



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

March 17, 2025

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 #61

March 20, 2025

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 921 2333 1585

1) Call to Order and Open Session

2) Executive Session in accordance with the following:

- 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) Reports of Preliminary Inquiry in the following cases:

- (1) PI-2024-063
- (2) PI-2025-009
- (3) PI-2024-051
- (4) PI-2024-068
- (5) PI-2024-066
- (6) PI-2023-04-13-015
- (7) PI-2022-12-13-005

84 State Street, Suite 200
Boston, Massachusetts 02109

TEL: 617.701.8401

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(8) PI-2024-064

- b) Division of Standards request to enter into voluntary decertification or suspension agreement in the following cases:
 - i) PI-2024-028
 - ii) PI-2024-026
 - iii) PI-2024-019

 - c) Division of Standards request for approval to conduct Preliminary Inquiries in the following cases:
 - i) PI-2023-04-13-017
 - ii) PI-2024-040
 - iii) PI-2025-010
 - iv) PI-2025-011
 - v) PI-2025-012
 - vi) PI-2025-013
 - vii) PI-2025-014
 - viii) PI-2025-015
 - ix) PI-2025-016
 - x) PI-2025-017

 - d) Approval of the minutes of the Executive Session of February 13, 2025
- 3) Approval of Minutes
- a) February 13, 2025
- 4) Executive Director Report – Enrique A. Zuniga
- a) Certification Update
 - b) Update on Constables
 - c) Administrative Update
 - d) Budget Update
- 5) Legal Update – Randall E. Ravitz, Annie E. Lee, and Elizabeth B. Smith
- a) Officer Recertification
 - i) Issues related to officers' physical fitness & behavioral health
 - b) Agency Certification Initiative
 - i) Discussion of draft standards on the use of force and reporting uses of force
 - c) Relinquishment of Certification

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- i) Discussion of proposed policy
- 6) Matters not anticipated by the Chair at the time of posting

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.”

3a.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Public Meeting Minutes
February 13, 2025
9:30 a.m.
Via Zoom

Documents Distributed in Advance of Meeting

- January 16, 2025, Public Meeting Minutes
- Executive Director Report
- Memo concerning citizen complaints regarding constables and proposed response
- Memo regarding officer recertification

Commissioners In Attendance

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

1. Call to Order

- The meeting began at 9:38 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 Hall – Present
 - Commissioner Kazarosian – Present
 - Commissioner Talley – Present

2. Approval of Minutes

- Chair Hinkle asked for a motion to approve the January 16, 2025, minutes. There was a motion by Commissioner Talley, seconded by Commissioner Kazarosian.
- The Commissioners voted to approve the January 2025 public meeting minutes as follows:
 - Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Talley – Yes
 - Chair Hinkle – Yes
- The minutes were unanimously approved.

3. Executive Director Report – Enrique A. Zuniga

- Executive Director Zuniga began his report by reminding the public that the Commission does not accept public comments or answer questions during these public meetings.

- He emphasized that the Commission welcomes and appreciates comments and questions and that the best way to contact the Commission is through the contact information listed on the Commission’s website.
- Executive Director Zuniga began with an update on reports due to POST. He stated as follows.
 - Commission staff continued to receive complaints via the public complaint form on the Commission’s website and incident reports from agencies submitting through the portal.
 - In January 2025, the Commission received 148 public complaints and 76 incident reports from agencies with an average of 37 public complaints and 19 reports per week.
 - This was an increase from 2024 weekly averages of 30 public complaints and 10 reports per week.
 - At the time of the meeting, 11 agencies had overdue complaints or incident reports. This was a decrease from the 14 agencies with overdue complaints in November 2024.
 - The total number of overdue complaints or incident reports due across these agencies was 24, which was an increase from the 18 reports due in November 2024.
 - He then 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.
 - As of the Commission meeting, there were 45 closed cases pending discipline across 11 agencies. This was a decrease from the 56 cases from 13 agencies in November 2024.
- Executive Director Zuniga then provided an update on the plan for the second round of officer recertification. He continued as follows.
 - This round of certification involves officers with last names beginning with letters “A” through “H” whose certification expires on June 30, 2025.
 - The target date to open the portal and accept submissions is May 1, 2025.
 - All officers will be moved to a certification timeline that is three years plus however many months take them to their birthday month.
- Executive Director Zuniga then gave an update on the Worcester Community Meeting that was held on January 29, 2025. He stated the following.
 - Commissioners Hall, Bluestone, and Talley attended the meeting, as well as Executive Director Zuniga and Director of the Division of Police Standards Matthew Landry who provided a presentation on the Commission.
 - During the question-and-answer portion of the meeting, there was a focus on the topic of constables executing evictions and the role that the Worcester Police Department plays in these proceedings.
 - M.G.L. c. 6E states that “constables executing an arrest for any reason” are to be certified by the Commission.
 - As of the February Commission meeting, no constables were certified.
 - After the meeting, it was proposed that there be another community listening session in the near future.

- Regarding the topic of constables, there was preparation to request basic information from police departments around constables in their jurisdictions. This data would be used to maintain a database on constables and collect complaints that may be submitted involving those individuals.
- Executive Director Zuniga then moved on to a financial update. He stated the following.
 - The Commission continued to make expenditures for 2025 and reviewed potential reversions of approximately \$600,000. A full treasurer's report will be presented at a subsequent meeting.
 - The Governor's budget for fiscal year 2026, filed on January 22, 2025, included an \$8.92 million appropriation for the Commission. This was about \$570,000 less than requested.
 - The Commission will prepare testimony and present to the Joint Ways and Means Committee to advocate for the originally requested funding.
- Executive Director Zuniga next provided a hiring update, stating as follows.
 - There have been two new additions to the Commission: Superior Court Judge Barbara Dortch-Okara (Ret.), joining as a Hearing Officer, and Alia Sirois, joining as an IT System Specialist.
 - There was a pending offer for the fourth Intake Coordinator for the Division of Police Standards.
 - Positions for the Deputy Director of the Division of Police Certification, an IT Data Analyst, and a Legal Intern were still waiting to be filled.
- Executive Director Zuniga then provided a brief overview of the mandatory trainings that had recently been provided to staff members. He stated the following:
 - These training courses were in line with what other employees of the Commonwealth do on an annual basis.
 - These trainings included topics such as implicit bias, sexual harassment, ethics, and cyber security.
 - The Commonwealth and the Commission remain committed to the topic of diversity, equity, and inclusion.
 - Considering the Commission's creation as a result of the events of 2020, there is a connection between the Commission and implicit bias.
 - Just as officers are expected to act without biases, the Commission must hold itself to the same standard.
- Executive Director Zuniga then ended his presentation and asked whether there were any questions or comments from the Commissioners.
- Commissioner Bluestone stated that the statistics regarding the status of investigations and discipline pending were promising. She was, however, concerned about the significant difference between the number of pending cases with the Boston Police Department compared to other agencies.
- Executive Director Zuniga agreed that Boston does stand out, and he shared a few reasons as to why this may be occurring.
- These reasons included the fact that the Boston Police Commissioner reviews each case individually, and that some cases involve criminal proceedings, which typically results in an extension being granted.

- As there were no further questions, the Chair thanked Executive Director Zuniga for his report and welcomed Commissioner Chrispin who had recently joined the meeting. She stated that Commissioner Luma was the only Commissioner absent.
- She then turned the floor to Director Landry.
- 4. **Division of Police Standards Update – Director Matthew Landry**
- Director Landry began his update by summarizing the memo concerning constables that was included in the Commissioners’ meeting packet. He stated as follows.
 - The concern was that constables are exercising police duties and functions without being certified.
 - Constables, pursuant to orders issued by the housing court, are able to forcibly remove an individual if they will not leave the property voluntarily after receiving notice 40 hours in advance.
 - The definition of the term “arrest” in the Commission’s regulations clearly encompasses this conduct.
 - Considering the above factors, constables need to be certified to carry out these functions.
 - The Worcester Chief of Police confirmed that constables are not going to be arresting or conducting evictions in the city and that conversations would be had with concerned parties.
- Director Landry stated that the next steps were to work with law enforcement agencies around the Commonwealth to collect information about the constables operating within those jurisdictions.
- This would enable the Commission to track complaints regarding constables.
- He asked the Commissioners whether there were any questions.
- Commissioner Kazarosian expressed concern that, considering the requirement, no constable had attempted to be certified.
- Commissioner Bluestone asked Director Landry what his thoughts were of situations where constables executed evictions along with officers. She emphasized that this was a concern raised during the Worcester meeting, as it was seen as a show of force.
- Director Landry stated that these constables were likely violating the Commission’s regulations. He included, however, that the Worcester Chief of Police seemed responsive to feedback on these issues, and he believed that similar incidents would not be recurring.
- Commissioner Chrispin asked whether there would need to be legislative action to determine the requirements a constable may need to fulfill to execute their duties. He also asked whether they had found any instances in which people were taken into custody by a constable.
- Director Landry responded by saying that he was unable to point to a specific example of an individual being forcibly removed by a constable. He also stated that the term “arrest” had been clearly defined in the Commission’s regulations, and he believed that the definition was well founded in case law.
- Commissioner Chrispin stated that he felt there should be a concrete process on the steps constables need to take to be certified.
- Commissioner Baker expressed concern regarding a potential administrative burden on law enforcement agencies considering that constables are not employed through agencies.

- Executive Director Zuniga added that the path towards certification for constables involved the Municipal Police Training Committee. He clarified that some constables may have expressed a desire to be certified, but that there is currently no path for them to do so.

5. Legal Update – General Counsel Randall E. Ravitz

- General Counsel Ravitz summarized a memo provided to the Commissioners regarding the recertification process. He stated as follows.
 - At recent Commission meetings, there had been discussions surrounding the work of the Certification Subcommittee to develop a revised set of regulations outlining the recertification process.
 - There are continued efforts to develop provisions dealing with the statutory requirement that an officer successfully complete a physical and psychological fitness evaluation. Surveys were sent to heads of law enforcement departments and unions to get feedback on the topic.
 - He thanked those who had responded to the surveys and welcomed those who had not completed it to do so. The deadline for submitting a response was February 21, 2025.
 - General Counsel Ravitz stated that they looked forward to continuing the process and receiving feedback from stakeholders.
 - At the time of the meeting, the recertification process continued to be governed by the recertification regulations that are found at 555 CMR 7.00.
 - One idea for addressing the current round of recertification was to shift officers' expiration dates so that they coincide with their birth months, which would allow the processing of applications to be staggered throughout the year. This was presented to and approved by the Commission at a prior public meeting.
- General Counsel Ravitz then outlined the steps for the Commission's Certification Team in the recertification process. He listed the following.
 - First, they would determine whether an officer continued to satisfy the statutory requirement of possessing first aid and cardiopulmonary resuscitation certificates.
 - Second, they would determine whether an officer had good moral character and fitness for employment in law enforcement.
 - Third, they would continue to issue conditional certifications to officers who had not yet satisfied the in-service training requirements.
- As there were no questions, the Chair thanked General Counsel Ravitz and moved on to the next piece in the agenda.

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.

6. Executive Session

- The Chair raised the issue of moving into executive session in accordance with M.G.L. c. 30A, § 21(a)(1), to discuss the discipline or dismissal of, or complaints or charges brought against a public employee, a public officer, or an individual; under 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.

- The Chair stated that:
 - The Commissioners will be considering reports of preliminary inquiries.
 - They will be considering the request to enter into voluntary decertification or suspension agreements.
 - They will be considering requests from the Division of Police Standards to approve preliminary inquiries.
- Commissioner Baker moved to enter into executive session. Commissioner Kazarosian seconded the motion.
- 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 Talley – Yes
 - Chair Hinkle – Yes
- The motion unanimously carried.
- The Chair informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- The Chair thanked the staff members who presented at the Commission meeting and thanked the public for their interest in the Commission’s work.
- The public meeting was adjourned at 10:32 a.m.

4.



Executive Director Report

March 20, 2025

POSTC-comments@mass.gov
www.mapostcommission.gov
617-701-8401



Agenda

1. Certification Update
2. Update on Constables
3. Administrative Matters
4. Budget Update

Certification Update



Recertification of Incumbent Officers (A-H)

Streamlined version to include the following:

- Completion of CPR/First Aid?
- Completion of In-Service Training (TY 2025 by June 30)?
- Confirm information & submit any employment status changes
- Any disciplinary matters since last certification? Submitted to POST?
- Continuing to attest to Good Moral Character & Fitness for Employment as an Officer?

Update on Constables



Recent Events / Milestones

- February 6, 2025 - Letter to Housing Court
- February 18, 2025 - Letter from Trial Court General Counsel
- February 21, 2025 – Meeting at Worcester PD
- March 11, 2025 – Community Listening Session
- Communications with members and staff of Legislature

Update on Constables



Upcoming Activities

- Tracking of Agencies and Constables – ongoing
 - 344 Agencies have responded
 - 174 Agencies with Constables (may be more)
 - 471 Constables (may be more)
- Upcoming meeting with Trial Court General Counsel
- Arranging meeting(s) with Worcester Area Legislative Delegation
- Further Definition of “Police Duties & Functions” (April or May meeting)

Administrative Matters



Annual Report and Communications

- Statutory Reporting Fiscal Year 24 - Completed
- Annual Report including activities for calendar year 2024 included in the packet
- Updating suspension reports in real time
- Disciplinary records and certification status updated monthly – but work on Business Intelligence (BI) tool is on-going
- Adding content and features to website (including videos) to disseminate information and enhance engagement

Administrative Update



Internal Initiatives – Legal & HR

- Commission Decisions are available in the Social Law Library
- Internal Seminars
 - ✓ Law Governing MPTC
 - ✓ Public Records Law
- Added web page on Victim Resources
- In-person training on Harassment and Sexual Harassment

Budget Update



FY25 Activity

- Reversions still on target (~\$600K)
- Security Build-Out of Reception (One-time)
- 3rd Quarter Results in April meeting

FY26 Budget Development

- Testimony before Joint Ways & Means: March 28th in Clinton MA
- Original Request: \$9.49 M
- House 1 appropriation is \$570K less than request

Budget Update



Human Resource Update - Hiring

- Welcome New Members:
 - Cassidy Clark – Intake Coordinator
 - George Boateng – Legal Fellow
 - Olivia Scuncio – Legal Intern
- Pending/Future:
 - Deputy Director Division of Certification (Starting April 7)
 - Legal Interns
 - Record Access Officer (Legal Division) – Posting TBD
 - Information Technology Analyst – Posting TBD



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

4b.



**THE TRIAL COURT OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT**

Legal Department
One Center Plaza, Room 901
Boston, MA 02108

Daniel P. Sullivan
General Counsel

February 18, 2025

VIA ELECTRONIC MAIL

Matthew P. Landry, Director
Division of Police Standards
Massachusetts Peace Officer Standards and Training Commission
84 State Street, Suite 200
Boston, MA 02109

RE: February 6, 2025, correspondence to Hon. Diana H. Horan, Chief Justice
of the Housing Court

Dear Director Landry:

Your February 6, 2025, letter to Hon. Diana H. Horan, Chief Justice of the Housing Court, (“POST Letter”) has been referred to me for a response. That letter states in pertinent part:

the Commission respectfully wishes to state that the function of “physically remov[ing] the defendant and [the defendant’s] personal possessions from the premises if the defendant has not prior to that time vacated the premises voluntarily,” c. 239, § 3, constitutes an “arrest” as defined by the Commission’s regulations. 555 CMR 9.02(2). A constable who exercises that function must therefore possess a certification by POST in order to do so lawfully.

POST Letter at 2.

The Trial Court respectfully disagrees with this statement. First, the cited regulation defines an “arrest” in part as “[a]n actual or constructive seizure or detention of a person, performed with the intention to effect an arrest[.]” 555 CMR 9.02(2). A constable levying a civil execution for possession that was issued in a summary process proceeding is not arresting the tenant. The constable has no “intention to effect an arrest.” *Id.* A holdover tenant is not subject to arrest as he or she has committed no crime. Such a tenant is violating a civil court order and is subject to removal.

General Laws chapter 239, section 3 (G.L. c. 239, § 3) provides in pertinent part:

the officer serving or levying upon the execution shall give the defendant written notice that at a specified date and time he will serve or levy upon the execution and that at that time he will physically remove the defendant and his personal possessions from the premises if the defendant has not prior to that time vacated the premises voluntarily.

Id. The removal of a defendant from the premises is not an arrest; if such physical removal is required, it is at most a momentary seizure.

The Massachusetts Appeals Court held that:

Effecting an arrest "is a process that begins when the ... three [*Grandison*¹] criteria are present and ends when the person is fully detained by his submission to official force or placed in a secure location from which he can neither escape nor harm the police officer or others nearby."

Commonwealth v. Soun, 82 Mass. App. Ct. 32, 34-35 (2012), quoting *Commonwealth v. Knight*, 75 Mass. App. Ct. 735, 739 (2009) (bracketed case name in *Soun*) (emphasis added). A tenant whom a constable serves with an execution for possession is not "fully detained by his submission to official force or placed in a secure location from which he can neither escape nor harm the police officer [or the levying constable] or others nearby." Even though the evicted tenant may no longer occupy the leased or rented premises, he or she remains at liberty. The constable levying the execution has no authority to arrest -- much less detain -- the tenant.

The POST Letter further states: "the statutory definition of a 'law enforcement officer' specifies which officers must be certified by POST to carry out their duties, and this category includes 'a constable executing an arrest for any reason.' M.G.L. c. 6E, § 1." POST Letter at 1. A constable levying a civil execution for possession is not effecting an arrest, and therefore, does not fall within either G.L. c. 6E, § 1's or POST's definition of a law enforcement officer.

The February 29, 2024, entry on the attached docket in *Wells Fargo Bank, N.A. v. Kyle Hargrove*, No. 2024-J-0103, states:

The petitioners' main argument in this regard is that Constable Nunez cannot evict them because he lacks certification by the Massachusetts Peace Officer Standards and Training (POST) Commission. The POST

¹ Under *Commonwealth v. Grandison*, 433 Mass. 135, 145 (2000), "[a]n arrest occurs where there is (1) "an actual or constructive seizure or detention of the person, [2] performed with the intention to effect an arrest and [3] so understood by the person detained." *Id.* quoting *Commonwealth v. Cook*, 419 Mass. 192, 198 (1994), quoting *Massachusetts Gen. Hosp. v. Revere*, 385 Mass. 772, 778 (1982), rev'd on other grounds, 463 U.S. 239 (1983).

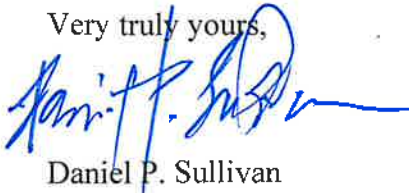
statute, however, specifically states the only circumstance in which it applies to a constable, which is "a constable executing an arrest for any reason." G.L. c. 6E, § 1. The regulations define an arrest as "[a]n actual or constructive seizure or detention of a person, performed with the intention to effect an arrest and so understood by the person detained." 555 Code Mass. Regs. § 9.02(2). Although any coercive show of authority constitutes a seizure under the regulations, a seizure does not constitute an arrest unless "performed with the intention to effect an arrest and so understood by the person detained." 555 Code Mass. Regs. § 9.02(2). The petitioners show no reason to believe that Constable Nunez will do any such thing, and therefore he does not need POST certification.

Id. (emphasis added). This decision contradicts POST's interpretation of its statute and regulations.

Most Housing Court executions for possession are served by constables.² If a constable encounters physical resistance to levying an execution, the constable may call local police for assistance. Requiring constables to be certified as law enforcement officers to levy civil executions for possession would substantially limit their timely execution. Moreover, executions would then be served by sheriffs' departments, decreasing efficiency and increasing cost.

In sum, the POST Letter overstates POST's statutory authority over constables' levying executions for possession. Complying with the POST Letter would interfere with Housing Court judges' appropriate authorization of constables to levy executions for possession. I have therefore counseled the Chief Justice of the Housing Court not to require constables be certified by POST because constables are not acting as "law enforcement officer[s]" under M.G.L. c. 6E, § 1 when they are appointed to serve and levy executions for possession.

Very truly yours,



Daniel P. Sullivan

Enclosure

² Other Trial Court departments also adjudicate summary process and are authorized to appoint constables for that purpose. *See* Trial Court Rule I: Uniform Summary Process Rules, Commentary ("Four Departments of the Massachusetts Trial Court have jurisdiction over summary process actions (Superior Court, District Court, Boston Municipal Court and Housing Court).").

APPEALS COURT

Single Justice

Case Docket

WELLS FARGO BANK, N.A. vs. KYLE HARGROVE & others
2024-J-0103

CASE HEADER

Case Status	Disposed: Case Closed
Status Date	02/29/2024
Nature	GLc 231, s 118, p 1
Entry Date	02/29/2024
Pet Role Below	Defendant
Single Justice	Ditkoff, J
Brief Status	
Brief Due	
Case Type	Civil
Lower Ct Number	20H85SP000296
Lower Court	Central Housing Court
Lower Court Judge	Sergio E. Carvajal, J.

INVOLVED PARTY

Wells Fargo Bank, N.a.
Plaintiff/Respondent

Kyle Hargrove
Pro Se Defendant/Petitioner

Danny M. Hargrove
Defendant

Lisa M. Hargrove
Defendant

Nicholas Hargrove
Defendant

All other occupants
Defendant

ATTORNEY APPEARANCE

[David A. Marsocci, Esquire](#)

DOCKET ENTRIES

Entry Date	Paper	Entry Text
02/29/2024	#1	Petition pursuant to G.L. c. 231, § 118 with attachments, filed by Kyle Daniel Hargrove and Danny Hargrove.
02/29/2024	#2	Supplemental exhibits to petition pursuant to G.L. c. 231, § 118 filed by Kyle Daniel Hargrove and Danny Hargrove.
02/29/2024	#3	Supplemental exhibits to petition pursuant to G.L. c. 231, § 118 filed by Kyle Daniel Hargrove and Danny Hargrove.
02/29/2024	#4	Supplemental exhibits to petition pursuant to G.L. c. 231, § 118 filed by Kyle Daniel Hargrove and Danny Hargrove.
02/29/2024	#5	Affidavit of indigency (IMPOUNDED) filed for Kyle Daniel Hargrove.
02/29/2024	#6	Supplement to #5 (IMPOUNDED). The Motion to Waive entry fee is allowed conditionally, subject to review and further order. See G.L. c. 261, § 27C (1), (2) & (3).
02/29/2024	#7	Copy of trial court docket sheet
02/29/2024		RE#5: Without passing on the question of indigency, the request to waive the filing fee is allowed. (Ditkoff, J.) *Notice

02/29/2024

RE#1: This case is before me as a request for single justice review of the denial of a preliminary injunction pursuant to G.L. c. 231, § 118. "Appellate review of a trial court order disposing of a preliminary injunction application, either by a panel of this court or by a single justice acting on a petition under the first paragraph of G.L. c. 231, § 118, focuses on whether the trial court abused its discretion -- that is, whether the court applied proper legal standards and whether the record discloses reasonable support for its evaluation of factual questions." Nabhan v. Board of Selectmen of Salisbury, 12 Mass. App. Ct. 264, 270 (1981), quoting Edwin R. Sage Co. v. Foley, 12 Mass. App. Ct. 20, 25 (1981). Accord Manfrates v. Lawrence Plaza Ltd. Partnership, 41 Mass. App. Ct. 409, 412 (1996). My authority is "exercised in a stinting manner with suitable respect for the principle that the exercise of judicial discretion circumscribes the scope of available relief." Edwin R. Sage Co., supra.

The petitioners do not challenge (here at least) the propriety of their being evicted, which follows their failure to pay the appeal bond and the consequent dismissal of their appeal from the judgment of possession for the bank. Rather, they challenge the manner in which the eviction is to be carried out.

A "party seeking a preliminary injunction must show '(1) a likelihood of success on the merits; (2) that irreparable harm will result from denial of the injunction; and (3) that, in light of the [moving party's] likelihood of success on the merits, the risk of irreparable harm to the [moving party] outweighs the potential harm to the [nonmoving party] in granting the injunction.'" Garcia v. Department of Hous. & Community Dev., 480 Mass. 736, 747 (2018), quoting Loyal Order of Moose, Inc., Yarmouth Lodge #2270 v. Board of Health of Yarmouth, 439 Mass. 597, 601 (2003). "A preliminary injunction will not be granted if the moving party cannot demonstrate a likelihood of success on the merits." Lieber v. President & Fellows of Harvard College, 488 Mass. 816, 821-822 (2022). Like the Housing Court judge, I conclude that the petitioners have failed to demonstrate a likelihood of success in their challenge to the manner in which the eviction is to be carried out.

First, they challenge the authority of Constable Wilson Nunez to evict them. An eviction may be carried out by an "officer," G.L. c. 239, § 3, and I gather the petitioners do not deny that a duly-constituted constable is an "officer" and that Constable Nunez is, in fact, a constable. That he may not be a Worcester constable is of no moment. General Laws c. 41, § 92, provides constables with certain authority within their municipalities. Nothing in that statute prohibits a court from appointing a constable as a special process server. Similarly, like the Housing Court judge, I see no persuasive evidence that the phone number provided is not a "business telephone number of the officer." G.L. c. 239, § 3.

