



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

May 16, 2022

### CHAIR

Margaret R. Hinkle

### COMMISSIONERS

Hanya H. Bluestone

Lawrence Calderone

Clementina Chéry

Larry E. Ellison

Marsha V. Kazarosian

Charlene D. Luma

Kimberly P. West

Michael Wynn

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws and [An Act Extending Certain COVID-19 Measures Adopting During the State of Emergency](#), 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 #20**

**May 19, 2022**

**8:30 a.m.**

**Remote Participation via [Zoom](#)**

**Meeting ID: 993 6486 9338**

### EXECUTIVE DIRECTOR

Enrique A. Zuniga

1. Call to Order
2. Approval of Minutes
  - a. May 3, 2022
3. Executive Director Report – Enrique Zuniga
4. Recertification Regulations (Proposed) 555 CMR 7.00 – Attorney Povich, General Counsel Ravitz
5. Public comment
6. Matters not anticipated by the Chair at the time of posting
7. Executive Session to discuss strategy with respect to litigation, specifically *Scott Hovsepian, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2284CV00906, Suffolk Superior Court.

2a.

PEACE OFFICER STANDARDS & TRAINING COMMISSION

May 3, 2022

8:30 AM

**Peace Officer Standards and Training Commission  
Remote Participation**

PUBLIC MEETING MINUTES

**Documents Distributed in Advance of Meeting:**

- Draft Meeting Minutes of April 4, 2022
- Proposed Regulations at 555 CMR 1.00, *et seq.*
- Proposed Regulations at 555 CMR 2.00, *et seq.*
- Plan for Processing Applications for Recertification
- POST Operating Budget

**In Attendance:**

- Chair Margaret R. Hinkle
- Commissioner Hanya Bluestone
- Commissioner Lawrence Calderone
- Commissioner Clementina M. Chéry
- Commissioner Larry Ellison
- Commissioner Marsha Kazarosian
- Commissioner Charlene D. Luma
- Commissioner Kimberly P. West
- Commissioner Michael Wynn

1. Call to Order

- The Chair recognized a quorum.

2. Approval of Minutes

a. April 4, 2022

- Commissioner Kazarosian moved to approve the minutes from the April 4, 2022 meeting. Commissioner Bluestone seconded the motion. Commissioners Bluestone, Calderone, Chéry, Kazarosian, Luma, West, Wynn and the Chair voted to approve the minutes from the April 4, 2022 meeting.

3. Executive Director Report – Enrique Zuniga

a. Administrative Update

- Executive Director Zuniga welcomed Cynthia Campbell, the Commission's Director of Communications, and other staff.
- The Commission has received many questions regarding re-certification of law enforcement officers. The Commission continues to meet with and engage in communication efforts with stakeholders and other interested parties, and expects these efforts to continue and increase as the recertification process continues.

- b. Frequently Asked Questions – Recertification
  - The Commission recently posted a “Frequently Asked Questions” page on its website to address recertification. The Commission will continue to update that page as it issues new answers to clarify the recertification process.
  - The questionnaire as a required part of the recertification process. An officer’s responses to the questionnaire will become part of an officer’s personnel file, but will not be submitted to the Commission unless the officer’s employing agency fails to attest to an officer’s character and fitness.
  - The questionnaire must be administered by a sworn officer of a higher rank than the officer answering the questionnaire; administrative staff are not able to administer the questionnaire.
  - The questionnaire may be completed remotely.
  - The questionnaire is not limited to yes or no answers. Where a yes or no answer is insufficient, officers should explain their answers and as appropriate, provide documentation so they are able to provide a truthful answer.
  - Executive Director Zuniga provided clarification (and noted State Police guidance) on two questions relative to membership in organizations and eligibility and fitness for recertification.
  - Executive Director Zuniga reiterated that the Commission is receiving all submissions through its website, and is no longer receiving submissions through a general mailbox. The Commission has provided trainings on how to use the website. To date, 208 individuals and 45 agencies have participated in those trainings. The Commission will continue to offer such trainings.
  - The deadline for applying for recertification is June 15, 2022. Executive Director Zuniga thanked the five agencies that have already submitted their applications for recertification.
- c. Disciplinary Records Update
  - To date, the Commission has received records pertaining to 461 active officers and 371 transferred officers. Of those records, records pertaining to 214 active officers and 127 transferred officers required manual cleaning and reformatting.
  - The Commission anticipates the last seven agencies to provide disciplinary records will submit those records this week.
  - The Commission anticipates it will make 57,000 records public in the coming weeks and hopes to do so by May 20, 2022.
- 4. Phase 1 Regulations 555 CMR 1.00 *et seq.* – Attorney Povich
  - Mr. Povich reviewed changes to Phase 1 regulations following the March 23, 2022 public hearing. The majority of changes updated the language, but did not modify the purpose or intent of the prior draft regulations.
  - Commissioner West moved to approve the revised Phase 1 regulations. Commissioner Chéry seconded the motion. Commissioners Bluestone, Chéry, Ellison Kazarosian, Luma, West, Wynn and the Chair voted to approve the

