



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

POLICY ON VOLUNTARY RELINQUISHMENT OF CERTIFICATION

(Adopted by the Commission on April 17, 2025)

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. Matters of the type listed in Section II.B.2 above;
 - b. Disciplinary proceedings;
 - c. Entries in the National Decertification Index; and
 - d. 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.