



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

June 27, 2022

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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](#), as amended by [An Act Making Appropriations for the Fiscal Year 2022 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects](#), 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 #25

June 30, 2022

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 960 7101 9199

EXECUTIVE DIRECTOR

Enrique A. Zuniga

1. Call to Order
2. Executive Director Report – Enrique Zuniga
 - a. Officer Recertification (A-H)
 - b. Technology Procurement Update
3. FY23 Budget – CFAO Rebello-Pradas
4. Use of Force regulations technical corrections – General Counsel Ravitz
5. Cadet Commission Chapter 6E Section 108
6. Matters not anticipated by the Chair at the time of posting
7. Executive Session to discuss strategy with respect to litigation, specifically *Scott Hovsepien, et al. v. Massachusetts Peace Officer Standards and Training Commission*, No.2284CV00906, Suffolk County Superior Court, and *New England Police Benevolent Association, Inc., et al. v. Massachusetts Peace Officer Standards and Training Commission*, No. 2285CV00555, Worcester County Superior Court

2b.

MEMORANDUM

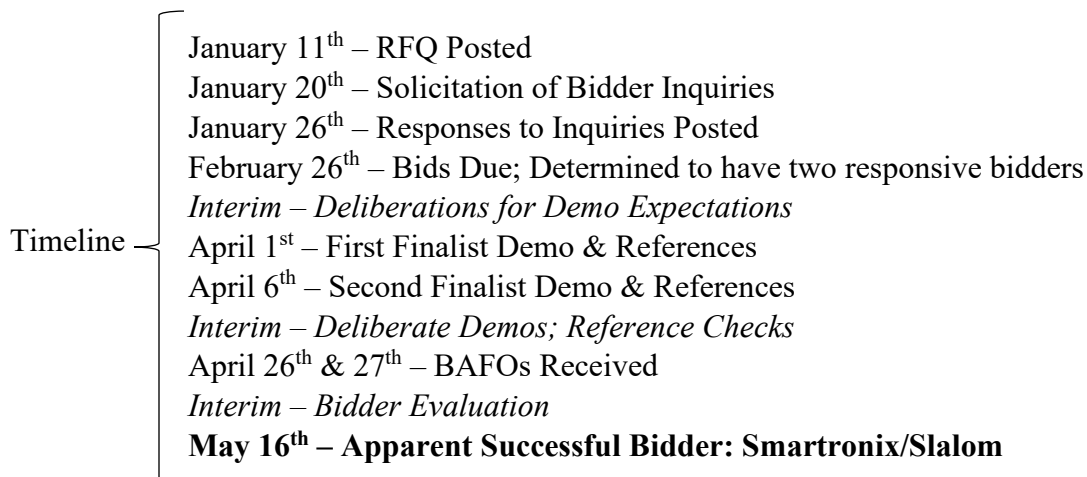
TO: POST Commissioners
FROM: Eric Rebello-Pradas
CC: Enrique Zuniga; Steven Smith; Maurice Myrie
DATE: June 27, 2022
RE: **Technology Services Procurement**

POST partnered with EOTSS (the Commonwealth’s Office of Technology) and issued an “RFR for the Salesforce Case Management” services on January 10, 2022. This competitive procurement was issued to select a professional services firm to develop, implement, and maintain a technology solution to support the business operations required to meet POST mission critical processes.

The technology solution platform will be *Salesforce*, a case management system that will enable the management and processing of (1) applications for certification and recertification and (2) disciplinary records and complaints.

The responses to the RFR were due February 26, 2022. The RFR was issued to firms currently in two statewide contracts (ITS74 - IT Professional Services and ITS60 - Cloud Services). This approach is considered a “best practice” and allowed POST to conduct a procurement in a targeted way, directed at firms that have been previously evaluated and determined to be highly qualified by the Technology Services Office and the Operational Services Division.

The timeline below highlights the main milestones of this process:



POST and EOTSS put together a Strategic Sourcing Team (SST) to oversee and conduct all aspects of this procurement. The team is comprised of 5 voting members and several other observing members. The five voting members are one POST Commissioner, POST Executive Director, POST Senior Certification Specialist, POST Chief Technology Officer and EOTSS Product Manager. The SST was also supported by additional members including EOTSS Solution Architect, EOTSS business analyst, EOTSS procurement manager and POST Chief Financial Officer.

MEMORANDUM

In addition to a written response, we asked respondents to put together a “Demo” to facilitate the oral presentations. The SST and each bidder conducted a day-long working session as part of these presentations. We asked respondents to design a POST specific solution and present it to the SST, effectively simulating a “working session” between the technology teams and the certification teams, for a given process. The purpose of conducting these “demos” was to ascertain how the teams would function and develop solutions together.

Following the four-and-a-half-month process, the EOTSS/POST strategic sourcing team selected **Smartronix/Slalom** as the apparent successful bidder. Some of the strengths the team found most desirable with Smartronix/Slalom included: (a) Comprehensive understanding of POST’s technical/service needs, both in the short-term and long-term; (b) provided consistent feedback; (c) comprehensive and flexible credit system indicates established service offering for maintenance and support; (d) understanding of best practices; and, (e) demonstrated ability to follow through. The one-time implementation (time & materials) cost for Salesforce is expected to be ~\$2.5 million. This cost is considered “one-time,” as it will only occur for a certain period, and not be on-going as with maintenance/support costs. The annual maintenance and support costs will be ~\$141,000. These figures are estimates for the purposes of the bid. Final rates will be determined during contract negotiations.