revised Phase 1 regulations. Commissioner Calderone voted against approving the revised Phase 1 regulations.

5. Exceptions to re-certifications – General Counsel Ravitz

- General Counsel Ravitz reviewed the need for contingencies and exceptions to recertification and a proposal to toll the statutory three-year certification period or issue a conditional recertification if an officer meets certain criteria. General Counsel Ravitz reviewed proposed circumstances for conditional recertification and proposed ways an officer could meet the conditions of such a conditional recertification. General Counsel Ravitz reviewed circumstances where an officer may not be allowed to cure a failure to meet a certification requirement. He emphasized that expiration of an officer's certification is different from decertification.
- Commissioner West asked General Counsel Ravitz and Executive Director Zuniga to explain the different deadlines for recertification. General Counsel Ravitz clarified that an officer would only be eligible for tolling or a conditional recertification if they have met the application deadline. Executive Director Zuniga clarified that the June 15 deadline is for the agency to submit recertification information to the Commission.
- Commissioner Bluestone raised concerns about the predictive validity of psychological fitness evaluations when an officer has already been on the job for some time, commenting that officers at the outset of their employment come from a different set of experiences and circumstances than officers who are already in the midst of their career. Commissioner Bluestone asked the Commission to consider whether it is interested in having officers retroactively undergo a psychological fitness evaluation or whether with respect to officers already employed, the Commission should shift its focus to wellness.
- Commissioner Calderone asked General Counsel Ravitz to clarify that it is the responsibility of the agency to submit an officer's application for recertification. General Counsel Ravitz confirmed that it is. Commissioner Calderone then raised concerns based on Commissioner Bluestone's comments, and raised concerns that instituting a mid-term, mid-level, or mid-career evaluation would be inappropriate.
- Commissioners Calderone and Bluestone engaged in a dialogue about the need to focus on wellness and ability to perform, rather than a retroactive psychological fitness evaluation.
- Commissioner Luma asked Commissioner Bluestone to clarify her concerns about fitness to continue with certification. Commissioner Bluestone responded, and stated that while there was likely no perfect solution, it would be a penalty to ask an officer in the midst of their career to do an initial psychological evaluation when a mid-career observation would have greater predictive value of an officer's fitness to perform their duties. Commissioner Luma expressed her agreement, but raised concerns as to who would be tasked with that observation or evaluation.
- Mr. Povich relayed questions from members of the public about physical and psychological fitness standards, whether the Commission is contemplating using polygraphs for officers who have been accused of misconduct, and whether PTSD would be considered a mitigating circumstance for retirement or injured on duty

status. General Counsel Ravitz stated that a physical or psychological examination completed as part of an officer's work in law enforcement prior to July 1, 2022 will be accepted as satisfaction of those requirements at this time. The Commission will continue to work with others and solicit input about what physical and psychological evaluations should look like going forward. General Counsel Ravitz did not provide an answer on the use of polygraphs because the Commission has not taken it up yet. Executive Director Zuniga clarified that where the Commission has not approved a standard for physical and psychological evaluation at this time, the officer will not be faulted for their inability to meet that requirement.

