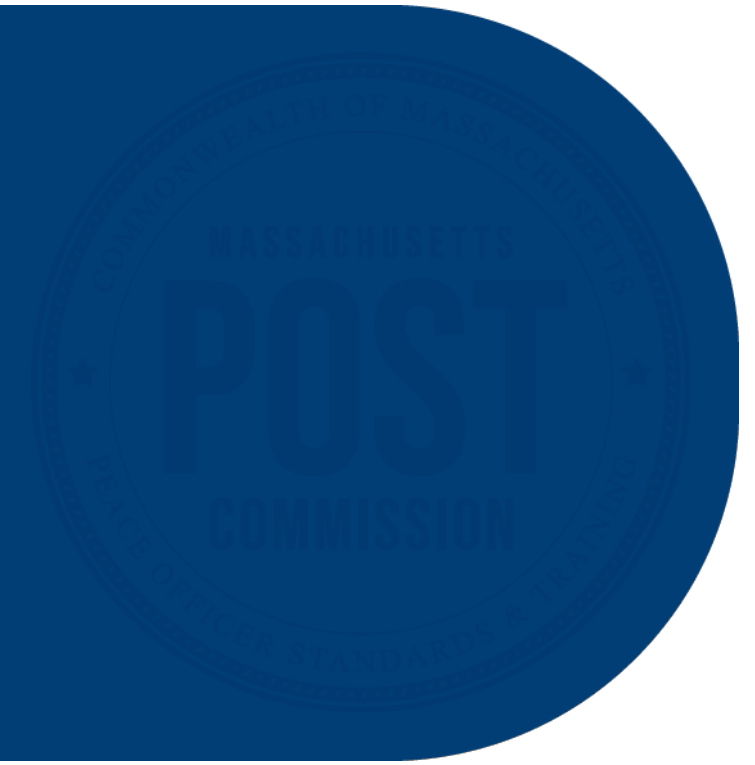
- Increasing DOS Disciplinary Cases
 - Currently 77 open cases
 - Closed 78 cases since opening (November 2022)
 - New cases presented for PI approval every month
- Agency Certification Standards & Regulations
- Use of Force Form & Reporting
- Business Intelligence tool for enhanced reporting & analytics
- Letters of Commendation



Major Projects & Initiatives for 2025

- Enhance quality of Disciplinary Records data
- Increase effort of communicating with and educating agencies regarding information due to POST
 - Additional detail on “minor matters”
- Certification, New Process & Regulations
- Plan & Develop LEA Audit Program
 - Develop & communicate audit plan
 - Perform analytics to target audits
 - 2 prong approach: Education & Compliance

Finance & Administrative Update



FY26 Budget Development



PST 0800-0000

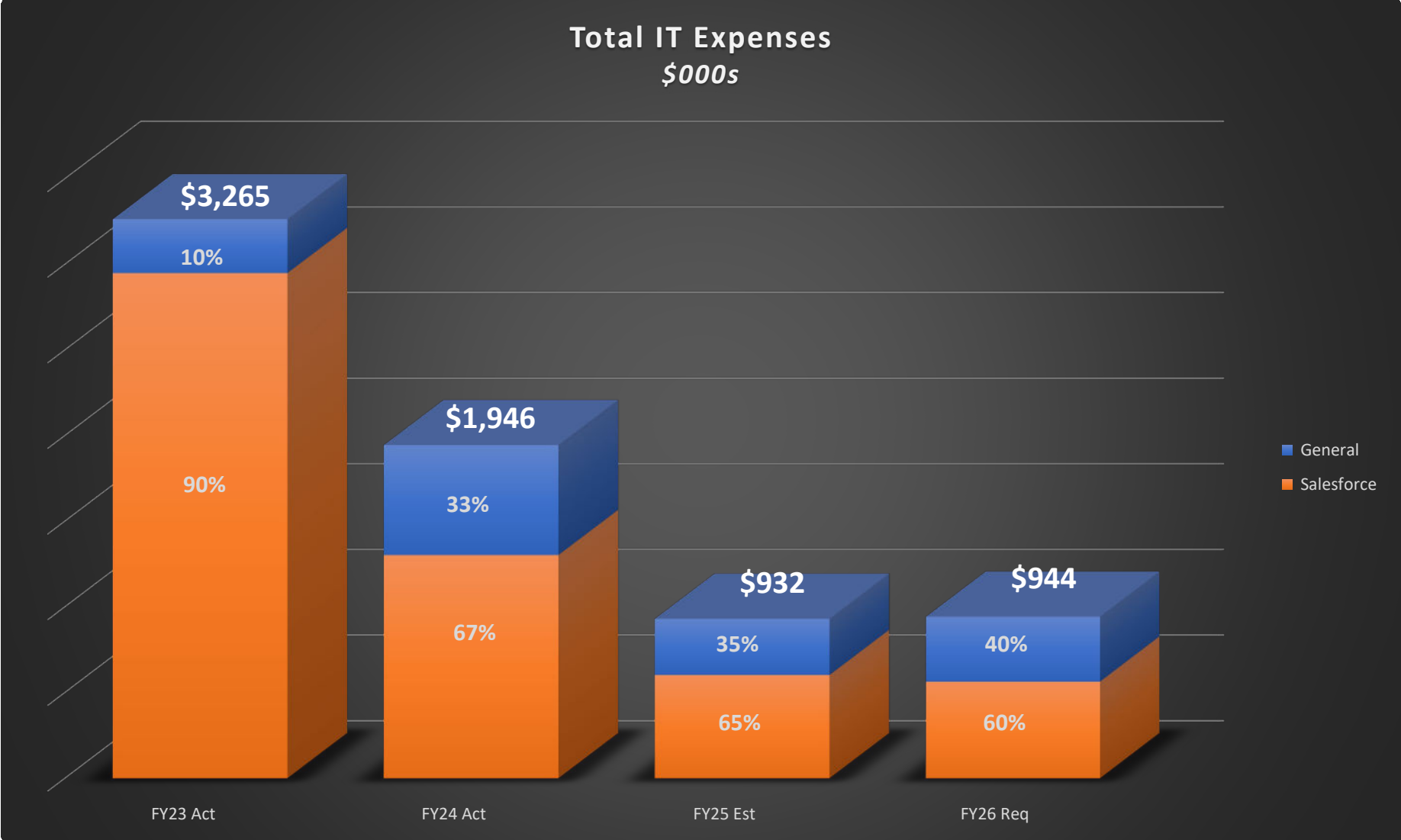
| Object Code Description | FY25 FIN SP | FY26 PST CHG1 | FY26 PST CHG2 | FY26 REQ |
|--|------------------|------------------|----------------|------------------|
| EMPLOYEE COMPENSATION (AA) TOTAL | 6,407,238 | 0 | 637,444 | 7,044,682 |
| EMPLOYEE TRAVEL (BB) TOTAL | 25,000 | 0 | 0 | 25,000 |
| CONTRACT EMPLOYEES (CC) TOTAL | 130,800 | 0 | 0 | 130,800 |
| PAYROLL TAX/FRINGE (DD) TOTAL | 127,225 | 0 | 1,933 | 129,159 |
| OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL | 201,531 | 0 | 16,527 | 218,058 |
| FACILITY OPERATIONS (FF) TOTAL | 40,000 | 0 | 2,000 | 42,000 |
| OFFICE SPACE LEASE (GG) TOTAL | 631,157 | 0 | 8,009 | 639,166 |
| CONSULTANTS/LLEGAL SERVICES (HH) TOTAL | 151,840 | 0 | (19,000) | 132,840 |
| SUPPORT/AUXILIARY SERVICES (JJ) TOTAL | 73,707 | 0 | (8,707) | 65,000 |
| OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL | 3,000 | 0 | 0 | 3,000 |
| OFFICE EQUIPMENT LEASE (LL) TOTAL | 4,264 | 0 | 0 | 4,264 |
| OFFICE MAINTENANCE/REPAIRS (NN) TOTAL | 20,000 | (4,860) | 100,460 | 115,600 |
| OBJECT CLASS TT TOTALS | 0 | 0 | 0 | 0 |
| INFORMATION TECHNOLOGY (UU) TOTAL | 931,714 | (134,060) | 146,200 | 943,854 |
| Grand Total : | 8,747,476 | (138,920) | 884,866 | 9,493,422 |

FY26 Budget Development



| Payroll Break-Out | |
|-----------------------------|--------------------|
| FY25 Total | \$6,407,238 |
| 9 Commissioners | \$404,894 |
| 53 Employees | \$6,223,243 |
| 6 Hearing Officers | \$60,000 |
| Forecasted Savings | (\$280,899) |
| FY26 Total Increment | \$637,444 |
| Commissioner COLA | \$12,147 |
| Add'l 7 Employees | \$731,000 |
| Employee COLA x 53 | \$186,697 |
| Forecasted Savings | (\$292,400) |
| Grand Total | \$7,044,682 |

FY26 Budget Development



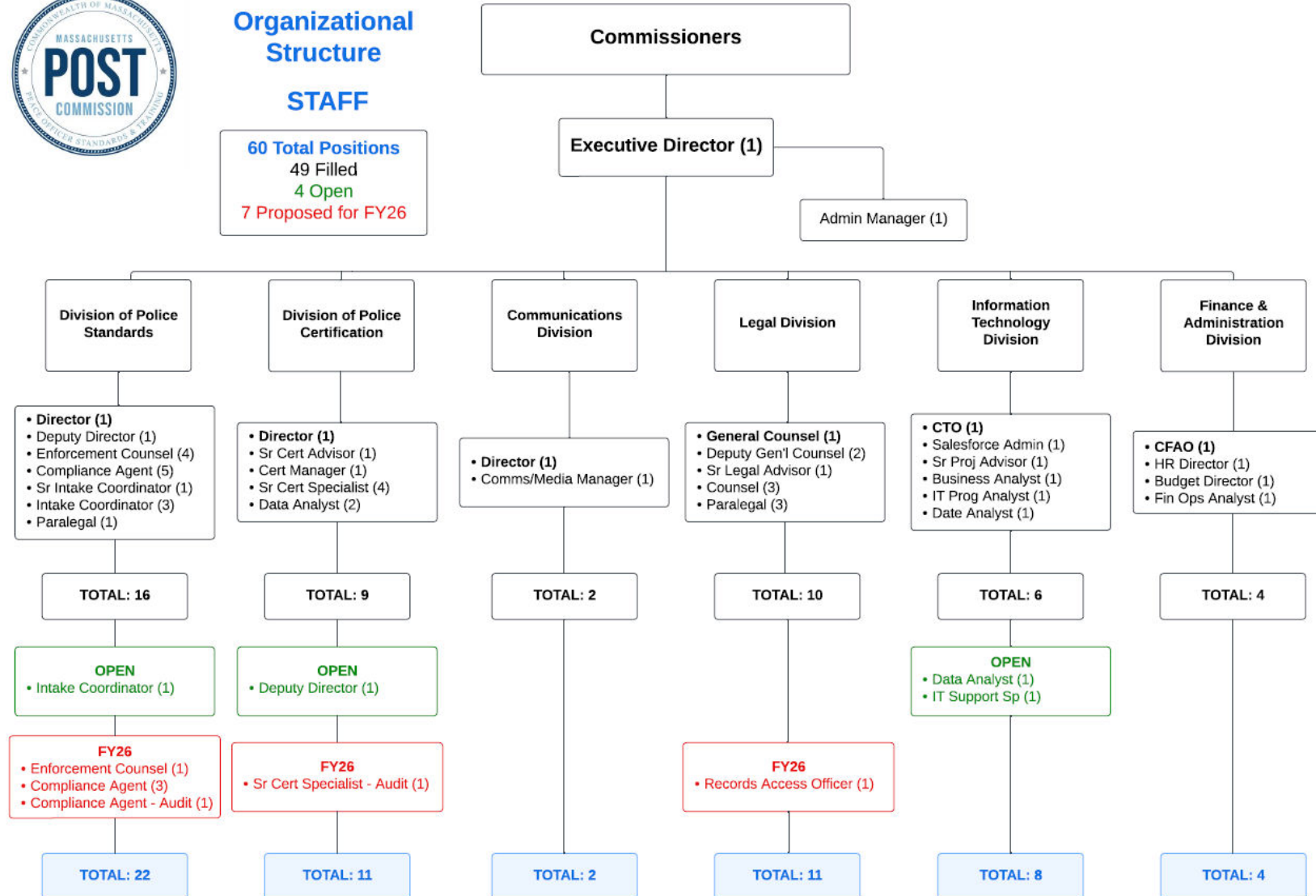
FY26 Budget Development



Organizational Structure

STAFF

60 Total Positions
49 Filled
4 Open
7 Proposed for FY26



Diversity Update



Diversity Metrics

| Demographic | Statewide Population* | POST | | | State Employees** |
|---|-----------------------|-------|----------------|-------|-------------------|
| | | ALL | Hiring Process | SFI | |
| American Indian or Native Alaskan | 0.6% | 0.0% | 0.0% | 0.0% | 0.2% |
| Asian | 7.9% | 9.2% | 12.8% | 0.0% | 4.7% |
| Black or African American | 9.6% | 13.8% | 8.5% | 31.3% | 18.3% |
| Hispanic or Latino | 13.5% | 6.2% | 4.3% | 6.3% | 9.8% |
| Native Hawaiian or Other Pacific Islander | 0.1% | 0.0% | 0.0% | 0.0% | 0.1% |
| White | 79.0% | 70.8% | 74.5% | 62.5% | 61.4% |
| Two or More Races | 2.8% | 3.1% | 2.1% | 0.0% | 1.0% |
| Female | 51.1% | 47.7% | 48.9% | 37.5% | 54.3% |
| Veterans | 3.8% | 9.2% | 4.3% | 6.3% | 3.5% |
| Disability | 8.1% | 1.5% | 2.1% | 0.0% | 3.9% |

*As reported by the U.S. Census Bureau; Estimates as of 7/1/2023 (updated 12/11/2024)

**As reported by the Office of Diversity and Equal Opportunity; Figures as of FY25 Q1



Massachusetts Peace Officer Standards & Training
POSTC-comments@mass.gov
www.mapostcommission.gov
617-701-8401



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

TO: Commissioners
FROM: Finance & Administration
CC: Enrique Zuniga
DATE: December 19, 2024
RE: FY26 Budget Development

Working closely with the Commission's division heads, executive director, as well as Chair Hinkle and Treasurer Luma, F&A submitted a preliminary FY26 operating budget request to ANF on October 30th. The budget numbers will be presented to you during today's 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 22nd. 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 today.