The petitioners' main argument in this regard is that Constable Nunez cannot evict them because he lacks certification by the Massachusetts Peace Officer Standards and Training (POST) Commission. The POST statute, however, specifically states the only circumstance in which it applies to a constable, which is "a constable executing an arrest for any reason." G.L. c. 6E, § 1. The regulations define an arrest as "[a]n actual or constructive seizure or detention of a person, performed with the intention to effect an arrest and so understood by the person detained." 555 Code Mass. Regs. § 9.02(2). Although any coercive show of authority constitutes a seizure under the regulations, a seizure does not constitute an arrest unless "performed with the intention to effect an arrest and so understood by the person detained." 555 Code Mass. Regs. § 9.02(2). The petitioners show no reason to believe that Constable Nunez will do any such thing, and therefore he does not need POST certification.

Second, the petitioners argue that the storage facility, Southcoast Moving & Storage & Property Management, LLC (Southcoast), does not comport with the requirements of G.L. c. 239, §§ 3-4. Under those statutes, the warehouse must be "a licensed public warehouse," G.L. c. 239, § 3, and "a public warehouse licensed and bonded pursuant to section 1 of chapter 105, located in the commonwealth and within a 20 mile radius of the land or tenements from which the personal property is removed." G.L. c. 239, § 4(a). Contrary to the petitioners' claim, § 4 contains no requirement that "a warehouse location have an office phone at that location" or "that they have ... some place at that location where you can come pick up a copy of the receipt for your belongings." Instead, the warehouse is required to keep a copy of the receipt at the place of storage and send another copy to the petitioners by mail. G.L. c. 239, § 4(d). Finally, the petitioners include several anecdotal reports of violations by Southcoast, but no evidence of adjudicated complaints or loss of licensure. Nothing in the statutory schemes forbids the use of the licensed public warehouse with unadjudicated complaints against it. Accordingly, the petition for relief from the denial of a preliminary is denied. (Ditkoff, J.) *Notice/Attest/Carajal, J.

02/29/2024 #8

Status report filed by Kyle Hargrove.

02/29/2024

RE #8: No action necessary. This matter is closed. *Notice/attest

03/13/2024 #9

Motion to reconsider filed by Kyle Hargrove and Danny M. Hargrove.

03/13/2024 #10

Exhibits to #9 filed by Kyle Hargrove and Danny M. Hargrove.

03/13/2024

RE#9: Denied. (Ditkoff, J.). *Notice

As of 03/13/2024 4:15pm

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MASSACHUSETTS POST COMMISSION

ANNUAL REPORT

January 1, 2024 to December 31, 2024

Massachusetts POST Commission

84 State Street, 2nd floor

Boston, MA 02109

Phone: 617-701-8401

Email: POSTC-comments@mass.gov

<https://www.mass.gov/orgs/post-commission>

Maura Healey, Governor

Kim Driscoll, Lt. Governor

Margaret R. Hinkle, Commission Chair

Enrique Zuniga, Executive Director

Publication date: March 14, 2025

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Massachusetts POST Commission Mission and Goals

The Massachusetts Peace Officer Standards and Training (POST) Commission was established as part of the criminal justice reform legislation enacted in Chapter 253 of the Acts of 2020.

Mission Statement:

To improve policing and enhance public confidence in law enforcement by implementing a fair process for mandatory certification, discipline and training for all peace officers in the Commonwealth.

Specific goals include:

- 1) Implement a mandatory certification process for officers, including decertification, suspension of certification or reprimand in the event of certain misconduct;
- 2) Receive, investigate and adjudicate officer misconduct complaints and improper use of force;
- 3) Maintain a public database of officer information, including certification status, suspensions and disciplinary records;
- 4) Standardize practices throughout the Commonwealth by implementing a process for certifying law enforcement agencies, including regulations, model policies and best practices that address use of force, ensure bias-free policing and enhance officer wellness;
- 5) Collaborate with the Municipal Police Training Committee (MPTC) to standardize and implement best practices in training and ensure compliance with annual in-service requirements; and
- 6) Build an effective and well-regarded diverse agency that fosters collaboration, professional excellence and personal growth.

Message from Commission Chair

2024: A Year of Milestones

My fellow commissioners join me in commending POST Staff for their accomplishments this year. Our report describes POST's accomplishments in Calendar Year 2024 and summarizes activities anticipated in Calendar Year 2025. Our report also provides statutory reporting data for Fiscal Year 2024 (July 1, 2023 – June 30, 2024).

POST's mission is to improve policing and enhance public confidence in law enforcement. In 2024, we continued making significant progress in fulfilling our mission while also meeting key obligations and deadlines set forth in the statute. We certified and recertified thousands of officers, initiated or resolved dozens of disciplinary cases, promulgated auditing regulations, expanded staff capacity, and we made significant technological enhancements, which included launching a new website.

POST receives complaints from the public and incident reports from law enforcement agencies on a regular basis. Our staff reviews each of those reports as part of our commitment to answering every member of the public who submits a complaint. We rely on law enforcement agencies to investigate many of those complaints, and we collaborate with those agencies to bring cases to the Commission and/or publish the relevant disciplinary information.

In 2024, we recertified 5,951 officers with last names Q–Z and certified 2,193 police academy graduates. To prepare for the second round of recertification (officers with last names A–H in July 2025, previously recertified in 2022), the Commission formed a Certification Policy Subcommittee. Between February and December 2024, the Subcommittee met eight times to review public comments, consider recertification modifications, and explore approaches to assess officers' character, physical fitness and behavioral health.

Looking ahead to 2025, we anticipate that the number of cases brought before the Commission will increase. We will continue to advance policies and standards related to law enforcement agency certification, standardized use-of-force reporting and more. To support our increasing workload, we anticipate that POST will continue to grow, much as it did in 2024 when it increased from 37 to 49 staff members. To that end, the Fiscal Year 2026 funding request includes funding for seven more employees.

We remain committed to fulfilling the mission of police reform, strengthening policing in Massachusetts and fostering public trust in law enforcement.

Margaret R. Hinkle

Chair, POST Commission

POST Commissioners

The nine-member Commission is made up of appointees of the Governor, Attorney General and both. The Commission consists of three law enforcement officers and six civilians. It is diverse in terms of gender, race, geography, party affiliation and background.

Commissioners have experience in law enforcement practice and training, criminal law, civil rights, the criminal justice system, mental health, crisis intervention, de-escalation techniques and social science fields related to race or bias. While serving on the Commission, the commissioners cannot hold or be a candidate for elected office, hold an appointed office in government or serve as an official in a political party. No more than seven commissioners shall be from the same political party.

A quorum for Commission meetings requires seven commissioners. Each commissioner serves a five-year term, with the possibility of reappointment, but cannot serve more than 10 years.

Appointees of the Governor

Margaret R. Hinkle served as a Justice of the Superior Court of Massachusetts from 1993 until 2011 and is Chair of the Commission.

Lester Baker is the Chief of the Framingham Police Department, a position he has held since 2020.

Charlene Luma is the Chief of Staff at the Suffolk County District Attorney's Office.

Appointees of the Attorney General

Lawrence Calderone is a Boston Police Officer and President of the Boston Police Patrolmen's Association.

Eddy Chrispin was appointed to the Commission in 2024 and is the Assistant Bureau Chief for the Bureau of Professional Development for the Boston Police Department.

Marsha Kazarosian is an experienced trial attorney who has been practicing in Massachusetts since 1982.

Joint Appointees of the Governor and Attorney General

Dr. Hanya H. Bluestone is a licensed psychologist who has served as CEO of Labyrinth Psychological Services PC, in Holden since 2016.

Deborah Hall is the CEO of the YWCA in Central Massachusetts and has over 35 years of experience working with survivors of domestic and community violence.

Reverend Clyde Talley is the Senior Pastor of Belmont A.M.E. Zion Church.

Executive Summary

During its third full year of operations, the Commission achieved important milestones required by POST's statute (Chapter 253 of the Acts of 2020, also referred to as Police Reform). Major accomplishments in 2024 include:

LEA Portal Expands to Include Complaint and Incident Reporting

POST soft-launched the Law Enforcement Agency (LEA) Portal for complaint and incident reporting in January 2024 to select law enforcement agencies. The Information and Technology Division conducted five virtual training sessions in February 2024 for 250 users and issued training materials via web and social media before launching the portal to all agencies in March 2024. POST continues to develop portal functionality to make the interactions via the portal more efficient and to capture additional information, including officer commendation letters.

Certification Developments

POST convened a new Certification Policy Subcommittee in February 2024 to address certification policy for 2025 and beyond. The Subcommittee focused on officer health and wellness and held a physical fitness panel event in October 2024. The Subcommittee ultimately adopted a policy aligning officer certification expiration dates with officer birth dates and proposed reviewing in-service training requirements annually, rather than triennially.

Additionally, the Certification Division opened the LEA portal in May 2024 to aid in the processing of 5,951 officers with last names Q-Z for recertification. The MPTC completed the third and final Bridge Academy, which enabled the Commission to certify an additional 1,400 officers.

Development of Key Regulations

The Commission held public hearings and reviewed public comments on draft regulations and policies. The Commission promulgated 555 CMR 12.00: *Maintenance, Reporting, and Auditing of Law Enforcement Records* and discussed drafts of 555 CMR 13.00: *Law Enforcement Agency Certification Standards*.

New Website

In August 2024, POST launched its new website, www.mapostcommission.gov, which resulted in a substantial increase in public engagement. In 2025, POST plans to deploy a business intelligence tool to enhance the Commission's public data reporting and analytics, as contemplated by POST's statute.

Key Provisions of the Police Reform Act of 2020

Chapter 253 of the Acts of 2020 (also referred to as Police Reform) established the POST Commission. Police Reform charged the Commission with creating a mandatory certification process for police officers and law enforcement agencies, along with the following goals:

Certify new and existing officers every three years.

Police Reform outlines certain requirements for certifying new officers and recertifying existing officers. Police Reform initially certified all active officers and required new officers to be certified according to certain criteria. Police Reform also required that all officers be recertified every three years. To distribute the certification workload, Police Reform set expiration dates for certification based on officers' last names. The Commission recertified officers with last names A-H on July 1, 2022; officers with last names I-P on July 1, 2023; and officers with last names Q-Z on July 1, 2024. The coming year will bring changes to the recertification process, as POST will recertify officers with last names A-H for the second time on July 1, 2025.

Investigate allegations of misconduct and create a process for discipline, reprimand or retraining, including conditioning, limiting or revoking an officer's certification in the event of certain misconduct.

POST's mission includes establishing and conducting an adjudicatory process for suspending officers' certification. POST has the authority to suspend, limit, condition or revoke officers' certification or mandate retraining. A revocation, or "decertification," occurs when an officer engages in statutorily prohibited conduct. Once POST decertifies an officer, POST submits the officer's name to the National Decertification Index, which prevents the officer from working in law enforcement in the future.

As part of its investigatory duties, POST receives complaints from the public and law enforcement agencies. Agencies must submit credible complaints to POST within two business days and provide POST final reports and disciplinary dispositions once the agency has completed its investigation. When investigating misconduct, POST staff analyze the information provided by agencies to identify patterns and situations that may warrant referral to prosecuting agencies.

Regulate law enforcement agencies to standardize best practices.

The Commission has the authority to certify law enforcement agencies to ensure that officers are well trained, adhere to high standards and sound policies and to prevent and address excessive force and misconduct. The Commission endeavors to follow best practices and dictate minimum standards for agencies with the overall goal of improving policing in the Commonwealth. In 2025, the Commission will establish certification standards for all law enforcement agencies.

Maintain a publicly available database of information regarding officers.

POST maintains a public database of officer information. That database includes information regarding officers' certification status, disciplinary records and complaint history to further POST's mission of enhancing public confidence and trust in policing.

Division Reports

Division of Police Certification

The Division of Certification establishes uniform policies and standards for law enforcement officer certification. Division staff also collaborate with the MPTC to ensure officers comply with training requirements.

As noted, officers covered by POST's statute must renew their certification every three years. Officers who were active on July 1, 2021 were automatically certified under POST's statute. POST's statute also provided that those initial certifications would expire as follows:

- Officers with last names A-H: June 30, 2022
- Officers with last names I-P: June 30, 2023
- Officers with last names Q-Z: June 30, 2024

The Commission requires officers' agencies to assist the Commission in verifying certain requirements set by POST's statute and to submit certain information necessary for recertifying officers.

POST's statute also required that the Commission certify all new officers who attended and graduated from a police academy before December 1, 2021.

Officer Certification Standards

- Attained the age of 21;
- Successful completion of a high school education or equivalent, as determined by the Commission;
- Successful completion of the basic training program approved by the MPTC;
- Successful completion of a physical and psychological fitness evaluation approved by the Commission;
- Successful completion of a state and national background check, including but not limited to fingerprinting and full employment history. If the applicant was previously employed in law enforcement in any state or U.S. territory or by the federal government, the applicant's full employment record, including complaints and discipline, will be evaluated in the background check;
- Passage of an examination approved by the Commission;
- Possession of current first aid and cardiopulmonary resuscitation certificates or the equivalent, as determined by the Commission;
- Successful completion of an oral interview administered by the Commission; and
- Being of good moral character and fit for employment in law enforcement, as determined by the Commission.

The Division of Certification, in consultation with the Division of Standards, also creates and maintains a database of records for each certified officer. The Division regularly publishes a monthly searchable officer status database on the Commission's website with the help of the Communications Division.

Operations

The Division of Certification currently has nine employees: a director; senior certification advisor; certification manager; four senior certification specialists; and two data analysts.

The Division processes officer information utilizing the LEA portal, a web-based platform that debuted in 2023. During the 2024 recertification cycle, the Division used the portal to process the recertification of officers with last names Q-Z. The Division provided a recertification packet and supporting documentation to law enforcement agencies on April 1, 2024.

In July 2024, the Division processed recertification applications and notified law enforcement agencies of its decision via email. The Division processed 5,951 certification and recertification applications in 2024, bringing the total number of certified officers to 22,270. After processing these applications, the Division sent a report to each law enforcement agency detailing the results. Authorized users can access recertification data via the portal at any time.

This year, the Division implemented automated information processing through the LEA portal, creating certification documents, templates and online forms to streamline the communication of officer status changes to POST. The Division also updated officer history tracking to ensure compliance with 555 CMR 8.00: *Databases and Dissemination of Information*.

Conclusion of the Bridge Academy

Police Reform required standardization of police training. Officers that never attended a full-time police academy, but were active, had policing experience and/or had attended reserve training or were working part time, had the opportunity to attend a Bridge Academy (approximately 200 hours) to meet the standard set by Police Reform.

The final group of officers who qualified to attend the Bridge Academy were part-time or reserve officers with last names Q-Z. The deadline for officers to attend the Bridge Academy passed on June 30, 2024. Going forward, officers who missed their opportunity to attend a Bridge Academy will be required to attend a full police academy to be certified.

Compliance with Training Requirements

To confirm officer compliance with training requirements such as In-Service Training, the Division regularly queries MPTC information. Technology and data sharing with the MPTC has streamlined this process.

In November 2023, the Division debuted the School Resource Officer (SRO) certification application on the Commission's website for law enforcement agencies seeking to certify an

SRO. SROs must be certified law enforcement officers before they can be issued the additional SRO certification. As of December 2024, POST has issued 503 SRO certifications.

Officer Certification Status as of December 31, 2024

Certification Category	# of Officers
Certified	22,270
Conditionally certified	348
Further review	2
Not certified	339
Not certified – on leave	308
Total	23,267

Certification Category	# of Officers
MPTC Academy graduates	12,193
Certified School Resource Officers (SROs)	503
Conditionally certified School Resource Officers (SROs)	9
Total	12,705

Certification Policy Subcommittee

An officer’s certification is valid for three years. In 2024, the Commission began considering changes to the 2025 recertification process, given that many officers previously certified (officers with last names A-H) are due for recertification on July 1, 2025.

The Commission created a Certification Policy Subcommittee to consider and advise on certain certification policy areas, like whether an officer applying for recertification continues to satisfy the certification requirements set by POST’s statute. The Subcommittee, comprised of Commissioners Larry Calderone, Hanya Bluestone and Marsha Kazarosian, held its first meeting in February 2024. The Subcommittee considered the certification processes implemented thus far; the timing for the next round of certification; statutory certification standards; and recertification policy questions. The Subcommittee requested, received and considered public comments.

The Subcommittee held eight meetings from February 2024 to December 2024, examining ongoing certification requirements, including physical and psychological fitness evaluations; oral interviews; assessments of good moral character and in-service training. The Subcommittee examined these requirements while exploring policy questions on the frequency of these verifications. The Subcommittee largely focused on ongoing certification requirements rather than those that only need to be verified once during initial certification. Requirements that only need initial verification include being at least 21, possessing a high school diploma or equivalent and completing a basic training program. The Subcommittee considered research on maintaining physical and psychological fitness, drawing on other jurisdictions' approaches and recommended strategies. The Subcommittee also discussed proposed changes to the 555 CMR 7.00: *Recertification* to improve the process for officers seeking recertification, starting with the July 1, 2025 group.

The Subcommittee adopted a policy that the full Commission approved, aligning officers' certification expiration with their birth month by extending subsequent certification periods to three years plus their birth date. The Subcommittee also recommended evaluating annual in-service training requirements separately from the three-year certification cycle.

Future goals

In 2025, the Commission will begin the law enforcement agency certification process. In addition to policies and standards for officers, the Division is required to establish minimum certification standards for all law enforcement agencies that include use of force and reporting; officer code of conduct; officer response procedures; criminal investigation procedures; juvenile operations; internal affairs and officer complaint investigation procedures; detainee transportation and collection and preservation of evidence.

The Division also plans to establish a reporting system so that the public may access certain information concerning any given officer, including an officer's certification status and publicly available disciplinary information. The Division also plans to collect and add letters of commendation to the Commission's public database, as outlined in 555 CMR 8.00: *Databases and Dissemination of Information*.

The Division plans to hire a deputy director of certification and a data analyst manager in 2025, bringing the Division to 11 staff members.

Division of Police Standards

The Division of Police Standards investigates allegations of police misconduct, makes disciplinary recommendations to the Commission and conducts adjudicatory hearings on behalf of the Commission.

The Division receives complaints regarding allegations of officer misconduct from law enforcement agencies and the public. In certain cases, the Division will begin an investigation (preliminary inquiry) into an officer upon the Commission's receipt of a sufficient complaint, report or other evidence that an officer is involved in an incident that results in injury or death;

an officer commits a misdemeanor or felony; an officer uses excessive force in violation of M.G.L. c. 6E, § 14; an officer observes another officer use excessive force in violation of M.G.L. c. 6E, § 14 and does not intervene or report the incident; or the head of the officer's appointing agency recommends that the Commission take disciplinary action in the form of retraining or suspending or revoking an officer's certification. If an officer engages in other categories of prohibited conduct, the Division may, but is not required to, conduct a preliminary inquiry.

The Division, in connection with a preliminary inquiry, may compel the attendance of witnesses and the production of materials pursuant to subpoenas. It may also administer oaths and require testimony under oath. As a result of a preliminary inquiry, the Commission may determine that public disciplinary proceedings are appropriate. As a result of the proceedings, the Commission may decertify, suspend or order an officer to undergo retraining.

Operations

The Division of Standards welcomed four new staff members in 2024, bringing the total staff to 16. The Division's staff includes a director; a deputy director; four enforcement counsel; five compliance agents; a senior intake coordinator; three intake coordinators and a paralegal. In 2024, the Division established the Intake Coordinator Team, which successfully oversaw the rollout of the standards area of the LEA portal and completed several complex projects to enhance the data in the Commission's public officer disciplinary records database.

In addition to investigating police misconduct, the Division may also audit all law enforcement agency records related to complaints, investigations and reports alleging officer misconduct or unprofessionalism. Under POST's statute, the Division maintains a database that documents an officer's complaint history, allegations of untruthfulness, failure to complete training requirements and discipline records, including records concerning officer decertification, suspension and termination. If the Division detects a pattern of misconduct in an officer's behavior based on information contained in its database, the Division may initiate a preliminary inquiry into that officer, which could result in disciplinary action by the Commission.

In 2024, the Division presented 152 disciplinary cases to the Commission, up from 109 in 2023. It concluded disciplinary proceedings for 35 individuals, conducted numerous hearings and pre-hearing conferences and managed hundreds of new complaints.

Database and Reporting Requirements

The Division also supports the Division of Certification in creating and maintaining a separate database containing various information concerning law enforcement officers, including officers' dates of certification and recertification; training records; arrest, conviction and disciplinary records; and any other information relevant to POST's mission.

The Commission's statute requires that the Commission maintain a separate publicly accessible database of officers who are subject to retraining, suspension or decertification as a result of Commission action.

Current Caseload for Calendar Year 2024

The Division’s new staff allowed the Division to substantially increase its caseload. In 2024, the Division brought 80 cases for a potential preliminary inquiry for consideration to the Commission. This is a significant increase from the 2023 caseload (61) and 2022 caseload (12).

Under the Commission’s regulations, 555 CMR 1.03, proceedings and records related to preliminary inquiries by the Division, including any internal review to determine whether there is sufficient credible evidence to initiate a preliminary inquiry, are kept strictly confidential pursuant to M.G.L. c. 6E, § 8(c)(2) and M.G.L. c. 4, § 7 (26).

The Division submitted 34 preliminary inquiry reports to the Commission in 2024. It concluded disciplinary proceedings for 35 individuals, issuing 30 final decertification orders (up from eight in 2023), four disciplinary suspensions (up from two in 2023), and closed one case without discipline after a public hearing. The Division also conducted four hearings and 22 pre-hearings, a threefold increase over 2023. In 2024, the Division handled 80 preliminary inquiries.

Complaint Data Received by the POST Commission

During 2024, the Division received approximately 12 reports from law enforcement agencies and approximately 30 complaints from the public each week.

Source	# of Complaints
Cases Submitted by LEAs	697
Cases Referred to LEA by POST*	87
Citizen complaints**	1,636
Total	2,420

*Some of the cases may have been reported by LEAs

**Multiple complaints can refer to a single incident

The Division offers an online form to streamline the process for submitting public complaints and capturing data in a structured way.

Preliminary Inquiries in 2024

The Division opens a preliminary inquiry into law enforcement officers upon the Commission’s receipt of a sufficient complaint or report of prohibited conduct.

Cases*	#	Notes
Preliminary inquiries brought before Commission for approval in 2024	80	
Preliminary inquiries open at the end of 2024	52	
Preliminary inquiries advanced to adjudicatory hearing	21	
Preliminary inquiries closed with no action	7	

** Staff respond to all who submit a complaint (some submit multiple complaints of same incident)*

Preliminary Inquiries carried over from previous years

Cases*	#	Notes
Preliminary inquiries that remain open as of 12/31/24	77	Includes cases from prior years
Suspensions	55	Includes suspensions from previous years
Decertifications	30	From Calendar Year 2024 only

Suspensions

The Commission immediately suspends the certification of an officer who is arrested, charged or indicted for a felony and may suspend the certification of an officer who is arrested, charged or indicted for a misdemeanor.