While the procurement process was unfolding, POST and TSS continued to utilize an interim solution in order to accommodate the tight deadlines for certification. Jira has proven to be an effective tool, along with its integration with the Snowflake data warehouse. While the POST Certification and Technology teams have made a great deal of progress with Jira, we will decide which elements of Jira will eventually be phased out as we transition to Salesforce over the next year. We note that much of this progress will be of great use to the Salesforce configuration and design process, which we will manage with incremental task orders. The apparent successful bidder understands where POST is in the technology development cycle.

The EOTSS team recommends entering into a “time & materials” (hourly rates) contract with incremental task orders as the way to have the most cost-effective arrangement for POST. We plan on utilizing specific quarterly task orders to allow for stricter control over the scope, management, and cost of the project.

Given the nature and scope of such contract, we will place an emphasis on how incremental cost and scope builds on the work previously implemented utilizing Jira (interim solution). We envision utilizing an “agile methodology” approach in which certification team members and software developers collaborate in “sprints” to scope, design, program, test and deploy functionality to minimize and/or eliminate re-work.

The approach for this procurement relies on acquiring Salesforce licenses. Typically, licensing costs are driven by the number of users. We are in the process of determining the number of users necessary for operation. Our intent is to keep operations at the agency level in order to minimize

MEMORANDUM

the total number needed (as opposed to the individual officer level). For now, we are estimating the cost for annual user licenses at approximately \$100,000. Moreover, we also anticipate the need for a business intelligence tool to generate customized reporting. We will continue to collaborate with TSS to build these potential costs into FY24 and beyond.

Next Steps

The Contracts Division at EOTSS is currently reviewing a first-draft contract from Smartronix. Following this review, we anticipate commencing negotiations over the next 2-4 weeks. While EOTSS has been leading the negotiation to ensure conformance with Commonwealth's terms and conditions regarding technology contracts, POST will be fully engaged in the discussions, and will ultimately be the signatory to this contract. We expect to be close to a final contract containing rates, statement-of-work, timeline, and other conditions by mid-July. It is therefore, that we ask the Commission to authorize the Executive Director to enter into agreements with Smartronix.

Recommendation:

That the Commission authorize the Executive Director to finalize negotiations with the apparent successful bidder Smartronix and execute a task-order contract to continue development of the technology platform utilizing Salesforce.

3.

MEMORANDUM

TO: POST Commissioners
FROM: Eric Rebello-Pradas
CC: Enrique Zuniga
DATE: June 27, 2022
RE: **FY23 Budget**

FY22

As we reported in May, final spending for FY22 is still estimated at \$2.2 million. We do not anticipate any more staff members being onboarded prior to July 1st. Therefore, we will be concluding FY22 with a total of 14 employees. We also reported to you in May that we would be ending the fiscal year with approximately \$2.7 million in unspent funds. Our intention remains to use this excess funding for the technology procurement (Salesforce).

FY23

In developing the POST operating budget for FY23, we were allowed a \$5 million appropriation in the Governor's Recommendation, which remained unchanged in the House and Senate versions. We are still awaiting final budget approval but anticipate the \$5 million will hold. After adding in the \$2.7 million balance from FY22, the beginning balance for POST's total budget for FY23 is an estimated \$7.7 million. POST's estimated budget is rather fluid due to multiple unknowns and variables. Nevertheless, we are predicting FY23 expenditures to fall within the \$7.7 million parameter.

Payroll

We estimate the total number of employees will increase from the current 14, to 27 by the end of FY23. In addition to legal and administrative staff, most of the employee growth is expected to be within the Division of Police Standards. Since its inception, POST has been employing an incremental approach to hiring. We do so to maintain a fine balance between too many resources, or too few, to execute the mission. As a new agency it is difficult to predict exact need (e.g., caseload for Division of Police Standards, resources to effectively manage Division of Police Certification). Hence, a fluid budget is not uncommon within the first 2-3 years of agency development. In building the payroll estimate, we assumed the pace of hiring would not be consistent, and in fact, see some delays. Therefore, we adjusted total payroll to reflect a staggered – as opposed to annualized – figure. Payroll also includes a COLA allowance of up to 4.5%, or \$41,000.

Technology

The vast majority of POST's technology costs for FY23 will be embodied within the Salesforce procurement. This includes one-time development expenses, as well as ongoing maintenance costs. In addition, we will also incur costs associated with moving from one case management system (Jira) to another (Salesforce).

Space

While the state is realizing considerable savings by consolidating office space thanks to the new hybrid work model, it remains unclear as to the exact cost after POST's current office lease expires in January. Therefore, we assumed a cost for FY23 at the current rate, plus rough estimates for a public meeting facility, hearing rooms, and conference space, as well as moving expenses. POST has already engaged the assistance of DCAMM to identify appropriate facilities, and work in cost estimates for potential build-out needs.