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.

Table 1 illustrates the Commission's build-up to its FY26 request by starting with the FY25 Spending Plan, backing out the \$139K in one-time spending, and netting various additions and savings equaling \$885K.

Removing the one-time spending brings the starting total down to \$8.6 million. This is the amount ANF would use as our base for FY26. After adding in the net amount of \$885K, POST's total requested budget for FY26 is \$9.5 million. This figure represents **10.3% growth** above the base, or **8.5% growth** from the prior year's total spending plan.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

Table 1.

PST 0800-0000

| Object Code Description | FY25 FIN SP | FY26 PST CHG1 | FY26 PST CHG2 | FY26 REQ |
|---|------------------|------------------|----------------|------------------|
| EMPLOYEE COMPENSATION (AA) TOTAL | 6,407,238 | 0 | 637,444 | 7,044,682 |
| EMPLOYEE TRAVEL (BB) TOTAL | 25,000 | 0 | 0 | 25,000 |
| CONTRACT EMPLOYEES (CC) TOTAL | 130,800 | 0 | 0 | 130,800 |
| PAYROLL TAX/FRINGE (DD) TOTAL | 127,225 | 0 | 1,933 | 129,159 |
| OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS (EE) TOTAL | 201,531 | 0 | 16,527 | 218,058 |
| FACILITY OPERATIONS (FF) TOTAL | 40,000 | 0 | 2,000 | 42,000 |
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| OFFICE FURNITURE/FIXTURES/EQUIPMENT (KK) TOTAL | 3,000 | 0 | 0 | 3,000 |
| OFFICE EQUIPMENT LEASE (LL) TOTAL | 4,264 | 0 | 0 | 4,264 |
| OFFICE MAINTENANCE/REPAIRS (NN) TOTAL | 20,000 | (4,860) | 100,460 | 115,600 |
| OBJECT CLASS TT TOTALS | 0 | 0 | 0 | 0 |
| INFORMATION TECHNOLOGY (UU) TOTAL | 931,714 | (134,060) | 146,200 | 943,854 |
| Grand Total : | 8,747,476 | (138,920) | 884,866 | 9,493,422 |

Payroll

We currently have a staff of 49. POST is still targeting a total of 53 positions by the end of FY25. Interviews are currently ongoing for an IT Support Specialist and a fourth Intake Coordinator. For FY26 the number of staff positions will increase by seven; from 53 to 60.

The Legal Division intends to take on a Records Access Officer, while the Division of Police Standards is looking to bring on a fifth Enforcement Counsel and three more Compliance Agents.

Most importantly, POST has begun planning for the eventual auditing of law enforcement agencies. In keeping with an incremental hiring approach, POST proposes to onboard only two additional staffers to assist in the commencement of this new function. The plan is to add one dedicated resource each to the Division of Police Certification and the Division of Police Standards. These new resources will be dedicated to certifying and investigating law enforcement agencies, respectively. Basically, the services currently undertaken by both divisions on behalf of some 21,000 law enforcement officers, will now expand to all 438 law enforcement agencies.



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

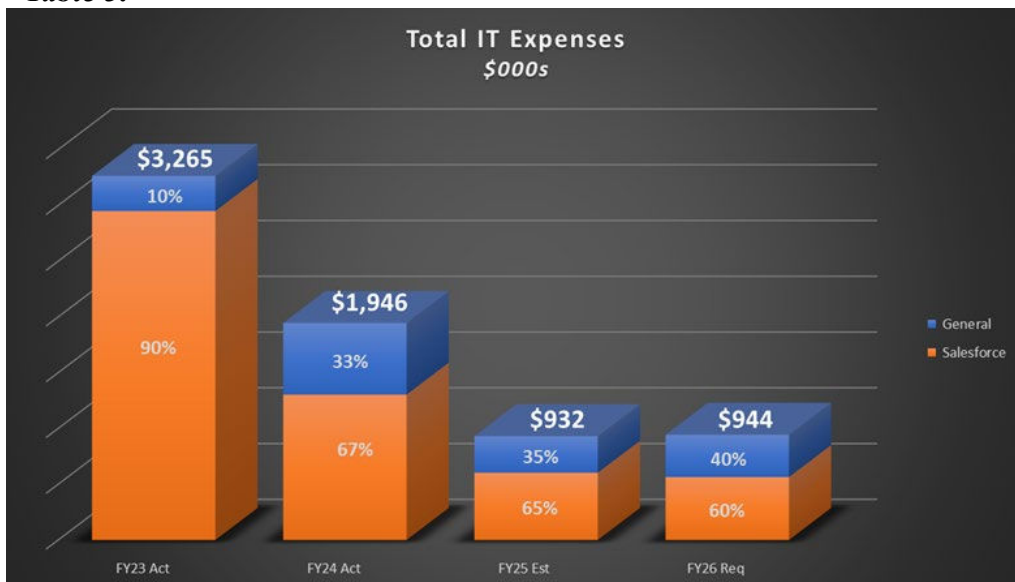
MEMO

Table 2.

| Payroll Break-Out | |
|-----------------------------|--------------------|
| FY25 Total | \$6,407,238 |
| 9 Commissioners | \$404,894 |
| 53 Employees | \$6,223,243 |
| 6 Hearing Officers | \$60,000 |
| Forecasted Savings | (\$280,899) |
| FY26 Total Increment | \$637,444 |
| Commissioner COLA | \$12,147 |
| Add'l 7 Employees | \$731,000 |
| Employee COLA x 53 | \$186,697 |
| Forecasted Savings | (\$292,400) |
| Grand Total | \$7,044,682 |

Due to the fact that not every open position is filled on July 1st, POST pro-rates the salary for each open position to align with a more realistic start date. We refer to this notion as the *Annualized-to-Actual Payroll Differential*. Once calculated, we use this amount to offset the annualized payroll. It is included in the above *Payroll Break-Out* table under *Forecasted Savings*.

Table 3.





MEMO

Information Technology

Total IT spending for FY26 is level-funded at just under \$950K. The Commission’s technical needs are stabilizing as it slowly nears full operational status. All of POST’s IT spending is categorized as “maintenance” for FY26, as we do not anticipate any new development. However, certain IT enhancements and applications may need to be developed based entirely on need or urgency.

For now, 60% of POST’s IT expenses are tied to Salesforce maintenance, such as licensing. The other 40% is allocated to general maintenance costs, such as cell phones, email, equipment turnover, etc. Work on the Business Intelligence tool for the new website is also included within general maintenance. As you know, the intuitive tool will ultimately allow the general public access to interactive analytical data. POST will maintain this feature mostly through Tableau licensing. Actual public usage of the product – which is yet to be determined – will provide us with better information as to forecasted costs. Therefore, it is possible such costs could very well increase in future fiscal years, depending on usage volume.

HQ & Reception Build-Out

As expected, POST will continue with its 6-year lease at 84 State Street (FY26 = Year 2 of 6) at \$51K per month. We have also provisioned \$80K for a one-time modification to the reception area for added security. However, since we are reviewing multiple options, it’s quite possible POST could absorb the cost in the current fiscal year.

Conclusion

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

3a(ii).



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

MEMO

TO: Commissioners
FROM: Finance & Administration
CC: Enrique Zuniga
DATE: December 19, 2024
RE: Diversity Statistics Update

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 provide an update on diversity statistics. The last report was provided on June 17, 2024.

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) hearing officers; (d) fellows and interns; and, (e) *ad hoc* contractors (i.e., bailiffs), and are denoted by “ALL” in the below chart.¹ The “SFI” column indicates individuals who are required to file a Statement of Financial Interest. Finally, per suggestion from the June meeting, we added in an additional column (dark blue) which isolates individuals who are subject to the Commission’s full hiring process (i.e., recruitment, interviews, onboarding).

| Demographic | Statewide Population* | POST | | | State Employees** |
|---|-----------------------|-------|----------------|-------|-------------------|
| | | ALL | Hiring Process | SFI | |
| American Indian or Native Alaskan | 0.6% | 0.0% | 0.0% | 0.0% | 0.2% |
| Asian | 7.9% | 9.2% | 12.8% | 0.0% | 4.7% |
| Black or African American | 9.6% | 13.8% | 8.5% | 31.3% | 18.3% |
| Hispanic or Latino | 13.5% | 6.2% | 4.3% | 6.3% | 9.8% |
| Native Hawaiian or Other Pacific Islander | 0.1% | 0.0% | 0.0% | 0.0% | 0.1% |
| White | 79.0% | 70.8% | 74.5% | 62.5% | 61.4% |
| Two or More Races | 2.8% | 3.1% | 2.1% | 0.0% | 1.0% |
| Female | 51.1% | 47.7% | 48.9% | 37.5% | 54.3% |
| Veterans | 3.8% | 9.2% | 4.3% | 6.3% | 3.5% |
| Disability | 8.1% | 1.5% | 2.1% | 0.0% | 3.9% |

*As reported by the U.S. Census Bureau; Estimates as of 7/1/2023 (updated 12/11/2024)
 **As reported by the Office of Diversity and Equal Opportunity; Figures as of FY25 Q1

Based on these metrics, it may be fair to say that the collective makeup of the agency continues to reflect 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.

¹ Fellows and interns who are not compensated by the Commission are not included; only individuals directly compensated by the Commission are included.

4a(i).



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

To: Chair Margaret R. Hinkle
Commissioner Lester Baker
Commissioner Hanya H. Bluestone
Commissioner Lawrence Calderone
Commissioner Eddy Chrispin
Commissioner Deborah Hall
Commissioner Marsha V. Kazarosian
Commissioner Charlene D. Luma
Commissioner Clyde Talley

From: Annie E. Lee, Counsel
Elizabeth B. Smith, Paralegal

Re: Officer Recertification – Physical Fitness and Behavioral Health

Date: December 12, 2024

This memorandum (1) summarizes the results of a survey conducted of agency chiefs concerning existing physical fitness and behavioral health resources, as well as suggestions for how the Commission can support officers in their physical fitness and behavioral health; and (2) makes recommendations for the Commission's consideration regarding physical fitness and behavioral health standards and evaluations.

I. Chiefs' Survey Results

To better understand what future physical fitness and behavioral health standards and evaluations should be, the Commission, with the assistance of the Municipal Police Training Committee ("MPTC"), surveyed agency chiefs about physical fitness and behavioral health. The survey aimed to gather information in three key areas: (1) resources and initiatives currently offered to support officers' physical fitness and behavioral health; (2) challenges to maintaining physical fitness and behavioral health; and (3) ideal physical fitness and behavioral health standards and evaluations.

The Commission deployed this survey on November 6, 2024, through the Massachusetts Chiefs of Police Association, asking agency heads to submit their responses by December 6, 2024. A summary of those responses is as follows:

A. Overview

- Number of responses: 213 agencies.
- Largest agency surveyed: 465 sworn officers.
- Smallest agency surveyed: 1 sworn officer.
- All questions were optional.

B. Physical Fitness

- 84% of agencies do not have any physical fitness requirements for officers.
- For agencies with physical fitness requirements, requirements include:
 - o Voluntary Cooper-style assessment tied to incentive pay (16 of 35 responses); and
 - o Annual health screening (9 of 35 responses).
- The most common fitness facilities, opportunities, or resources offered by agencies were:
 - o On-site gym/fitness centers (151 of 213);
 - o On-duty time to exercise (58 of 213); and
 - o A reimbursement or stipend (55 of 213).
- The biggest challenges to maintaining physical fitness were:
 - o Time (171 of 213);
 - o Expense (107 of 213);
 - o Motivation (107 of 213); and
 - o Lack of resources (77 of 213).
- Common suggestions for what physical fitness requirements should be:
 - o Cooper Institute Test and Standards, accounting for age and years of service (27 of 145 responses);
 - o Annual medical examination (9 of 145 responses); and
 - o Job-task related fitness test (8 of 145 responses).

C. Behavioral Health

- 60% of agencies do not have any behavioral health requirements for officers.
- For agencies with behavioral health requirements, requirements include:
 - o Critical incident debriefing (73 of 89 responses)
 - o Employee Assistance Program (EAP) referral to a mental health professional (56 of 89 responses); and
 - o Wellness visit (14 of 89 responses).
- 92% of agencies provide behavioral health resources to officers. The most common resources were:
 - o Employee Assistance Program (EAP) referral (45 of 88 responses)¹;
 - o Co-responder model (collaboration between officers and mental health professionals) (30 of 88); and
 - o Critical incident debriefing (23 of 88).