The list below includes the names of the 34 individual officers who were suspended by the Commission in 2024:

Name	Department	Reason	Suspension Start	Suspension End
Allen, Alexander	Billerica PD	M.G.L. c. 6E, § 9(a)(1)	10/8/2024	
Brennan, Timothy	Milford PD	M.G.L. c. 6E, § 3(a)	8/15/2024	9/6/2024
Butner, Calvin	MSP	M.G.L. c. 6E, § 9(a)(1)	1/31/2024	
Campbell, Darnell	Brockton PD	M.G.L. c. 6E, § 9(a)(1)	10/4/2024	
Castro, William	Lawrence PD	M.G.L. c. 6E, § 9(a)(4)	3/21/2024	
Cederquist, Gary	MSP	M.G.L. c. 6E, § 9(a)(1)	1/31/2024	
Chu, William	Simmons College PD	M.G.L. c. 6E, § 9(a)(1)	10/8/2024	
Correia, Marc	Fall River PD	M.G.L. c. 6E, § 9(a)(4)	7/16/2024	
Danforth, Duane	Brookline PD	M.G.L. c. 6E, § 9(a)(1)	2/5/2024	
Danilecki, John	Boston PD	M.G.L. c. 6E, §§ 3(a), 10(b)(iv), and 10(b)(v)	12/19/2024	12/24/2024
De los Santos, Jennifer	Boston PD	M.G.L. c. 6E, § 9(a)(1)	6/12/2024	
Feeley, James	Winthrop PD	M.G.L. c. 6E, § 9(a)(1)	1/2/2024	
Flaherty, Sean	Boston PD	M.G.L. c. 6E, § 9(a)(1)	7/8/2024	
Gladu, Brian	MSP	M.G.L. c. 6E, § 9(a)(1)	4/5/2024	
Gomez-Gonzalez, Samuel	Springfield PD	M.G.L. c. 6E, § 9(a)(4)	6/20/2024	
Knox, Dylan	MSP	M.G.L. c. 6E, § 9(a)(1)	8/21/2024	
Manon, Dario	Formerly of Shirley PD	M.G.L. c. 6E, § 9(a)(1)	6/13/2024	

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Marshall, Matthew	Brewster PD	M.G.L. c. 6E, § 9(a)(1)	7/25/2024	
McDermott, Richard	Boston PD	M.G.L. c. 6E, § 9(a)(1)	10/22/2024	
McKay, Shawn	Foxboro PD	M.G.L. c. 6E, § 10(b)(iii), M.G.L. c. 6E, § 10(b)(v)	10/17/2024	
Nako, Klevis	Formerly of Framingham State U. PD	M.G.L. c. 6E, § 9(a)(1)	4/5/2024	
Parker, Jami	Unassociated (sponsored for training by Harvard PD)	M.G.L. c. 6E, § 9(a)(1)	5/3/2024	
Radzik, Thomas	Harwich PD	M.G.L. c. 6E, § 9(a)(1)	2/5/2024	
Robinson, Roland	Boston PD	M.G.L. c. 6E, § 9(a)(1)	4/30/2024	
Rogers, Joel	MSP	M.G.L. c. 6E, § 9(a)(1)	1/31/2024	
Rojas, Auria	Shirley PD	M.G.L. c. 6E, § 9(a)(1)	11/22/2024	
Romeos, James	Essex PD	M.G.L. c. 6E, § 10(b)(i), M.G.L. c. 6E, § 10(b)(iv)	2/15/2024	
Russell, Tyler	Acton PD	M.G.L. c. 6E, § 10(b)(iii)	2/15/2024	8/15/2024
Soares, Imari	New Bedford PD	M.G.L. c. 6E, § 9(a)(1)	6/24/2024	
Souza, Aaron	Fall River PD	M.G.L. c. 6E, § 10(b)(i), M.G.L. c. 6E, § 10(b)(v)	7/18/2024	
Straub, William	Pittsfield PD	M.G.L. c. 6E, § 9(a)(1)	10/31/2024	
Toledo, John	Springfield PD	M.G.L. c. 6E, § 9(a)(1)	11/12/2024	
Trelegan, Tyler	Waltham PD	M.G.L. c. 6E, § 9(a)(1)	8/15/2024	
Ubri, Robinson	New Bedford PD	M.G.L. c. 6E, § 9(a)(1)	5/2/2024	

Reasons for above suspensions:

M.G.L. c. 6E, §3(a)(4): “The Commission has the authority to . . . suspend a certification . . . for any reason[.]”

M.G.L. c. 6E, §9(a)(1): “The Commission shall immediately suspend the certification of an officer . . . arrested, charged or indicted for a felony.”

M.G.L. c. 6E, §9(a)(4): “The Commission may suspend the certification of an officer if the commission determines . . . suspension is in the best interest of the . . . safety and welfare of the public.”

M.G.L. c. 6E, § 10(b)(i): “The Commission may suspend the certification of an officer . . . convicted of a misdemeanor.”

M.G.L. c. 6E, § 10(b)(iii): “The Commission may suspend the certification of an officer who was biased[.]”

M.G.L. c. 6E, § 10(b)(iv): "The Commission may suspend or revoke an officer's certification if . . . the officer was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed."

M.G.L. c. 6E, § 10(b)(v): “The Commission may suspend the certification of an officer if the . . . officer has repeated sustained internal affairs complaints[.]”

Decertifications

The list below includes the names of the 30 individual officers who were decertified by the Commission in 2024:

Name	Department	Decertification Date	Reason	# of complaints
Amado, Steven	Duxbury PD	11/21/2024	Decertified based on a criminal disposition.	8
Canela, Randy	Salem PD	11/21/2024	Decertified based on a criminal disposition.	2
Chappell, Justin	Weymouth PD	1/23/2024	The Commission found that Chappell used excessive force on two separate incidents. In the first incident, in February 2022, Chappell employed two closed-fist strikes to the head of an actively resisting individual. Subsequently, in July 2022, Chappell delivered 13 closed-fist strikes to the head of an individual whose hands were secured behind his back in handcuffs.	6
Columbo, Domenic	Boston PD	12/19/2024	Decertified based on a criminal disposition.	1
Correia, Jonathan	Fall River PD	7/18/2024	Decertified based on a criminal disposition.	1
Cronin, Shawn	Dighton PD	7/18/2024	Cronin was decertified because of his conviction on one count of felony Securities Fraud in the United States District Court for the Southern District of New York.	1
Custadio, Bryan	Fall River PD	8/15/2024	Decertified based on a criminal disposition.	1
Delaney, John	Malden PD	7/20/2024	Decertified based on a criminal disposition.	2
DePina-Cooley, Mila	Boston PD	11/21/2024	Decertified based on a criminal disposition.	2

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DuPont, Joseph	Dighton PD	5/22/2024	On September 15, 2023, Dupont pleaded guilty to one felony count of Securities Fraud in the United States District Court for the Southern District of New York. He was sentenced to three years of probation and a \$75,000 fine.	0
Eracleo, Michael	Acton PD	1/4/2024	Eracleo voluntarily agreed to decertification, admitting to allegations warranting the revocation of his law enforcement certification. These allegations included accepting unreported gifts from a vulnerable individual, making unwelcome sexual comments to a civilian employee, and improperly communicating with a minor via social media, enabling the receipt and concealment of sexually suggestive material.	2
Farwell, Matthew	Stoughton PD	3/21/2024	Farwell voluntarily agreed to decertification, acknowledging allegations that justified revoking his law enforcement certification. These allegations included engaging in a sexual relationship with a 15-year-old member of the Stoughton Police Explorers Program when he was 27, pursuing further sexual encounters with the victim over an extended period (including as recently as 2020) and being untruthful during a law enforcement investigation into the victim's death.	2
Farwell, William	Stoughton PD	9/24/2024	Farwell entered into a Voluntary Decertification Agreement under which he agreed that the allegations	0

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			made against him would support revoking his law enforcement officer certification. Those allegations included that, from a period of 2017 through 2021, Farwell conducted multiple unauthorized searches of the Massachusetts Criminal Justice Information System database, that he sent and received sexually explicit messages while on duty, and that he provided false information to Massachusetts State Police investigators.	
Festa, James	Peabody PD	8/15/2024	Festa was decertified based on a finding that he is not fit for duty and is dangerous to the public and was suspended or terminated by the appointing agency for disciplinary reasons.	1
Forte, David	Needham PD	3/21/2024	On July 20, 2023, a federal jury found Forte guilty of Conspiracy to Commit Securities Fraud and Aiding and Abetting Securities Fraud, both classified as felonies under federal law.	2
Gonzalez, Iancy	Salem PD	6/20/2024	Decertified based on a criminal disposition.	4
Hoar, Nicholas	Fall River PD	9/24/2024	Decertified based on a criminal disposition.	1
Jones, Derek	Georgetown PD	11/21/2024	Decertified based on a criminal disposition.	4
Kennedy, Robert	Stoneham PD	3/21/2024	On September 20, 2023, Kennedy pleaded guilty to two felony counts of Wire Fraud under 18 U.S.C. § 1343.	2
Morrissey, Matthew	Boston PD	10/17/2024	Decertified based on a criminal disposition.	5

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Murphy, Michael	Boston PD	5/22/2024	On June 1, 2021, Murphy pleaded guilty to two federal felony charges: Conspiracy to Commit Theft involving Federally Funded Programs and Aiding and Abetting such Theft, in violation of 18 U.S.C. §§ 371, 2, and 666(a)(1)(A).	1
Mushtaque, Sarfaraz	Boxborough PD	10/17/2024	Decertified based on a criminal disposition.	1
O'Donnell, Keith	Somerville PD	8/15/2024	Decertified based on a criminal disposition.	5
Otis, Robert	Brockton PD	8/15/2024	Otis was decertified for being unfit for duty, posing a danger to the public, and showing a pattern of escalating unprofessional conduct. He faced repeated, sustained internal affairs complaints, including neglect of duty, conduct unbecoming, and violations of use-of-force and documentation policies.	2
Padilla, Dominique	Holyoke PD	9/24/2024	Decertified based on a criminal disposition.	1
Pomeroy, Brian	West Springfield PD	1/23/2024	Decertified based on a criminal disposition.	2
Salituri, Joel	Hingham PD	5/22/2024	Decertified based on a criminal disposition.	2
Singh, Gurpreet	Bolton PD	11/21/2024	Decertified based on a criminal disposition.	5
Voltus, Marcarthur	Shutesbury PD	11/21/2024	Decertified based on a criminal disposition.	1

Winslow, Frederick	Babson College PD	6/20/2024	Winslow voluntarily agreed to decertification after acknowledging allegations of untruthfulness, poor supervision and record falsification in 2012, which led to his suspension. He failed to disclose these allegations during his 2013 job application to Babson College Public Safety and was terminated in 2024 when his dishonesty was uncovered.	3
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Retraining

The Commission did not issue any retraining orders in 2024.

Future Goals

In addition to continuing to fulfill its statutory mandate, the Division intends to focus in 2025 on several important goals. The Division will continue to investigate officer misconduct by conducting preliminary inquiries. When those preliminary inquiries produce sufficient evidence to justify discipline against an officer, the Division’s attorneys (supported by the Division’s investigative and other non-legal colleagues) will advocate for police accountability through public disciplinary proceedings before the Commission.

The Division also intends to take several steps to increase the transparency of officer disciplinary records. The Division will continue to review all newly filed complaints for potential follow-up and/or further investigation. The Division will also ensure that law enforcement agencies are consistently reporting complaints received by the agency, as well as the results of internal affairs investigations, as required by the Commission’s statute and regulations. A key step in this effort will involve developing a nascent auditing function. Once developed, the Division will be able to exercise its power to audit agency records and thereby validate the extent to which agencies are properly submitting required information to the Commission. The Division anticipates developing and publishing new guidance, policies and protocols to assist agencies in fulfilling these obligations.

In addition to conducting preliminary inquiry hearings, Division personnel will assist the executive director and the Commission in addressing officers whose provisional certifications require further attention under 555 CMR 7.10, which outlines possible actions following decisions declining to grant full recertification.

Legal Division

The Legal Division supports the Commission by developing regulations, policies and procedural protocols on certification, disciplinary matters, use of force and law enforcement transparency. The Division manages the Commission's adjudicatory process while also handling public records requests. The Division's work includes litigation, contracting, human resources and efforts to ensure compliance with laws on public meetings, ethics and data privacy. Additionally, it provides legal training and presentations. In 2024, the Division expanded by hiring three attorneys; a senior legal advisor; two legal fellows; a paralegal; and four interns to manage increasing workloads. It collaborates with other divisions, the MPTC and other stakeholders in its various endeavors.

External Policy Development

In 2024, the Commission, with the assistance of the Legal Division, promulgated 555 CMR 12.00, governing the maintenance, reporting and audits of law enforcement records. Additionally, the Division drafted revised recertification regulations addressing matters such as examinations, interviews, character and fitness and in-service training and secured initial Commissioner approval of certain parts, with due regard for public comment. The Division further drafted law enforcement agency certification standards concerning uses of force, reporting of uses of force and an officer code of conduct, and secured initial Commissioner approval of certain parts, after reaching out to at least 90 agencies, and organizational and individual stakeholders.

The Division also continued to analyze ways to ensure that officers are physically and psychologically fit for duty, giving due attention to the issue of officer wellness. To obtain more information and input on these subjects, the Division organized an expert panel and conducted surveys on officer health and wellness.

Disciplinary and Adjudicatory Processes

The Legal Division has enhanced the Commission's effectiveness by designing and developing its adjudicatory system. The system now includes implementing motion practice procedures; issuing interlocutory orders; conducting pre-hearing conferences; holding live and virtual hearings; using advanced technologies in proceedings; rendering substantive determinations; and giving public notice of events and decisions in proceedings. Hearing officers, who are retired Massachusetts judges, hold proceedings consistent with prior policy that the Legal Division helped the Commission develop. The Division also facilitated the inclusion of Commission decisions in the Social Law Library's searchable database.

In 2024, the Legal Division assisted the Division of Police Certification, the executive director, the hearing officers and the commissioners in developing numerous decisions in officers' cases, well over double what was produced the prior year. In total, the Division handled 26 proceedings, a nearly threefold increase over 2023.

Information-sharing and Public Engagement

The Division significantly enhanced the Commission’s public engagement in 2024. It managed a 56% increase in public records requests. The Division also delivered dozens of presentations, including approximately 30 to the Commission and its Certification Policy Subcommittee alone.

Future Goals

In 2025, the Legal Division will continue to collaborate with other divisions and stakeholders on initiatives to develop outward-facing regulations, standards and plans related to the following key areas: agency certification in at least eight prescribed areas; auditing agencies; officer recertification; evaluations of officer physical fitness, behavioral health and wellness; officer sexual misconduct; racial profiling; enforcement of anti-retaliation provisions; and gender equity in law enforcement. The Division is also exploring ways to provide more information and direction to crime victims and trauma sufferers.

Finance and Administration Division

The Finance and Administration (F&A) Division, consisting of four team members, manages all aspects of accounting, budgeting, financial reporting, payroll and human resources administration. In addition, the Division is responsible for maintaining the Commission’s Internal Control Plan, administrative policies and procedures and overseeing contracting and procurement.

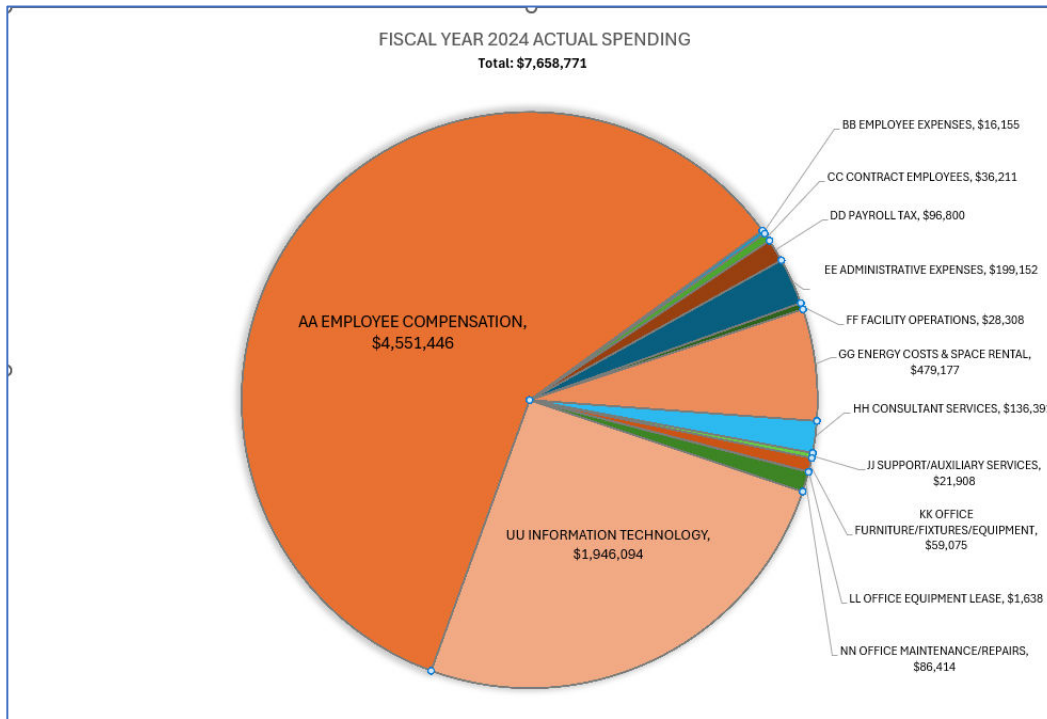
In addition to the \$8.5 million appropriated to the Commission for FY24 (per Chapter 28 of the Acts of 2023), the Commission carried forward \$1.3 million in unspent funds from FY23. As a result, the total amount available to the Commission in FY24 was \$9.8 million. The intended purpose of the \$1.3 million was to provide the Commission with some flexibility as it continued to mature to full operation. However, the Commission did not need this additional funding and subsequently reverted it to the General Fund.

FY24 Actual Expenditures and FY25 Estimated Costs:

	FY24 Activity	FY25 Activity
Beginning balance	\$9,778,534	\$8,747,477
Expenditures	(\$7,658,771)	(\$8,181,289)*
Ending balance	\$2,119,762	\$566,188

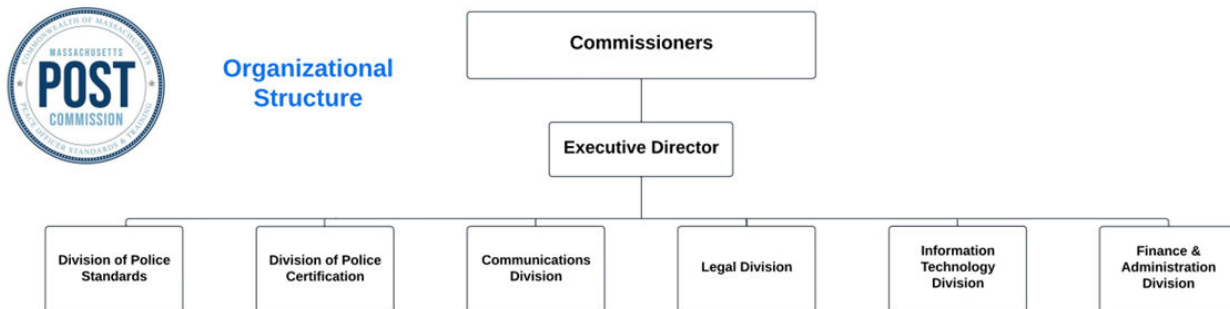
**Represents projected expenditures for FY25, including expenses incurred as of December 31, 2024. Actual expenditures for the first half of FY25 were \$3,392,706.*

POST Commission Operating Expenses FY24



In FY24, employee compensation accounted for the largest portion of the Commission's expenses (59%). As of December 31, 2024, the Commission employed 49 staff members, including 12 new 2024 hires, along with nine statutorily appointed commissioners and three hearing officers.

The second largest expense was in Information Technology (IT), with \$1.9 million spent. Of that amount, 67% (\$1.3 million) went to the Salesforce IT solution. This spending focused on one-time applications, enhancements and recurring maintenance costs as part of a two-phase development plan. Phase I established the core infrastructure, while Phase II implemented applications and enhancements.



Staff List

Executive Division

- Enrique Zuniga, Executive Director
- Jamie Ennis, Administrative Manager

Division of Police Standards

- Matthew Landry, Director
- Shaun Martinez, Deputy Director
- William Aiello, Enforcement Counsel
- Tara Chisholm, Enforcement Counsel
- Timothy Hartnett, Enforcement Counsel
- Amy Parker, Enforcement Counsel
- Anthony Matarese, Compliance Agent
- John Paolillo, Compliance Agent
- Timothy Quinn, Compliance Agent
- Matthew Wardle, Compliance Agent
- Elisabeth Wolfsen, Compliance Agent
- Laura Martin, Senior Intake Coordinator
- Ivy Cipullo, Intake Coordinator
- Steven Scichilone, Intake Coordinator
- Martine Yoyo, Intake Coordinator
- Christine Fitzpatrick, Paralegal

Division of Police Certification

- Steven Smith, Director
- Gina Joyce, Senior Certification Advisor
- Jessica Rush, Certification Manager
- Sheila Cooper, Senior Certification Specialist
- Dina Guanci, Senior Certification Specialist
- George Katsarakes, Senior Certification Specialist
- Barnabas Oparaugo, Senior Certification Specialist
- Alexa Hyde, Data Analyst
- Richard Wanjue, Data Analyst

Communications Division

- Cindy Campbell, Director
- Alia Spring, Communications and Media Relations Manager

Legal Division

- Randall Ravitz, General Counsel

- Pauline Nguyen, Deputy General Counsel
- LaRonica Lightfoot, Deputy General Counsel
- Lloyd MacDonald, Senior Legal Advisor
- Gerald Cahill, Counsel
- Evert Fowle, Counsel
- Annie Lee, Counsel
- Kerri Johnson, Paralegal Records Access Officer
- Elizabeth Smith, Paralegal/Hearings Administrator
- Penelope Walker, Paralegal Administrator

Information Technology Division

- Owen Mael, Chief Technology Officer
- Sebastian Giuliano, Salesforce Administrator
- Brian Cooper, Senior Project Advisor
- Albert Fung, Business Analyst
- Sai Ram Puranam, Data Analyst
- Murat Sarkalkan, IT Programmer Analyst

Finance & Administration Division

- Eric Rebello-Pradas, Chief Financial & Administrative Officer
- Robert Wong, Budget Director
- Jeanine Hopkins, Human Resources Director
- Ally Trahan, Financial Operations Analyst

In partnership with the Legal Division, the F&A Division successfully completed the Commission's first Internal Control Certification in 2024. The Comptroller introduced a new process requiring state agencies to attest to having written internal controls, training and monitoring integrated into daily operations. The Legal and F&A Divisions successfully participated in interviews with the Comptroller's Statewide Risk Management team as part of this process. As part of its commitment to maintaining a proper system of internal controls, the F&A Division developed 40 official policies and procedures on topics ranging from invoice management to employee hiring. In collaboration with the Legal Division, the F&A Division formalized the Commission's employee training program and published guidelines for office personnel, including general office protocols and emergency procedures.

In 2024, the F&A Division also partnered with the Information Technology Division to procure additional audio-visual equipment for the Ellison Conference Room, as well as a technology integration system with the Department of Criminal Justice Information Services (CJIS). Moreover, the F&A Division collaborated with the Communications Division to procure website design services for a major relaunch of the Commission's website.

Future Goals

The Division will continue to work with the Information Technology Division in building its recent catalog of over 450 state-owned assets. The next phase of this inventory project will be to assign valuations and develop a comprehensive inventory process.

The Division also will continue work on the development of the FY26 budget, which will include provisioning for the Commission's eventual auditing of law enforcement agencies.

Information Technology Division

The Information Technology (IT) Division supports both internal and external business processes of the Commission and provides infrastructure, connectivity, hardware and software to the Commission and its staff. The IT Division also provides data management and security to support the integrity and efficiency of the Commission's operations and its oversight of officer certifications.

Operations

The IT Division added several new staff members in 2024, including a programmer analyst and a data analyst. The additional staff helped the Division efficiently perform critical tasks throughout the year, ranging from IT support requests to officer disciplinary records releases.

The IT Division worked closely with the F&A Division to outfit the office with useful technology. The Divisions worked together to add enhanced audio and visual capabilities to the Ellison Conference Room to allow for better in-person and virtual meetings. The Divisions collaborated on additional enhancements, including double monitors at workstations, video doorbells to improve office security and an upgraded phone system.

In 2024, the IT Division helped expand the functionality of the permanent database solution, Salesforce. Thanks to the hard work of the IT and other divisions, the Commission launched the standards area of the LEA portal in March 2024 to allow law enforcement agencies to report complaints/incidents directly through the portal. Various law enforcement agencies assisted the Divisions in the design and testing phase to ensure the portal was functional and user friendly. Since the March 2024 launch, agencies have submitted almost 1,400 complaints through the portal. The IT Division has also increased portal functionality to allow staff to better track public complaints. During 2024, the IT Division began building a tool in Salesforce to help process investigations and track all pertinent dates and data for adjudicatory matters brought before the Commission.

A crucial part of the IT Division's operation is coordinating updated releases of the Officer Disciplinary Records Database with help from the Standards Division. Together, the Divisions created an enhanced process and workflow to ensure correct and up-to-date data. The Divisions issued nine releases in 2024, which the Communications Division posted to the Commission's website. By the end of 2024, the Commission published a total of 8,200 allegations, a nearly twofold increase from the 4,641 allegations published in 2023. Additionally, the IT Division migrated, updated and published most records submitted after the historical disciplinary records

were submitted (January 31, 2023) and before the LEA portal opened (March 2024) (known as “the 2023 Catch-Up Project”). The initial releases of disciplinary records in 2023 contained sustained records that were closed as of January 31, 2023. As part of the 2023 Catch-Up Project, the IT Division worked with law enforcement agencies to publish complaints submitted and closed after January 31, 2023 to the database.

The IT Division also worked with the Communications Division and a state vendor to develop and launch the Commission’s new website. Additionally, the IT Division updated the online public complaint form to enable user feedback and allow for larger image and video uploads.

In an effort to further transparency, the IT Division also started to review the internal process for generating data needed to fulfill public records requests.

Future Goals

The IT Division continues to update and reconcile officer disciplinary records. Looking toward 2025, the Division will work to enhance officer disciplinary records reporting by launching a business intelligence tool that will allow the public to better search records and perform analytics. This tool is expected to provide useful insight on complaint data, including the most common type of complaint, complaint outcomes, the number of complaints by agency and county, details on officer employment history and other similar analytics.

