
MEMORANDUM

TO: CHAIR MARGARET HINKLE
COMMISSIONER HANYA BLUESTONE
COMMISSIONER LAWRENCE CALDERONE
COMMISSIONER CLEMENTINA CHERY
COMMISSIONER LARRY ELLISON
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COMMISSIONER CHARLENE LUMA
COMMISSIONER KIMBERLY WEST
COMMISSIONER MICHAEL WYNN

FROM: ENRIQUE ZUNIGA

SUBJECT: LAW ENFORCEMENT OFFICER CERTIFICATION STANDARDS

DATE: DECEMBER 14, 2021

CC: COMMISSION PACKET DECEMBER 14, 2021, MEETING

This memo describes a plan to meet the statutory requirements for certification that the Commission began discussing at the last Commission meeting (November 22, 2021), given the upcoming academy graduations (starting December 22, 2021). This memo provides context for the recommendations to meet the certification requirements of section 4 of c. 6E. The actual standards that the working group recommends be adopted by both MPTC and POST are reflected in the document titled “Law Enforcement Officer Certification Standards (POST MPTC).”

POST is committed to not slowing down the certification of the candidates graduating from the academies in the next several months. Accordingly, we suggest the following steps to meet the statutory criteria. We believe that this plan is sufficient for the short term, but we will consider certain modifications as the Commission builds out its staff and resources.

Under Section 4 of Chapter 6E there are certain certification requirements that POST is required to approve and/or is directed to administer, conduct, or verify:

- Successful completion of a *psychological* fitness evaluation. 4(f)(1)(iv)
- Successful completion of a state and national background check, including but not limited to, fingerprinting, and the securing of a full employment history (including prior records if previously employed by law enforcement). 4(f)(1)(v)
- Passage of an examination approved by the Commission. 4(f)(1)(vi)
- Successful completion of an oral interview administered by the Commission. 4(f)(1)(viii)
- Determination of good moral character and fit for employment in law enforcement. 4(f)(1)(ix)

The POST and MPTC Working Group recommend POST rely on existing measures and/or a signed attestation from the local Chief, the local appointing authority, or its designee; and/or information supplied by the graduating candidates themselves.

The following outlines the plan to address specific requirements in the short term, as academy graduations will begin as early as later this month.

1. Completion of a Psychological Evaluation (Approved by the Commission)

For the very near term, the Working Group recommends that the Commission deem this requirement satisfied if the sponsoring agency of the graduating candidate (or the graduating candidate in the event of a self-sponsored graduate) demonstrates that the candidate had an *individual psychological evaluation performed in person by an appropriately qualified independent licensed mental health professional with experience conducting psychological evaluations that meet HRD's standards for testing the physical and medical fitness of municipal public safety personnel, and that the evaluation of the candidate satisfied those standards.* The Commission would record the name of the organization, name and license number of the professional who conducted the evaluation and the date of such evaluation. POST/MPTC may provide referrals to qualified providers, for individuals who have not had an evaluation.

Based on the research we have conducted; we believe most candidates currently enrolled in academies have undergone a psychological evaluation with professionals who have been conducting these evaluations over many years. We recognize that providers will have a range of experience conducting these types of evaluations. We will continue to examine and develop this requirement with the goal of enhancing and standardizing this process.

2. Successful Completion of a State and National Background Check, Including but Not Limited to, Fingerprinting, and the Securing of a Full Employment History (Including Prior Records if the Candidate Was Previously Employed by Law Enforcement)

The Working Group recommends that this requirement be deemed satisfied by relying on an attestation by Police Chiefs or appointing authorities (or their designees) that a background check has been conducted and identifying the criteria and sources that were included in that background check (see attached Background Attestation form).

POST could require automatic disqualifications including but not be limited to the following: (i) having a felony conviction (ii) being listed in the national decertification index or decertified by a law enforcement agency in any state or United States territory or by the federal government or (iii) having any other specific misdemeanor convictions (e.g., domestic violence, assault, civil rights violations and excessive force) or (iv) having other background information that prevents the candidate from being found to be of good moral character and fit for employment in law enforcement (e.g., substance abuse, hate speech).

In addition, applicants would be required to fill out a questionnaire as part of the background check process (see attached Draft Questionnaire for Applicants). This questionnaire would be a guide for appointing authorities when conducting the background check and interview. It is important to note that the responses to these questions would not necessarily be disqualifying. Rather, the questions would provide a means for the appointing authority to ensure examination of certain areas. With respect to any answer that raises concerns, the appointing authority would

be expected to, at a minimum, discuss the matter further with the candidate. The extent to which further investigation would be warranted would depend upon the circumstances.

3. Exam Approved by the Commission

The Working Group recommends that the various exams administered by the MPTC and other authorized academies throughout the police academy training be deemed to satisfy this requirement.

4. Oral Interview

In the case of candidates already enrolled in academies, POST would rely on an attestation by the Chief that they have conducted an interview to satisfy this requirement. If an oral interview has not been conducted by the Chief, the appointing authority, or its designee, POST could distribute the list of questions provided in the Draft Questionnaire for Applicants (attached), suggest that those questions be used as the basis for an interview, and require that the interview be completed, and an attestation provided, before the academy graduation

5. Determination of Good Moral Character

Collectively, the items above (psychological evaluation, background check, exam, and oral interview, as well as training requirements administered by MPTC), as addressed by an attestation from the appointing authority and the candidate themselves, would allow POST to be comfortable determining that the candidate is of “Good Moral Character and Fit for Employment in Law Enforcement” as the statute prescribes. Like the attestations regarding the background check and the oral interview, for the short term, POST could require an attestation by the Chief or Appointing Authority that they find the candidate(s) to be of Good Moral Character, by virtue of the prior procedures conducted. The candidate’s own attestation is provided in the “Questionnaire for Applicants” document.

6. Additional Certification Requirements (Verified by the MPTC)

Section 4(f)(1) of the statute also stipulates the following requirements for the certification of graduating candidates:

- Successful completion of the basic training program (approved by MPTC). 4(f)(1)(iii)
- Successful completion of a *physical* evaluation (approved by the Commission). 4(f)(1)(iv)
- Possession of current first aid and cardiopulmonary resuscitation certificates or equivalent (determined by the Commission). 4(f)(1)(vii)

In order to document the items above, POST would rely on the MPTC, as that agency is already capturing this information on candidates that are part of its training programs.

Next Steps - Collecting Compliance Information

In the immediate term, the documents and data described above would be collected by the MPTC and forwarded to POST. Both agencies would capture the information requested (signed attestations, name and license number of the individual administering the psychological evaluation, etc.). The record and compliance with all aspects of Section 4(f)(j) would be captured in database format, and every graduating officer would be assigned a unique certification number. The records of the graduating candidate would be updated to reflect the certification that satisfies the requirements of chapter 6E and the candidate would receive notification of their certification.

Recommendation:

That POST Commission approve the Certification Standards described in the document labeled “Law Enforcement Officer Certification Standards (POST MPTC)” and approve the documents that support compliance with those standards labeled “Background Attestation” and “Candidate Questionnaire” included in the Commission’s packet and discussed here today.

Further, that the Commission authorize _____ (commissioner or staff member) to reconcile any non-material or non-substantive corrections or edits to documents as may be necessary given the discussions herein and those discussions conducted by the Municipal Police Training Committee during their public meeting occurring December 15, 2021.

Attachments:

Law Enforcement Officer Certification Standards (POST MPTC)
Background Attestation
Candidate Questionnaire