¹A substantial proportion of survey respondents reported Employee Assistance Program (EAP) referral and critical incident debriefing. These resources are mentioned in questions 14 and 17. While there may be inconsistencies in numbers, this provides insight into required and provided behavioral health resources.

- 46% of agencies surveyed reported that officers do not feel comfortable accessing behavioral health resources or services.
- 36% of agencies reported that officers feel moderately comfortable accessing behavioral health resources or services.
- The biggest barriers to behavioral health participation were:
 - o Stigma (153 of 213);
 - o Motivation (91 of 213)
 - o Time (89 of 213); and
 - o POST Commission/police reform² (68 of 213).
- Below are common ideas for what behavioral health requirements should be:
 - o Annual wellness checks (36 of 121);
 - o Peer support counseling (5 of 121);
 - o Annual mental health and wellness training (5 of 121); and
 - o Required mental health screening on an as-needed basis (5 of 121).

Commission staff plans to send a similar survey to labor union leadership to gather the perspective of officers in the field. A copy of the proposed survey is enclosed for the Commission's convenience.

II. Recommendations

Based on our conversations with the MTPC and other members of law enforcement, we understand that, if officers seeking recertification were required to undergo the same physical fitness and behavioral health evaluations required of recruits entering a police academy, those officers and their employing agencies may find that such evaluations divert time and resources away from other law enforcement priorities. We also understand that funding and accessibility are major concerns for agencies, as they may be asked to implement programs and evaluations they currently do not have the financial resources to support.

The task for the Commission is then two-fold. First is to set meaningful and supportive standards that ensure that officers are physically and behaviorally capable of performing their essential job functions, while not being so stringent that large swaths of capable officers are not able to achieve recertification. Second is to devise cost-effective and substantive evaluations that measure officers' minimum physical fitness and behavioral health capabilities without further straining agencies' limited budgets.

A. Physical Fitness

- Annual physical exam with primary care provider; and
- Medical clearance report from primary care provider.

At a minimum, the Commission should consider requiring officers to complete an annual physical exam with their primary care provider. An annual physical would ensure that officers

² Survey responses indicated that officers are hesitant to seek behavioral health services, in part, due to fear of certification consequences by the Commission.

are physically prepared for the job and can conduct their duties in a safe manner. An annual physical would also give officers the opportunity to discuss any health concerns they may have with their primary care provider so they are able to proactively address any such concerns. Crucially, annual physicals are typically covered as preventative care by health insurers, meaning that officers and agencies will experience virtually no added expense by seeking an annual physical.

In addition to an annual physical exam, the Commission should consider requiring officers to obtain a medical clearance report from their primary care provider affirming that the officer is capable of performing the essential physical demands of their job. The physical demands of the job, however, may vary based on the officer's rank or assignment. For example, the job of a patrol officer differs from that of a command staff member, and the job of a cyber crimes detective differs from that of a SWAT officer. Thus, the officer's agency should provide the officer with a list of physical tasks the agency deems essential to the officer's job, which the officer would then provide to their primary care provider for the purposes of the report. The report would provide minimum assurances that the officer has the physical fitness to carry out their job functions. Because the report would only speak to an officer's physical capability and would not require the officer to actually perform those tasks, the report would be minimally burdensome for both the officer and their primary care provider, who could provide the report as a conclusion to the officer's annual physical.

B. Behavioral Health

- Educational exam following annual in-service wellness training provided by the MPTC; and
- Personalized contact sheet for behavioral health resources.

Per Section 116K of Chapter 6 of the General Laws, which was adopted through Chapter 253 of the Acts of 2020, the MPTC is required to provide a two-hour course on mental wellness and suicide prevention as part of both recruit basic training and annual in-service training to “teach law enforcement officers how to (i) utilize healthy coping skills to manage the stress and trauma of policing; (ii) recognize the symptoms of post-traumatic stress disorder within themselves and other officers; and (iii) recognize the signs of suicidal behavior within themselves and other officers.” Because officers are required to take this course annually as part of their in-service training, the Commission could consider leveraging this training and requiring officers to complete an educational exam following this training as a way of ensuring that officers have the basic training and skills to protect and maintain their behavioral health. If the Commission were to require such an exam, it is imperative that the exam be non-punitive and instead be aimed at reinforcing and educating officers on key takeaways from the training.³

Another option the Commission may consider is requiring officers to complete a personalized contact sheet of behavioral health resources available to them. For example, an officer could fill out the sheet with the name, address, and phone number of a clinician employed by the agency; the name, address, and phone number of a peer support officer that the officer seeking

³ Although not explicitly called for in statute, an examination or measurement of some sort is implied in the requirement for a “physical and psychological fitness *evaluation*.” M.G.L. c. 6E, § 4(f)(1)(iv) (emphasis added).

recertification feels comfortable talking to; the phone number of the Employee Assistance Program available to the officer, etc. The Commission could require that officers fill out this contact sheet and that the agency keep this contact sheet in the officer's personnel file. Doing so would ensure that, if officers are in need of behavioral health supports, they are able to quickly access those resources and supports instead of first having to research what is available to them, thereby reducing at least one barrier to accessing behavioral health supports. Such an approach also has the benefit of being non-punitive; instead of fearing that seeking behavioral health supports may result in adverse employment consequences, either from the officer's agency, the Commission, or both, officers would be assured that the Commission's interest is in making sure that officers are aware of the resources and supports available to them.

Proposed CBU Survey

Basic Information

1. Name of Union
2. Number of Sworn Officers Represented

Physical Fitness

3. What physical fitness opportunities or initiatives has your Union bargained for, successfully or unsuccessfully? (Please select all that apply)
 - On-site gym/fitness center
 - Free or discounted access to off-site gym/fitness center
 - Free or discounted fitness classes (yoga, Pilates, CrossFit, etc.)
 - Strength training programs organized or sponsored by the agency
 - On-site cardio programs (high-intensity interval training (HIIT), boxing, etc.)
 - Outdoor fitness activities (sports league, hiking, etc.) organized or sponsored by the agency
 - Physical fitness workshops and other educational activities
 - On-duty time to exercise
 - Reimbursement/Stipend
 - Health screening(s)/Annual Physical
 - Other:
4. What physical fitness opportunities, facilities, or resources do you think your officers would like you to bargain for next? (Please select all that apply)
 - On-site gym/fitness center
 - Free or discounted access to off-site gym/fitness center
 - Free or discounted fitness classes (yoga, Pilates, CrossFit, etc.)
 - Strength training programs organized or sponsored by the agency
 - On-site cardio programs (high-intensity interval training (HIIT), boxing, etc.)
 - Outdoor fitness activities (sports league, hiking, etc.) organized or sponsored by the agency
 - Physical fitness workshops and other educational activities
 - On-duty time to exercise
 - Reimbursement/Stipend
 - Health screening(s)/Annual Physical
 - Other:
5. How would you rate the overall fitness of officers in your Union?
 - Excellent
 - Good
 - Fair
 - Poor
 - Not sure
 - Other:
6. To what extent do officers take advantage of the physical fitness resources available?

Participation:

- High (more than 60%)
 - Moderate (30% - 60%)
 - Low (less than 30%)
 - Not sure
7. What are some of the challenges to maintaining physical fitness for officers? (Please select all that apply)
- Time
 - Expense
 - Lack of resources
 - Information/Awareness
 - Motivation
 - Other:
8. What do you think physical fitness recertification requirements should be?

Behavioral Health

9. What behavioral health opportunities, resources, or initiatives has your Union bargained for, successfully or unsuccessfully? (Please select all that apply)
- Wellness visit
 - Employee Assistance Program (EAP) referral to a mental health professional
 - Periodic evaluations by a licensed mental health provider
 - Critical Incident Debriefing
 - Referrals to substance abuse treatment provider
 - Referral to a 12-step recovery group specifically for first responders
 - Relationship/Partnership with a mental health consultant available to officers
 - Co-responder model (collaboration between officers and mental health professionals)
10. What behavioral health opportunities, resources, or initiatives do you think your offices would like you to bargain for next? (Please select all that apply)
- Wellness visit
 - Employee Assistance Program (EAP) referral to a mental health professional
 - Periodic evaluations by a licensed mental health provider
 - Critical Incident Debriefing
 - Referrals to substance abuse treatment provider
 - Referral to a 12-step recovery group specifically for first responders
 - Relationship/Partnership with a mental health consultant available to officers
 - Co-responder model (collaboration between officers and mental health professionals)
11. To what extent do officers feel comfortable accessing behavioral health resources or services?

Openness:

- High (more than 60%)
- Moderate (between 30% - 60%)

- Low (less than 30%)
 - Unsure
12. How would you rate the overall quality of the behavioral health resources available to officers in your Union?
- Excellent
 - Good
 - Fair
 - Poor
 - Not sure
 - Other:
13. What are the biggest barriers to behavioral health treatment for officers in your Union?
(Please select all that apply)
- Stigma
 - Time
 - Expense
 - Availability/Proximity to resources
 - Access to information
 - Motivation
 - Management
 - POST Commission/Police reform
 - Fear of adverse employment outcome
14. What do you think behavioral health recertification requirements should be?

Wrapping Up

15. Would you be open to follow-up communication and/or additional information?
16. First and Last Name
17. Email
18. Phone Number

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

TO: Commissioners of the POST Commission
FROM: Elizabeth B. Smith, Paralegal
DATE: December 16, 2024
RE: Supplement to Physical Fitness and Behavioral Health Presentation

The purpose of this supplemental memorandum is to follow up on the questions asked by Commissioners at the November 2024 meeting.

1. Commissioner Talley asked whether there is research available showing the difference in health and fitness levels between the first time an officer is tested and the next time.

As was stated by Counsel Lee and Executive Director Zuniga, the physical fitness of officers tends to decline throughout their career. Research conducted within the past couple of years has shown that there is a decline in officer physical fitness as their career progresses. A March 2024 study published in *Healthcare*¹ showed that law enforcement officers “often have more marked fitness level decreases with aging compared to the general population.” The article explained that the findings “revealed that police officers begin their career with above average strength but demonstrate greater declines with age than the general population.”

“Officers also demonstrated cardiovascular fitness below American College of Sports Medicine (ACSM) standards and significant decreases with aging compared to the general population.” Another peer-reviewed article published in the *Journal of Strength and Conditioning Research* measured the longitudinal changes in health and fitness among state patrol officers by sex. The article’s “[r]esearch suggests that police officers lose fitness as a result of their policing vocation with occupational factors like stress, shift work, poor sleep, and poor diet.”

Another longitudinal study published in the *International Journal of Police Science and Management* compared officers’ physical performance on four physical tests over time. Their test results at graduation from the police academy were compared with their results after 16 years in the profession. The results “show significant differences between the pretest and retest on all four physical tests among male police officers.... The results are somewhat problematic and can be viewed as a sign of an inadequate level of general physical fitness....”² With this in mind, the researchers suggested “mandatory annual physical fitness testing and greater opportunities for exercising during work hours” to prevent reduced physical fitness in officers.

¹ *Healthcare* is an international, scientific, peer-reviewed, open access journal on health care systems, industry, technology, policy, and regulation, and is published semimonthly online by MDPI.

² Lagestad, Pål & Jenssen, Ole & Dillern, Thomas. (2014). Changes in Police Officers’ Physical Performance after 16 Years of Work. *International Journal of Police Science and Management*. 16. 308-317. 10.1350/ijps.2014.16.4.349.

2. Commissioner Baker asked how testing mandates were funded from the states mentioned during the November presentation (Connecticut, New Hampshire, Illinois, Nevada, etc.).

In Connecticut, the Criminal Justice Policy and Planning Division has a grants unit that plans and coordinates federal and state grants to enhance law enforcement agencies and invest in their development.

Illinois added additional in-service training requirements, including satisfactorily completing a course on officer wellness and mental health at least annually. Agencies are also required to screen all officers at least once annually to evaluate the overall health of the agency. We reached out to the Illinois Law Enforcement Training and Standards Board to ask how they fund the annual mental health screening. This section will be updated once we receive that information.

New Hampshire requires officers to undergo a physical fitness test and medical suitability screening every 3 years. According to N.H. Admin. Code §§ Pol 404.06 and 404.07, “[t]he cost of the medical certification shall be the responsibility of the officer, unless the certification is paid for by the employer or another source.... The cost of the [physical fitness testing] shall be the responsibility of the officer, unless the testing is paid for by the employer or another source.”³

As a requirement for recertification, Maryland mandates officers submit to a mental health assessment every two years. It appears the onus is on departments to fund the evaluations and provide additional mental health resources. For instance, the Montgomery County Chief of Police submitted a memorandum and report to the county’s Office of Legislative Oversight to request dedicated funding for health and wellness resources for first responders.

3. Commissioner Baker asked whether the states mentioned were collective bargaining states and whether the testing mandates were included in collective bargaining agreements.

According to a database⁴ maintained by the National Conference of State Legislatures, “[i]n at least 42 states and the District of Columbia, law enforcement officers are granted the right to collectively bargain their terms of employment with their employers.” The seven states that do not explicitly recognize the right to collectively bargain are Louisiana, Mississippi, Alabama, Tennessee, South Carolina, North Carolina, and West Virginia.⁵ All the states mentioned in the presentation grant officers the right to bargaining agreements. Below are some examples of bargaining agreements that include language on physical fitness and other evaluations.

It seems that most bargaining agreements vary by town and department. The Connecticut State Police have an annual health and wellness stipend of \$500 included in their contract. The town of Essex, Connecticut and the United Public Service Employees Union include an article in the

³ [N.H. Admin. Code §§ Pol 404.06 and 404.07.](#)

⁴ The [database](#) was updated as of June 28, 2022.