MEMORANDUM

Potential Exposure

POST is predicting a potential exposure representing just under 2% of the overall budget (or approximately \$150,000). We do not believe this is any cause for concern for the following reasons:

- The \$5 million figure – which makes up POST’s budget - was conceptualized using very broad hypotheses. At the time it was developed, it was virtually impossible to predict anything more than a rough estimate.
- Recruitment of new employees almost never follows a set schedule. One may anticipate filling a position in two months, but in reality, it may take four or five months. The longer it takes to onboard new employees, the more savings will be realized during the fiscal year. With 50% of POST’s largest expenditure (payroll) consisting of currently vacant positions, a delayed pace in hiring of only a few positions would more than offset the potential exposure.

FY24

Budget development for FY24 will begin sometime in October. The new Administration will file its maiden budget by February 2023. We anticipate further agency growth in FY24, as POST matures to full operation.

PST 1599-1210

	FY22						FY23	
	BUDGET	INCURRED EXPEND THRU MAY	ACTUAL EXPEND THRU MAY	BALANCE = BUDGET - INCURRED	ESTIMATED EXPEND JUN	FINAL BALANCE = BALANCE - EST EXP	BALANCE FORWARD	BUDGET
EMPLOYEE COMPENSATION	1,150,876	696,137	696,137	454,739	157,500	297,239	297,239	3,338,279
EMPLOYEE EXPENSES	25,000	3,359	670	21,641	1,000	20,641	20,641	25,000
CONTRACT EMPLOYEES	17,308	-	-	17,308	-	17,308	17,308	150,000
PAYROLL TAX/FRINGE	23,013	13,714	13,714	9,299	3,103	6,197	6,197	68,719
OFFICE SUPPLIES/POSTAGE/SUBSCRIPTIONS	48,000	23,914	7,714	24,086	33,273	(9,187)	(9,187)	74,975
FACILITY/OPERATIONAL	-	-	-	-	-	-	-	-
OFFICE SPACE LEASE	132,000	50,029	50,029	81,971	12,507	69,464	69,464	357,552
CONSULTANTS/LEGAL SERVICES	729,039	490,489	412,799	238,550	60,000	178,550	178,550	435,000
TEMP SERVICES	-	-	-	-	-	-	-	-
OFFICE FURNITURE/FIXTURES/EQUIPMENT	48,000	981	981	47,019	-	47,019	47,019	25,000
OFFICE EQUIPMENT LEASE	-	-	-	-	-	-	-	-
OFFICE MAINTENANCE/REPAIRS	-	-	-	-	-	-	-	-
INFORMATION TECHNOLOGY	1,100,000	255,612	42,127	844,388	441,478	402,910	402,910	3,345,074
RESERVES	1,631,033	-	-	1,631,033	-	1,631,033	1,631,033	-
Grand Total :	4,904,269	1,534,235	1,224,171	3,370,034	708,861	2,661,174	2,661,174	7,819,599

POST Operating Budget

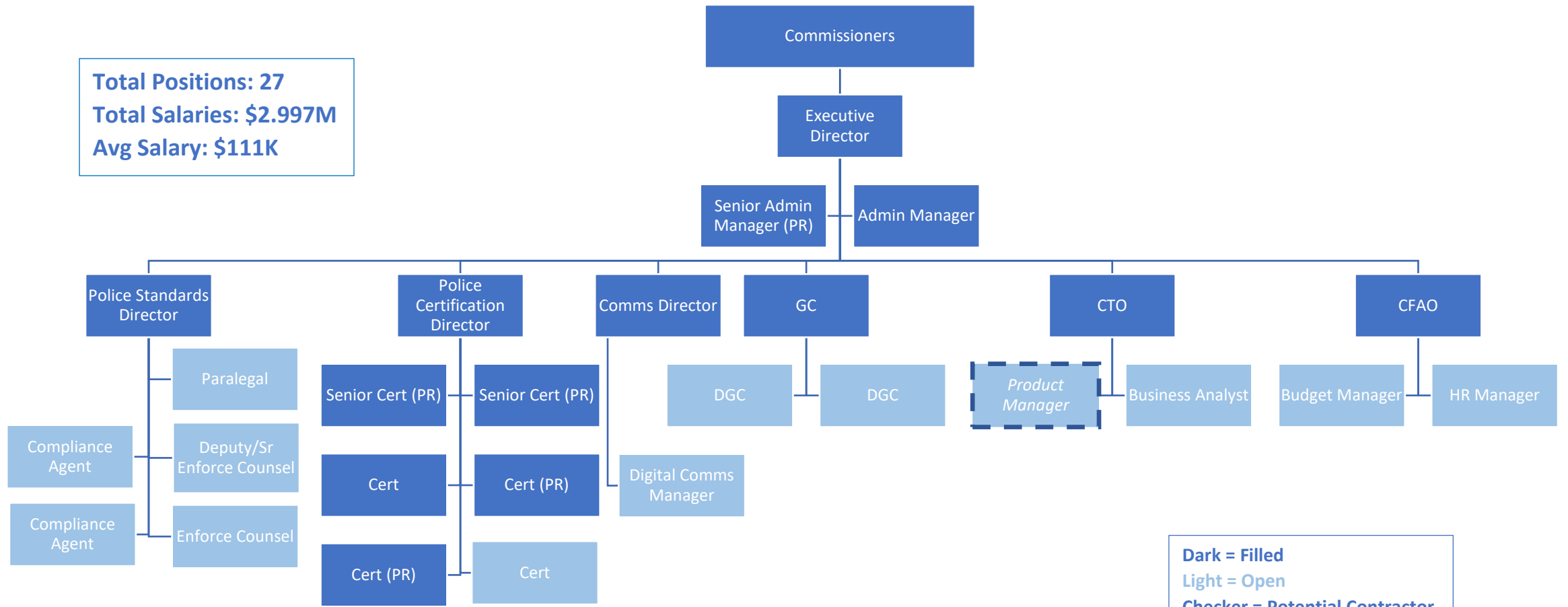
FY21	Beginning Balance	\$5,000,000
	Payroll	(\$23,058)
	Legal Service	(\$72,673)
	Total Expenditures	(\$95,731)
FY21	Ending Balance	\$4,904,269
FY22	Beginning Balance	\$4,904,269
	Payroll	(\$709,851)
	Legal/Comms Consult	(\$490,489)
	InfoTech	(\$255,612)
	Rent	(\$50,029)
	Misc	(\$28,254)
thru May	Subtotal Expenditures	(\$1,534,235)
	Payroll	(\$160,603)
	Legal/Comms Service	(\$60,000)
	InfoTech	(\$441,478)
	Rent	(\$12,507)
	Misc	(\$34,273)
Jun	Subtotal Expenditures	(\$708,861)
	Total Expenditures	(\$2,243,096)
FY22	Ending Balance	\$2,661,173
FY23	Appropriation	\$5,000,000
FY23	Beginning Balance	\$7,661,173
	Total Expenditures	\$7,819,599
FY23	Ending Balance	(\$158,425)