6. Budget Update – 3<sup>rd</sup> Quarter FY22 – CFAO Rebello-Pradas
  - Mr. Rebello-Pradas reviewed the Commission's operating budget to date, and forecasted expenditures for the remainder of FY22.
  - Mr. Povich relayed questions from members of the public about a Commissioner's hourly rate and whether they are eligible for pension. Mr. Rebello-Pradas provided that as set by statute, Commissioners are compensated at the rate of \$65/hour and that Commissioners are eligible for a pension as active employees of the Commonwealth.
7. Public Comment
  - A member of the public asked where the requirement for good moral character originates from. Mr. Povich clarified that that requirement originates in statute.
8. Matters not anticipated by the Chair at the time of posting
  - There was no new business.
9. Executive Session to discuss strategy with respect to litigation, specifically *Scott Hovsepian, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2284CV00906, Suffolk Superior Court.
  - The Chair stated that the Commission would next take a vote to enter into executive session to discuss litigation strategy in the *Hovsepian* litigation, and that the Commission would not reconvene in an open session after executive session.
  - Commissioner Kazarosian made a motion to enter into executive session to discuss the *Hovsepian* litigation. Commissioner Luma seconded the motion. Commissioners Bluestone, Chéry, Ellison, Kazarosian, Luma, West, Wynn and the Chair voted to enter into executive session to discuss the *Hovsepian* litigation. Commissioner Calderone abstained.

4.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

7.01 Definitions.

For the purposes of 555 CMR 7.00, *et seq.*, the following terms have the following meanings unless the context requires otherwise:

*Authority* refers, without limitation, to an officer's employing agency or any supervisor therein; the civil service commission; any arbitrator or other third-party neutral with decision-making power; and any court.

*Certification period* refers to the period of time between the effective date and the expiration date of an individual's certification as a law enforcement officer.

*Commission* refers to the peace officer standards and training commission as an agency, including its commissioners and its staff.

*Commissioners* refers to the commissioners of the commission, acting collectively.

*Decertification* and *revocation of certification* are synonymous, as provided in M.G.L. c. 6E, § 1, and such terms refer to a revocation of certification made by the Commission pursuant to M.G.L. c. 6E, § 10, an action distinct from a "denial of certification" or a "denial of recertification."

*Denial of certification* and *denial of recertification* refer to a commission decision not to renew an individual's certification as a law enforcement officer, made pursuant to M.G.L. c. 6E, §§ 3(a) and 4, an action distinct from "decertification" or "revocation of certification."

*Employing agency* refers to the law enforcement agency for which an officer is employed or the appointing authority that is responsible for submitting documentation concerning an officer's recertification to the commission.

*Final decision* refers to the ultimate commission decision on recertification, following any review or hearing or the expiration of the time afforded for an officer to seek such review or hearing, and does not include a decision granting a conditional recertification.

*Full certification* or *full recertification* refers to a decision granting recertification for three years pursuant to M.G.L. c. 6E, § 4(f)(3), without any limitation, condition, restriction, or suspension imposed pursuant to M.G.L. c. 6E, § 3(a) or another provision.

*Good character and fitness for employment* refers to "good moral character and fitness for employment in law enforcement," M.G.L. c. 6E, § 4(f)(1)(ix).

*Municipal Police Training Committee* or *MPTC* refers to the agency of the same name within the executive office of public safety, as established in M.G.L. c. 6, § 116.



**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

*Statutory certification period* refers to the certification period granted to an officer by St. 2020, c. 253, § 102.

7.02 Submission of Employing Agency Information to the Commission

(1) The executive director shall distribute to employing agencies all information and forms required for recertification of law enforcement officers as approved by the commission.

(2) The executive director shall set the dates by which such information and forms shall be submitted to the commission by employing agencies, and may extend any such due date for good cause shown. Subsequent extensions may be requested and granted, but in no case can any one extension allowed by the executive director exceed 30 calendar days.

(3) Notwithstanding 555 CMR 7.02(2), any employing agency seeking an extension must submit to the commission, with its first request for an extension, a roster of officers for whom it intends seek recertification.

7.03 Continuation of Statutory Certification Period.

(1) Pursuant to M.G.L. c. 30A, § 13, the statutory certification period for an officer shall continue after the officer's certification has expired, if:

(a) The application, in a form approved by the commission, is submitted in advance of the expiration of the statutory certification period,

(i) If an officer's name is contained a roster submitted in accordance with 555 CMR 7.02(3), inclusion shall be consider an application for purposes of this paragraph;

(b) The application is submitted in advance of any applicable deadline, and in conformity with any procedures, established by the commission; and

(c) The commission finds the application to be substantially complete.