⁵ In states that do not have statutes governing the matter, the right of law enforcement officers to collectively bargain may vary by local jurisdiction.

agreement concerning physical and other examination requirements. It says, “[t]he Town and the Union agree it is the responsibility of each Officer to achieve and maintain a reasonable level of physical fitness and general good health.... The Town may require Officers to undergo an annual physical examination. The Town may require any Officer to undergo a psychiatric and/or psychological examination by a mutually agreed upon licensed physician, psychiatrist and/or psychologist.... The Town agrees to advise the Officer in writing, in advance, of reasons for said examination, and to pay the cost for the same.”⁶

The agreement between the Fraternal Order of Police and the Montgomery County Government in Maryland established a voluntary physical fitness testing process. The test is offered annually to all unit members. There is also an award system based on how officers perform on the fitness test. It stipulates that “[u]nit members who qualify for an award based upon their test results will receive an annual grant of paid administrative leave in the following amounts, to be used within a year of the date of the test:

- Outstanding 20 hours
- Excellent 16 hours
- Good 12 hours.”⁷

As always, the Legal team is available should Commissioners have any follow up questions.

⁶ <https://www.essexct.gov/finance-department/files/collective-bargaining-agreement-police-department>.

⁷ <https://www.montgomerycountymd.gov/OLR/Resources/Files/FOPCBAFY24-FY25FirstYear.pdf>.

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Lagestad, Pål & Jenssen, Ole & Dillern, Thomas. (2014). Changes in Police Officers' Physical Performance after 16 Years of Work. *International Journal of Police Science and Management*. 16. 308-317. 10.1350/ijps.2014.16.4.349.



Officer Recertification: Physical Fitness and Behavioral Health

Annie E. Lee, Counsel

Elizabeth B. Smith, Paralegal

December 2024



AGENDA

1. Chiefs' Survey
2. Preliminary Recommendations



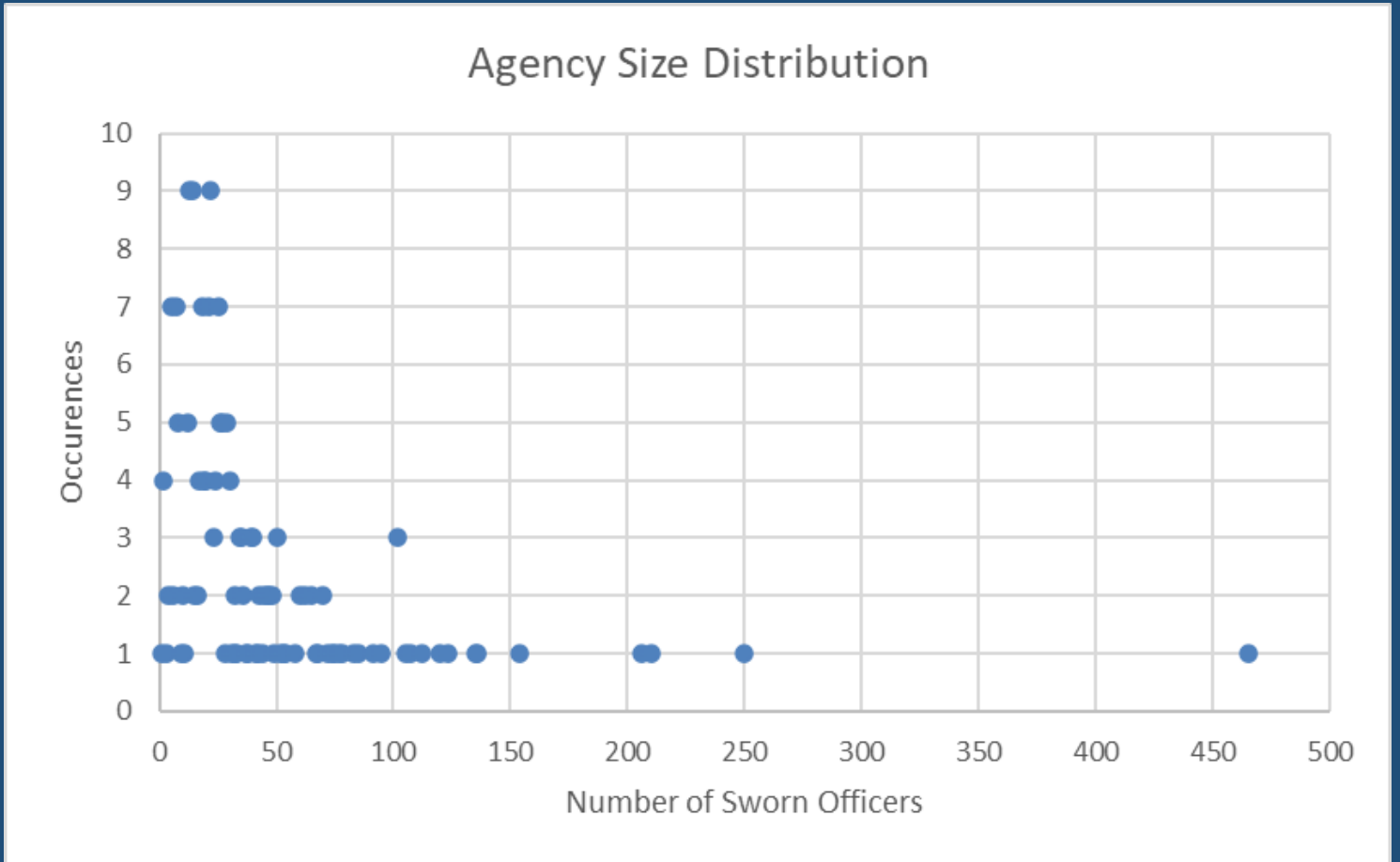
CHIEFS' SURVEY - PROCESS

- Commission surveyed agency chiefs about physical fitness and behavioral health
 - (1) Resources and initiatives currently offered to support physical fitness and behavioral health;
 - (2) Challenges to maintaining physical fitness and behavioral health; and
 - (3) Ideal physical fitness and behavioral health standards and evaluations.
- Survey developed with MPTC and input from Commissioners Baker, Bluestone, and Chrispin
- Survey sent out November 6 through MA Chiefs of Police Association with responses by December 6



CHIEFS' SURVEY – AT A GLANCE

- Number of responses:
213 agencies
- Largest agency surveyed:
465 sworn officers
- Smallest agency surveyed:
1 sworn officer



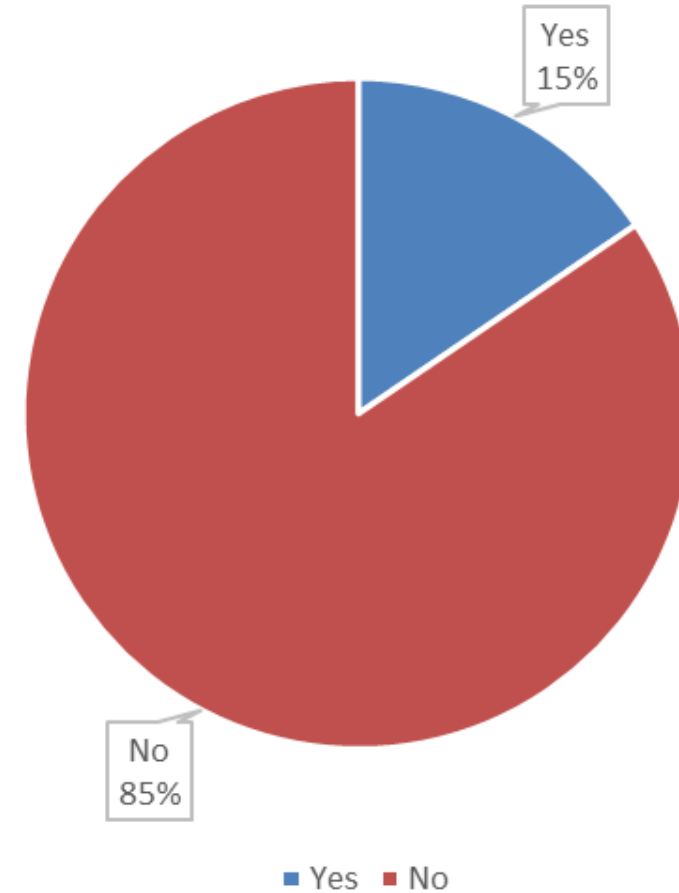


CHIEFS' SURVEY – PHYSICAL FITNESS

Out of the 213 agencies that responded:

- 180 do not have physical fitness requirements
- 33 have physical fitness requirements*

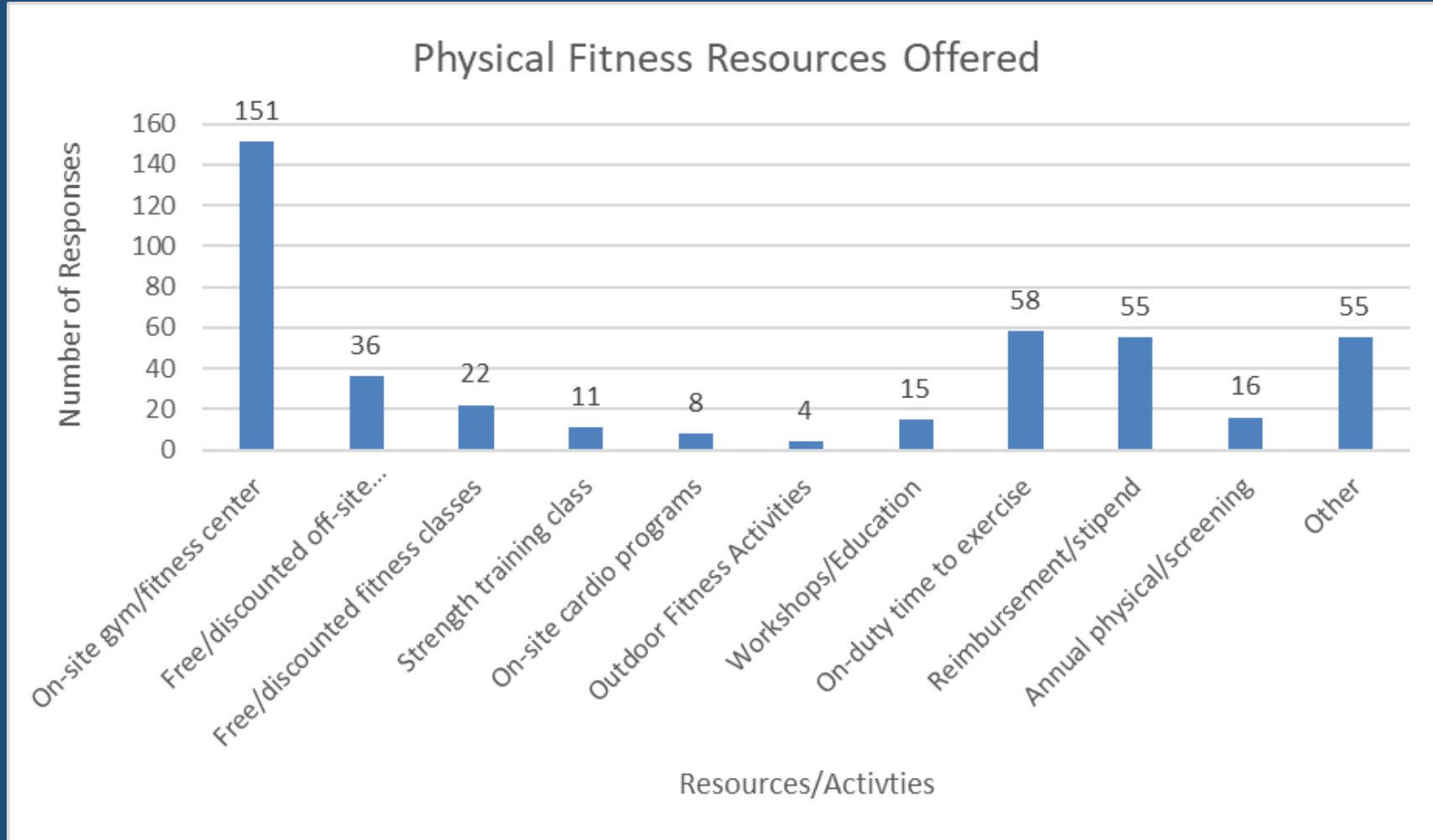
Does Your Agency Have Physical Fitness Requirements?