The IT Division has planned technology integration for officer court appearances through the CJIS database. Other goals of the IT Division are enhanced data sharing with the MPTC and the National Decertification Index, and better document management and workflow systems in 2025.

The Division will continue work in 2025 to streamline the process for gathering data for public records requests. Additional plans include adding third-party tools to help process data as well as research into how AI tools might allow the public to search data on the website and upcoming business intelligence portals more efficiently.

The Division will welcome an IT specialist in February 2025 and a data manager later in 2025. This staff will help grow the Salesforce system, handle internal and external IT support, and assist with projects and manage new technology to allow the Commission to streamline its internal operations and meet reporting requirements.

Communications and Community Engagement Division

The Communications Division, led by a director of communications and a communications and media relations manager, handles media relations, community outreach and information dissemination to law enforcement, the public and the media. The Division utilizes various channels, including the Commission's newly redesigned website, which acts as the Commission's primary digital presence. The Commission’s website features an archive of Commission meetings, regulations, advisories, officer disciplinary records, certification status updates and other relevant information for the public and law enforcement community.

The Communications team helps support one of the most important goals of police reform: enhancing public confidence in policing. The Division is committed to engaging with the public, advocacy groups, the media and the law enforcement community to understand and address stakeholders' concerns and to help such stakeholders better understand the Commission's mission, regulations, advisories, accomplishments and activities.

Highlights and Accomplishments

In 2024, the Division promoted its digital communications coordinator to communications and media relations manager. Together, the director and the communications and media relations manager worked on numerous initiatives to increase awareness and education of the Commission's work.

An integral part of the Division's day-to-day operations is responding to the media and building trusted relationships with state and national reporters. In 2024, the Division responded to nearly 200 media inquiries. The Commission received more than 6,500 mentions across print, digital, broadcast and social media, reaching approximately 2.23 billion users. The media's focus was largely on the Commission's operations, regulations and policies governing the certification of officers and officer disciplinary records and certification statuses. Publications that featured the most stories about the Commission included WBZ News Radio, NECN, NBC 10 and MassLive.

In August 2024, the Commission launched a new and improved website, www.mapostcommission.gov, thanks to the efforts of the Communications Division and input from other divisions. The new website offers a modern design, user-friendly features and increased functionality. It allows visitors to easily access information about the officer certification process, historical disciplinary records, officer status lists and more. The Division prioritized building an optimized search function on the website, which allows users to easily find desired information and resources. The website's new functionality also allows for real-time updates, supports the use of high-resolution graphics and photos and more. The Division filled the site with important information, including public meetings and hearing notices, Commission decisions and orders and officer status lists.

Since its launch, the new website has experienced a substantial increase in usage compared to the Commission's previous website. Over a five-month period, the new website recorded 217,000 page views and over 35,000 active users per month, a significant improvement from the prior year's metrics of 100,000 page views annually and an average of 8,000 monthly active users. The Division reviewed and analyzed web traffic on the new site and related feedback to ensure web users can find what they are looking for.

Website Traffic – Top Ten Most Visited Pages Since August 2024 Launch

1. Officer status lists (71,000 views)
2. Home page (36,023 views)
3. Officer disciplinary records (23,587 views)
4. News (7,630 views)
5. View decisions and orders (6,792 views)

6. Discipline and status records (6,333 views)
7. Commission meetings and hearings (3,486 views)
8. About POST (3,118 views)
9. Certification (2,656 views)
10. Certification new graduates (2,500)

The Division maintains content on POST's YouTube channel as a way for the public to view recordings of the Commission's public meetings, hearings and trainings. The channel has seen a significant uptick in engagement since its launch in 2023. The Division added nearly 40 videos to the channel in 2024, which the public watched 18,288 times, a 192% increase from 2023, for a total of 2,600 hours of viewing, a 274% increase. The channel saw an increase of 124 subscribers in 2024, a 121% increase from 2023. The channel currently has approximately 200 subscribers. The Division plans to continue to add pertinent and engaging video content in 2025 to further grow this base.

Future Goals

In 2025, the Division will focus on furthering education and awareness of the Commission's ongoing work, publicizing new regulations and guidance, creating updated training materials and communicating upcoming changes to the certification process. The Division will make new resource materials available in early spring 2025 so that law enforcement agencies better understand the new certification process well in advance of the July 1, 2025 deadline.

The Division will also continue to update law enforcement agencies on new processes and regulations, such as the auditing of law enforcement agencies. Agencies' knowledge and awareness of POST's activities is key to POST's mission. The Division will therefore work to ensure that both law enforcement communities and the public are informed about the Commission's work and ongoing initiatives and resources.

The Division will continue to educate the public by conducting outreach and presenting to stakeholder groups. The Division will also continue to ensure that the law enforcement communities and the public can easily access POST's resources. The Division will continue to engage with local and statewide groups to make sure such groups are able to express their views regarding various aspects of policing and understand the tools available to them via POST's website.

In 2025, the Division intends to focus on continuing to enhance the content on the Commission's website, including by adding a new section to the website concerning victim resources, and further utilizing informational video content.

Additional Statutory Reporting

In accordance with M.G.L. c. 6E, § 16, the Commission provides annual reports on certain key information to the General Court, the Governor and the Attorney General.

M.G.L. c. 6E, §16 (1): All officer-involved injuries or deaths including:

- i. All officer-involved injuries and deaths; and
- ii. The number of officer-involved injuries and deaths reported by each agency:

Officer Involved Deaths July 1, 2023 to June 30, 2024

Date	Agency	Incident Details	Reported by Agency?
9/9/2023	MSP	MSP trooper shot and killed a man during a response to an alleged domestic violence incident at a Hancock home after the man reportedly confronted the trooper with a knife.	No
12/6/2023	Dedham PD	A man who allegedly stabbed two female relatives died after Dedham PD used pepper spray and a taser to subdue him.	Yes
12/29/2023	Fairhaven PD, Acushnet PD and Mattapoisett PD	A man was shot and killed by officers from Fairhaven PD, Acushnet PD, and Mattapoisett PD after the man opened fire and struck an officer in the leg during a standoff in a public parking lot. The Bristol DA ruled the shooting justified.	No
12/5/2023	Brandeis University PD	An officer failed to respond to a phone call from a professor, who was exiting a building on campus and saw a student “in obvious need of help” on the ground. That student later died.	Yes
1/5/2024	Boston PD	Two teens allegedly driving a stolen car were killed in a crash during a police pursuit.	No
4/24/2024	North Andover PD	A barricaded suspect died from a self-inflicted gunshot wound after police say he opened fire on officers in North Andover.	No
4/30/2024	Raynham PD	A Raynham man who allegedly pointed a handgun at police as he opened the door to his home was shot and killed by officers.	Yes
5/1/2024	Unassociated Officer	A recently graduated and certified female officer (but not employed by any police department at the time) was criminally charged after she allegedly shot and killed her boyfriend in Leominster.	Yes
TOTAL: 9 officer-involved deaths, 4 reported to POST			

Officer-involved injuries July 1, 2023 to June 30, 2024:

Date	Agency	Incident Details	Reported by Agency?
7/7/2023	Worcester PD	Officers responded to a call where a suspect had shot two family members. Upon arrival, the suspect emerged with a firearm and fired at officers, prompting an officer to return fire. The suspect then retreated inside, leading to a 13-hour standoff. Throughout the standoff, the suspect fired multiple times at officers, who returned fire each time. The suspect sustained two gunshot wounds but survived and was later indicted on multiple felony charges.	Yes
7/24/2023	Hull PD	A sergeant was accused of assaulting an elderly man while off duty. The officer was charged with assault and battery on a person over 60.	Yes
9/29/2023	Lakeville PD/MSP	Officer involved in a deadly force incident investigated by MSP. While conducting a stationary traffic stop, the vehicle's operator exited with an object resembling a firearm. Body-worn camera footage captured the officer's attempts to de-escalate the situation and create distance before using deadly force. The suspect was observed pointing a gun at the officer, who responded by using deadly force.	Yes
Nov. 2023	Lawrence PD	An off-duty officer was charged with assault and battery in connection with November 2023 fight in Methuen.	Yes
12/22/2023	Norwood PD	A woman who allegedly brandished a gun was shot and wounded by Norwood Police after a long negotiation.	Yes
1/20/24	Wilbraham PD	Officers responded to a call regarding an armed male threatening to shoot his wife and daughter. Upon arrival, male subject fired through a door at two responding officers outside the residence. One officer was struck twice and critically injured. Both officers returned fire, striking the male subject at least once.	Yes
1/31/2024	Plymouth PD	A woman sustained serious injuries after another car that was speeding and being pursued by Plymouth Police struck her vehicle.	No
2/5/2024	Brookline PD	A Brookline PD vehicle and a civilian were involved in a car crash that resulted in hospitalization for both parties. The	Yes

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		investigation found that the officer was not wearing a seatbelt and driving nearly 98 miles per hour five seconds before the crash. The officer was cited for speeding and other traffic violations and was found to have violated department policy.	
2/16/2024	Canton PD	An off-duty officer hit a pedestrian in a crosswalk in Wrentham while driving a department-issued vehicle. The pedestrian sustained serious injuries.	No
3/24/2024	Brookline PD	A Brookline officer was involved in a crash with another vehicle on Beacon Street. The officer and the other driver were transported to the hospital with minor injuries.	No
5/22/2024	Malden PD	A man was shot by Malden police after he allegedly assaulted and robbed a woman before getting into an altercation with officers.	Yes
TOTAL: 11 reports, 14 individual injuries, 8 reported to POST			

Decertifications July 1, 2023 - June 30, 2024

M.G.L. c. 6E, §16 (2): All officers who were decertified during the preceding fiscal year

Name	Date	Reason	# of Complaints	# of Disciplines
Chappell, Justin	1/23/2024	The Commission found that Chappell used excessive force on two separate incidents. In the first incident, in February 2022, Chappell employed two closed-fist strikes to the head of an actively resisting individual. Subsequently, in July 2022, Chappell delivered 13 closed-fist strikes to the head of an individual whose hands were secured behind his back in handcuffs.	6	0
Curtis, Christopher	9/14/2023	Decertified based on a criminal disposition.	2	0
Dupont, Joseph	5/22/2024	On September 15, 2023, Dupont pleaded guilty to one felony count of Securities Fraud in the US District Court for the Southern District of New York. He was sentenced to three years of probation and a \$75,000 fine.	0	0
Eracleo, Michael	1/4/2024	Eracleo voluntarily agreed to decertification, admitting to allegations warranting the revocation of his law enforcement certification. These allegations included accepting unreported gifts from a vulnerable individual, making unwelcome sexual comments to a civilian	2	0

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		employee, and improperly communicating with a minor via social media, enabling the receipt and concealment of sexually suggestive material.		
Farwell, Matthew	3/21/2024	Farwell voluntarily agreed to decertification, acknowledging allegations that justified revoking his law enforcement certification. These allegations included engaging in a sexual relationship with a 15-year-old member of the Stoughton Police Explorers Program when he was 27, pursuing further sexual encounters with the victim over an extended period (including as recently as 2020) and being untruthful during a law enforcement investigation into the victim's death.	2	0
Fontaine, Ernest	10/25/2023	Decertified based on a criminal disposition.	1	0
Forte, David	3/21/2024	On July 20, 2023, a federal jury found Forte guilty of Conspiracy to Commit Securities Fraud, and Aiding and Abetting Securities Fraud, both classified as felonies under federal law.	2	1
Gonzalez, Iancy	6/20/2024	Decertified based on a criminal disposition.	4	1
Kennedy, Robert	5/19/2024	On September 20, 2023, Kennedy pleaded guilty to two felony counts of Wire Fraud under 18 U.S.C. § 1343.	2	1
Morales, Tomas	12/14/2023	Decertified based on a criminal disposition.	0	1
Murphy, Michael	5/22/2024	On June 1, 2021, Murphy pleaded guilty to two federal felony charges: Conspiracy to Commit Theft involving Federally Funded Programs and Aiding and Abetting such Theft, in violation of 18 U.S.C. §§ 371, 2, and 666(a)(1)(A).	1	1
Pomeroy, Brian	4/23/2024	Decertified based on a criminal disposition.	2	1
Quilty, James	9/14/2023	Decertified based on a criminal disposition.	2	0
Salituri, Joel	5/22/2024	Decertified based on a criminal disposition.	2	1
Senecal, Darren	9/14/2023	Senecal knowingly filed a police report containing a false statement and created forty police log entries containing false statements regarding his activities.	7	0
Vieira, Carlos	9/14/2023	Decertified based on a criminal disposition.	1	1

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Whitman, Daniel	9/14/2023	Decertified based on a criminal disposition.	2	1
Winslow, Frederick	6/20/2024	Winslow voluntarily agreed to decertification after acknowledging allegations of untruthfulness, poor supervision and record falsification in 2012, which led to his suspension. He failed to disclose these allegations during his 2013 job application to Babson College Public Safety and was terminated in 2024 when his dishonesty was uncovered.	3	0

Individuals Decertified by POST July 1, 2023 to June 30, 2024

Reasons for Revocation of Certificates	# of Instances
Criminal disposition	13
Conduct unbecoming / violation code of ethics / untruthfulness	4
Excessive force	1
Bias on the basis of any of the protected classes	0
Total	18

Officer Suspensions July 1, 2023 to June 30, 2024

The Commission suspended 32 officers as noted below. Four suspensions were lifted during that period for a net of 28 suspended officers.

M.G.L. c. 6E, §16 (3): All suspensions that occurred during the preceding fiscal year

Name	Suspension Start	Suspension End	Reason	# of Complaints	# of Disciplines
Bistany, Matthew	9/7/2023		M.G.L. c. 6E, § 9(a)(1)	1	0
Bones, Devon	12/2/2022	9/7/2023	M.G.L. c. 6E, § 9(a)(1)	0	0
Butner, Calvin	1/31/2024		M.G.L. c. 6E, § 9(a)(1)	3	0
Caldwell, Miranda	12/14/2023		M.G.L. c. 6E, § 9(a)(1)	3	1
Callahan, Shaun	12/20/2023	1/20/2024	M.G.L. c. 6E, §§ 3(a), 10(b)(iv) and 10(c)	1	0
Castro, William	3/21/2024		M.G.L. c. 6E, § 9(a)(4)	2	0
Cederquist, Gary	1/31/2024		M.G.L. c. 6E, § 9(a)(1)	4	0
Connor, Omar	12/19/2023		M.G.L. c. 6E, § 9(a)(4)	8	0
De los Santos, Jennifer	6/12/2024		M.G.L. c. 6E, § 9(a)(1)	2	1
Feeley, James	1/2/2024		M.G.L. c. 6E, § 9(a)(1)	2	0
Gladu, Brian	4/5/2024		M.G.L. c. 6E, § 9(a)(1)	5	1

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Gomez-Gonzalez, Samuel	6/20/2024		M.G.L. c. 6E, § 9(a)(4)	3	1
Hubbard, Matthew	7/18/2023		M.G.L. c. 6E, § 9(a)(1)	1	1
Johnson, Kevin	9/14/2023		M.G.L. c. 6E, §10(b)(1)	2	0
Khun, Danny	8/17/2023		M.G.L. c. 6E, § 9(a)(1)	1	0
Lewis, Shavonne	10/6/2023	10/24/2023	M.G.L. c. 6E, § 9(a)(1) and 555 CMR 1.08(1)	2	0
Mandracchia, Daniel	8/17/2023		M.G.L. c. 6E, § 9(a)(1)	2	1
Manon, Dario	6/13/2024		M.G.L. c. 6E, § 9(a)(1)	1	1
Martinez, Joe	7/13/2023		M.G.L. c. 6E, § 9(a)(1)	1	1
Morin, Michael	8/8/2023		M.G.L. c. 6E, § 9(a)(1)	3	1
Nako, Klevis	4/5/2024		M.G.L. c. 6E, § 9(a)(1)	2	0
Parker, Jami	5/3/2024		M.G.L. c. 6E, § 9(a)(1)	1	0
Radzik, Thomas	2/5/2024		M.G.L. c. 6E, § 9(a)(1)	1	0
Robinson, Roland	4/30/2024		M.G.L. c. 6E, § 9(a)(1)	2	0
Rogers, Joel	1/31/2024		M.G.L. c. 6E, § 9(a)(1)	4	0
Romeos, James	2/15/2024		M.G.L. c. 6E, §10(b)(i)(iv)	3	1
Russell, Tyler	2/15/2024		M.G.L. c. 6E, § 10(b)(iii)	2	0
Saunders, Scott	8/4/2023		M.G.L. c. 6E, § 9(a)(1)	2	0
Singh, Gurpreet	5/22/2024		M.G.L. c. 6E, § 9(a)(1)	4	1
Soares, Imari	6/24/2024		M.G.L. c. 6E, § 9(a)(1)	1	0
Stalzer, Steven	6/12/2023	9/7/2023	M.G.L. c. 6E, § 9(a)(1)	2	0
Ubri, Robinson	5/2/2024		M.G.L. c. 6E, § 9(a)(1)	1	0

Reasons for above suspensions:

M.G.L. c. 6E, §9(a)(1): “The Commission shall immediately suspend the certification of an officer . . . arrested, charged or indicted for a felony.”

M.G.L. c. 6E, §9(a)(4): “The Commission may suspend the certification of an officer if the commission determines . . . suspension is in the best interest of the . . . safety and welfare of the public.”

M.G.L. c. 6E, § 10(b)(i): “The Commission may suspend the certification of an officer . . . convicted of a misdemeanor.”

M.G.L. c. 6E, § 10(b)(iii): “The Commission may suspend the certification of an officer who was biased[.]”

M.G.L. c. 6E, § 10(b)(iv): "The Commission may suspend or revoke an officer's certification if . . . the officer was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed."

M.G.L. c 6E, § 10(c): "The commission may reinstate the certificate of an officer suspended pursuant to subsection (b) at the expiration of the suspension, if the commission finds that all conditions of the suspension were met."

555 CMR 1.08(1): "The commission shall immediately suspend the certification of any officer who is arrested, charged or indicted for a felony. A sworn statement by the arresting officer, or a certified copy of the charge or indictment, shall be sufficient evidence for immediate commission action pursuant to 555 CMR 1.08."

Officer Retraining Orders July 1, 2023 to June 30, 2024

M.G.L. c. 6E, §16 (4): All retraining orders imposed by the Commission

The Commission did not impose any re-training orders during fiscal year 2024 (July 1, 2023 – June 30, 2024).

5a(i).



Officer Recertification: Physical Fitness and Behavioral Health

Annie E. Lee, Counsel

Elizabeth B. Smith, Paralegal

March 2025



AGENDA

1. Process
2. Union Survey Results
3. Union and Agency Surveys – comparison



PROCESS

- Commission developed survey on officers' 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 input from POST and MPTC personnel



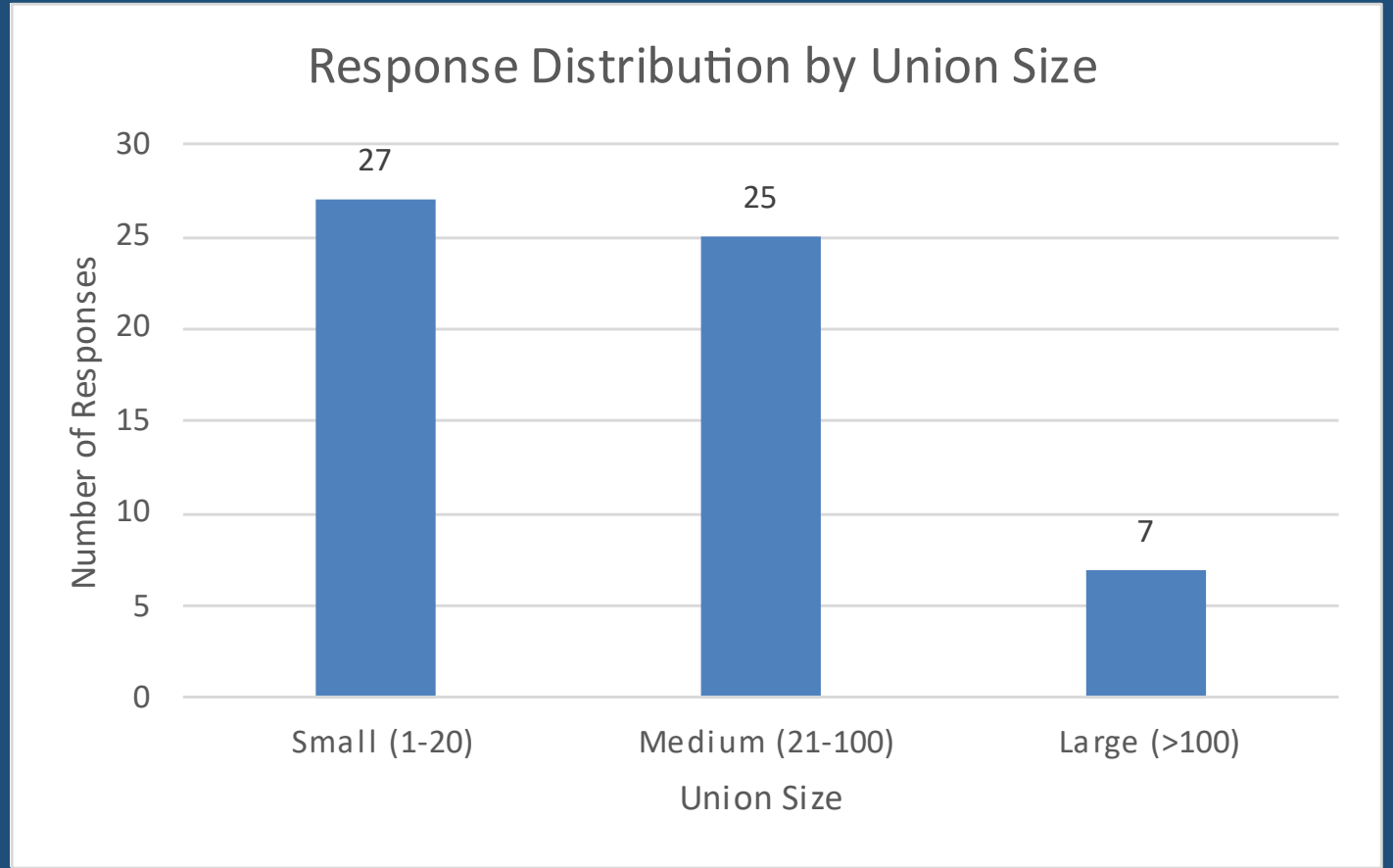
PROCESS (cont.)