(2) A continued statutory certification period will end on the latest of the following:

(a) A final decision by the commission denying recertification; or

(b) A final decision by the commission or division of certification granting recertification without any condition.

7.04 Conditional Recertification.

(1) The division of certification shall conditionally recertify an officer if the officer is unable to meet the standards for recertification solely due to circumstances

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

beyond the officer's control and which are attributable to the officer's employing agency, the municipal police training committee ("MPTC"), or the commission.

- (2) The division of certification may conditionally recertify an officer in other appropriate circumstances, including, but not limited to:
  - (a) The officer's application for recertification is substantially complete and does not reveal any basis for denying recertification, but certain additional details need to be supplied or certain information needs to be verified;
  - (b) The officer cannot satisfy a requirement for recertification, but can offer a valid reason for failing to satisfy the requirement;
  - (c) The officer has experienced a demonstrable hardship which has interfered directly with the officer's ability to meet a requirement for recertification; or
  - (d) The officer has taken all required steps in connection with the recertification process, but circumstances beyond the officer's control have delayed a final decision on the officer's application.
- (3) Where an officer is conditionally recertified:
  - (a) The officer's application shall not be deemed "finally determined" by the commission, as that term is used in M.G.L. c. 30A, § 13;
  - (b) The conditional recertification shall immediately expire when:
    - (i) The officer fails to satisfy a condition of their conditional recertification within the time allowed; or
    - (ii) The officer satisfies all conditions of their conditional recertification within the time allowed, at which time, if the commission has not otherwise limited, restricted, or suspended the officer's conditional certification, the conditional certification shall be converted into a full certification with an expiration date of July 1 three (3) calendar years from the date of expiration of the officer's prior certification.
- (4) In all other respects, an officer who holds a conditional certification is "certified," as that term is used in M.G.L. c. 6E.

7.05 Determination of Good Character and Fitness for Employment.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

- (1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an officer possesses good character and fitness for employment shall take into account on-duty and off-duty conduct.
- (2) Submission by Employing Agency
  - (a) Each officer's employing agency shall provide a submission to the commission concerning whether an officer possesses good character and fitness for employment, in accordance with commission policy.
    - (i) While the assessment of good character and fitness for employment is subjective, in such an assessment it is appropriate to take into account whether an officer promotes public confidence in law enforcement, and whether the officer presently exhibits morality, integrity, candor, forthrightness, trustworthiness, attention to duty, self-restraint, and an appreciation of the distinctions between right and wrong in the conduct of people toward each other. In making such an assessment, the agency may rely also on questionnaires and/or any other guidance or forms approved by the Commission, and on the officer's past performance, including but not limited to, performance reviews, instances of imposed discipline, and patterns of misconduct.
  - (b) If an employing agency determines that an officer possesses good character and fitness for employment, the agency shall provide, upon request by the commission, documentation supporting such a determination.
  - (c) If an employing agency determines that an officer does not possess good character and fitness for employment, the employing agency shall make a written report to the commission, a copy of which shall be simultaneously provided to the officer and the head of the officer's collective bargaining unit.
    - (i) The written report shall contain an explanation for the agency's determination, including, but not limited to, a description of the specific circumstances supporting the agency's determination. The written report must be sufficient to permit the commission to evaluate the basis for the employing agency's determination, and to permit the commission to determine whether the officer is of good character and fit for employment.
    - (ii) As to each instance of specific conduct, the employing agency shall address:

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

- (1) Any discipline or decision issued by an authority as a result of the conduct, or the reasons why there was no discipline or decision;
  - (2) The extent to which the officer complied with any such discipline or decision;
  - (3) Any similar conduct allegedly undertaken by the officer subsequent to any such discipline or decision; and
  - (4) The dates of each instance of conduct, and imposition of discipline or decision.
- (d) Response by Officer. Within ten (10) days of the submission of the report to the commission, the officer may submit a written response to the commission, a copy of which shall be simultaneously provided to the officer's employing agency.
- (3) Assessment and Determination by Commission
- (a) The division of certification shall render an initial determination as to whether an officer possesses good character and fitness for employment, in accordance with any protocols adopted by the Commission, upon giving due consideration to all information available to it, including, but not limited to, the following:
    - (i) An attestation that an officer possesses good character and fitness for employment and accompanying information;
    - (ii) Any report by an employing agency of the type described in 555 CMR 7.05(2)(c); and
    - (iii) Any response by an officer of the type described in 555 CMR 7.05(2)(d).
  - (b) The division of certification may determine that an officer possesses good character and fitness for employment, notwithstanding the following:
    - (i) An authority has made a decision on the merits of a complaint alleging misconduct in the officer's favor;
    - (ii) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
    - (iii) The officer has complied, or is in the process of complying, with any disciplinary or other adverse decision by an authority, in