*Some agencies listed pre-employment and academy testing as physical fitness requirements



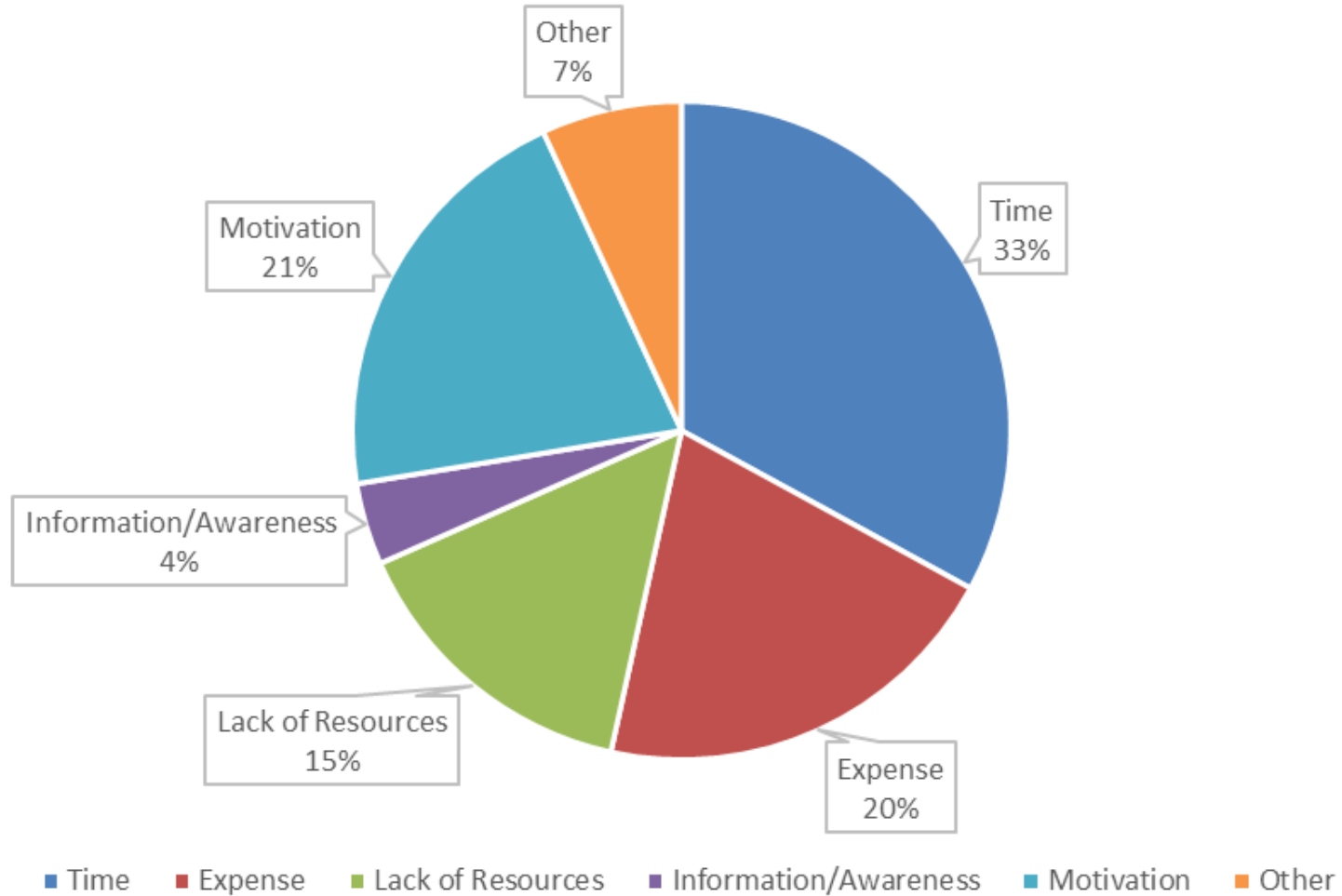
CHIEFS' SURVEY – PHYSICAL FITNESS





CHIEFS' SURVEY – PHYSICAL FITNESS

Challenges to Maintaining Physical Fitness





CHIEFS' SURVEY – PHYSICAL FITNESS

“Same as the pre-Academy Entrance Cooper Standards. Testing standards should be based on age and gender.”

“They should be the same as the academy standards. You fail, you are done!”

“I would like to see an age based testing focusing on cardio i.e. the ability to move successfully in a reasonable time over a determined distance. Many officers are in very poor shape physically and it makes no sense that we have stringent testing for a candidate to enter the academy but once graduated can let themselves go physically.”

“Whatever the entrance requirements are. Entrance standards should be what is needed to do the job. Whatever is needed should then always be needed. It makes zero sense to have academy fitness standards when officers can then get completely out of shape when they are hired. It begs the question as to why are fitness standards needed for the academy but not the position.”



CHIEFS' SURVEY – PHYSICAL FITNESS

“Fit for duty, not fit for academy.”

“Ability to perform the essential tasks associated with the job.”

“They should be able to do a moderate level of exercise whether cardio or strength depending on age. They should be clearly able to walk, run and stand for many hours without having to sit down. These are all requirements for our positions as police officers.”

“I believe all officers should be able to sustain a reasonably moderate pace and run a mile (time adjusted to their age)... be able to negotiate at least 6 flights of stairs and still be able to give verbal commands, utilize all tools in a safe and effective manner, and sustain at least three minutes of ground fighting...there should be some reasonably negotiable obstacle course on the firing range where an officer must successfully complete it and still be required to shoot a passing score.”

“It's difficult to require something like the entry-level fitness PAT, because as people age, they tend to get injured, especially in this profession...some level of fitness is required to safely be able to perform the duties of a police officer. We should find a way to FAIRLY measure what is necessary and HELP those struggling to get healthy. I don't think we should discriminate, however, as some of the best police officers that I have worked with were not the most physically fit. The approach should not be punitive but instead, with concern and assistance.”

“If there is to be some type of "requirement," it should be from a doctor that the officer is physically able to perform the duties of a Police Officer. The Cooper Standard should not be used for recertification, as it is a poor measurement for "all" police officers. Cooper Standards do not measure all duties and responsibilities of good quality police officers. “

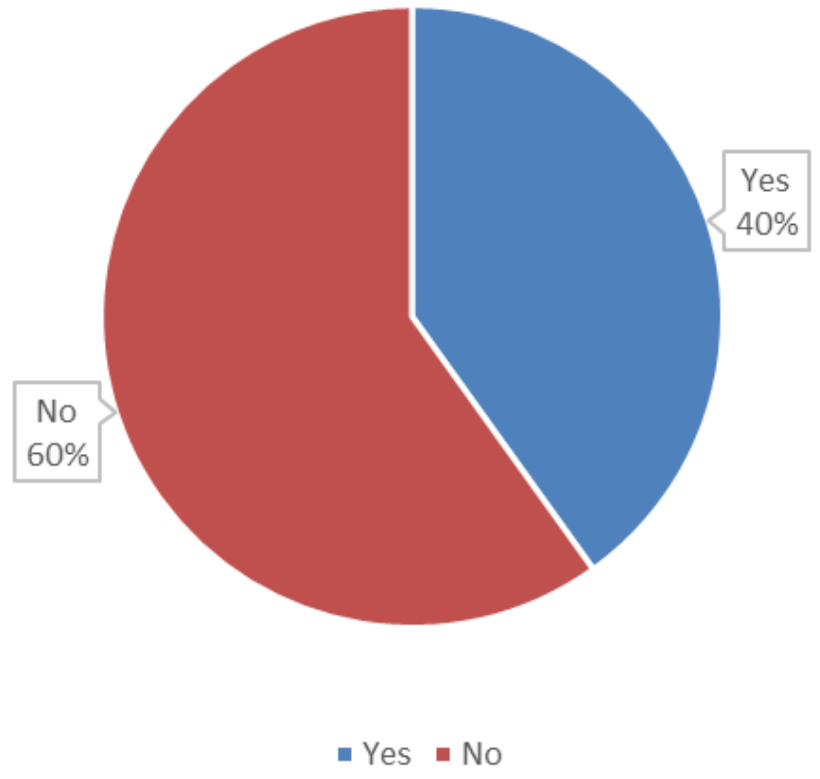


CHIEFS' SURVEY – BEHAVIORAL HEALTH

Out of the 213 agencies that responded:

- 127 do not have behavioral health requirements
- 85 have behavioral health requirements*
- 1 did not respond

Does your agency have any requirements for officer mental health?

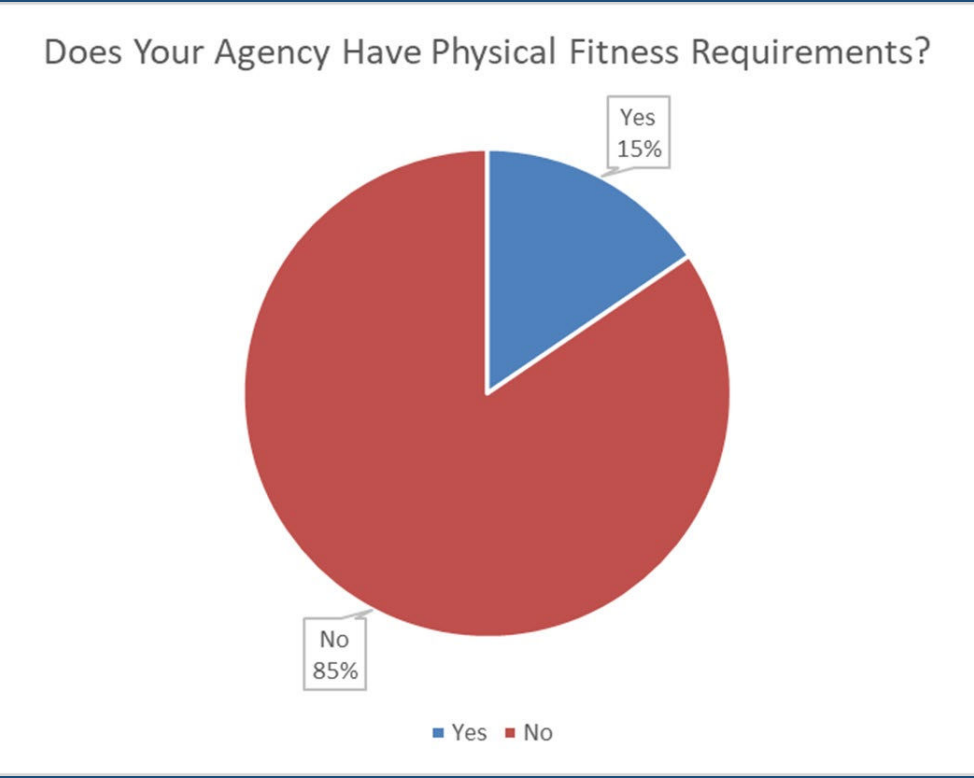


*Some agencies listed pre-employment and academy testing as behavioral health requirements