- Agency survey
 - Survey sent out November 6, 2024; responses by December 6, 2024
 - 213 agencies responded
 - Results presented to Commission on December 19, 2024
- Union survey
 - Survey sent out January 3, 2025; responses by February 21, 2025
 - 60 unions responded
 - Extended response deadline to ensure robust participation and answers



UNION SURVEY – AT A GLANCE

- Number of responses:
60 unions
- Largest union surveyed:
12,000 sworn officers
- Smallest union surveyed:
5 sworn officers

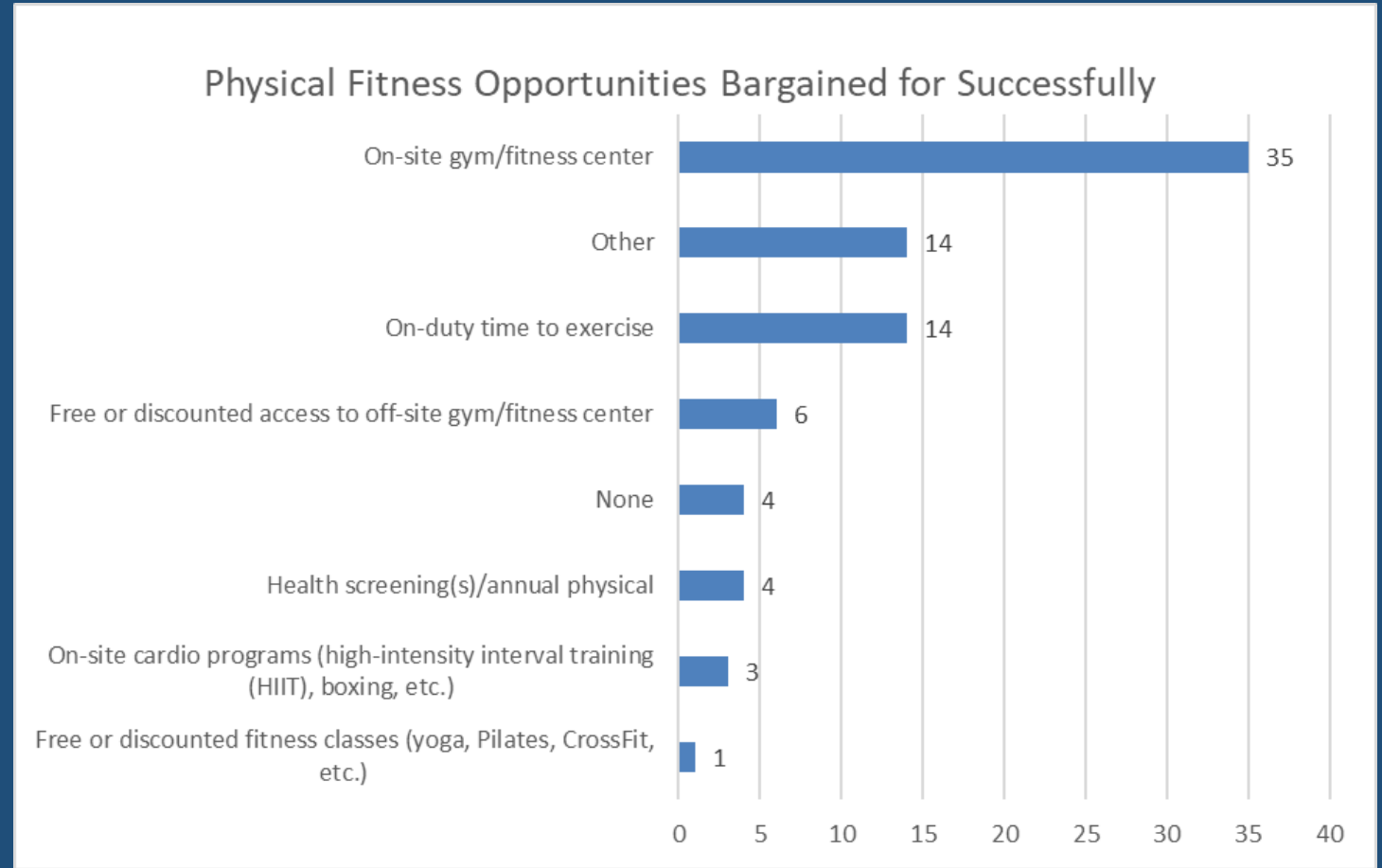




UNION SURVEY – PHYSICAL FITNESS

Physical fitness opportunities unions successfully bargained for:

- On-site gym/fitness center (35)
- On-duty time to exercise (14)
- Other (14)
 - Time off for logging certain amount of workouts
 - Incentives for passing fitness examination
 - Department-sponsored medical/health screening



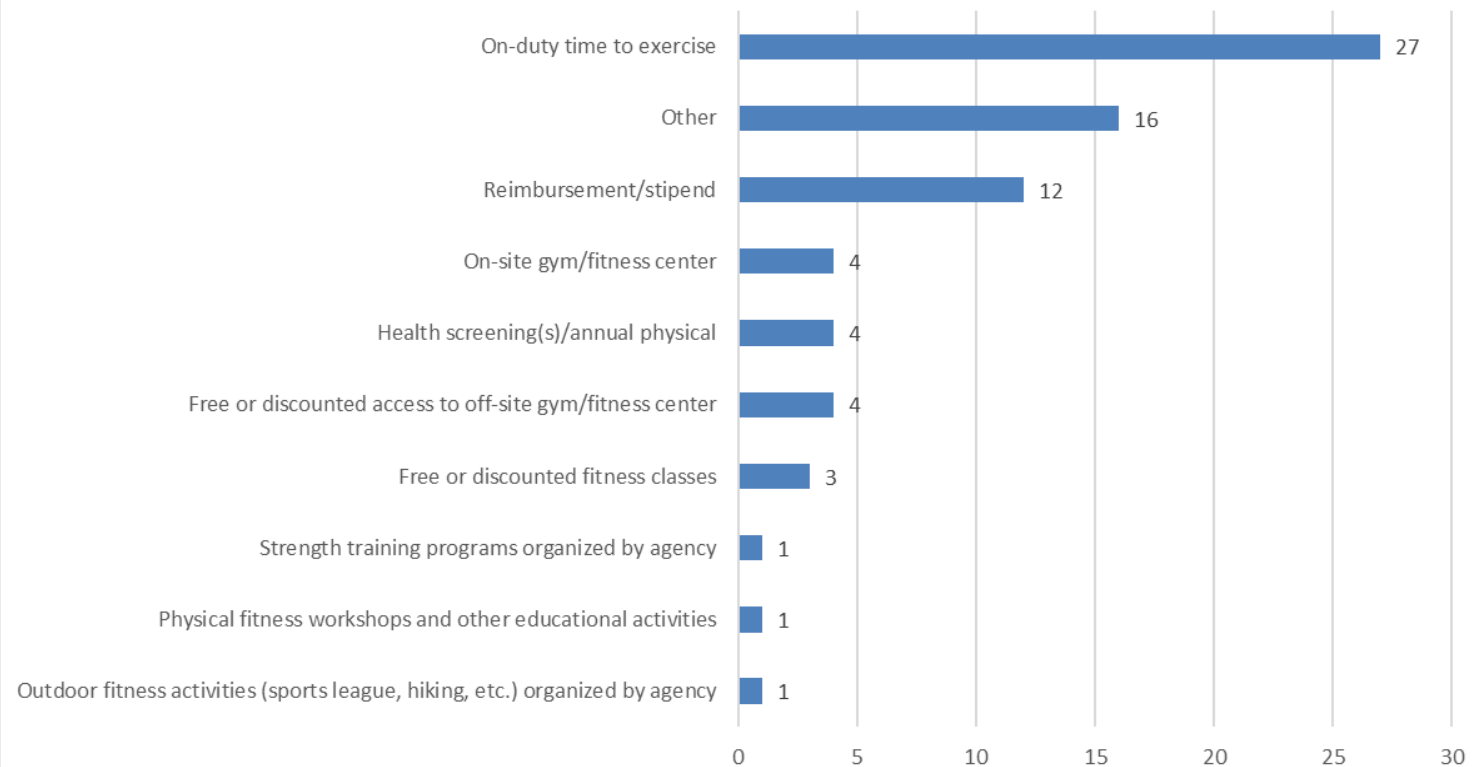


UNION SURVEY – PHYSICAL FITNESS

Physical fitness opportunities unions unsuccessfully bargained for:

- On-duty time to exercise (27)
- Reimbursement/stipend (12)
- Other (16)
 - Annual fitness test with stipend
 - Wellness incentives
 - Days off for logged gym use

Physical Fitness Opportunities Bargained for Unsuccessfully

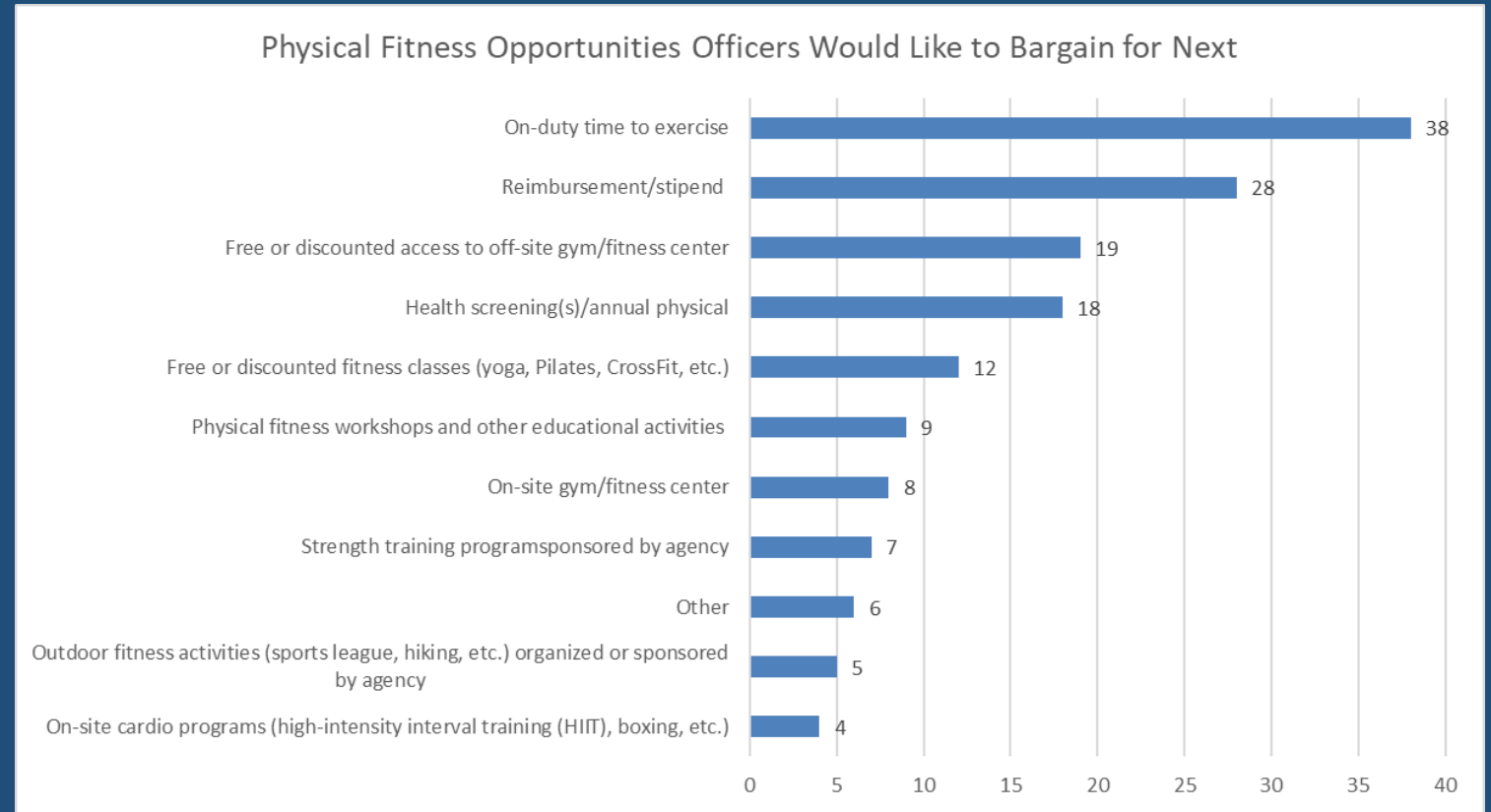




UNION SURVEY – PHYSICAL FITNESS

Physical fitness opportunities officers want to bargain for next:

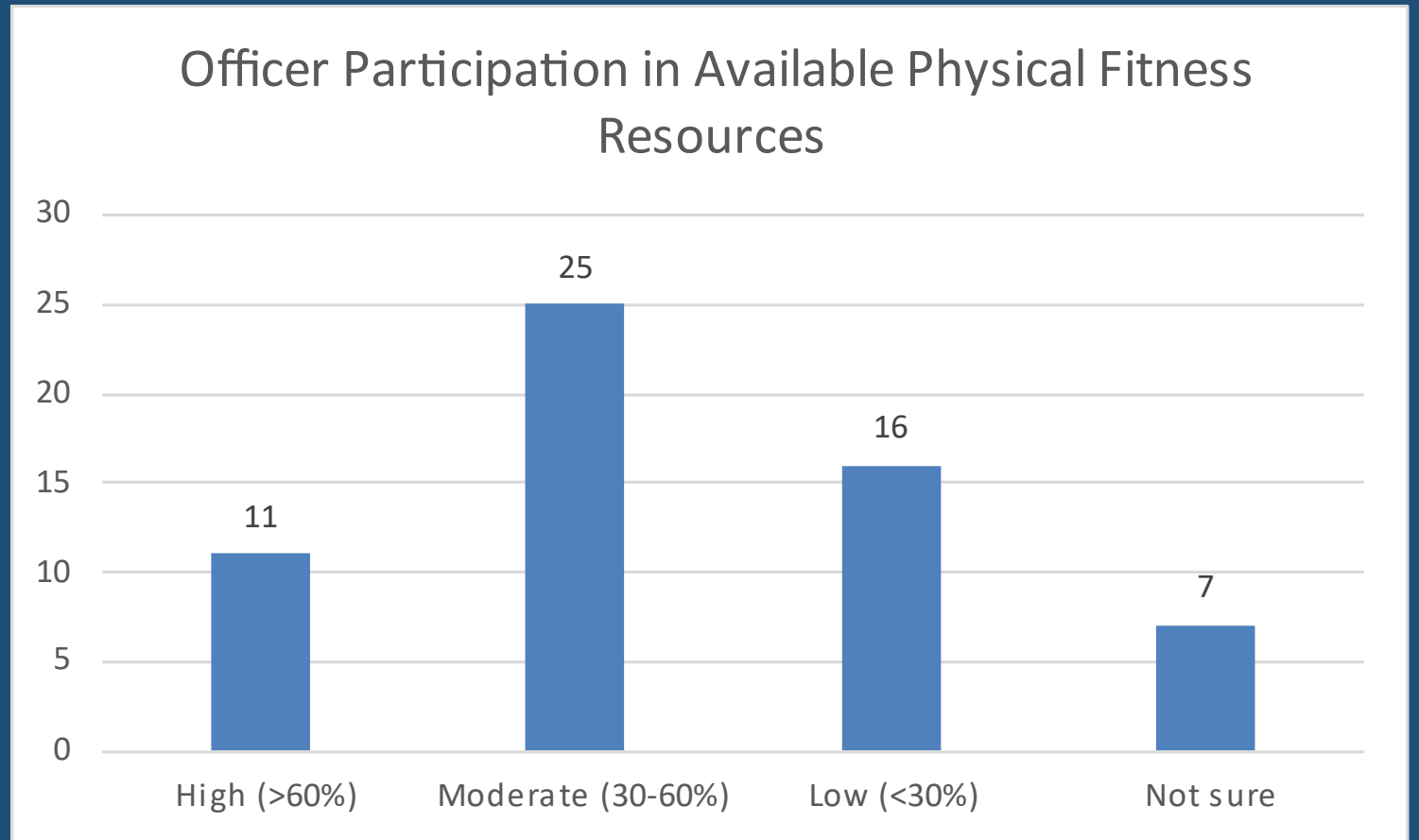
- On-duty time to exercise (38)
- Reimbursement/stipend (28)
- Free or discounted access to an off-site gym or fitness center (19)





UNION SURVEY – PHYSICAL FITNESS

Most unions reported moderate officer utilization of available physical fitness opportunities and resources.

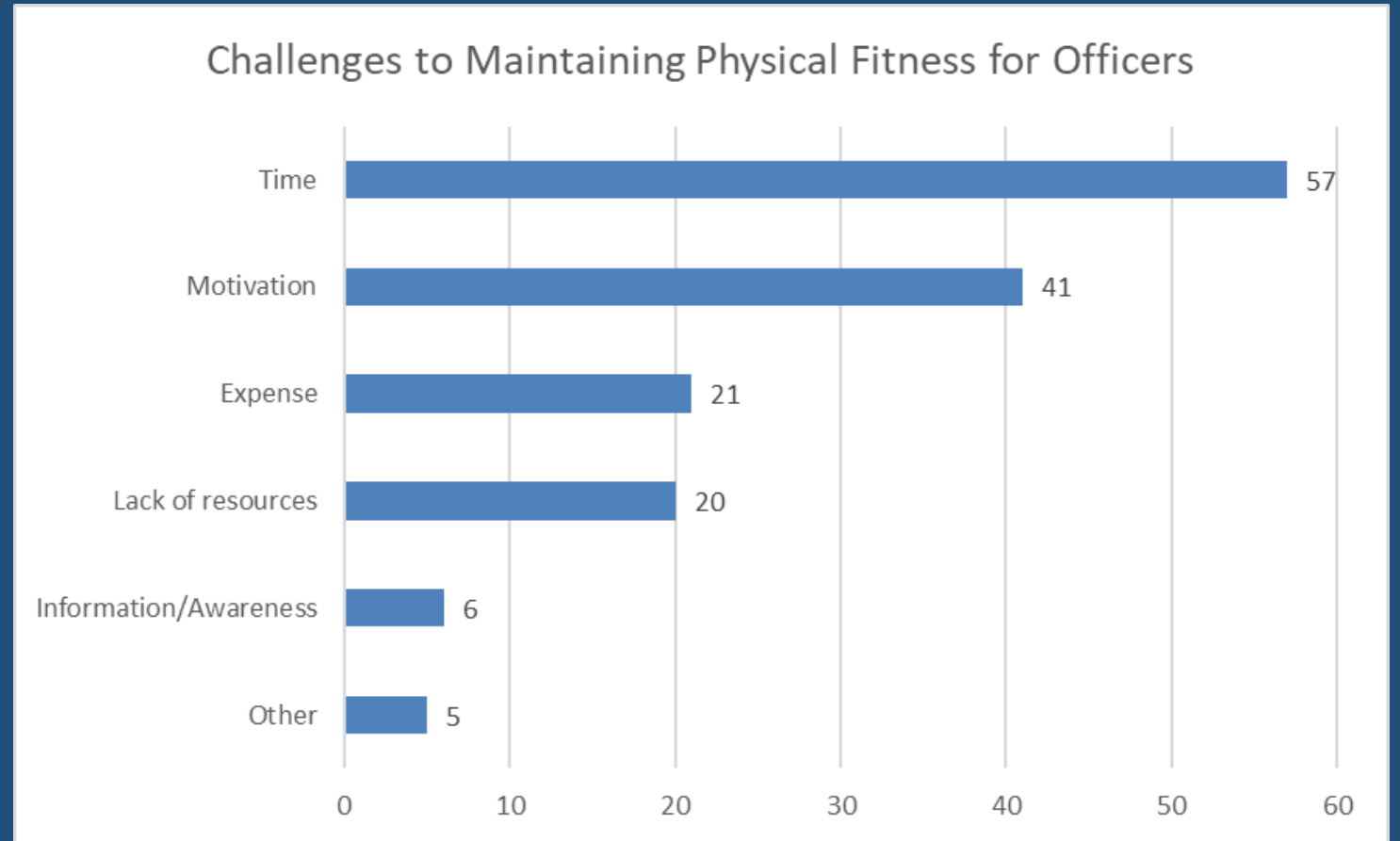




UNION SURVEY – PHYSICAL FITNESS

Biggest challenges for maintaining physical fitness:

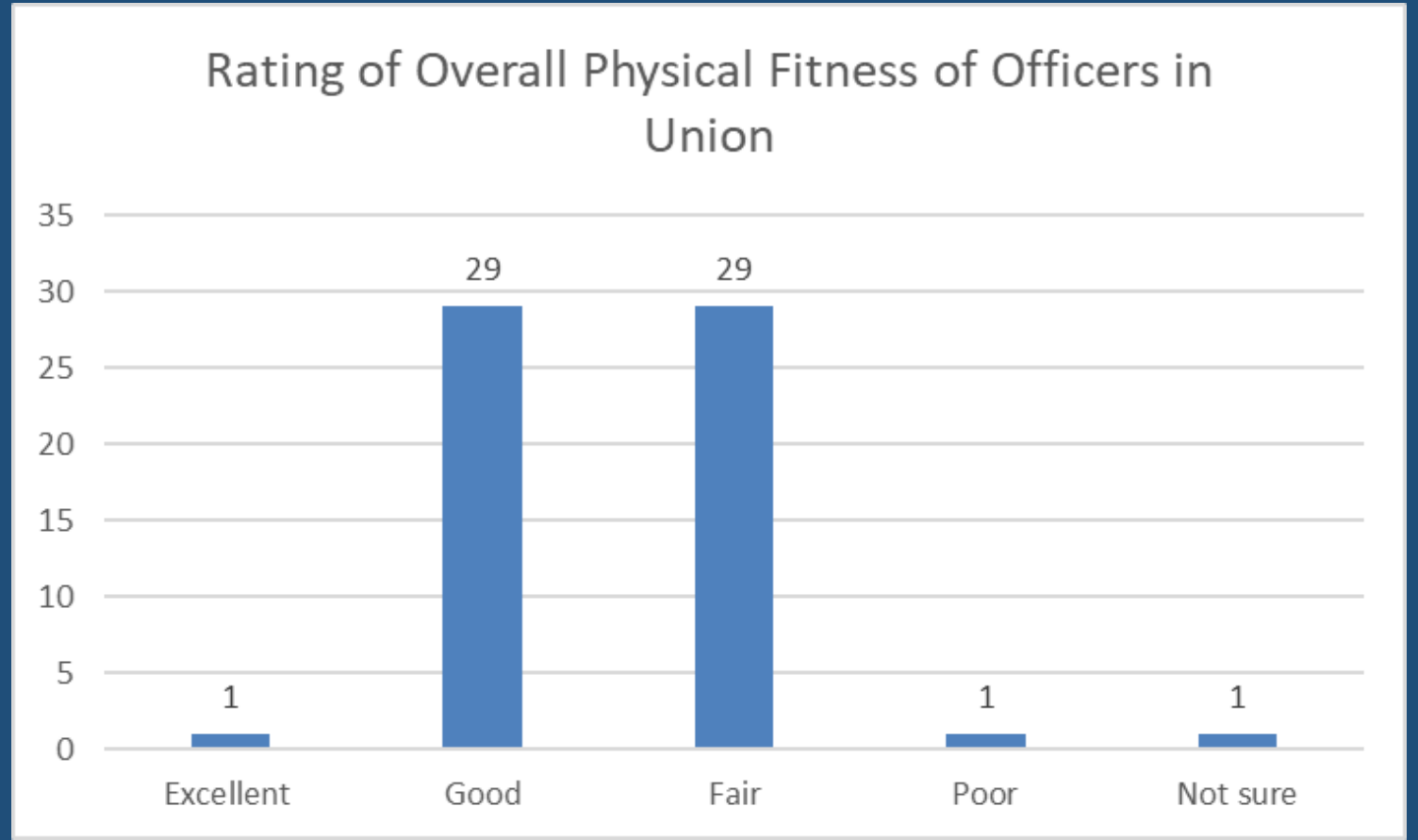
- Time (57)
- Motivation (41)
- Expense (21)





UNION SURVEY – PHYSICAL FITNESS

Most unions rated overall officer physical fitness fair to good.





UNION SURVEY – PHYSICAL FITNESS

Ideas for physical fitness recertification requirements:

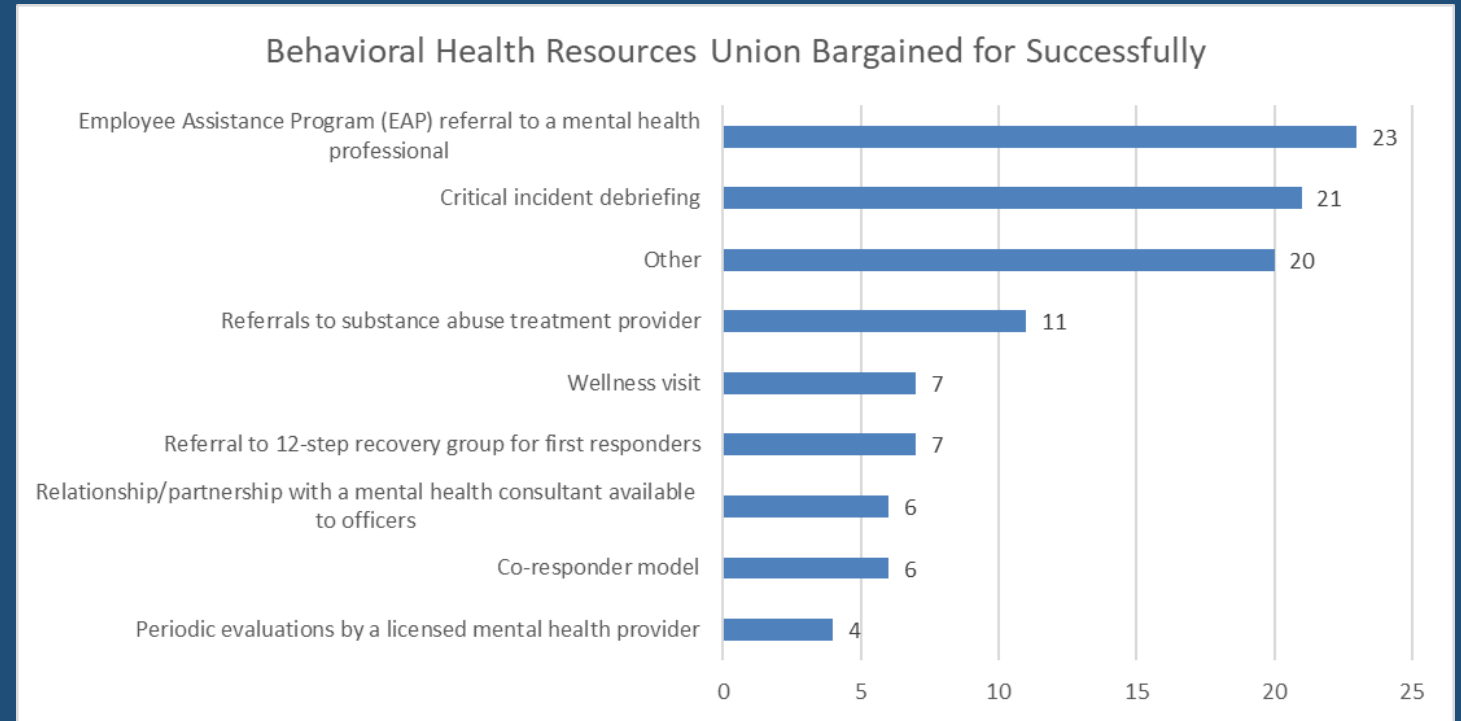
- Fitness/Cooper test (16)
- None (11)
 - “Officers have enough concerns without having to worry about another exam.”
 - “I worry about the job becoming less attractive and [losing] officers. Also Massachusetts pension requirements are high in years unlike other states. Being 57 years old and trying to pass a fitness test to stay certified might be a problem where experienced officers are leaving the job and being replaced with physically fit inexperienced officers.”
- Incentive-based (4)
- Other (4)
 - “Depends based on [officer’s] age and required job duties for example patrol vs admin. Previous [injured on duty leave] incidents need to be considered for possible exemptions. Also based on recent de-escalation trends physical fitness may not be as [relevant], officers are less ‘hands on’ now more than ever.”
- Physical ability test (2)
- Medical exam/physical (2)



UNION SURVEY – BEHAVIORAL HEALTH

Most common behavioral health resources were:

- Employee Assistance Program (EAP) referral to a mental health professional (23)
- Critical incident debriefing (21)
- Other (20)
 - Many behavioral health resources are provided by departments or municipality, not through contract negotiations
 - Mental health day
 - SEMLEC support*



*SEMLEC is a consortium of law enforcement departments of 30 cities and towns in southeastern Massachusetts.