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision;

- (iv) The alleged misconduct did not result in either a disciplinary proceeding or court action, and the employing agency has not offered a reasonable explanation as to why no such proceeding or action was commenced; or
  - (v) The allegation is not specifically and credibly supported.
- (c) The division of certification may, to the extent reasonably possible, obtain additional information that may prove helpful in determining whether an officer possesses good character and fitness for employment.

7.06 Evaluation of Recertification Standards.

The Commission shall treat the statutory recertification standards as follows:

- (1) Attaining the Age of 21. This standard shall be deemed satisfied if the officer attained the age of 21 at any point in time before the expiration of the officer's certification. If the officer has not attained the age of 21 at any point in time before the expiration of the officer's certification, the officer shall be conditionally recertified, on the condition that the officer shall attain the age of 21 by July 1, 2024.
- (2) Successful Completion of a High School Education or Equivalent. This standard shall be deemed satisfied if the officer successfully completed a high school education or equivalent at any point in time before the expiration of the officer's certification. If the officer has not successfully completed a high school education or equivalent at any point in time before the expiration of the officer's certification, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a high school education or equivalent by July 1, 2024.
- (3) Successful Completion of Basic Training Program.
  - (a) Regular Basic Training Other than Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed a regular basic training program (not bridge academy training) at any point in time before the expiration of the officer's certification. If the officer has not successfully completed a regular basic training program (not bridge academy training) at any point in time before the expiration of the officer's certification, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a regular basic training program (not bridge academy training) within ninety (90) days of

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

the issuance of the conditional recertification or such other time as is allowed by the MPTC.

- (b) Bridge Academy Basic Training. This standard shall be deemed satisfied if the officer successfully completed a bridge academy basic training at any point in time before the expiration of the officer's certification. If the officer has not successfully completed a bridge academy basic training due to a documented hardship in accordance with commission or MPTC policy, the officer shall be conditionally recertified in accordance with commission policy. Where commission policy is not applicable, the officer will be conditionally recertified on the condition that the officer shall successfully complete a bridge academy basic training by the date stipulated by the MPTC for that officer.
- (4) Successful Completion of a Physical and Psychological Fitness Evaluation. This standard shall be deemed satisfied if the officer successfully completed a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by MPTC or the training programs prescribed by M.G.L. c. 22C prior to the expiration of the officer's certification. If the officer has not successfully completed a physical and psychological fitness evaluation that was required for graduation from an academy or training program certified by the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the expiration of the officer's certification, the officer will be conditionally recertified on the condition that the officer complete a standard that may be approved by the commission by July 1, 2024. However, if the officer did not satisfy the requirement because the commission did not approve an evaluation, the officer need not satisfy the requirement.
- (5) Successful Completion of a State and National Background Check. This standard shall be deemed satisfied if the following criteria are met:
  - (i) A background check of the type described in M.G.L. c. 6E, § 4(f)(1)(v) was successfully completed at any point in time before the expiration of an officer's certification;
  - (ii) The commission has received all disciplinary records as described by commission policy relative to an officer prior the expiration of the officer's certification;
  - (iii) The commission has received an attestation to certain key facts regarding the officer's background; and
  - (iv) The commission does not discern any basis, based on information it has received, for finding the standard unmet.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

If this standard is not satisfied because no background check has been conducted, the officer shall be conditionally recertified that the officer must meet this standard within ninety (90) days of the issuance of conditional recertification. In all other circumstances where the officer has not satisfied this standard, the officer shall not be recertified.