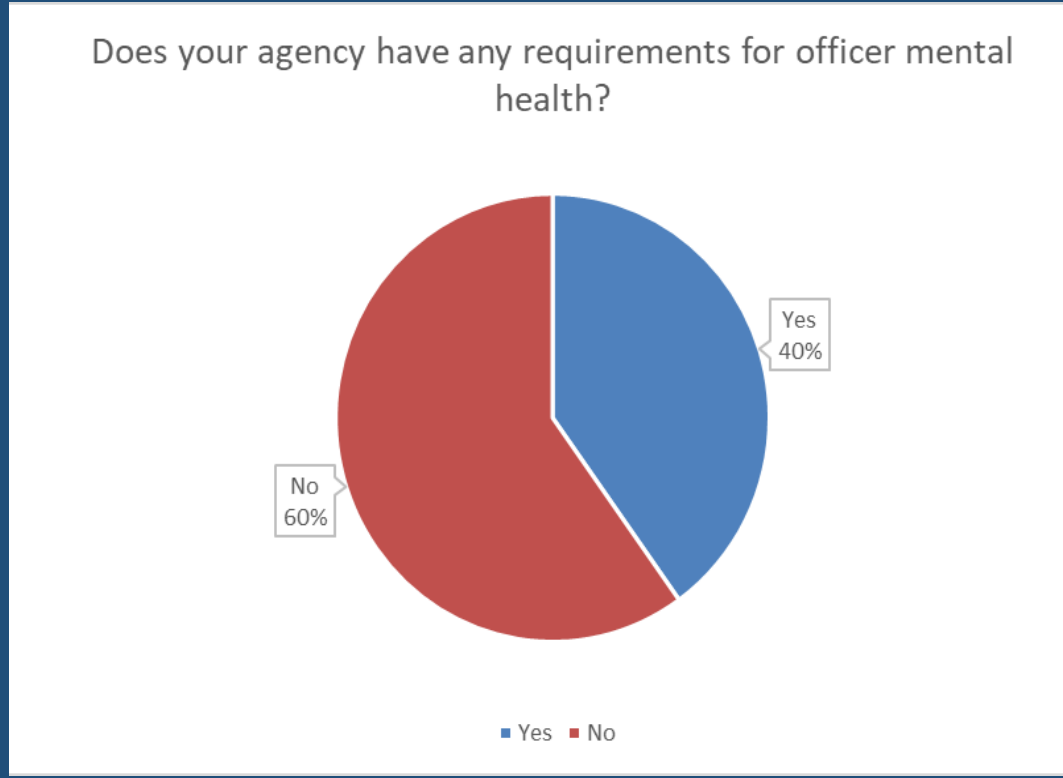


CHIEFS' SURVEY – BEHAVIORAL HEALTH

Physical Fitness Requirements



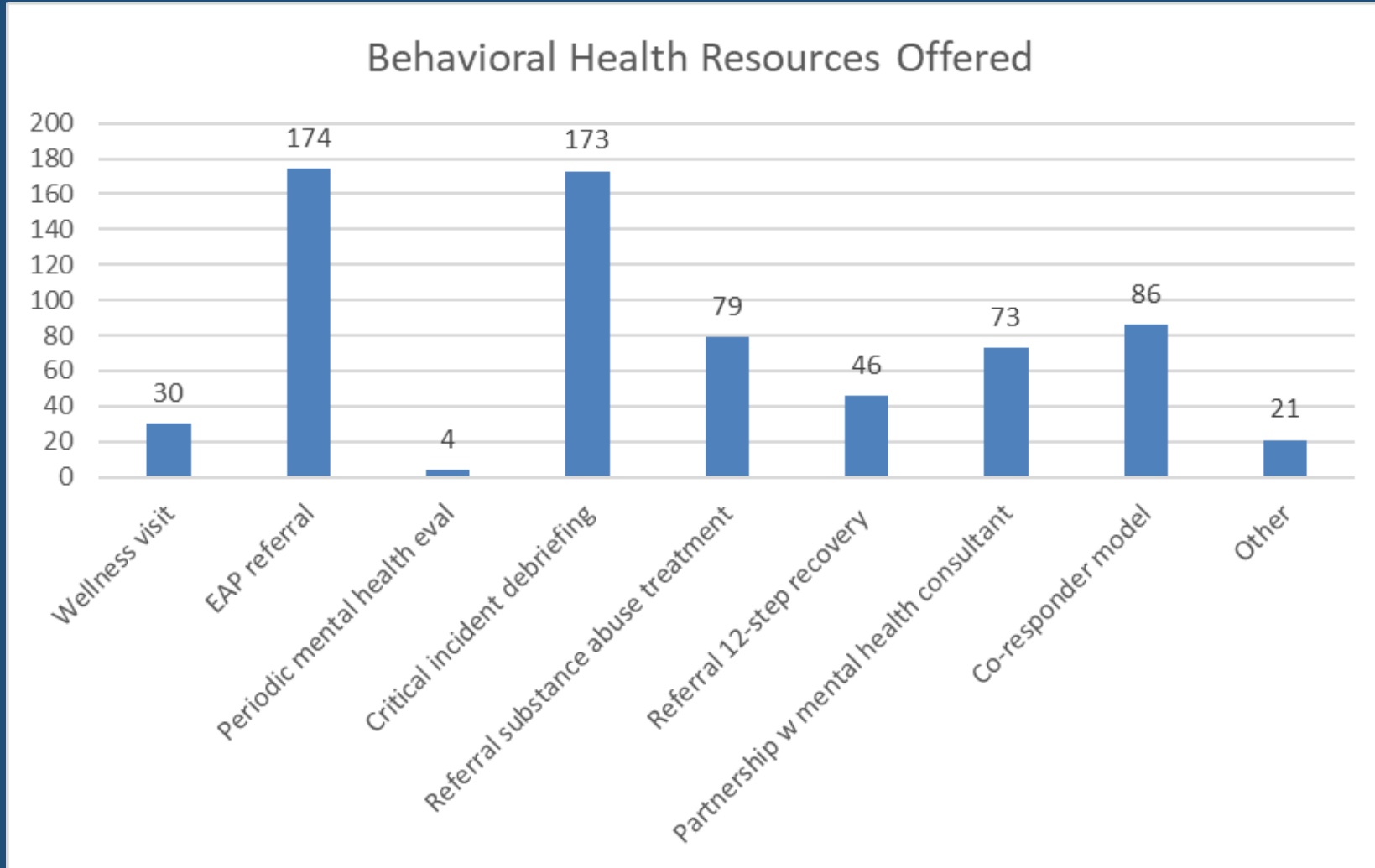
Mental Health Requirements



*Some agencies listed pre-employment and academy testing as physical fitness and behavioral health requirements



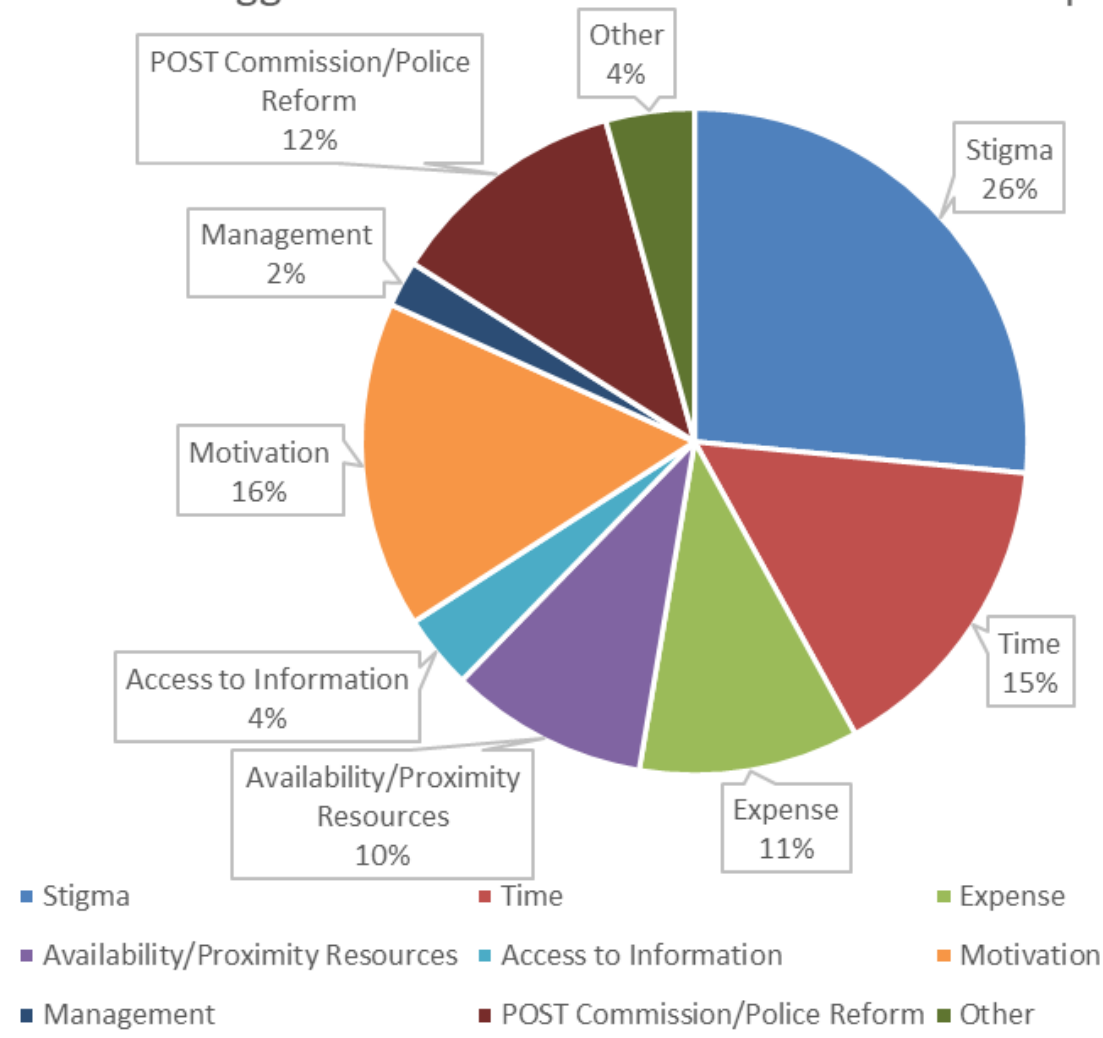
CHIEFS' SURVEY – BEHAVIORAL HEALTH





CHIEFS' SURVEY – BEHAVIORAL HEALTH

Biggest Barriers to Behavioral Health Participation





CHIEFS' SURVEY – BEHAVIORAL HEALTH

“While the initial psychological test most officers need to pass is helpful, systemically it doesn't seem to carry much weight. The doctors administering the tests are often told by chiefs to "just pass them, I need the body". I believe that a readministering of a psychological exam every 3-5 years of service, and with the doctor's being free to express any actual concerns about mental/emotional/behavioral health could be very helpful to department supervision.”

“I believe wellness checks should be required on an annual basis. I also believe we need real, meaningful mental health training for police officers taught by officers that have real life experiences with mental health.”

“I would like to see quarterly (at a minimum) therapy sessions for all sworn officers become mandated, just like physical or academic mandates.”

“I think there needs to [be] resources; it can't be forced if you want it for wellness you have to build the trust so officers are willing you can force when its fitness for duty the wellness side you want those to volunteer so they are actually getting the benefits.”

"Yearly overview of mental health resources available to officers needs to be addressed. Mental health is a huge problem in the policing community. When officers come forward needing assistance, they are punished....LTCs are taken away, they can loose their jobs etc etc. The state/post need to take the mental health needs of officers as it's highest priority! Let's stop punishing our officers when they are suffering."

“Availability of anonymous peer support and counseling services. It is important for these resources to be anonymous or the fear of losing or being suspended from the job will prevent honesty.”



PRELIMINARY RECOMMENDATIONS

Considerations

- Substantive and meaningful
- Non-Punitive
- Cost-effective and accessible

| Physical Fitness | Behavioral Health |
|---|--|
| Annual physical | Educational exam following annual in-service wellness training |
| Medical clearance report from primary care provider | Personalized contact sheet for behavioral health resources |



Members of law enforcement and the public are encouraged to submit comments and suggestions to POSTC-comments@mass.gov

4b(i).



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

To: Chair Margaret R. Hinkle
Commissioner Lester Baker
Commissioner Hanya H. Bluestone
Commissioner Lawrence Calderone
Commissioner Eddy Chrispin
Commissioner Deborah Hall
Commissioner Marsha V. Kazarosian
Commissioner Charlene D. Luma
Commissioner Clyde Talley

CC: Enrique A. Zuniga, Executive Director
Randall E. Ravitz, General Counsel

From: Annie E. Lee, Counsel

Re: Law Enforcement Agency Certification Standards – Use of Force and Reporting

Date: December 12, 2024

Enclosed for the Commission’s review are drafts of standards concerning (1) the use of force and (2) the reporting of the use of force.¹

The two standards were first presented to the Commission during its August meeting.² Following the Commission’s August meeting, Commission staff sought the feedback of Municipal Police Training Committee (“MPTC”) staff and Eric Daigle, who is assisting both the Commission and the MPTC in developing a model use of force policy.³ That feedback resulted in revisions making certain clarifications for the purposes of better aligning the standard with the realities faced by officers in the field and for the purposes of helping agencies effectively develop policies more consistent with the intent of the standards. Those revisions were then

¹ For ease of review, a “redlined” version, showing proposed revisions to the draft standards since September 19, 2024, and a “clean” version are provided to the Commission.

² The draft use of force reporting standard was provided to the Commission in its August meeting packet, but was not discussed due to time constraints.

³ The Commission and MPTC have engaged Eric Daigle of the Daigle Law Group to assist with the development of a model use of force policy, as called for in 555 CMR 6.10(2), which states that “[t]he Commission and the [MPTC] shall jointly develop a model use of force policy.”

presented to the Commission during its September meeting. Following that presentation, the Commission preliminarily approved the two standards as drafts.

After the Commission's September meeting, Commission staff received further feedback from the MPTC and its staff indicating additional concerns with the drafts preliminarily approved by the Commission.⁴ Commission staff and Commissioner Kazarosian then met with MPTC staff, as well as Massachusetts State Police ("MSP") staff, on October 15 and November 19 to discuss potential revisions to the draft standards.

The draft standards enclosed for the Commission's review are the product of those discussions with the MPTC and MSP. The draft standards reflect the following revisions:

- Definition of "De-escalation." The beginning of the definition of "de-escalation" was revised to mirror the beginning of the definition of "de-escalation tactics," which is defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, for consistency between the two.
- Definition of "De-escalation Tactics." The definition of "de-escalation tactics" was expanded to include critical thinking skills, which are key to responding to changing dynamics, as well as other developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant tactics, which the Commission encourages through its guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).
- Key principles.
 - Consistent with best practices, including those articulated by the Police Executive Research Forum in *Guiding Principles on Use of Force* (2016), "sanctity of life" and "bodily integrity" were added to the list of key principles that should guide officers in their use of force.
 - Based on feedback that the terms "dignity," "respect," "fair," and "unbiased" appeared subjective, the key principles were revised to clarify that these terms in the use of force standard refer to the same concepts that are present in the draft code of conduct standard, which itself draws from the International Association of Chiefs of Police's *Standards of Conduct* (2020) and *Code of Ethics* (1957). Those terms are not defined in either the draft code of conduct standard or the IACP's *Standards* and *Code* because those terms are commonly understood in those contexts. Where those terms are used in the use of force standard to foreground certain principles from the draft code of conduct standard and the IACP's *Standards* and *Code*, the key principles were revised to include citations to the draft code of conduct standard to make that intention clear.

⁴ Per M.G.L. c. 6E, § 5(b), agency certification standards are to be developed "in consultation" with the MPTC.

- De-escalation sub-policy. Because de-escalation is the key complement to the use of force and is statutorily required to be attempted or deemed infeasible prior to the use of force, the use of force standard was revised to make de-escalation a part of the use of force standard, rather than a sub-policy.
- De-escalation tactics. Based on concerns that enumerating potential de-escalation tactics could lead officers to believe that they are required to attempt all listed de-escalation tactics before using force, even when doing so would jeopardize their own or others' safety, as well as concerns that the enumerated potential de-escalation tactics would be construed as exhaustive, rather than illustrative, the list of de-escalation tactics was removed from the standard to remove potential burdens or perceptions of the same concerning the use of de-escalation tactics.
- Critical thinking in de-escalation. Many concerns were raised about the feasibility of requiring officers to attempt to make determinations about whether an individual's apparent negative reaction or lack of compliance is a deliberate attempt to resist or based on non-criminal factors for the purposes of adjusting an officer's de-escalation approach. Those concerns centered primarily around the uncertainty officers would have when attempting to make such a determination and the specificity of the enumerated non-criminal factors.
 - This section of the use of force standard was therefore revised to clarify that officers are only required to "make efforts to learn or ascertain," rather than know with certainty, whether an individual's lack of compliance is based on non-criminal factors.
 - This section was further revised to generalize the non-criminal factors that were previously listed; non-criminal factors are now grouped as "mental or physical condition; language or cultural differences; the legacy of policing on vulnerable populations; and the agency's history with the public."
 - Lastly, this section was revised to clarify that the purpose of engaging in this critical thinking is to determine "which de-escalation tactics are the most appropriate to bring the encounter to a safe resolution."
- Sub-policies or provisions. Based on concerns that some agencies, in particular small agencies, would not have the capacity to develop sub-policies on certain matters, such as use of force devices and mass demonstrations, the use of force standard was revised so that agencies may either develop sub-policies or include in their use of force standards provisions addressing those specific topics. This revision therefore still requires agencies to address those specific topics, but allows agencies to do so in the manner that best suits their resources.
- Use of force devices. Members of law enforcement noted that there are many situations in which officers are called on to draw their weapons, such as when approaching a

vehicle late at night. Officers noted that when they do so, however, they are not pointing their weapons but are instead keeping their weapons at the “low ready” position. To relieve agencies of the burden of defining every scenario in which an officer may draw their weapon, which may be relatively frequent yet low risk, the use of force standard was revised to omit the “drawing” of use of force devices.