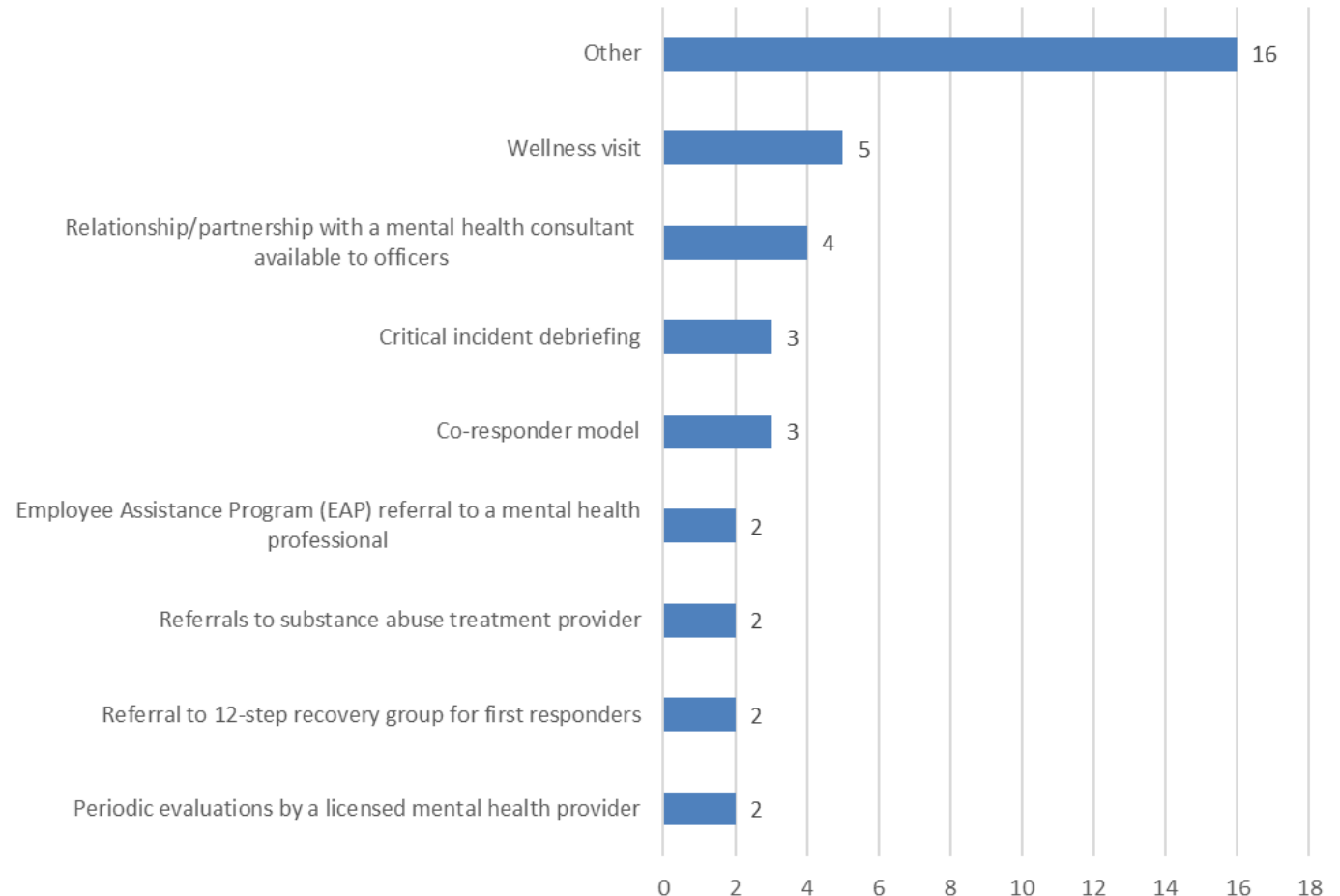
UNION SURVEY – BEHAVIORAL HEALTH

Behavioral health opportunities unions unsuccessfully bargained for:

- Wellness visits (5)
- Relationship/partnership with a mental health consultant available to officers (4)

*The majority of responding unions indicated there were no behavioral health services and initiatives that they unsuccessfully bargained for

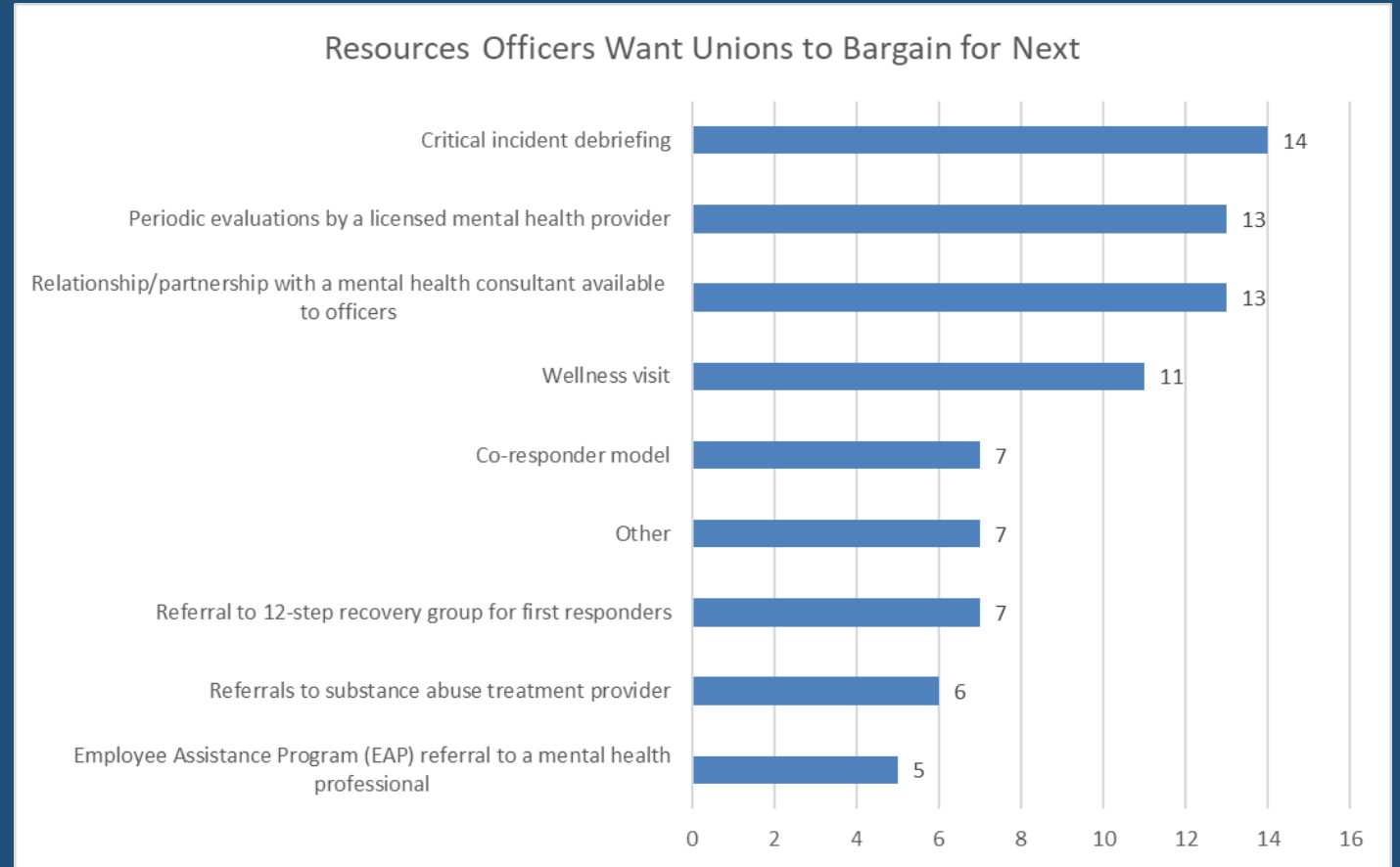
Behavioral Health Resources Unions Bargained for Unsuccessfully





UNION SURVEY – BEHAVIORAL HEALTH

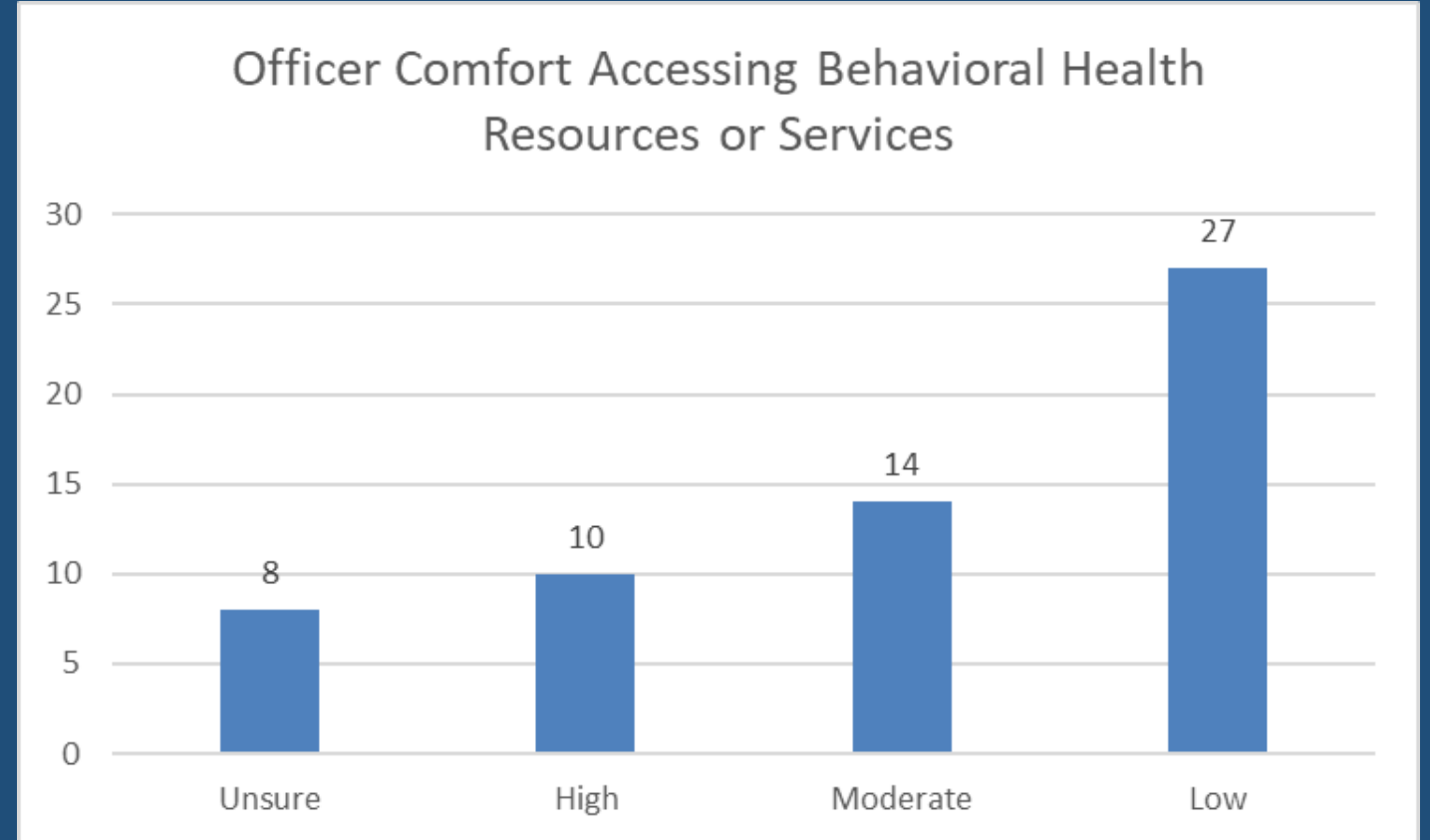
- Behavioral health opportunities officers want to bargain for next:
 - Critical incident debriefing (14)
 - Periodic evaluations by a licensed mental health provider (13)
 - Relationship/partnership with a mental health consultant available to officers (13)





UNION SURVEY – BEHAVIORAL HEALTH

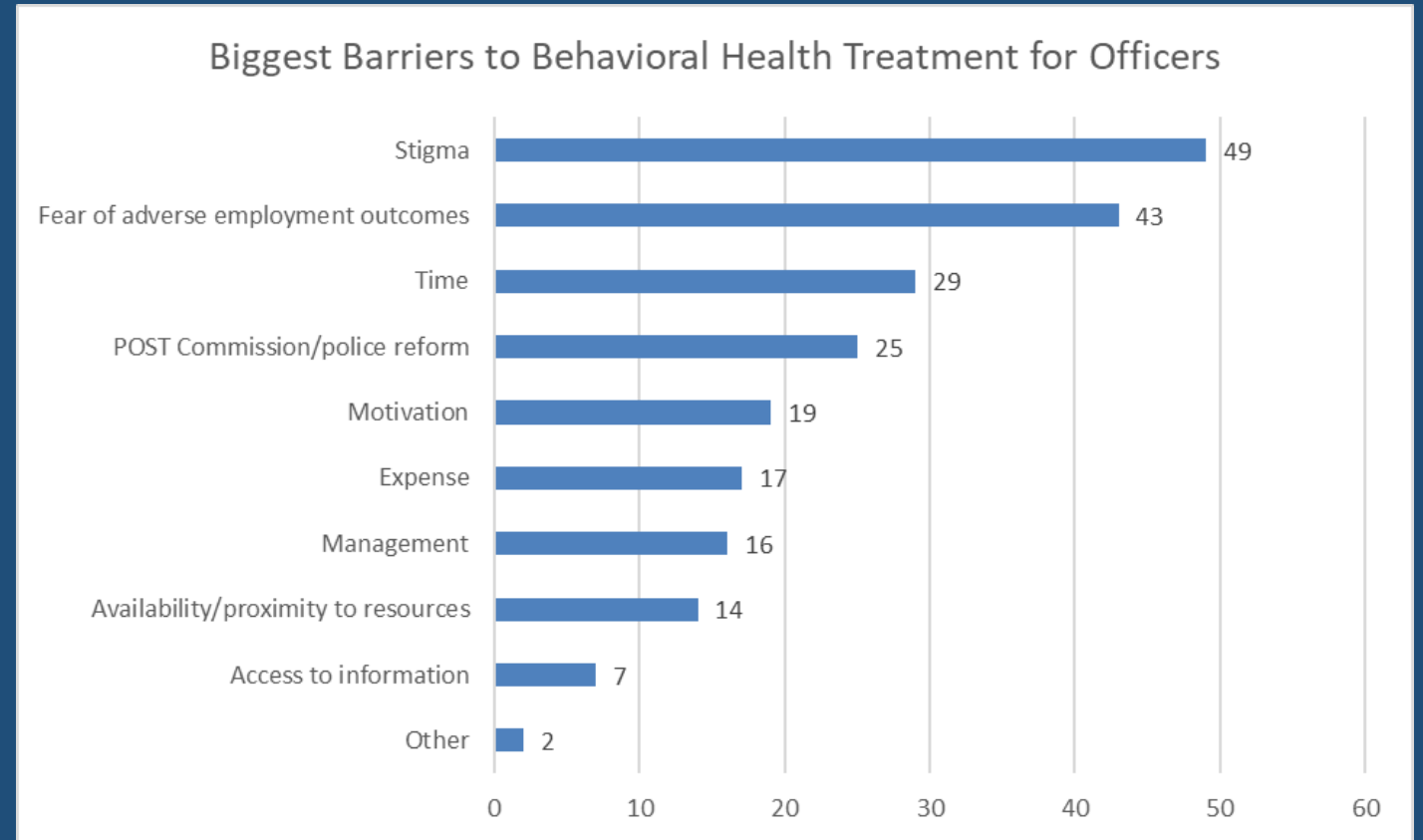
- Most unions reported that officers do not feel comfortable accessing behavioral health resources or services





UNION SURVEY – BEHAVIORAL HEALTH

- Biggest barriers to officers seeking behavioral health treatment:
 - Stigma (49)
 - Fear of adverse employment outcomes (43)
 - Time (29)
 - POST Commission/police reform (25)

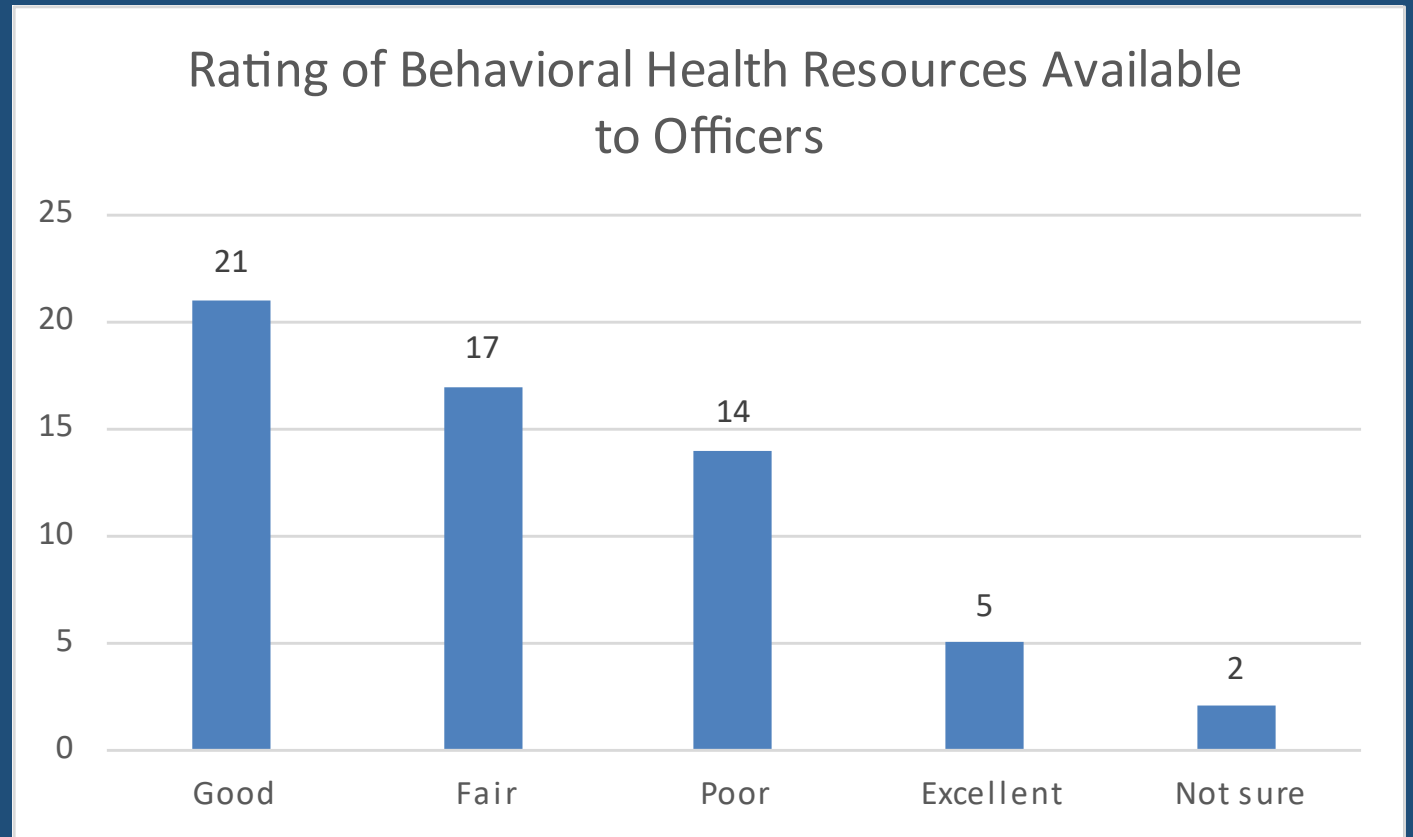




UNION SURVEY – BEHAVIORAL HEALTH

Opinions on behavioral health resources available to officers varied

- Majority of responses fall within good to fair





UNION SURVEY – BEHAVIORAL HEALTH

Ideas for behavioral health recertification requirements:

- None (12)
 - “At this time I don't have an answer but I feel that behavioral health recertification for officers would be intrusive and also not take into account what officers have dealt with during their career.”
- Mental health check-in/wellness visit (3)
- Other (8)
 - “Evals of officers, with no lawful actions taken thereafter excluding clear & obvious signs of threat, etc. Part of what should be included is how the agency and its top tier managers are [affecting] officers. Actions to reduce stresses from upper management should be mandatorily implemented by the municipality“
 - “Recertification requirements should analyze the trauma that has been sustained by officers over the course of their careers rather than applying a one size fits all approach to behavioral health”
 - “Keeping officers educated in what resources are available.”
- As-needed (3)
 - “The only requirement I believe in is a critical incident debrief and/or a psychological appointment following certain disciplinary actions that would be appropriate.”



COMPARISON – PHYSICAL FITNESS

Agencies

- Ideal standards:
 1. Fitness/Cooper test (34%)
 2. Physical Ability Test (21%)
 3. None (16%)
 4. Medical exam/physical (9%)
 5. Incentive-based (8%)

Unions

- Ideal standards:
 1. Fitness/Cooper test (41%)
 2. None (28%)
 3. Incentive-based (10%)
 4. Physical Ability Test (5%)
 4. Medical exam/physical (5%)



COMPARISON – BEHAVIORAL HEALTH

Agencies

- Ideal standards:
 1. Mental health check-in/wellness visit (57%)
 2. As-needed (13%)
 3. Training and education on available resources (12%)
 4. None (7%)
 5. Psychological evaluations (5%)

Unions

- Ideal standards:
 1. None (46%)
 2. Mental health check-in/wellness visit (12%)
 3. As-needed (12%)



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



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: March 13, 2025

This memorandum: (1) summarizes the results of a survey sent to police union leadership concerning physical fitness and behavioral health resources; and (2) compares responses from the union survey with responses from a similar survey sent to agency chiefs. This memorandum and corresponding presentation are for informational purposes only. At this time, the Commission is not being asked to vote on any matters related to physical fitness and behavioral health.

This topic was last before the Commission during its December 2024 meeting. During that meeting, the Commission reviewed responses from a similar survey deployed to agency chiefs. That survey, like the survey sent to the unions that is the focus of this memorandum, aimed to gather information on: (1) resources and initiatives currently offered to support officers' physical fitness and behavioral health; (2) challenges officers face to maintaining physical fitness and behavioral health; and (3) ideal physical fitness and behavioral health standards and evaluations.

Based on feedback received, Commission staff revised the survey to focus on the role of unions¹ and deployed the survey in early January 2025. To ensure robust participation and answers,

¹ A copy of the survey sent to union leadership is attached as [Exhibit A](#).

Commission staff extended the survey response deadline to late February 2025. The results are summarized below.²

I. Union Survey Results

A. Overview

- Number of responses: 60 unions.³
- Largest union surveyed: 12,000 sworn officers.
- Smallest union surveyed: 5 sworn officers.
- Many questions in the survey prompted respondents to select all that apply. Therefore, the number of responses for each question may not match the total number of submissions.
- All questions were optional.

A majority of survey respondents represented smaller local unions (1-20 officers). The median number of sworn officers represented by survey respondents was 25.

B. Physical Fitness

- Unions reported successfully bargaining for the following opportunities and resources:
 - o On-site gym/fitness center (35 of 51 responses);
 - o On-duty time to exercise (14 of 51); and
 - o Other (14 of 51)
 - Time off for logging a certain amount of workouts;
 - Incentives for passing a fitness examination; and
 - Department-sponsored medical/health screening.