We estimated
\$2,206,374 in May

POST Staff Org Chart: FY23

Total Positions: 27
Total Salaries: \$2.997M
Avg Salary: \$111K



Dark = Filled
Light = Open
Checker = Potential Contractor

Note: Represents 27 positions (22 F/T; 5 P/T)

	FY22	FY23
Commissioners (9)	\$ 340,810.60	\$ 340,810.60
Existing Employees (14)	\$ 770,815.38	\$ 1,720,122.50
Forecasted Employees (12)	\$ -	\$ 1,236,613.46
Subtotal	\$ 1,111,625.98	\$ 3,297,546.56
Forecasted Contractors (2)	\$ -	\$ 325,000.00
Grand Total	\$ -	\$ 3,622,546.56

4.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION

**AUTHORIZATION TO PURSUE AMENDMENT
OF REGULATIONS CONCERNING USE OF FORCE**

I. KEY STATUTORY AND REGULATORY PROVISIONS

M.G.L. c. 6, § 116

The [municipal police training] committee, and the Massachusetts peace officer standards and training commission established in [M.G.L. c. 6E, § 2], shall jointly promulgate rules and regulations for the use of force by law enforcement officers consistent with [M.G.L. c. 6E, §§ 14 and 15].

M.G.L. c. 6E, § 1

As used in this [M.G.L. c. 6E], the following words shall, unless the context clearly requires otherwise, have the following meanings:

...

“Chokehold”, the use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death.

...

“Deadly force”, physical force that can reasonably be expected to cause death or serious physical injury.

“Decertified”, an officer whose certification is revoked by the commission pursuant to [M.G.L. c. 6E, § 10].

“De-escalation tactics”, proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in [M.G.L. c. 111, § 5½(a)], to address a potential medical or mental health crisis.

...

“Officer-involved injury or death”, any event during which an officer:

- (i) discharges a firearm, as defined in [M.G.L. c. 140, § 121], actually or proximately causing injury or death to another;
- (ii) discharges any stun gun as defined in said [M.G.L. c. 140, § 121], actually or proximately causing injury or death to another;
- (iii) uses a chokehold, actually or proximately causing injury or death of another;
- (iv) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
- (v) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
- (vi) deploys a dog, actually or proximately causing injury or death of another;
- (vii) uses deadly force, actually or proximately causing injury or death of another;
- (viii) fails to intervene, as required by [M.G.L. c. 6E, § 15], to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
- (ix) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

“Serious bodily injury”, bodily injury that results in:

- (i) permanent disfigurement;
- (ii) protracted loss or impairment of a bodily function, limb or organ;
or
- (iii) a substantial risk of death.

.....

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:

(1) act as the primary civil enforcement agency for violations of this [M.G.L. c. 6E];

...

(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;

...

(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;

...