- Ceasing the use of force. To account for the biological delay between processing new information, such as when an individual stops resisting, and reacting accordingly, such as stopping the use of force, the word “unreasonable” was added so that officers are directed “to stop using force without *unreasonable* delay” (emphasis added).
- Use of force reviews.
 - To provide greater clarity and flexibility for the review of use of force reports, this section of the use of force standard was revised so that: the “agency,” rather than “supervisors,” are directed to conduct reviews; and the reviews are to be conducted “periodically,” rather than “routinely.”
 - It is important to review use of force reports to not only identify tactics and behaviors that could be improved, but also tactics and behaviors that were successful. To that end, this section of the use of force standard was revised so that use of force reviews identify both “behaviors that resulted in force mitigation” and “behaviors that could have been altered to de-escalate an encounter or prevent the use of force and accompanying injuries.”
- Public complaints.
 - Because individuals may have questions about a use of force incident, this section of the use of force reporting standard was revised so that individuals may “follow up on” a use of force incident.
 - Based on feedback that “complaint” carries negative connotations and may have a chilling effect, this section of the use of force reporting standard was revised so that individuals may “raise concerns,” rather than “file a complaint,” about a use of force incident.
- Use of force records and evidence sharing. To facilitate the investigation of a use of force incident by a third party, a section directing the agency to provide records and evidence concerning use of force reports and complaints in accordance with existing law, rules, regulations, orders, subpoenas, and civil investigative demands was added to the use of force reporting standard.

The revised draft standards are now presented to the Commission for its consideration and feedback.

555 CMR 13.00: LAW ENFORCEMENT AGENCY CERTIFICATION STANDARDS

Section

- 13.01: Purpose and Scope
- 13.02: Definitions
- 13.03: Standards
- 13.04: Compliance
- 13.05: Assessment
- 13.06: Maintaining Compliance
- 13.07: Re-Assessment
- 13.08: Waiver
- 13.09: Enforcement and Disciplinary Action
- 13.10: Severability

13.0102: Definitions

As used in 555 CMR 13.00, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Agency. A Law Enforcement Agency as defined in M.G.L. c. 6E, § 1.

Commission. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, § 2.

Deadly or Lethal Force. Deadly ~~force~~ Force as defined in 555 CMR 6.03.

De-escalation. ~~Proactive actions and approaches used by an officer to~~ ~~The process of slowing~~ down, ~~stabilizing~~ stabilize, and ~~reducing~~ reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the ~~member of the public~~ individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of ~~the officer or any~~ member of the ~~public~~ other individual ~~witness to present~~ or involved in the encounter.

De-escalation Tactics. De-escalation Tactics as defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, ~~—including, but not limited to, utilizing critical thinking skills to consider other de-escalation tactics in response to changing dynamics and other tactics consistent with the Commission’s guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children (2021).*~~

Encounter. An ~~incident~~, interaction, event, or occurrence between an officer and ~~a member of the public~~ an individual.

Force. Force as defined in 555 CMR 6.03.

~~Incident. An encounter in which an officer used force.~~

Non-deadly or Less-lethal Force. Non-deadly Force as defined in 555 CMR 6.03.

Officer. A Law Enforcement Officer as defined in M.G.L. c. 6E, § 1.

13.03: Standards

~~Each agency~~All agencies shall develop and implement written policies on the following topics that meet or exceed the following standards:

(1) Use of force. An agency's use of force policy shall:

~~(a)~~ Emphasize the sanctity of life and bodily integrity consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);

~~(a)(b)~~ Emphasize the dignified and respectful treatment of all ~~members of the public~~ individuals witness to and involved in during an encounter consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);

~~(b)(c)~~ Direct officers to implement their agency's use of force policy and sub-policies in a manner that is fair and unbiased consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);

~~Include a sub-policy concerning de-escalation that:~~

~~(d)~~ Directs officers to focus on de-escalation throughout an encounter and until the encounter has come to a conclusion, when time and circumstances reasonably permit, while ensuring the safety of themselves ~~and or any member of the public~~ other individual witness to present or involved in the encounter;

~~(e)~~
~~(d)~~

Directs officers on the use of various de-escalation tactics, when time and circumstances reasonably permit and in accordance with all applicable training requirements; including:

~~Actively and empathetically listening;~~

~~Explaining what the officer is doing and why;~~

~~Remaining calm;~~

~~Exhibiting patience;~~

~~Waiting;~~

~~Verbal communication;~~

~~Non-verbal communication;~~

~~Creating physical distance between the officer and a member of the public;~~

~~Placing barriers or using existing structures to provide a shield or other protection between the officer and a member of the public;~~

~~Requesting and using additional support and resources; and~~

~~(e) Utilizing critical thinking skills to consider other de-escalation tactics in response to changing dynamics.~~

~~(f) Directs officers to utilize de-escalation tactics at all available and appropriate opportunities, including before initially arriving at a scene, before using force, before any escalation of the use of force, **and** throughout the encounter, as resistance decreases, and until the encounter has come to a conclusion, provided time and circumstances reasonably permit;~~

~~(f) — Directs officers, when time and circumstances reasonably permit, to make efforts to learn or ascertain whether an individual’s lack of compliance is based on non-criminal factors, including but not limited to, mental or physical condition; language or cultural differences; the legacy of policing on vulnerable populations; and the agency’s history with the public, for the purposes of deciding which de-escalation tactics are the most appropriate to bring the encounter to a safe resolution~~

~~(g) — Directs officers on the importance of situational awareness; and~~

~~(h)(g) Directs officers, when time and circumstances reasonably permit, to:~~

~~Consider whether a member of the public’s apparent negative reaction or lack of compliance is a deliberate attempt to resist or is based on non-criminal factors including:~~

~~Mental illness;~~

~~Developmental disability;~~

~~Medical condition;~~

~~Physical limitation;~~

~~Language barriers;~~

~~Cultural reasons;~~

~~Emotional, personal, or trauma-based crisis;~~

~~Fear, panic, or acute anxiety;~~

~~Confusion;~~

~~Drug or alcohol influence;~~

~~The legacy of policing on vulnerable populations;~~

~~The agency's history with the public; and~~

~~Employ developmentally and age appropriate, trauma informed, racially equitable, and culturally relevant de-escalation tactics including:~~

~~Using a calm and natural demeanor;~~

~~Avoiding language that is likely to escalate an encounter; and~~

~~Other tactics consistent with the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021);~~

~~Modify their use of force as appropriate.~~

~~Emphasize de-escalation in accordance with the standards specified in 555 CMR 13.03(1)(e);~~

~~(+)(h)~~ Authorize the use of force in accordance with the requirements specified in 555 CMR 6.04 and 6.05;

~~(i)~~ Set forth comprehensive and specific requirements governing the use of non-deadly or non-deadly-lethal force that meet or exceed the requirements specified in 555 CMR 6.04;

~~(j)~~ _____

~~(k)~~ _____

Set forth comprehensive and specific requirements governing the use of ~~deadly or deadly~~ lethal force that meet or exceed the requirements specified in 555 CMR 6.05;

~~(+)(j)~~ _____

~~(+)(k)~~ For each device available to an officer for the application of force, including firearms and less lethal substances and devices, include a sub-policy or provision concerning the use of that device that:

1. Sets forth comprehensive and specific requirements governing the use, including the ~~drawing, pointing, and/or discharging,~~ of the device; and
2. Directs officers to consider their surroundings and potential risks to ~~members of the public~~ other individuals, to the extent reasonable, before using the device;

~~(+)(l)~~ Include a sub-policy or provision concerning the use of force during mass demonstrations and for the purposes of crowd management that sets forth comprehensive and specific requirements that meet or exceed the requirements specified in 555 CMR 6.08;

~~(+)(m)~~ Include a sub-policy or sub-policy provision concerning the use of force in animal encounters that ~~encourages directs~~ officers to utilize consider utilizing non-deadly-lethal or less than deadly force when available and appropriate time and circumstances reasonably permit;

~~(+)(p)~~ ~~Direct officers to de-escalate force without delay as resistance decreases;~~

~~(+)(n)~~ Direct officers to stop using force without unreasonable delay when the ~~member of the public~~ individual with whom the officer is engaging stops resisting, the threat has been overcome, or the ~~member of the public~~ individual with whom the officer is engaging is secured or in custody;

~~(+)(o)~~ Prohibit officers from using tactics designed to escalate the level of force necessary to resolve an encounter;

~~(+)(p)~~ Prohibit officers from using excessive force;

~~(+)(q)~~ Direct officers present and observing another officer using or attempting to use force beyond that which is necessary or objectively reasonable based on the totality of the circumstances to intervene, unless intervening

would result in imminent harm to the officer or an identifiable individual,
in accordance with the requirements specified in 555 CMR 6.06;

~~(r)~~ Direct officers to provide an appropriate and timely medical response to, or otherwise procure appropriate medical assistance in a timely manner for, ~~members of the public~~individuals when safe and tactically feasible in accordance with the requirements specified in 555 CMR 6.04(4) and 6.05(7);

~~(t)~~ —

~~(v)~~ — Direct officers to prepare written post-encounter use-of-force reports in accordance with the agency's use of force reporting policy developed in accordance with 555 CMR 13.03(2); ~~regarding de-escalation efforts attempted or used prior to the use of force and the use of force;~~

~~(w)~~(s) —

~~(x)~~ — Direct officers to engage in post-encounter discussions regarding de-escalation efforts or the use of force;

~~Direct supervisors to routinely conduct de-escalation reviews to identify officer behaviors that may have successfully prevented force and accompanying injuries;~~

~~(y)~~(t) ~~Direct supervisors~~Direct the agency to ~~routinely periodically~~ conduct use-of-force reviews to identify officer behaviors that resulted in force mitigation or behaviors that could have been altered to, if altered, could have de-escalate an encounter or prevented the use of force and accompanying injuries; and

~~(z)~~(u) Ensure that all officers are trained in use of force in accordance with all applicable training requirements.

- (2) Reporting of use of force. An agency's use of force reporting policy shall:
- (a) Direct officers to report use of force incidents in accordance with the procedures and requirements specified in 555 CMR 6.07, 6.08(4), and 6.09;
 - (b) Direct officers who observe another officer using force beyond that which is necessary or objectively reasonable based on the totality of the circumstances to report the incident in accordance with the procedures and requirements specified in 555 CMR 6.07(4);
 - (c) Provide for the agency to establish a protocol ~~Direct for members of the public~~individuals on how they may to follow up on or file a complaint concerning raise concerns about a use of force incident;

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(d) Set forth comprehensive and specific procedures and requirements governing the timely investigation, analysis, and resolution of allegations of use of force violations, which shall include provisions addressing:

1. The collection, preservation, and use of evidence, consistent with the requirements specified in 555 CMR 13.03(8); and
2. The appropriate administration of discipline.

(e) ~~Provide for~~Direct the agency to analyze use of force reports and complaints on at least an annual basis to:

1. Identify trends in use of force over time;
2. Identify officers who are involved in a disproportionate share of use of force reports and complaints, for the purposes of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when a positive determination is made; and
3. Issue an annual summary of use of force reports and complaints to the public, which shall be maintained on the agency's website and available on agency premises for inspection, for the purposes of increasing transparency and community trust;

(f) ~~Provide for~~Direct the agency to maintain records and evidence concerning use of force and complaints in accordance with the requirements specified in 555 CMR 6.07(8) and 12.04(1)(f);

~~(f)~~(g) Direct the agency to provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity, including M.G.L. c. 66, § 10; and

~~(g)~~(h) Ensure that all officers are trained in use of force reporting in accordance with all applicable training requirements.

555 CMR 13.00: LAW ENFORCEMENT AGENCY CERTIFICATION STANDARDS

Section

- 13.01: Purpose and Scope
- 13.02: Definitions
- 13.03: Standards
- 13.04: Compliance
- 13.05: Assessment
- 13.06: Maintaining Compliance
- 13.07: Re-Assessment
- 13.08: Waiver
- 13.09: Enforcement and Disciplinary Action
- 13.10: Severability

13.02: Definitions

As used in 555 CMR 13.00, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Agency. A Law Enforcement Agency as defined in M.G.L. c. 6E, § 1.

Commission. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, § 2.

Deadly or Lethal Force. Deadly Force as defined in 555 CMR 6.03.

De-escalation. Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any other individual present or involved in the encounter.