Resource	Responses	Percentage
On-site gym/fitness center	35	69%
On-duty time to exercise	14	27%
Other	14	27%
Free or discounted access to off-site gym/fitness center	6	12%
Health screening(s)/annual physical	4	8%
None	4	8%
On-site cardio programs (high-intensity interval training (HIIT), boxing, etc.)	3	6%
Free or discounted fitness classes (yoga, Pilates, CrossFit, etc.)	1	2%

Table 1

- Unions reported unsuccessfully bargaining for the following opportunities and resources:
 - o On-duty time to exercise (27 of 41);

² A complete copy of survey responses is included in the Commissioners' supplemental meeting materials folder on SharePoint.

³ A few unions submitted duplicate survey responses. Those duplicate responses are omitted from the total count.

- Reimbursement/stipend (12 of 41); and
- Other (16 of 41)
 - Annual fitness test with a stipend;
 - Wellness incentives; and
 - Days off for logged gym use.

Resource	Responses	Percentage
On-duty time to exercise	27	66%
Other	16	39%
Reimbursement/stipend	12	29%
Free or discounted access to off-site gym/fitness center	4	10%
Health screening(s)/annual physical	4	10%
On-site gym/fitness center	4	10%
Free or discounted fitness classes	3	7%
Outdoor fitness activities (sports league, hiking, etc.) organized by agency	1	2%
Physical fitness workshops and other educational activities	1	2%
Strength training programs organized by agency	1	2%

Table 2

- The physical fitness opportunities and resources that officers want unions to bargain for next are:
 - On-duty time to exercise (38 of 58);
 - A reimbursement or stipend (28 of 58); and
 - Free or discounted access to an off-site gym or fitness center (19 of 58).
- Most unions reported moderate officer utilization of available physical fitness opportunities and resources (between 30-60% of officers).
- The biggest challenges to maintaining physical fitness were:
 - Time (57 of 60);
 - Motivation (41 of 60); and
 - Expense (21 of 60).
- The overall rating of officers' physical fitness was generally fair to good.

Rating	Responses	Percentage
Good	29	48%
Fair	29	48%
Excellent	1	2%
Poor	1	2%
Not sure	1	2%

Table 3

- Common suggestions for what physical fitness requirements should be:
 - Fitness test/Cooper Institute Test and standards, accounting for factors such as gender, age, and injuries;

- Incentive-based programs (e.g., annual fitness test with a stipend for passing);
- Physical Ability Test; and
- Medical examinations/physical.

C. Behavioral Health

- Unions reported successfully bargaining for the following opportunities and resources:
 - Employee Assistance Program (EAP) referral to a mental health professional (23 of 30);
 - Critical incident debriefing (21 of 30); and
 - Other⁴ (20 of 30)
 - Mental health days;
 - Wellness visits; and
 - SEMLEC support.⁵

Resource	Response
Employee Assistance Program (EAP) referral to a mental health professional	23
Critical incident debriefing	21
Other	20
Referrals to substance abuse treatment provider	11
Referral to 12-step recovery group for first responders	7
Wellness visit	7
Co-responder model	6
Relationship/partnership with a mental health consultant available to officers	6
Periodic evaluations by a licensed mental health provider	4

Table 4

- Unions reported unsuccessfully bargaining for the following opportunities and resources:⁶
 - Wellness visits (5 of 24)⁷; and
 - Relationship/partnership with a mental health consultant available to officers (4 of 24).

⁴ Of the 20 unions that answered “Other,” nine reported having all or some behavioral health resources provided through the municipality or department, rather than through a collective bargaining agreement.

⁵ SEMLEC is a consortium of law enforcement departments of 30 cities and towns in southeastern Massachusetts.

⁶ About 38% of unions that answered this question indicated there were no behavioral health services and initiatives that they unsuccessfully bargained for.

⁷ This question asked respondents to select all that apply.

- The behavioral health opportunities and resources that officers want unions to bargain for next are:
 - o Critical incident debriefing (14 of 38);
 - o A relationship/partnership with a mental health consultant available to officers (13 of 38); and
 - o Periodic evaluations by a licensed mental health provider (13 of 38).

Resource	Responses	Percentage
Critical incident debriefing	14	37%
Relationship/partnership with a mental health consultant available to officers	13	34%
Periodic evaluations by a licensed mental health provider	13	34%
Wellness visit	11	29%
Referral to 12-step recovery group for first responders	7	18%
Other	7	18%
Co-responder model	7	18%
Referrals to substance abuse treatment provider	6	16%
Employee Assistance Program (EAP) referral to a mental health professional	5	13%

Table 5

- 46% of unions reported that officers do not feel comfortable accessing behavioral health opportunities or resources.
- 24% of unions reported moderate officer utilization of available behavioral health opportunities and resources (between 30-60% of officers).

Comfort	Responses	Percentage
Low	27	46%
Moderate	14	24%
High	10	17%
Unsure	8	14%

Table 6

- The biggest barriers to behavioral health participation were:
 - o Stigma (49 of 59);
 - o Fear of adverse employment outcomes (43 of 59);
 - o Time (29 of 59); and
 - o POST Commission/police reform (25 of 59).⁸

⁸ Survey responses indicated that officers are hesitant to seek behavioral health services, in part, due to fear of certification consequences by the Commission.

Barrier	Response
Stigma	49
Fear of adverse employment outcomes	43
Time	29
POST Commission/police reform	25
Motivation	19
Expense	17
Management	16
Availability/proximity to resources	14
Access to information	7
Other	2

Table 7

- The overall rating of behavioral health opportunities and resources available to officers varied.

Rating	Responses	Percent
Good	21	36%
Fair	17	29%
Poor	14	24%
Excellent	5	8%
Not sure	2	3%

Table 8

- Common suggestions for what behavioral health requirements should be:⁹
 - o Mental health check-ins/wellness visits; and
 - o Screenings on an as-needed basis.

II. Comparison Between Union Survey and Agency Survey Responses

A. Physical Fitness

When it came to opinions on ideal standards and evaluations, the most popular answer among both respondent groups was a physical fitness test, commonly referred as the “Cooper test.” The Cooper test typically consists of a cardiovascular event (e.g., a run) and strength events (e.g., push-ups and sit-ups). Responses in both the union and agency surveys noted that the Cooper test would be appropriate for recertification, given that the Cooper test is currently required of all Municipal Police Training Committee police academy candidates. Both union and agency survey responses noted, however, that the standards for the Cooper test should take into account an officer’s gender, age, and if relevant, injuries sustained on the job, to account for the change in physiology associated with aging and the years of service.

Agencies and unions both agreed that other acceptable options for setting physical fitness standards and measuring said fitness include the Physical Ability Test, medical exams (i.e., a physical), and incentive-based programs, though agencies and unions differed in their

⁹ The majority of responding unions indicated there should be no behavioral health requirements.

preferences among these options. Agencies' second preferred option was the Physical Ability Test,¹⁰ while the Physical Ability Test was tied for the fourth preferred option among unions. Both agencies and unions ranked medical exams as their preferred fourth option. Agencies' preferred fifth option was incentive-based programs (i.e., officers receive bonuses if they pass the Cooper test), while incentive-based, non-punitive programs were the preferred third option among unions.

Notably, both agencies and unions indicated a high preference for having no physical fitness standards and evaluations; agencies indicated that having no standards and evaluations was their preferred third option, while unions ranked having no standards and evaluations as their preferred second option. In support of having no standards and evaluations, both agencies and unions noted that physical fitness is highly individualized – some officers excel in cardiovascular fitness tests, while others excel in strength tests, and many officers have preferred methods of maintaining physical fitness that do not always translate to uniform standards and evaluations. Agencies and unions also expressed fear that instituting uniform standards and evaluations could come at the expense of losing experienced officers who are skilled at the job but may not be able to meet uniform standards and evaluations.

B. Behavioral Health

By contrast, agencies and unions largely differed in their opinions on ideal behavioral health standards and evaluations. Agencies overwhelmingly indicated a preference for periodic mental health check-ins (also referred to as wellness visits), while unions stated that there should be no behavioral health standards or evaluations.

Some unions indicated that requiring officers to meet behavioral health standards and undergo evaluations for the purpose of recertification would be intrusive and raised concerns that such evaluations are subjective and do not adequately consider the experiences officers have by virtue of being on the job. Although agencies generally indicated they were in favor of behavioral health standards and evaluations, some agencies that expressed a preference for having no behavioral health standards and evaluations stated that officers are more hesitant to seek behavioral health supports and treatments for fear of adverse employment consequences, either from their employing agency or the Commission or both – a fear shared by unions.

When unions did indicate an appetite for behavioral health standards and evaluations, however, they agreed with agencies that such standards and evaluations would be best served by mental health check-ins. The preferred third option among unions and the preferred second option among agencies was “as-needed,” meaning that officers should not be required to periodically meet behavioral health standards and undergo corresponding evaluations, but rather, should be evaluated on an as-needed basis after the occurrence of certain triggering events (i.e., critical incidents) or the officer is flagged by the agency as requiring an evaluation.

¹⁰ The Physical Ability Test typically consists of events that simulate tasks officers may have to perform in the field (e.g., an obstacle course to simulate pursuing and taking down a suspect, a separation event to simulate separating and controlling individuals, and a dummy drag event to simulate dragging a victim or a suspect). It is currently required for all civil service officer candidates.

The next preferred options among agencies included training and education on available resources, followed by having no standards or evaluations, followed by comprehensive psychological evaluations like those conducted prior to employment. Aside from having no standards or evaluations, unions did not express preferences for training and education or psychological evaluations.

5b(i).



LAW
ENFORCEMENT
AGENCY (“LEA”)
CERTIFICATION

Annie E. Lee, Counsel
March 2025



UOF AND REPORTING - PROCESS

- Aug. 2024 - Initial presentation to Commission
- Aug. 2024 and Sept. 2024 - Feedback from MPTC and Eric Daigle → revisions
- Sept. 2024 - Revisions presented to Commission and Commission preliminarily approved as drafts
- Sept. 2024 - Further feedback from MPTC and Eric Daigle
- Oct. 2024 and Nov. 2024 - Meetings with agency staff → revisions
- Dec. 2024 - Revisions presented to Commission and MPTC
- Jan. 2025 - Comment letter from AGO → revision
- Feb. 2025 - Comment letter from Strategies for Youth and further feedback from MPTC → revisions



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DRAFT UOF AND REPORTING STANDARDS

UOF

- Key principles
- De-escalation
- Authorization of use of force
- Specific and comprehensive requirements for use of non-deadly and deadly force
- Use of force devices
- Mass demonstrations and crowd management
- Animal encounters
- Prohibitions against excessive force
- Duty to intervene
- Duty to render medical aid
- Reports and reviews
- Training

UOF Reporting

- Use of force incidents
- Excessive force
- Public complaints
- Investigation, analysis, and resolution
- Record and evidence maintenance
- Records and evidence sharing
- Training



DRAFT UOF AND REPORTING STANDARDS

UOF

- Key principles
- **De-escalation**
- Authorization of use of force
- Specific and comprehensive requirements for use of non-deadly and deadly force
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- Duty to render medical aid
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UOF Reporting

- Use of force incidents
- Excessive force
- **Public complaints**
- Investigation, analysis, and resolution
- Record and evidence maintenance
- Records and evidence sharing
- Training



DEFINITION OF “DE-ESCALATION TACTICS”

Prior
Definition:

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).

Revisions:

De-escalation Tactics as defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03. De-escalation Tactics include the use of, including, but not limited to, utilizing critical thinking skills to evaluate options and tactics consider other de-escalation tactics in response to changing dynamics and other tactics consistent with 555 CMR 6.00 and 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).

Proposed
Definition:

De-escalation Tactics as defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03. De-escalation Tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and 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).



CRITICAL THINKING IN DE-ESCALATION

Prior
Provision:

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.

Revisions:

~~Directs~~ Encourage officers, ~~when time and circumstances reasonably permit, to make efforts to learn or ascertain whether an individual's lack of compliance is based on~~ be conscious of non-criminal factors, including, but not limited to, mental or physical condition, ~~age or developmental status,~~ 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 and the fact that those factors may impact interactions between an individual and an officer, in ways that include, but are not limited to, affecting an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer may have to modify their de-escalation tactics and techniques.~~

Proposed
Provision:

Encourage officers to be conscious of non-criminal factors, including, but not limited to, mental or physical condition, age or developmental status, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public, and the fact that those factors may impact interactions between an individual and an officer, in ways that include, but are not limited to, affecting an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer may have to modify their de-escalation tactics and techniques.



PUBLIC COMPLAINTS

Prior Provision: Provide for the agency to establish a protocol for individuals to follow up on or raise concerns about a use of force incident.

Revisions: Provide for the agency to establish a protocol for individuals to follow up on, ~~or~~ raise concerns about, or file a complaint about a use of force incident.

Proposed Provision: Provide for the agency to establish a protocol for individuals to follow up on, raise concerns about, or file a complaint about a use of force incident.



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



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: March 17, 2025

Attached at Exhibit A for the Commission's review are drafts of law enforcement agency certification standards concerning: (1) the use of force and (2) use of force reporting.

The two standards were first presented to the Commission during its August 2024 meeting.¹ Following that meeting, Commission staff sought the feedback of Municipal Police Training Committee ("MPTC") staff and Eric Daigle, who was assisting both the Commission and the MPTC in developing a model use of force policy.² 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 presented to the Commission during its September 2024 meeting. Following that presentation, the Commission preliminarily approved the two standards as drafts.

¹ The draft use of force reporting standard was provided to the Commission in its August 2024 meeting packet, but was not discussed due to time constraints.

² The Commission and MPTC 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."

After the Commission’s September 2024 meeting, Commission staff received further feedback from the MPTC and its staff regarding the drafts preliminarily approved by the Commission.³ Further meetings to discuss revising the draft standards were held on October 15, 2024 and November 19, 2024.

The revisions that followed those meetings were presented to the Commission and the MPTC at their respective December 2024 meetings. The Commission did not preliminarily approve the standards as drafts during its December 2024 meeting because, while the MPTC indicated during its December 2024 meeting that it was pleased with many of the revisions, it also indicated that it would like the Commission to consider further revisions before preliminarily approving the standards. The MPTC followed up on its December 2024 meeting comments with written feedback in February 2025.

In the meantime, the Commission received written comments from the Attorney General’s Office (“AGO”) in January 2025 and Strategies for Youth (“SFY”) in February 2025.

The draft standards attached for the Commission’s review reflect proposed revisions based on the comments received from the MPTC, the AGO and SFY. Those proposed revisions are as follows:

- Definition of “De-escalation Tactics.” The AGO, in its comment letter,⁴ proposed a revision to the definition of “de-escalation tactics” “to avoid possible confusion and to emphasize that ‘critical thinking skills’ are consistent with—and indeed a commonsense component implicit in—de-escalation tactics” as described in the Commission’s use of force regulations and guidance. The AGO noted that the prior definition of “de-escalation tactics” was “appropriate in substance,” but suggested that the definition would benefit from emphasizing that critical thinking is a “useful and necessary tool to help evaluate the options available to defuse tense or dangerous situations.” The draft use of force standard therefore includes the AGO’s suggested definition.
- Critical thinking in de-escalation.
 - The MPTC raised concerns during its December 2024 meeting and in its February 2025 written feedback that requiring officers to make efforts to ascertain whether an individual’s lack of compliance is based on non-criminal factors may cause officers to hesitate during an encounter, creating potentially dangerous situations. The MPTC suggested that the requirement to consider whether non-criminal factors affect an individual’s compliance with an officer’s directives is more appropriate as part of use of force reporting.

The intent of this section is to increase officers’ awareness that an individual’s particular circumstances—whether related to mental or physical condition, language or cultural difference, or historical experience with policing—may cause

³ Per M.G.L. c. 6E, § 5(b), agency certification standards are to be developed “in consultation” with the MPTC.

⁴ A copy of the AGO’s comment letter is attached at Exhibit B.

them to react to law enforcement in ways that are not criminal, but to officers may appear as opposition and non-compliance. By encouraging such heightened awareness and modification of de-escalation tactics and techniques, this section ultimately aims to improve outcomes between officers and individuals. In other words, by calling for officers to proactively consider that an individual may be impacted by personal experiences and characteristics that have not always been taken into account by law enforcement, this section seeks to continue to improve interactions between officers and the public, especially historically marginalized populations and communities.

The draft use of force standard therefore proposes revising this section so that officers are encouraged to be conscious, as a general matter, of historically overlooked non-criminal factors when responding, so as to promote proactive critical thinking and mitigate any concerns that officers are asked to engage in critical thinking at the expense of their and others' safety.

- SFY, in its comment letter,⁵ suggested that the Commission include, in its grouping of non-criminal factors, “age or developmental status.” In support of including “age or developmental status,” SFY noted that “there is a dearth of youth-specific policies, standards, and training” such that “explicit reminders to officers to take age and developmental stage into account are essential for fair and effective policing of youth.” The draft use of standard therefore proposes inserting “age or developmental status” in the list of non-criminal factors.
- Public complaints. The MPTC and SFY both raised concerns that a protocol for individuals to “follow up on or raise concerns” about a use of force incident was not sufficiently clear and suggested reverting to prior language that called for agencies to establish a protocol for individuals to “file a complaint” about a use of force incident. The draft use of force reporting standard therefore reinserts “complaint,” such that the agencies must “establish a protocol for individuals to follow up on, raise concerns about, or file a complaint about a use of force incident.”

The MPTC, during their March 17, 2024 meeting, indicated that they were satisfied with the proposed revisions to the draft standards. The use of force and use of force reporting standards are therefore presented to the Commission for preliminary approval in their draft forms.

Recommendation: The Commission preliminarily approve the use of force and use of force reporting standards, as discussed and presented today, as drafts.

⁵ A copy of SFY’s comment letter is attached at [Exhibit C](#).

EXHIBIT A

Agency Certification Standards – Use of Force and Reporting Standards (DRAFT)

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.

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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. ~~De-escalation Tactics include the use of, including, but not limited to, utilizing~~ critical thinking skills to ~~evaluate options and tactics consider other de-escalation tactics in response to changing dynamics and other tactics~~ consistent with 555 CMR 6.00 and 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 and 6.04(3).

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

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Agency Certification Standards – Use of Force and Reporting Standards (DRAFT)

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~~ and 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)~~ Encourage officers to be conscious of non-criminal factors, including but not limited to, mental or physical condition, age or developmental status, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public, and the fact that those factors may impact interactions between an individual and an officer, in ways that include, but are not limited to, affecting an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer may have to modify their de-escalation tactics and techniques;
 - ~~(f)~~(g) 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 ~~or~~ increases, and until the encounter has come to a conclusion, provided time and circumstances reasonably permit;

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Agency Certification Standards – Use of Force and Reporting Standards (DRAFT)

~~(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;~~

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- (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 ~~nonless~~-lethal force in accordance with ~~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 in accordance with ~~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 ~~non-deadly or~~ 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~~ in accordance with 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;

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Agency Certification Standards – Use of Force and Reporting Standards (DRAFT)

- (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, 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~~ Require 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, or file a complaint 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:

Agency Certification Standards – Use of Force and Reporting Standards (DRAFT)

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;
 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~~ that is determined to be the case; 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.

EXHIBIT B



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

January 17, 2025

By Email

Legal Division
Massachusetts POST Commission
84 State Street 2nd Floor
Boston, MA 02109

Re: Comment on Law Enforcement Agency Certification Standards – Approach to De-Escalation Tactics in the Draft Use of Force and Reporting Standards (555 CMR 13.00)

Dear POST Commissioners & Staff:

At the Commission’s invitation, the Attorney General’s Office (“AGO”) submits this letter to comment on the Commission’s approach to de-escalation tactics as reflected in the draft use of force and reporting standards, 555 CMR 13.00, which we understand the Commission is considering for preliminary approval. In particular, the AGO endorses the Commission’s approach to de-escalation tactics with some minor proposed revisions.¹ We provide the following reasons and recommendations which may be useful for the Commission’s consideration.

The draft LEA standards’ approach to de-escalation tactics is appropriate and consistent with applicable legal authorities. First, it is entirely consistent with the statutory emphasis and standards already built into the 2020 police reform law (Chapter 253 of the Acts of 2020). *See* G.L. c. 6E, § 1 (defining “De-escalation tactics”), § 14 (“De-escalation tactics to be used prior to physical or deadly force; prohibited uses of force; exceptions; mass demonstrations”). Second, it is consistent with existing POST and MPTC regulations governing the use of force by law enforcement officers. *See* 550 CMR 6.00, 6.03-05, 6.08, 6.10 (MPTC version of officer use-of-force regulations); 555 CMR 6.00, 6.03-05, 6.08, 6.10 (POST version of officer use-of-force regulations). Third, it is consistent with existing guidance published by the POST Commission, including its *Guidance as to M.G.L. Chapter 123, §§12(a) and 12(e) and the Use of Force*, and its *Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children*. The draft 555 CMR 13.00 standards appropriately maintain—and should not shift away from—the consistent emphasis on de-escalation found in these authorities.

¹ The AGO’s comment does not address any other aspects of the proposed draft 555 CMR 13.00.

The draft standard also describes “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. . . .” This definition is appropriate in substance, but to avoid possible confusion and to emphasize that “critical thinking skills” are consistent with—and indeed a commonsense component implicit in—de-escalation tactics as described in the existing regulations and guidance, we respectfully recommend the following revision to 555 CMR 13.02:

De-escalation Tactics. De-escalation Tactics as defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, including the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and 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).

As noted in the referenced guidance document (at p. 4, FN 3), embedded in the MPTC’s tactical training curricula is a concept of de-escalation that emphasizes slower, calmer “solution-based thinking” over more transactional, “quick resolution” tactics. Such a concept of de-escalation naturally should commend critical thinking as a useful and necessary tool to help evaluate the options available to defuse tense or dangerous situations. *See* International Association of Chiefs of Police, *De-Escalation: Guidelines for how to begin evaluating your agency’s de-escalation practices*, at 3 (“[T]he purpose of de-escalation is to bring chaotic situations to as peaceful a resolution as possible, while not unreasonably increasing the risk of harm to anyone. It is a strategic response to risk in the officer’s best interest. It includes communication, critical thinking, incident resolution, and officer discretion. The exact approach and the tactics associated with de-escalation can vary dramatically.”), <https://www.theiacp.org/resources/de-escalation-use-of-force>. The proposed LEA standards, with the slightly revised definition recommended above, are appropriately crafted to pursue this same purpose and concept of de-escalation.

Thus, the AGO supports the draft use of force and reporting standards’ approach to de-escalation tactics, and their inclusion of critical thinking skills as a component thereof. We encourage the Commission to incorporate our recommended revision to 555 CMR 13.02 into the standards, or something substantially similar, for preliminary approval and to refrain from significantly altering or removing any of the key referenced language regarding de-escalation tactics and critical thinking skills.

Thank you for the opportunity to comment, and for your consideration of the AGO’s input in this this aspect of the standard. Please do not hesitate to contact us with any questions about the issues raised in this comment letter.

[signature block on next page]

Sincerely,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Helle Sachse
Helle Sachse
Deputy Director, Police Accountability Unit

/s/ Elizabeth Matos
Elizabeth Matos
Chief, Civil Rights Division

Jared B. Cohen
David R. Rangaviz
Assistant Attorneys General, Civil Rights Division

cc: Abigail Taylor, Acting First Assistant Attorney General
Amanda Hainsworth, Senior Legal Advisor

EXHIBIT C

By Email

February 7, 2025

Enrique Zuniga, Executive Director
Randall E. Ravitz, General Counsel
Annie E. Lee, Counsel
Peace Officer Standards & Training (POST) Commission
84 State Street, 2nd Floor
Boston, MA 02109

Dear Mr. Zuniga, Mr. Ravitz and Ms. Lee:

We are writing to express Strategies for Youth's (SFY) concerns about certain recent revisions to the POST's forthcoming proposed use of force regulations for certification of Massachusetts law enforcement agencies.

Our concerns center on three main aspects of the proposed regulations:

- 1) Deleted language regarding de-escalation tactics.
- 2) Deleted language regarding the complaint processes.
- 3) Lack of explicit reference to age.

First, we are concerned that legal counsel's proposal, at the suggestion of the Municipal Police Training Committee (MPTC) and the Massachusetts State Police, to delete language regarding de-escalation tactics, deprives officers of much-needed guidance. Second, we believe proposed changes that avoid referring explicitly to individuals' ability to file complaints regarding officer use of force will obfuscate the complaint process, which exists in large part to serve as an objective arbiter of information from the public. Third, while we appreciate the reference to the POST's 2021 nonregulatory guidance for treatment of youth¹, this reference is not sufficient. We urge the Commission to explicitly incorporate a specific reference to age and developmental stage in the use of force regulations.

Our comments reflect our long experience in advocating for youth who encounter law enforcement, including our past consultation with and advice to the POST in implementing the "juvenile operations" aspects of the criminal justice reform legislation enacted in Chapter 253 of the Acts of 2020.

¹ See *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021)

De-escalation Practices: Legal counsel deleted the detailed list of potential de-escalation tactics from draft proposed 555 CMR 13.03(1), including the directive that officers employ tactics consistent with the POST's 2021 nonregulatory guidance.