(28) adopt, amend or repeal regulations in accordance with [M.G.L. c. 30A] for the implementation, administration and enforcement of this [M.G.L. c. 6E]

M.G.L. c. 6E, § 8

(c)(1) The division of police standards shall initiate a preliminary inquiry into the conduct of a law enforcement officer if the commission receives a complaint, report or other credible evidence that is deemed sufficient by the commission that the law enforcement officer:

- (i) was involved an officer-involved injury or death;
- (ii) committed a felony or misdemeanor, whether or not the officer has been arrested, indicted, charged or convicted;
- (iii) engaged in conduct prohibited pursuant to [M.G.L. c. 6E, § 14];
- (iv) engaged in conduct prohibited pursuant to [M.G.L. c. 6E, § 15]; or
- (v) the commission receives an affirmative recommendation by the head of an appointing agency for disciplinary action by the commission, including retraining or suspension or revocation of the officer's certification.

....

M.G.L. c. 6E, § 10

(a) The commission shall, after a hearing, revoke an officer's certification if the commission finds by clear and convincing evidence that:

...

- (x) the officer used force in violation of [M.G.L. c. 6E, § 14];
- (xi) the officer used excessive use of force resulting in death or serious bodily injury;
- (xii) the officer used a chokehold in violation of said [M.G.L. c. 6E, § 14];

...

- (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including, but not limited to, excessive or prohibited force in violation of [M.G.L. c. 6E, § 15];

....

(d) The commission may, after a hearing, order retraining for any officer if the commission finds substantial evidence that the officer:

- (i) failed to comply with [M.G.L. c. 6E] or commission regulations, reporting requirements or training requirements;

...

- (iii) used excessive force;
- (iv) failed to respond an incident according to established procedure;

...

- (viii) fails to intervene to prevent another officer from engaging in prohibited conduct or behavior, except a failure to intervene in

conduct that mandates revocation pursuant to said [M.G.L. c. 6E, § 10(a)];

M.G.L. c. 6E, § 14

(a) A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to:

- (i) effect the lawful arrest or detention of a person;
- (ii) prevent the escape from custody of a person; or
- (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm;

provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to [M.G.L. c. 6E, § 15(d)].

(b) A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

(c) A law enforcement officer shall not use a chokehold. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

. . . .

M.G.L. c. 6E, § 15

(a) An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual.

(b) An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report[.]

(c) A law enforcement agency shall develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation.

(d) The commission and the municipal police training committee established pursuant to [M.G.L. c. 6, § 116] shall jointly promulgate rules and regulations for the use of force by law enforcement officers consistent with [M.G.L. c. 6E, § 15 and M.G.L. c. 6E, § 14]; provided, however, that such regulations may authorize the use of necessary, proportionate and non-deadly force for purposes not explicitly specified in this [M.G.L. c. 6E] where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances.

M.G.L. c. 30A, § 2

A public hearing is required prior to the adoption, amendment, or repeal of any regulation if:

- (a) violation of the regulation is punishable by fine or imprisonment; or,
- (b) a public hearing is required by the enabling legislation of the agency or by any other law; or,
- (c) a public hearing is required as a matter of constitutional right.

Prior to the adoption, amendment, or repeal of any regulation as to which a public hearing is required, an agency shall hold a public hearing. Within the time specified by any law, or, if no time is specified, then at least twenty-one days prior to the date of the public hearing, the agency shall give notice of such hearing

A small business impact statement shall be filed with the state secretary on the same day that the notice is filed and shall accompany the notice. . . .

If the agency finds that immediate adoption, amendment or repeal of a regulation is necessary for the preservation of the public health, safety or general welfare, and that observance of the requirements of notice and a public hearing would be contrary to the public interest, the agency may dispense with such requirements and adopt, amend or repeal the regulation as an emergency regulation. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency regulation as filed with the state secretary under [M.G.L. c. 30A, § 5]. An emergency regulation shall not remain in effect for longer than three months unless during that time the agency gives notice and holds a public hearing as required in this section, and files notice of compliance with the state secretary.

This section does not relieve any agency from compliance with any law requiring that its regulations be approved by designated persons or bodies before they become effective.

555 CMR 6.03; 550 CMR 6.03

Definitions

Chokehold. The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

...

Deadly Force. Physical force that can reasonably be expected to cause death or serious physical injury.

De-escalation Tactics. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible

...

Force. The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

...

Non-deadly Force. Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Officer-involved Injury or Death. Any event during which an officer:

- (a) discharges a weapon, or stun gun, as defined in M.G.L. c. 140, § 121, actually or proximately causing injury or death to another;
- (b) discharges any stun gun as defined in said M.G.L. c. 140, § 121 actually or proximately causing injury or death to another;
- (c) uses a chokehold, in violation of M.G.L. c. 6E, § 14(c), actually or proximately causing injury or death of another;
- (d) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
- (e) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;

- (f) deploys a dog, actually or proximately causing injury or death of another;
- (g) uses deadly force, actually or proximately causing injury or death of another;
- (h) fails to intervene, as required by M.G.L. c. 6E, § 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
- (i) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

Passive resistance. An individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury. Bodily injury that results in:

- (a) permanent disfigurement;
- (b) protracted loss or impairment of a bodily function, limb, or organ; or
- (c) a substantial risk of death.

....

555 CMR 6.04; 550 CMR 6.04

Use of Non-deadly Force

(1) A law enforcement officer shall not use force upon another person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to:

- (a) effect the lawful arrest or detention of a person;
- (b) prevent the escape from custody;
- (c) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or
- (d) defend against an individual who initiates force against an officer.