- (6) Successful Completion of an Examination.
  - (a) Examination Part of Regular Basic Training (Not Bridge Academy Training). This standard shall be deemed satisfied if the officer successfully completed an examination as part of regular basic training (not bridge academy) at any point in time before the expiration of the officer's certification. If the officer has not successfully completed an examination as part of regular basic training (not bridge academy) at any point in time before the expiration of the officer's certification, the officer shall be conditionally recertified on the condition that the officer shall successfully complete an examination as part of regular basic training (not bridge academy) within ninety (90) days of the issuance of conditional recertification or such other time as is allowed by the MPTC.
  - (b) Examination Part of Bridge Academy Basic Training. This standard shall be deemed satisfied if the officer successfully completed an examination as part of bridge academy basic training at any point in time before the expiration of the officer's certification. If the officer has not successfully completed an examination as part of bridge academy basic training due to a documented hardship in accordance with commission or MPTC policy, the officer shall be conditionally recertified in accordance with commission policy. Where commission policy is not applicable, the officer will be conditionally recertified on the condition that the officer shall successfully complete an examination as part of bridge academy basic training within the timeframe determined by the MPTC.
- (7) Possession of Current First Aid and Cardiopulmonary Resuscitation Certification. This standard shall be deemed satisfied if the officer currently possesses such certificates or the equivalent. If the officer does not currently possess such certificates or the equivalent, the officer will be conditionally recertified on the condition that the officer shall obtain such certificates or the equivalent within ninety (90) days of the issuance of conditional recertification.
- (8) Successful Completion of an Oral Interview Administered by the Commission. This standard shall be deemed satisfied if an officer is interviewed or discusses a set of questions, in accordance with commission policy, or responses to a questionnaire with the head of the officer's agency or their designee, or in the case of the head of the agency, their appointing authority. If this standard is not satisfied, the officer shall not be recertified.

**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

- (9) Good Character and Fitness for Employment. This standard shall be deemed satisfied if the division of certification determines the officer meets the criteria set out in 555 CMR 7.04. If this standard is not satisfied, the officer shall be not recertified.

7.07 Issuance of Decision.

- (1) The division of certification shall review each officer's application for recertification and provide written notification of a decision on the application for recertification to the officer and the officer's employing agency and the head of the officer's collective bargaining unit in accordance with commission policy, or where there is no commission policy, a policy adopted by the executive director.
- (2) If the action provides for anything other than full recertification, the decision shall be distinct from decertification and shall not implicate M.G.L. c. 6E, § 10.
- (3) If the decision provides for anything other than full recertification, the notification described in 555 CMR 7.06(1) shall also inform the officer of the ability to seek review by the executive director as provided for in 555 CMR 7.09(1) and a hearing as provided for in 555 CMR 1.10.

7.08 Retroactivity of Recertification. Recertification decisions made after the officer's prior certification expired, notwithstanding 555 CMR 7.02, will apply retroactively to that date, regardless of the issuance of a conditional recertification under this chapter.

7.09 Restriction or Revocation of Certification. The granting of a recertification shall not preclude the limiting, conditioning, or restricting 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 its employing agency in connection with the recertification process.

7.10 Possible Action Following Decision Declining to Grant Full Recertification

- (1) Executive Director Review
- (a) Within twenty (20) days of the division of certification's decision declining to grant full recertification, an officer may submit a written petition to the executive director requesting review of the decision, a copy of which the officer shall provide to the officer's employing agency
- (b) The executive director, or their designee, may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting with the executive director concerning the matter.



**PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
PROPOSED REGULATIONS AT 555 CMR 7.00, *et seq.*  
RECERTIFICATION**

- (c) The executive director, or their designee, shall provide the officer and the officer's employing agency with a written decision on the petition within a reasonable time.
- (2) Opportunity for Hearing. Following the process described in 555 CMR 7.10(1), an officer may request a hearing before the commission concerning an application for recertification in accordance with 555 CMR 1.10.
- (3) Vacating of Prior Decision to Recertify. If a decision to recertify an officer is vacated, the officer shall be deemed to have been certified during the period of time between the decision to recertify and the decision to vacate.
- (4) Reapplication by Officer. Where an officer has received a decision denying a full recertification, the commission may preclude the officer from reapplying for certification for a certain period of time without providing a recommendation for certification by an employing agency, or without satisfying other appropriate conditions.