

PEACE OFFICER STANDARDS AND TRAINING COMMISSION

June 30, 2021

8:30 AM

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

PUBLIC MEETING MINUTES

Documents Distributed in Advance of the Meeting:

- Proposed Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Procedures and Other Alternative to Use of Force for Children

In Attendance:

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

1. Call to Order

- The Chair recognized a quorum.

2. Approval of Guidance Pursuant to Section 119: “Notwithstanding any general or special law to the contrary, not later than June 30, 2021, the Massachusetts peace officer standards and training commission established in section 2 of chapter 6E shall issue guidance on developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or physical condition.”

- Chair Hinkle thanked Commissioners Bluestone, Luma, and Wynn for drafting the guidance and making revisions.
- Discussion:
 - Commissioner Kazarosian thanked all the Commissioners for their work on the guidance. She also noted that the guidance was a living document that would be subject to change.
 - Commissioner Calderone mentioned additional recommendations on language by Lisa Thurau, and recommended the Commission consider her recommendations. Chair Hinkle responded that the Commission had taken significant input from Ms. Thurau, through

her presentation and written materials, and should only consider recommendations and additions from members of the Commission at this point, as the guidance needed to be issued today. Chair Hinkle suggested that the Commissioners could consider Ms. Thureau's suggestions as a later modification. The other Commissioners were in agreement.

- Commissioner Kazarosian moved to approve the proposed guidance and issue it immediately upon approval.
 - Commissioner West seconded the motion.
 - The Commission unanimously voted in favor of approving the proposed guidance and issuing it immediately.
3. Discussion of Statutory Responsibility Under Section 15(d): “The commission and the municipal police training committee established pursuant to section 116 of chapter 6 shall jointly promulgate rules and regulations for the use of force by law enforcement officers consistent with this section and section 14; provided, however, that such regulations may authorize the use of necessary, proportionate and non-deadly force for purposes not explicitly specified in this chapter where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances.”
- Mr. Povich explained the timeline for promulgating the regulations in compliance with the state Administrative Act. Given the statutory requirements and the September 1 deadline for issuing the regulations by September 1, the Commission should seek to finalize draft regulations jointly with the Municipal Police Training Committee by July 23. The Municipal Police Training Committee expects to finalize its suggested draft of the proposed regulations and share it with the Commission shortly for the Commission's review. Mr. Povich suggested the Commission meet again on July 7 and 14 to discuss the proposed regulations, and afterwards, have meetings as necessary with the Municipal Police Training Committee to produce final draft regulations.
 - Chair Hinkle explained that in light of the aggressive timeline, she has asked Commissioner Kazarosian to provide the Commission with proposed regulations for review at the Commission's next meeting on July 7. Commissioner Kazarosian agreed to do so.
 - Chair Hinkle also noted that while the Commission is obligated to jointly issue regulations by September 1, new standards and definitions on the use of force are slated to take effect on December 1, with the exceptions of several provisions which take effect on July 1.
 - Mr. Povich reminded the Commission of its obligations to deliberate and discuss the regulations in open meeting.
4. New Business the Chair Did Not Anticipate at the Time of Posting
- Commissioner Luma asked Mr. Povich to circulate the Commission's upcoming deadlines and Mr. Povich agreed to send the Commissioner's a copy of a “Police and POST” book he received.
 - Commissioner Wynn requested an update on the Commission's staffing search. Chair Hinkle informed the Commission that Commissioners West

and Kazarosian and herself have met and scheduled interviews for candidates for the position of Executive Director. She also informed the Commission that the Commission has received 21 applications for the position of General Counsel, which has closed. There are two other positions that remain open for applications.

- Commissioner West suggested the screening subcommittee should schedule time to review the General Counsel applicants' resumes.
 - Mr. Povich reminded the Commission that they have only approved Chair Hinkle and Commissioners West and Kazarosian to screen applications for the Executive Director. To review General Counsel applications, the Commission would need to vote to approve a subcommittee to consider the same.
 - Commissioner Wynn moved to allow the Executive Director Screening Committee to consider applications for the position of General Counsel.
 - Commissioners Chéry and Ellison seconded the motion.
 - The Commission unanimously approved the Executive Director Screening Committee to consider applications for the position of General Counsel.
 - Mr. Povich noted that Ms. Lee and Mr. Povich are recusing themselves from the discussion and consideration of candidates for the Executive Director and General Counsel position.

5. Adjournment

- Commissioner Kazarosian moved to adjourn the meeting.
- The Commission unanimously voted to adjourn.