(2) A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible

(3) Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of 550 CMR 6.03. Use of force does include the pointing of a firearm, [electronic control weapon, conducted energy device or chemical weapons] at an individual and the use of [oleoresin capsicum] spray on an individual or directed toward an individual.

(4) Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.

(5) All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.

(6) Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest, neck, or spine, and shall not force an individual to lie on their stomach.

(7) A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

555 CMR 6.05; 550 CMR 6.05

Use of Deadly Force

(1) A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm, and;

- (a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
- (b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
- (c) The officer uses only the amount of force that is objectively reasonable.

(2) A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

(3) An officer may not use deadly force against a person who poses only a danger to themselves.

...

(5) A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

(6) Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force.

(7) Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

II. BACKGROUND, FINDINGS, AND POLICY

- A. Pursuant to M.G.L. c. 6, § 116, and M.G.L. c. 6E, §§ 3(a), 14(a), and 15(d), the Peace Officer Standards and Training Commission (“Commission”) and the Municipal Police Training Committee (“MPTC”) jointly promulgated regulations concerning the use of force by law enforcement officers. They appear within the title of the Code of Massachusetts Regulations that is devoted to the Commission at 555 CMR 6.00, and within the title that is devoted to the MPTC at 550 CMR 6.00.
- B. The regulations include a provision stating, “Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual’s chest, neck, or spine, and shall not force an individual to lie on their stomach.” Such language appears at 555 CMR 6.04(6) and 550 CMR 6.04(6).
- C. The Commission has received questions about whether such language could be interpreted by officers as allowing them to engage in conduct that would constitute a “chokehold,” as that term is defined in M.G.L. c. 6E, § 1; 555 CMR 6.03; and 550 CMR 6.03. Under M.G.L. c. 6E, § 14(c), “[a] law enforcement officer shall not use a chokehold” and “shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow.”
- D. The Commission did not intend the above-quoted regulatory language to authorize the use of chokeholds. This should be clear from other regulatory provisions, including those that state as follows:

1. “A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual’s head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.” 555 CMR 6.04(7); 550 CMR 6.04(7).
 2. A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual’s breathing or oxygen or blood flow to an individual’s head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow.” 555 CMR 6.05(2); 550 CMR 6.05(2).
- E. The Commission wishes to eliminate any possible question about its intent. To do so, it seeks to amend 555 CMR 6.04(6) and 550 CMR 6.04(6) by: deleting “, neck,”; and adding, “In no event may a law enforcement officer intentionally sit, kneel, or stand on an individual’s neck.” The provision would then read:
“Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual’s chest or spine, and shall not force an individual to lie on their stomach. In no event may a law enforcement officer intentionally sit, kneel, or stand on an individual’s neck.”
- F. The Commission understands that, at its meeting on May 18, 2022, the MPTC approved of an amendment to remove the word “neck” from the regulation. The Commission has not yet asked the MPTC to approve the additional sentence quoted above: “In no event may a law enforcement officer intentionally sit, kneel, or stand on an individual’s neck.”
- G. The immediate amendment of 555 CMR 6.04(6), on an emergency basis, is necessary for the preservation of the public health, safety and general welfare, and observance of the requirements of notice and affording interested persons an opportunity to present data, views, or arguments prior to amendment would be contrary to the public interest, because a misunderstanding of the regulation by law enforcement officers could cause them to engage in conduct that constitutes an unlawful chokehold and that endangers individuals who are subject to uses of force.

III. AUTHORIZATION

- A. The Commission authorizes its Executive Director or his designee(s) to work with the MPTC to take all steps necessary to amend 555 CMR 6.04(6) and 550 CMR 6.04(6), on an emergency basis, by: deleting “, neck,”; and adding, “In no event

may a law enforcement officer intentionally sit, kneel, or stand on an individual's neck.”

- B. That is, 555 CMR 6.04(6) and 550 CMR 6.04(6) should be amended so that they will read: **“Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest or spine, and shall not force an individual to lie on their stomach. In no event may a law enforcement officer intentionally sit, kneel, or stand on an individual's neck.”**
- C. Such steps should be taken in accordance with M.G.L. c. 30A, § 2.

555 CMR 6.00: USE OF FORCE BY LAW ENFORCEMENT OFFICERS

Section

- 6.01: Purpose and Scope
- 6.02: Authorization
- 6.03: Definitions
- 6.04: Use of Non-deadly Force
- 6.05: Use of Deadly Force
- 6.06: Duty to Intervene
- 6.07: Use of Force Reporting
- 6.08: Mass Demonstrations, Crowd Control, and Reporting
- 6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury
- 6.10: Use of Force Training

6.01: Purpose and Scope

(1) Purpose. The purpose of 555 CMR 6.00 is to establish rules governing the use of force by law enforcement officers. 555 CMR 6.00 is promulgated requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

(2) Scope. 555 CMR 6.00 applies to all law enforcement officers as defined in M.G.L. c. 6E, §1.

6.02: Authorization

555 CMR 6.00 is promulgated pursuant to M.G.L. c. 6E, § 15(d) requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

6.03: Definitions

Chokehold. The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

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

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

Deadly Force. Physical force that can reasonably be expected to cause death or serious physical injury.

