

PEACE OFFICER STANDARDS AND TRAINING COMMISSION

July 7, 2021

8:30 AM

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

PUBLIC MEETING MINUTES

Documents Distributed in Advance of the Meeting:

- Draft Minutes of June 16, 2021
- Draft Minutes of June 23, 2021
- Draft Minutes of June 30, 2021
- Proposed Regulations on Use of Force

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 June 16, 23, and 30, 2021 Meeting Minutes
 - The Chair asked for a motion to approve the June 16, 23, and 30, 2021 meeting minutes.
 - Commissioner Calderone moved to approve the minutes.
 - Commissioner Chéry seconded the motion.
 - The Commission unanimously voted to approve the June 16, 23, and 30, 2021 meeting minutes.
3. Discussion of Proposed Rules and Regulations Under Section 15(d) of Chapter 6E: “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.”

- Commissioner Kazarosian has taken on the responsibility of drafting proposed rules and regulations, which are built upon MPTC’s draft regulations.
- Commissioner Kazarosian provided an overview of the proposed regulations.
 - Commissioner Kazarosian first explained the research she did on use of force. She reviewed materials from Lisa Thureau, the Policing Project at the New York University School of Law, part of other municipalities’ use of force policies (E.g.. Philadelphia, Oakland, Camden, Cleveland), case law, as well as her own experience. After reviewing these materials, Commissioner Kazarosian assembled a guide of best practices.
 - From there, Commissioner Kazarosian compared each paragraph of MPTC’s proposed rules and regulations against her research and suggested changes she believed necessary.
 - Commissioner Kazarosian noted that the MPTC draft provided a good foundation and that she only added to some paragraphs.
 - Commissioner Kazarosian expressed hope that her research would help the Commission and MPTC agree on appropriate rules and regulations.
- Discussion:
 - Mr. Povich reminded the Commission the context in which Commissioner Kazarosian’s proposed rules and regulations were drafted. MPTC has been able to develop a thorough draft because they prepared it over a significant period of time. However, the Commission only has until mid-July to work collaboratively with MPTC to jointly promulgate rules and regulations.
 - Commissioner Wynn thanked Commissioner Kazarosian for preparing a draft. Commissioner Wynn noted that the draft includes an expanded definition of “electronic controlled weapon.” Commissioner Wynn express concerns about the definition of “lawful or probable cause,” based on his experience as a police officer. Commissioner Wynn also expressed concerns about the absolute prohibition on placing someone on their stomach in a prone position. Commissioner Kazarosian invited Commissioner Wynn to work with her on drafting new language on the two areas of concern he raised, and Commissioner Wynn agreed.
 - Chair Hinkle suggested the Commissioners send Commissioner Kazarosian their comments and suggested edits by the end of the day on Friday.
 - Commissioner Calderone clarified that all Commissioners could send comments and edits to Commissioner Kazarosian.
 - Commissioner Bluestone thanked Commissioner Kazarosian for her work. Commissioner Bluestone asked Commissioner Kazarosian to explain the differences between what she has proposed and what’s currently in place. Commissioner Wynn

provided a quick explanation on current use of force standards. Chair Hinkle also explained that the Commission is constrained by the legislation. Mr. Povich further clarified that MPTC's draft is largely based on the legislation.

- Commissioner Bluestone raised a concern that the totality of the circumstances must be recognized when a weapon is involved.
 - Commissioner Wynn noted a reference to the national use of force database. Commissioner Wynn raised a concern that a reporting provision is not doable with the national database.
 - Chair Hinkle thanked Commissioner Kazarosian for her hard work and dedication preparing this set of proposed rules and regulations.
 - Mr. Povich reminded the Commission about the short timeline for preparing draft regulations and proposed meeting again before the 14th.
 - Commissioner Chéry raised a question the definition of a “less lethal” weapon. Commissioner Kazarosian explained that the statute does not define “less lethal” and that the definition originated from MPTC's draft regulations. Commissioner Wynn provided a quick explanation on how that term is defined in MPTC training curriculum. Commissioner Kazarosian asked Commissioner Wynn to draft a definition on “less lethal” for inclusion in the proposed regulations, and Commissioner Wynn agreed.
 - Commissioner Luma asked whether the Commission could establish deadlines by which law enforcement agencies have to meet duties created by the regulation. Commissioner Wynn and Mr. Povich explained that those deadlines are provided by the criminal justice legislation.
 - The Commission agreed to meet again on Monday July 12 after Commissioner Kazarosian has had the opportunity to make revisions to the proposed regulations based on Commissioners' comments.
4. New Business the Chair Did Not Anticipate at the Time of Posting
 - There were no questions from the public.
 5. Adjournment
 - Commissioner Calderone moved to adjourn the meeting.
 - The Commission unanimously voted to adjourn.