Counsel asserted that the list of de-escalation tactics in the initial proposed draft CMR raised concerns that officers might believe they must “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.”²

We believe these revisions are not in the best interests of youth or officers. We suggest alternative language to address the issues raised by legal counsel.

In our nearly 15 years of experience in training and providing guidance to law enforcement agencies and officers, SFY has found that **officers need more, not fewer, specifics to interact with youth**. Detailed guidance assists officers in ensuring that their encounters with youth are safe for all concerned and consistent with youth’s civil rights. Indeed, officers who have taken our trainings frequently tell us that using the de-escalation skills we teach them reduces the likelihood they will use force. Most officers have little, if any, training about youth interactions, and most law enforcement agencies lack youth-specific guidance or policies.³ Therefore, officers do not know that youth are developmentally different from adults, or understand how these developmental differences affect youth behavior when stopped, searched, questioned or subjected to force by law enforcement.

Law enforcement agencies are similarly often unaware of the de-escalation tactics that are most likely to be effective with young people. POST counsel’s proposed revisions would deprive officers and agencies of much-needed specific directives. These revisions would likely lead officers to attempt to rely more on their own discretion or “common sense” in youth interactions, which risks exposing youth to unnecessary law enforcement responses, such as the wrongful characterization of normative adolescent behavior as criminal conduct, and risks exacerbating racial and ethnic disparities.⁴ Over-reliance on officer discretion also ultimately undermines the POST’s important purpose of ensuring consistency through minimum standards that apply to law enforcement practices across the Commonwealth.

SFY acknowledges that legal counsel has proposed incorporating a reference to the 2021 guidance into the definition of de-escalation tactics at 555 CMR 13.02. However, standing alone, this reference is insufficient. As the guidance is *nonregulatory*, agencies and officers

² Cover memorandum from legal counsel to POST Commissioners, Dec. 12, 2024 at 3.

³ See Strategies for Youth, Comments to the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention at 1-3 (March 15, 2024) [SFY-Coordinating-Council-Comments-031524.pdf](#); Strategies for Youth, Why Is Policy Engagement Needed?, [Policy Reform – Strategies for Youth](#)

⁴ See Glaser, Disrupting the Effects of Implicit Bias: The Case of Discretion & Policing, 153 *Daedalus* 151, 160 (2024) (“When discretion is high—for example, when decision-makers can use their own judgment in ambiguous situations—cognitive shortcuts like stereotypes have more opportunity to influence decisions.”); see also Strategies for Youth, Comments to the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention at 3 (March 15, 2024) [SFY-Coordinating-Council-Comments-031524.pdf](#).

may give it less weight than an explicit regulatory directive. In addition, a reference in the definitions section of the regulations is likely to be overlooked, and of limited utility because officers and agencies will have to cross-reference and seek out the 2021 guidance to determine its content.

SFY suggests that the POST instead retain the original specific list of de-escalation tactics, with additional language making clear that the detailed list of tactics is *illustrative, and not exhaustive*.

Explicit reference to “complaint” processes regarding use of force: Legal counsel has revised 555 CMR 13.03(2)(c), deleting language requiring law enforcement agencies to inform members of the public “how they may file a complaint” about use of force, and substituting a requirement for a protocol to “follow up on or raise concerns” about use of force. According to counsel, these revisions are intended to encompass situations in which individuals may only have questions about a use of force incident, and to respond to concerns that the word “‘complaint’ carries negative connotations and may have a chilling effect.”⁵

SFY urges the Commission to retain the explicit reference to filing a complaint about officer use of force. While the public may know how to write to praise an officer, it is less clear to many how to make a complaint about officer conduct *that will not result in retaliation*. In addition, the word “complaint” carries a specific meaning, and informs members of the public that there is a formal process by which they can expect the agency to respond to allegations of excessive or improper force. By contrast, the revised language implies that while the public may raise “concerns,” it is not entitled to formal consideration of concerns or the expectation that the POST will require agencies to address them. The revised language is also inconsistent with the POST’s authorizing legislation, which requires agencies to adopt procedures for “officer complaint investigation procedures.”⁶

Explicit and clear information about complaint processes and other accountability measures for officers’ use of force is particularly important for youth. Youth are heavily impacted by their interactions with law enforcement.⁷ When youth encounter police, those interactions are usually initiated by officers and are more likely to result in use of force than encounters with other age groups.⁸ SFY’s experience in training thousands of youth since 2010 confirms that youth are uninformed about their legal rights and responsibilities in law enforcement encounters.⁹ Young people’s lack of knowledge, in combination with their

⁵ Cover memorandum from legal counsel to POST Commissioners, Dec. 12, 2024 at 4.

⁶ M.G.L. c. 6E, § 5(b)(vi).

⁷ See Amanda Gellar & Jeffrey Fagan, Police Contact and the Legal Socialization of Urban Teens, 5 Russell Sage Found. J. Soc. Scis. 26, 29-30 (2019) (“Positive experiences with legal actors can reinforce law; negative experiences can teach the opposite lesson through anger and fear reactions to the unfair or abusive exercise of legal power. These competing and reinforcing processes create a tension between viewing legal authorities as fair and respectful or as abusive and illegitimate.”)

⁸ See Denise C. Herz, Improving Police Encounters with Juveniles: Does Training Make a Difference?, 3 Just. Rsch. & Pol’y 57, 58 (2001).

⁹ See Rebecca L. Fix, Adam D. Fine & Pamela A. Matson, Gender and race influence youths’ responses to a training on the law and safe police interactions, Justice Evaluation Journal (2023) (“In fact, adolescents’

normative impulsivity and resistance to authority, puts youth at risk in situations involving police use of force.¹⁰

A clear and unequivocal notice to youth and their allies about the right to file use of force complaints serves the cause of procedural justice, can advance youth faith in law enforcement and the legal system, and may even decrease the likelihood of youth reoffending.¹¹ Providing an explicit pathway for youth to file use of force complaints also helps to shine a spotlight on police-youth interactions, and hold officers accountable,¹² thereby ensuring the purposes of the POST authorizing statute are met.

To incorporate both the need for a formal process and the potential that a member of the public may seek only to raise questions regarding the use of force, SFY suggests that Section 13.03(2)(c) be revised to state: “direct members of the public about how they may ask questions, raise concerns, or file a complaint concerning a use of force incident.”

Explicit reference to age: We note that the revised version of the use of force regulations makes **no specific reference to age or developmental stage.**

As we have noted, in the vast majority of law enforcement agencies, there is a dearth of youth-specific policies, standards, and training. Therefore, explicit reminders to officers to take age and developmental stage into account are essential for fair and effective policing of youth.

SFY urges the Commission to revert to its previous version of 555 CMR 13.03(1)(g), which includes the directive to employ tactics consistent with the 2021 nonregulatory guidance. If the Commission is not willing to do so, we ask that the Commission include an explicit

comprehension of their legal rights during interactions with police officers is markedly low. In one study, 95% of adolescents mistakenly believed that if they were considered a suspect, police must notify their parents/guardians (Woolard, Cleary, Harvell, & Chen, 2008), indicating how unprepared adolescents can be in interacting with police. Moreover, even caregivers typically score under 50% on legal comprehension tests (Cleary & Warner, 2017), indicating they may not always be reliable educational sources for adolescents when it comes to legal processes, policies, and procedures (Cavanagh & Cauffman, 2017; Fountain & Woolard, 2021).”

¹⁰ See Herz, *supra*, at 59 (“Juvenile developmental characteristics such as impulsivity, self-centeredness, and resistance to authority increase the chances that police-juvenile encounters will involve conflict, disrespect, and confrontational behavior. These behaviors, in turn, potentially escalate the encounter and affect a police officer’s interpretation of the situation and ultimately his/her course of action.”)

¹¹ See Erika K. Penner et al., Procedural Justice Versus Risk Factors for Offending: Predicting Recidivism in Youth, 38 *J. Hum. Behav.* 225, 237 (2013) (“[Y]outh who experience the justice system as fair may be less likely to reoffend, even when other factors related to recidivism are taken into account. For legal and justice professionals, these findings indicate that it is important to treat adolescents impartially and respectfully, enhance their sense of trust in the justice system, and provide them with opportunities to participate in their proceedings.”)

¹² See California Racial and Identity Profiling Advisory Board, 2025 Annual Report, at 169 (2025) (Recommending that the California legislature explore requiring law enforcement agencies to report the number of civilian complaints filed by or on behalf of complainants 1-17 years of age and 18-24 years of age, as a means to further “the goals of monitoring civilian complaints filed by or on behalf of youth, identifying problematic police practices that impact youth, and ensuring that police officers who harm this vulnerable population are held accountable.”)

reference to age and developmental status in the revised 555 CMR 13.03(1)(g), as noted in red below:

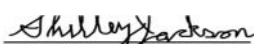
(g) Directs officers, when time and circumstances reasonably permit, to make efforts to learn or ascertain whether an individual's lack of compliance is based on non-criminal factors, including but not limited to, mental or physical condition; **age or developmental status**; language or cultural differences; 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.

Thank you for considering these comments. As always, we appreciate your consideration of our views, and are happy to meet with legal counsel or other staff for further discussion.

Sincerely,



Lisa H. Thureau
Executive Director
Strategies for Youth, Inc.



Shelley R. Jackson
Policies Attorney
Strategies for Youth, Inc.



Kristen E. Wheeler
Legal Director
Strategies for Youth, Inc.

5c(i).



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

POLICY ON VOLUNTARY RELINQUISHMENT OF CERTIFICATION

(March 2025)

(Proposed)

The Massachusetts Peace Officer Standards and Training Commission hereby adopts this policy concerning the voluntary relinquishment of an individual's certification as a law enforcement officer.

I. GENERAL PROVISIONS

A. For purposes of this Policy:

1. "Applicant" refers to an individual on whose behalf an application for relinquishment of certification has been submitted, regardless of whether a decision on the application has been issued;
2. "Certification" refers to a certification as a law enforcement officer provided pursuant to M.G.L. c. 6E, §§ 3(a) and 4, or pursuant to St. 2020, c. 253, § 102;
3. "Commission" refers to the body of POSTC Commissioners appointed pursuant to M.G.L. c. 6E, § 2(a);
4. "Conduct" refers to action and inaction, and includes untruthfulness;
5. "Executive Director" refers to the POSTC Executive Director appointed pursuant to M.G.L. c. 6E, § 2(g), or that person's designee for relevant purposes;
6. "POSTC" refers to the Massachusetts Peace Officer Standards and Training Commission established under M.G.L. c. 6E, § 2 as an agency, including its Commission and its staff; and
7. "Chair," "law enforcement agency," "law enforcement officer," and "untruthfulness" have the meanings ascribed to those terms in M.G.L. c. 6E, § 1.

B. The POSTC reserves the ability to rescind or amend this Policy at any time.

II. THE APPLICATION PROCESS

A. The Executive Director shall provide for the development of a form to be used in applying for a relinquishment of certification that, at a minimum:

1. Instructs an applicant to address the matters listed in Section II.B below;

2. Advises an applicant to consult this Policy;
 3. Provides a copy of, or a reliable weblink to, this Policy; and
 4. Is made available on the POSTC website.
- B. An individual may apply to relinquish a certification by submitting to the Executive Director an application that:
1. Is in the form approved by the Executive Director pursuant to Section II.A above;
 2. Identifies each of the following, occurring in any jurisdiction:
 - a. Any arrest of the applicant;
 - b. Any criminal prosecution of the applicant;
 - c. Any restraining order or other court order that restricted, or imposed consequences based on, the applicant's conduct;
 - d. Any civil action or administrative agency action that involved:
 - i. The applicant's service in law enforcement; or
 - ii. Allegations that the applicant engaged in conduct that consisted of or led to:
 - (A) Unlawful bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;
 - (B) A violation of civil rights;
 - (C) Violence, abuse, or excessive force;
 - (D) Prejudice to the administration of justice; or
 - (E) Injury or death;
 3. Provides detailed information regarding each matter identified in Section II.B.2 above, including, but not limited to, information on:
 - a. The substance of any allegations;
 - b. Any disciplinary or other action taken against the applicant; and
 - c. The applicant's compliance with any resulting directive;
 4. Expressly states that the applicant agrees to the terms of this Policy; and
 5. Includes an attestation to the veracity of all information in the application under the pains and penalties of perjury.

III. THE EVALUATION OF, AND DECISION ON, AN APPLICATION

- A. Upon receiving an application and finding that it satisfies the requirements of Section II.B above, the Executive Director:
1. Shall provide a copy of the application to all POSTC divisions and afford each division a reasonable time within which to inform the Executive Director of any perceived issues related to the application;
 2. Shall review available records regarding the following, with respect to the applicant:
 - a. Arrests;
 - b. Criminal prosecutions;
 - c. Restraining orders and other court orders that restricted, or

- imposed consequences based on, the applicant's conduct;
 - d. Civil actions and administrative agency actions that related to the applicant's service in law enforcement or involved allegations of violence, abuse, excessive force, or unlawful bias on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;
 - e. Disciplinary proceedings;
 - f. Entries in the National Decertification Index; and
 - g. Information within POSTC databases;
 - 3. Shall post the application and invite public comment on the POSTC website; and
 - 4. May otherwise invite comments on the application from any law enforcement agency that previously employed the applicant or from members of the public.
- B. Upon taking the steps listed in Section III.A above, the Executive Director shall provide the following to the Chair:
 - 1. The application;
 - 2. Other information relevant to the application;
 - 3. A recommendation as to whether the application should be granted; and
 - 4. A recommendation as to whether any terms or conditions in addition to those specified in this Policy should be attached to any grant of the application.
- C. Upon receiving the items specified in Section III.B above from the Executive Director, the Chair shall place the following questions on the agenda of a Commission meeting:
 - 1. Whether to grant the application; and
 - 2. Whether to attach any additional terms or conditions to any grant of the application.
- D. If the Commission votes to grant the application without any terms or conditions additional to those specified in this Policy, its decision shall take effect at the conclusion of the meeting in which the vote was taken.
- E. If the Commission votes to grant the application with terms or conditions additional to those specified in this Policy, its decision shall not take effect unless and until:
 - 1. The Executive Director informs the applicant of those terms or conditions and the opportunity to withdraw the application within fourteen calendar days; and
 - 2. Either:
 - a. The applicant informs the Executive Director, within those fourteen days, that the application will not be withdrawn; or
 - b. Fourteen calendar days elapse without the applicant informing the

Executive Director that the application will be withdrawn.

- F. If the Commission votes to deny the application, or the applicant withdraws the application within the fourteen calendar days allowed under Section III.E above, the applicant's certification will not be relinquished.

IV. THE TERMS AND CONDITIONS OF RELINQUISHMENT

- A. Upon an applicant's relinquishment of a certification:
 - 1. The applicant will be ineligible to be appointed or employed as a law enforcement officer by a law enforcement agency in any capacity, including through any temporary, part-time, or detail assignment that constitutes such an appointment or employment, in accordance with M.G.L. c. 6E, § 4(g); and
 - 2. The applicant will be ineligible to execute an arrest, as defined in 555 CMR 9.02(2), or to exercise any other police duties and functions in any manner within Massachusetts, including through any temporary, part-time, or detail assignment, in accordance with 555 CMR 9.12(8).
- B. A relinquishment of certification does not constitute a revocation of certification, also known as a decertification, consistent with M.G.L. c. 6E, §§ 1, 10.
- C. A relinquishment of certification by itself does not guarantee that any information concerning the applicant will be made unavailable to members of the general public in the public database established by the POSTC pursuant to M.G.L. c. 6E, §§ 4(j) and 13(a), and 555 CMR 8.06. Such removal of information remains governed by 555 CMR 8.06, 555 CMR 8.08, and the POSTC's *Policy on Removal of Certain Information from the Commission's Public Database*.
- D. With respect to any conduct by an applicant whose certification was relinquished, if such conduct occurred when the applicant was certified or employed as a law enforcement officer or occurred as part of the application process, the POSTC may, at any point in time before or after the date when the relinquished certification would have expired under M.G.L. c. 6E, § 4(f)(3):
 - 1. Take disciplinary action against the applicant pursuant to M.G.L. c. 6E and 555 CMR;
 - 2. If deemed warranted by the Commission, facilitate the pursuit of disciplinary action by reconsidering and vacating its decision to recognize a relinquishment of certification, and thus restoring the applicant's certification, with any limitation, condition, restriction, or suspension that may be appropriate, pursuant to M.G.L. c. 6E, §§ 3(a), 4, and/or 9, and, if applicable, 555 CMR 9.12; and/or
 - 3. Submit appropriate information regarding the applicant to the National Decertification Index, even if the applicant has not been decertified, pursuant to M.G.L. c. 6E, § 3(a), and, if applicable, M.G.L. c. 6E, §§ 10(g) and 13(b).

APPENDIX
KEY SOURCES OF AUTHORITY

M.G.L. c. 6E, § 1

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

....

“Chair”, the chair of the commission.

....

“Commission”, the Massachusetts peace officer standards and training commission established pursuant to section 2.

“Commissioner”, a member of the commission.

....

“Decertified”, an officer whose certification is revoked by the commission pursuant to section 10.

....

“Executive director”, the executive director of the commission appointed pursuant to subsection (g) of section 2.

“Law enforcement agency”, (i) a state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; (iii) a public or private college, university or other educational institution or hospital police department; or (iv) a humane society police department in section 57 of chapter 22C.

“Law enforcement officer” or “officer”, any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 57, section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer.

....

“Untruthful” or “untruthfulness”, knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact: (i) on an official criminal justice record, including, but not limited to, a police report; (ii) while testifying under oath; (iii)

to the commission or an employee of the commission; or (iv) during an internal affairs investigation, administrative investigation or disciplinary process.

M.G.L. c. 6E, § 2

....
(e) Seven commissioners shall constitute a quorum and the affirmative vote of a majority of commissioners present and voting shall be required for an action of the commission. The commission shall meet monthly and at other times as it shall deem necessary or upon the written request of 4 commissioners or the chair; provided, however, that notice of all meetings shall be given to each commissioner and to other persons who request such notice. The commission shall adopt regulations establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.

M.G.L. c. 6E, § 3

(a) The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

...
(4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable;

...
(13) enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;

...
(17) prepare, publish and distribute, with or without charge as the commission may determine, such studies, reports, bulletins and other materials as the commission considers appropriate;

...
(22) levy and collect assessments, fees and fines and impose penalties and sanctions for a violation of this chapter or any regulations promulgated by the commission;

(23) restrict, suspend or revoke certifications issued under this chapter;

....

M.G.L. c. 6E, § 4

(a) (1) There shall be within the commission a division of police certification. The purpose of the division of police certification shall be to establish uniform policies and standards for the certification of all law enforcement officers, subject to the approval of

the commission. The head of the division shall be the certification director, who shall be appointed by the commission.

<[There is no paragraph (2) of subsection (a).] >

<[There are no subsections (b) and (c).] >

(d) No person shall be eligible for admission to police schools, programs or academies approved by the municipal police training committee pursuant to section 118 of chapter 6, or the training programs prescribed by chapter 22C, or for appointment as a law enforcement officer or for employment with an agency if they are listed in the national decertification index or the database of decertified law enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of section 13.

<[There is no subsection (e).] >

....

[f](2) The commission shall not issue a certificate to an applicant who: (i) does not meet the minimum standards enumerated in paragraph (1) or the regulations of the commission; (ii) has been convicted of a felony or whose name is listed in the national decertification index or the database of decertified law enforcement officers maintained by the commission pursuant to clause (i) of subsection (a) of section 13; or (iii) while previously employed in law enforcement in any state or United States territory or by the federal government, would have had their certification revoked by the commission if employed by an agency in the commonwealth.

(3) The commission may issue a certificate to a qualified applicant consistent with the provisions of this chapter. The commission shall determine the form and manner of issuance of a certification. A certification shall expire 3 years after the date of issuance.

(4) An officer shall remain in compliance with the requirements of this chapter and all rules and regulations promulgated by the commission for the duration of their employment as an officer.

(g) No agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the commission.

....

M.G.L. c. 6E, § 10

....

(g) The commission shall publish any revocation order and findings. The commission shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer's certification has been revoked pursuant to this section.

M.G.L. c. 6E, § 13

....

(b) The commission shall cooperate with the national decertification index and other states and territories to ensure officers who are decertified by the commonwealth are not hired as law enforcement officers in other jurisdictions, including by providing information requested by those entities.

M.G.L. c. 30A, § 10

In conducting adjudicatory proceedings, as defined in this chapter, agencies shall afford all parties an opportunity for full and fair hearing. Unless otherwise provided by any law, agencies may (1) place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing and of his responsibility to request the hearing; (2) make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default; (3) limit the issues to be heard or vary the procedures prescribed by section eleven, if the parties agree to such limitation or variation; and (4) allow any person showing that he may be substantially and specifically affected by the proceeding to intervene as a party in the whole or any portion of the proceeding, and allow any other interested person to participate by presentation of argument orally or in writing, or for any other limited purpose, as the agency may order.

When a party to an adjudicatory proceeding has the opportunity, by provision of any law or by regulation, to obtain more than one agency hearing on the same question, whether before the same agency or before different agencies, it shall be sufficient if the last hearing available to the party complies with the requirements of this chapter, and the earlier hearings need not so comply.

When a party has the opportunity to obtain an agency hearing, followed by one or more appeals before the same agency or before different agencies, such appeals being limited to the record made at the hearing, the appeal procedure need not comply with any requirement of this chapter for the conduct of adjudicatory proceedings except paragraphs (7) and (8) of section eleven.

When, under a provision of any law, a hearing is required only upon direction of an agency or upon request made in accordance with such provision by a person entitled to make such request, the requirements of this chapter governing the conduct of adjudicatory proceedings shall not apply unless and until such direction or request is in fact made.

M.G.L. c. 30A, § 13

“License”, as used in this section, includes any license, permit, certificate, registration, charter, authority or similar form of permission required by law. Except as otherwise provided in this section, no agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with sections ten,

eleven and twelve. If a licensee has, in accordance with any law and with agency regulations, made timely and sufficient application for a renewal, his license shall not expire until his application has been finally determined by the agency. Any agency that has authority to suspend a license without first holding a hearing shall promptly upon exercising such authority afford the licensee an opportunity for hearing in conformity with sections ten, eleven and twelve.

This section shall not apply--

- (1) Where a provision of the General Laws expressly provides that an agency is not required to grant a hearing in regard to revocation, suspension or refusal to renew a license, as the case may be; or
- (2) Where the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a court conviction or judgment; or
- (3) Where the revocation, suspension or refusal to renew is based solely upon failure of the licensee to file timely reports, schedules, or applications, or to pay lawfully prescribed fees, or to maintain insurance coverage as required by any law or by regulation; or
- (4) Where there is a refusal to renew the license of a foreign insurance company

555 CMR 7.09: *Restriction or Revocation of Certification*

The granting of a recertification shall not preclude the limiting, conditioning, restricting, suspending, or revoking of the certification in accordance with law, when warranted, including but not limited to circumstances where an officer has made a material misrepresentation to the commission or the officer's employing agency in connection with the recertification process.

555 CMR 9.01: *Scope*

- (1) 555 CMR 9.00 governs:
 - (a) The initial certification of an endorsed applicant;
 - (b) The initial certification of an independent applicant; and
 - (c) The recertification of an independent applicant, in which case 555 CMR 9.00 supersedes 555 CMR 7.00: *Recertification*, except where 555 CMR 9.00 expressly incorporates 555 CMR 7.00.
- (2) The recertification of an endorsed applicant is not governed by 555 CMR 9.00 and remains subject to 555 CMR 7.00: *Recertification*.
- (3) Nothing in 555 CMR 9.00 is intended to:
...
 - (c) Preclude the limiting, conditioning, restricting, suspending, or revoking of any

certification in accordance with law.

555 CMR 9.12: Certification Status

....

(3) The granting of a certification shall not preclude the conditioning, limiting, restricting, suspending, or revoking of the certification in accordance with law, when warranted.

(4) The Commission may reconsider, and revise or vacate, a decision on an application for certification, when such action is warranted.

....

(7) A certification granted pursuant to 555 CMR 9.00 shall be active only while the certified individual is serving as a law enforcement officer for a law enforcement agency, and shall otherwise be restricted.

(8) The following individuals may not execute any type of arrest, as that term is defined in 555 CMR 9.02(2), or otherwise perform police duties and functions:

- (a) An individual who is serving as a law enforcement officer as that term is defined in M.G.L. c. 6E, § 1 – whether as an officer of a law enforcement agency; a special state police officer; a special sheriff; a deputy sheriff; a constable; or a special, reserve, or intermittent police officer – but is not certified;
- (b) An individual whose certification is suspended;
- (c) An individual whose certification has been revoked;
- (d) An individual whose certification has been conditioned, limited, or restricted in a manner that precludes the relevant form of activity; and
- (e) An individual who otherwise lacks the legal authority to engage in the relevant form of activity.