De-escalation Tactics. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible

Department/Police Department/Law Enforcement Agency/Agency.

- (a) 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;

6.03: continued

- (b) a sheriff's department in its performance of police duties and functions; or
- (c) a public or private college, university or other educational institution or hospital police department.

Dog. For the purposes herein, shall also refer to a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs). A portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile *via* a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.

Force. The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

Kettling. Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Law Enforcement Officer/Officer. Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to M.G.L. c. 140, § 58 or 63; a special sheriff appointed pursuant to M.G.L. c. 37, § 4, performing police duties and functions; a deputy sheriff appointed pursuant to M.G.L. c. 37, § 3 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve, or intermittent police officer.

Non-deadly Force. Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Officer-involved Injury or Death. Any event during which an officer:

- (a) discharges a weapon, or stun gun, as defined in M.G.L. c. 140, § 121, actually or proximately causing injury or death to another;
- (b) discharges any stun gun as defined in said M.G.L. c. 140, § 121 actually or proximately causing injury or death to another;
- (c) uses a chokehold, in violation of M.G.L. c. 6E, § 14(c), actually or proximately causing injury or death of another;
- (d) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
- (e) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
- (f) deploys a dog, actually or proximately causing injury or death of another;
- (g) uses deadly force, actually or proximately causing injury or death of another;
- (h) fails to intervene, as required by M.G.L. c. 6E, § 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
- (i) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

Passive resistance. An individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury. Bodily injury that results in:

- (a) permanent disfigurement;
- (b) protracted loss or impairment of a bodily function, limb, or organ; or
- (c) a substantial risk of death.

Tear Gas or Other Chemical Weapons (CW). Any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum (OC) spray.

6.04: Use of Non-deadly Force

- (1) A law enforcement officer shall not use force upon another person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to:
 - (a) effect the lawful arrest or detention of a person;
 - (b) prevent the escape from custody;
 - (c) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or
 - (d) defend against an individual who initiates force against an officer.
- (2) A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible, including issuing a summons instead of executing an arrest where feasible.
- (3) Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of 555 CMR 6.03. Use of force does include the pointing of a firearm, ECW, CED or CW at an individual and the use of OC spray on an individual or directed toward an individual.
- (4) Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.
- (5) All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.
- (6) Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest, neck, or spine, and shall not force an individual to lie on their stomach.
- (7) A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

6.05: Use of Deadly Force

- (1) A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm, and;
 - (a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
 - (b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
 - (c) The officer uses only the amount of force that is objectively reasonable.
- (2) A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.
- (3) An officer may not use deadly force against a person who poses only a danger to themselves.
- (4) A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:

6.05: continued

- (a) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle;
- (b) Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (*e.g.*, surrounding a vehicle at close proximity while dismounted);
- (c) The officer is not firing strictly to disable the vehicle; and
- (d) The circumstances provide a high probability of stopping or striking the intended target.

(5) A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

(6) Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force.

(7) Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

6.06: Duty to Intervene

A law enforcement officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

The failure of a law enforcement officer to intervene as set forth in 555 CMR 6.05 may subject the officer to de-certification by the Commission.

6.07: Use of Force Reporting

(1) Law enforcement agencies shall develop and implement a policy and procedure for reporting the use of force. Such policy shall mandate reporting such incidents including, but not limited to, officer-involved injuries or deaths as described in 555 CMR 6.00, and include the use of a standard use of force reporting form as approved by the Committee and the Commission which shall be completed by any officer who uses force.

(2) Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.

(3) Law enforcement agencies are not required to report the discharge of a firearm during training or qualification exercises, or for the purposes of animal destruction/euthanasia where necessary.

(4) An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.

(5) An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.

6.07: continued

- (6) Law enforcement agencies shall develop and implement a policy and procedure for law enforcement personnel including, but not limited to, law enforcement officers, to report abuse by other law enforcement personnel including, but not limited to, law enforcement officers, without fear of retaliation or actual retaliation.
- (7) Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification.
- (8) All use of force reports shall be retained and maintained by the law enforcement agency/department and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.

6.08: Mass Demonstrations, Crowd Management, and Reporting

- (1) A police department shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department's jurisdiction, the police department shall diligently attempt in good faith to:
 - (a) communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and
 - (b) discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.
- (2) The department shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.
- (3) A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person's behavior unless:
 - (a) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
 - (b) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.
- (4) If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable.
- (5) Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.
- (6) The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury

Law enforcement agencies shall develop and implement a policy and procedure for reporting a use of force that results in a death or serious bodily injury.

Whenever an officer uses force that results in a death or serious bodily injury, the Officer-in-charge shall immediately notify the agency head or their designee. The agency shall conduct an investigation according to their policies and protocols.

If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.

6.10: Use of Force Training

(1) The Committee shall develop and periodically deliver use of force training to law enforcement officers consistent with 555 CMR 6.00 including, but not limited to:

- (a) de-escalation tactics;
- (b) handling emergencies involving individuals with mental illness;
- (c) responding to mass gatherings;
- (d) cultural competency;
- (e) progression of force; and
- (f) lawful use of force techniques and equipment on a schedule to be determined by the Committee.