De-escalation Tactics. De-escalation Tactics as defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, including, but not limited to, utilizing critical thinking skills to consider other de-escalation tactics in response to changing dynamics and other tactics consistent with the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).

Encounter. An interaction, event, or occurrence between an officer and an individual.

Force. Force as defined in 555 CMR 6.03.

Non-deadly or Less-lethal Force. Non-deadly Force as defined in 555 CMR 6.03.

Officer. A Law Enforcement Officer as defined in M.G.L. c. 6E, § 1.

13.03: Standards

Each agency shall develop and implement written policies on the following topics that meet or exceed the following standards:

- (1) Use of force. An agency's use of force policy shall:
 - (a) Emphasize the sanctity of life and bodily integrity consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
 - (b) Emphasize the dignified and respectful treatment of all individuals during an encounter consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
 - (c) Direct officers to implement their agency's use of force policy and sub-policies in a manner that is fair and unbiased consistent with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
 - (d) Directs officers to focus on de-escalation throughout an encounter and until the encounter has come to a conclusion, when time and circumstances reasonably permit, while ensuring the safety of themselves or any other individual present or involved in the encounter;
 - (e) Directs officers on the use of various de-escalation tactics, when time and circumstances reasonably permit and in accordance with all applicable training requirements;
 - (f) Directs officers to utilize de-escalation tactics at all available and appropriate opportunities, including before initially arriving at a scene, before using force, before any escalation of the use of force, throughout the encounter, as resistance decreases, and until the encounter has come to a conclusion, provided time and circumstances reasonably permit;
 - (g) Directs officers, when time and circumstances reasonably permit, to make efforts to learn or ascertain whether an individual's lack of compliance is based on non-criminal factors, including but not limited to, mental or physical condition; language or cultural differences; the legacy of policing on vulnerable populations; and the agency's history with the public, for the purposes of deciding which de-escalation tactics are the most appropriate to bring the encounter to a safe resolution;
 - (h) Authorize the use of force in accordance with the requirements specified in 555 CMR 6.04 and 6.05;

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- (i) Set forth comprehensive and specific requirements governing the use of non-deadly or non-lethal force that meet or exceed the requirements specified in 555 CMR 6.04;
- (j) Set forth comprehensive and specific requirements governing the use of deadly or lethal force that meet or exceed the requirements specified in 555 CMR 6.05
- (k) For each device available to an officer for the application of force, including firearms and less lethal substances and devices, include a sub-policy or provision concerning the use of that device that:
 - 1. Sets forth comprehensive and specific requirements governing the use, including the pointing and/or discharging of the device; and
 - 2. Directs officers to consider their surroundings and potential risks to other individuals, to the extent reasonable, before using the device;
- (l) Include a sub-policy or provision concerning the use of force during mass demonstrations and for the purposes of crowd management that sets forth comprehensive and specific requirements that meet or exceed the requirements specified in 555 CMR 6.08;
- (m) Include a sub-policy or provision concerning the use of force in animal encounters that directs officers to consider utilizing non-lethal force when time and circumstances reasonably permit;
- (n) Direct officers to stop using force without unreasonable delay when the individual with whom the officer is engaging stops resisting, the threat has been overcome, or the individual with whom the officer is engaging is secured or in custody;
- (o) Prohibit officers from using tactics designed to escalate the level of force necessary to resolve an encounter;
- (p) Prohibit officers from using excessive force;
- (q) Direct officers present and observing another officer using or attempting to use force beyond that which is necessary or objectively reasonable based on the totality of the circumstances to intervene, unless intervening would result in imminent harm to the officer or an identifiable individual, in accordance with the requirements specified in 555 CMR 6.06;

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- (r) Direct officers to provide an appropriate and timely medical response to, or otherwise procure appropriate medical assistance in a timely manner for, individuals when safe and tactically feasible in accordance with the requirements specified in 555 CMR 6.04(4) and 6.05(7);
 - (s) Direct officers to prepare written use-of-force reports in accordance with the agency's use of force reporting policy developed in accordance with 555 CMR 13.03(2);
 - (t) Direct the agency to periodically conduct use-of-force reviews to identify officer behaviors that resulted in force mitigation or behaviors that could have been altered to de-escalate an encounter or prevent the use of force and accompanying injuries; and
 - (u) Ensure that all officers are trained in use of force in accordance with all applicable training requirements.
- (2) Reporting of use of force. An agency's use of force reporting policy shall:
- (a) Direct officers to report use of force incidents in accordance with the procedures and requirements specified in 555 CMR 6.07, 6.08(4), and 6.09;
 - (b) Direct officers who observe another officer using force beyond that which is necessary or objectively reasonable based on the totality of the circumstances to report the incident in accordance with the procedures and requirements specified in 555 CMR 6.07(4);
 - (c) Provide for the agency to establish a protocol for individuals to follow up on or raise concerns about a use of force incident;
 - (d) Set forth comprehensive and specific procedures and requirements governing the timely investigation, analysis, and resolution of allegations of use of force violations, which shall include provisions addressing:
 - 1. The collection, preservation, and use of evidence, consistent with the requirements specified in 555 CMR 13.03(8); and
 - 2. The appropriate administration of discipline.
 - (e) Direct the agency to analyze use of force reports and complaints on at least an annual basis to:
 - 1. Identify trends in use of force over time;

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2. Identify officers who are involved in a disproportionate share of use of force reports and complaints, for the purposes of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when a positive determination is made; and
 3. Issue an annual summary of use of force reports and complaints to the public, which shall be maintained on the agency's website and available on agency premises for inspection, for the purposes of increasing transparency and community trust;
- (f) Direct the agency to maintain records and evidence concerning use of force and complaints in accordance with the requirements specified in 555 CMR 6.07(8) and 12.04(1)(f);
 - (g) Direct the agency to provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity, including M.G.L. c. 66, § 10; and
 - (h) Ensure that all officers are trained in use of force reporting in accordance with all applicable training requirements.

4b(ii).



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

To: Chair Margaret R. Hinkle
Commissioner Lester Baker
Commissioner Hanya H. Bluestone
Commissioner Lawrence Calderone
Commissioner Eddy Chrispin
Commissioner Deborah Hall
Commissioner Marsha V. Kazarosian
Commissioner Charlene D. Luma
Commissioner Clyde Talley

CC: Enrique A. Zuniga, Executive Director
Randall E. Ravitz, General Counsel

From: Annie E. Lee, Counsel

Re: Law Enforcement Agency Certification Standards – Code of Conduct

Date: December 12, 2024

Enclosed for the Commission's convenience is a draft code of conduct standard¹, which was presented to the Commission during its September and October meetings.

The Commission previously considered the following key elements of a draft code of conduct standard:

- Affirmative obligations. Officers' affirmative obligations, meaning requirements, can be sorted into two categories:
 - Priorities and values. To reflect the priorities and values underlying the Commission's enabling legislation, Chapter 253 of the Acts of 2020, *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*, the Commission's governing statute, chapter 6E of the Massachusetts General Laws, and the International Association of Chiefs of Police's *Code of Ethics and Standards of Conduct*, which the Commission has incorporated by reference into the criteria for assessing officers' good character

¹ Massachusetts General Laws chapter 6E, section 5(b) requires the Commission to develop at least eight agency certification standards, of which an "officer code of conduct" is one.

and fitness for employment, *see* 555 CMR 7.05(2)(a) and 9.07(1)(b)(1), agencies should articulate the following priorities and values in their codes of conduct policies: respect for life and bodily integrity; impartial and unbiased policing; protection of vulnerable populations; service to the public; worthiness of public trust and the authority given to law enforcement; transparency, accountability, and responsibility; and truthfulness.

- Compliance. To reflect officers' ongoing compliance responsibilities, whether set by federal or state law, rules, regulations, policies, or regulatory or judicial orders, agencies should be required to include in their codes of conduct policies officers' compliance with: the Constitution; equal employment opportunity obligations; training requirements; certification requirements; and all other applicable laws, rules, regulations, policies, mission or value statements, and judicial or regulatory orders.
- Negative obligations. To further the priorities of the Commission's enabling legislation and governing statute and to reinforce officers' ongoing compliance obligations while proactively addressing behavior that has historically formed the basis for many complaints against law enforcement officers, agencies should prohibit in their codes of conduct policies: criminal activity; sexual misconduct; prohibited associations and visitations; retaliation; action prejudicial to the administration of justice; neglect of duties; abuse of authority or position as an officer; and conduct unbecoming an officer.
- Applicability. Because officers are also employees in a larger organization, agencies should require officers to adhere to their codes of conduct not only in the execution of their official duties in interacting with the public, but also in the workplace with their colleagues, whether they be other officers or civilian employees, as well as in their private lives unless otherwise prohibited.

Commission staff has consulted with the Municipal Police Training Committee, which has not provided further feedback or identified any additional revisions at this time. The code of conduct standard is therefore presented to the Commission for preliminary approval in its draft form.

Recommendation: The Commission preliminarily approve the code of conduct standard, as discussed and presented today, as a draft.

555 CMR 13.00: LAW ENFORCEMENT AGENCY CERTIFICATION STANDARDS

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13.01: Definitions

Agency. A Law Enforcement Agency as defined in M.G.L. c. 6E, § 1.

MPTC. The Municipal Police Training Committee as defined in M.G.L. c. 6, § 116.

Sexual Harassment. Unwelcome conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. Sexual harassment includes unwelcome sexual advances and requests for sexual favors or acts, whether verbal, physical, graphic, or otherwise.

Sexual Misconduct. Conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person. Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and retaliation.

Officer. A Law Enforcement Officer as defined in M.G.L. c. 6E, § 1.

13.03: Standards

Each agency shall develop and implement written policies on the following topics in accordance with the following standards:

- (3) Officer code of conduct. An agency's officer code of conduct policy shall:
 - (a) Require officers to act professionally and ethically;
 - (b) Require officers to treat others with dignity and respect;
 - (c) Require officers to evince a respect for life and bodily integrity;

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- (d) Require officers to act impartially and avoid the appearance of bias, and prohibit officers from harassing and discriminating against others based on bias, including bias on the basis of actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, limited English proficiency, accent, religion, sex, sexual orientation, gender identity, mental or physical disability, genetic information, ancestry, pregnancy or a condition related to said pregnancy, status as a veteran, marital status, parental status, public assistance reciprocity, socioeconomic level, education level, or professional level except where prohibiting the behavior would conflict with applicable law, rules, regulations, or judicial and regulatory orders;
- (e) Require officers to act in the best interests of the most vulnerable populations of the public, including children and young people; people experiencing medical, behavioral, or mental health crises; unhoused people; survivors of domestic violence, sexual assault, or human trafficking; differently-abled people; people living in poverty; veterans; and people historically harmed by policing;
- (f) Require officers to act with an ethic of service to the public;
- (g) Require officers to be worthy of the public trust and of the authority given to officers;
- (h) Require officers to uphold transparency, accountability, and responsibility principles;
- (i) Require officers to be truthful in any matter related to the officer's execution of their official duties, and prohibit officers from lying, falsifying, concealing, purposely distorting, diminishing, embellishing, or failing to disclose facts associated with the officer's execution of their official duties, except those matters in which there is a legitimate need for deception or non-disclosure of information in furtherance of the officer's execution of their official duties;
- (j) Require officers to comply with constitutional requirements, including those concerning:
 - 1. Investigatory stops;
 - 2. Traffic stops;
 - 3. Surveillance;
 - 4. Searches;

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5. Seizures;
 6. Investigation;
 7. Arrests;
 8. No-knock entries;
 9. Interviews;
 10. Interrogations;
 11. Access to counsel;
 12. Exculpatory evidence; and
 13. Free assembly and expression.
- (k) Require officers to support the equal opportunity in employment throughout the workplace to all persons, regardless of actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, proficiency in a language other than English, accent, religion, sex, sexual orientation, gender identity, mental or physical disability, genetic information, ancestry, pregnancy or a condition related to said pregnancy, status as a veteran, marital status, public assistance recipiency, socioeconomic level, or education credential not material to job performance where it does not conflict with existing laws, rules, regulations, or judicial and regulatory orders;
- (l) Require officers to attend all required initial and ongoing training, including those trainings required by the MPTC;
- (m) Require officers to attain and maintain good moral character and fitness for employment in law enforcement necessary for certification in accordance with the requirements specified in 555 CMR 7.05 and 9.07;
- (n) Require officers to adhere to all applicable mission and values statements;
- (o) Require officers to adhere to their agency's policies and subpolicies;
- (p) Require officers to comply with all other applicable laws, rules, regulations, and judicial and regulatory orders;
- (q) Prohibit officers from engaging in criminal activity;
- (r) Prohibit officers from engaging in sexual misconduct;

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- (s) Prohibit officers from engaging in prohibited associations with individuals or prohibited visitations of establishments;
- (t) Prohibit officers from engaging in any retaliatory action, including harassment and intimidation, against any other person based on that person's involvement in a report, complaint, participation in an inquiry or investigation, or testimony against that officer or any other officer;
- (u) Prohibit officers from taking action that is prejudicial to the administration of justice;
- (v) Prohibit officers from neglecting their duties as an officer;
- (w) Prohibit officers from abusing their authority or position as an officer;
- (x) Prohibit officers from engaging in any other action that demonstrates a problem with the officer's integrity, honesty, moral judgment, or character; brings discredit to the agency; or impairs the efficient and effective operation of the agency; and
- (y) Apply equally in an officer's execution of their official duties, in the workplace, and in their private life unless prohibited by applicable law, rules, regulations, and judicial or regulatory orders.