(2) The Commission and the Committee shall jointly develop a model use of force policy. All law enforcement agencies shall have a written use of force policy consistent with the model policy and the agency's particular mission; provided, however, that an agency's use of force policy shall comply with 555 CMR 6.00 and all relevant state and federal laws.

REGULATORY AUTHORITY

555 CMR 6.00: M.G.L. c. 6E, § 15(d).

5.



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT

STATE HOUSE, BOSTON 02133-1053

June 2, 2022

Executive Director Enrique Zuniga
Massachusetts Peace Officer Standards and Training Commission
100 Cambridge Street, 14th Floor
Boston, MA 02114

Re: The special legislative commission to study the establishment of a statewide law enforcement officer cadet program

Dear Executive Director Zuniga,

We write today in our capacity as the Chairs of the Joint Committee on Public Safety and Homeland Security. We are, respectfully, requesting your action on a matter relative to the special legislative commission to study the establishment of a statewide law enforcement officer cadet program (herein known as the Commission). We will serve as chairs of the Commission.

As we know that you are aware, this Commission was created in section 108 of Chapter 253 of the Acts of 2020. Section 108 states that one member of the twenty-one member Commission, shall be the Training Director of the Massachusetts Peace Officer Standards and Training Commission or a designee. Therefore, since it is our intention to convene the Commission once all legislatively mandated roles are filled, we, respectfully, request that you inform us of the individual that you select to fill this role.

Furthermore, Section 108 establishes a deadline of December 31, 2022 for the Commission to complete its work. To this end, we respectfully request that this appointment be made in a timely fashion.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter F. Timilty".

Senator Walter F. Timilty
Norfolk, Bristol and Plymouth
Senate Chair, Joint Committee on Public Safety and Homeland Security

A handwritten signature in black ink, appearing to read "Carlos González".

Representative Carlos González
10th Hampden
House Chair, Joint Committee on Public Safety and Homeland Security

CHAPTER 253 OF THE ACTS OF 2020 – Section 108

SECTION 108. (a) Notwithstanding any special or general law to the contrary, there shall be a special legislative commission established pursuant to section 2A of chapter 4 of the General Laws to study the establishment of a statewide law enforcement officer cadet program. The commission shall consist of 21 members: 2 of whom shall be the chairs of the joint committee on public safety and homeland security or their designees, who shall serve as co-chairs; 2 of whom shall be the chairs of the joint committee on the judiciary or their designees; 1 of whom shall be the chair of the Massachusetts Black and Latino Legislative Caucus or a designee; 1 of whom shall be the chair of the Massachusetts House Asian Caucus or a designee; 1 of whom shall be the attorney general or a designee; 1 of whom shall be the secretary of public safety and security or a designee; 1 of whom shall be the colonel of state police or a designee; 1 of whom shall be the commissioner of correction or a designee; 1 of whom shall be the training director of the Massachusetts peace officer standards and training commission or a designee; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the National Association for the Advancement of Colored People New England Area Conference or a designee; and 8 of whom shall be appointed by the governor, 1 of whom shall be from the State Police Association of Massachusetts, 1 of whom shall be from the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be from the Massachusetts Police Association, Inc., 1 of whom shall be from the Massachusetts Coalition of Police, Inc., 1 of whom shall be from the Massachusetts Sheriffs Association, Inc., 1 of whom shall be from the Massachusetts Association of Minority Law Enforcement Officers, Inc.; 1 of whom shall be from the Massachusetts Association of Women in Law Enforcement, Inc. and 1 of whom shall be from the Association of Chiefs of Police - State Universities of Massachusetts.

(b) The appointments made by the governor pursuant to subsection (a) shall include women and people of color in such proportion as these groups exist in the commonwealth's population as periodically determined by the state secretary as the commonwealth's chief census officer.

(c) The commission shall evaluate the establishment of a statewide law enforcement officer cadet program in the commonwealth through which all law enforcement agencies, as defined in section 1 of chapter 6E of the General Laws, may hire law enforcement officers and shall make recommendations to the legislature. The commission shall study the feasibility and benefits of establishing said cadet program, including, but not limited to: (i) impact on diversity within law enforcement agencies; (ii) impact on veteran preference hiring within law enforcement agencies; (iii) recommendations to ensure increased diversity across law enforcement agencies; (iv) proposed standards for admission to the statewide cadet program, including, but not limited to, age, education and physical, psychological and mental health; (v) proposed standards, including form, method and subject matter, for a qualifying examination which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably measured and that are actually required to perform the primary or dominant duties of a law enforcement cadet; (vi) proposed standards for completion of the cadet program and enlistment as a uniformed law enforcement officer; (vii) recommended cadet compensation and benefits, including, but not limited to, insurance coverage, retirement and pension benefits; (viii) the feasibility of providing specialized training required for appointment to a particular agency or by a city or town; and (ix) any other information the commission deems relevant.

(d) The commission shall submit its findings and recommendations relative to the establishment of a statewide law enforcement cadet program by filing the same with the clerks of the house of representatives and the senate and the governor not later than December 31, 2021.