



## MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

January 29, 2024

### CHAIR

Margaret R. Hinkle

### COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Larry E. Ellison

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

### EXECUTIVE DIRECTOR

Enrique A. Zuniga

In accordance with [Sections 18-25 of Chapter 30A of the Massachusetts General Laws](#), and [Chapter 20 of the Acts of 2021](#), as amended by [Chapter 22 of the Acts of 2022](#), by [Chapter 107 of the Acts of 2022](#), and by [Chapter 2 of the Acts of 2023](#), 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 CERTIFICATION SUBCOMMITTEE MEETING AND AGENDA

**Public Meeting #1**

**February 1, 2024**

**10:00 a.m.**

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

**Meeting ID: 960 8730 5220**

- 1) Call to Order
- 2) Designation of the Chair
- 3) Purpose of the Subcommittee and discussion of policy questions
- 4) Matters not anticipated by the Chair at the time of posting
- 5) Adjourn



# Subcommittee on Certification Policy

February 1, 2024



# Agenda

1. Election of a Chair
2. Purpose of the Subcommittee
3. Timeline Considerations
4. Collaboration with MPTC
5. Statutory Certification Standards
6. Policy Question

# Purpose of the Subcommittee

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## Functions of the Chair Under the Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and 940 CMR 29.00

- Functions normally performed by the Chair alone, within a meeting:
  - Being physically present, if remote participation is not allowed by statute. § 20(d); 29.10(4)(b).
  - Announcing remote participants. 29.10(7).
  - Informing attendees regarding recordings. § 20(f).
  - Permitting speaking, requiring silence; and warning, ordering withdrawal of, and authorizing removal of those disruptive. § 20(g).
  - Regarding executive sessions, declaring that certain criteria are met and making certain announcements. § 21.

# Purpose of the Subcommittee

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## Functions of the Chair Under the Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and 940 CMR 29.00

- Functions of the Chair that could be performed through or with staffers:
  - Informing the Attorney General of the website location of meeting notices. 29.03(6).
  - Determining the list of topics for the meeting notice. § 20(b); 29.03(1)(b).
  - Maintaining meeting notices. 29.03(6).
  - Receiving notifications of intent to participate remotely and distributing meeting materials to remote participants. 29.10(7).
  - Addressing technical difficulties involving remote participation. 29.10(6)(d).
  - Receiving notifications and approving equipment regarding recordings. § 20(f).
  - Reviewing executive session minutes. § 22.
  - Taking certain steps in response to complaints. 29.05(5)(b), (6).

# Purpose of the Subcommittee

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## Vote of the Commission in Creating the Subcommittee

- Subcommittee members Commissioners Bluestone, Calderone, Kazarosian
- Advisory Role: The POST Commission created this subcommittee to consider and advise on certain certification policy areas, notably the second round of certification of officers who have who have previously been certified by POST
- All recommendations of the Subcommittee will be forwarded to the full Commission for consideration and approval, modification or rejection
- Like any other public body, the subcommittee may request and consider public comment and/or participation of others – at the discretion of the Chair of the subcommittee

# Timeline Considerations

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## Timeframe – Previous Certification Milestones

- The statute granted certification to officers who were active on July 1, 2021
- There were some academies that graduated officers between July 1, 2021 and December 1, 2021
  - There are 169 officers whose certifications expire between July 1 and December 1, 2024
- The law specified that POST begin certifying new academy graduates on December 1, 2021
  - There are 545 officers whose certifications expire between January 1 and June 30, 2025
- First round of recertification was for officers A-H on June 30, 2022

# Timeline Considerations

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## Timeline – Looking Ahead to Second Round of Certification

- Second round of recertification will begin
  - 169 officers have a certification that expires between 7/1/2024 and 12/1/2024
  - 545 officers have a recertification that expires between 12/1/2024 and 6/30/2025
  - ~8,700 officers with last names A-H expire 6/30/2025
- POST still has to recertify ~5,000 – 6,000 officers with last names Q-Z by 6/30/2024 (for the first time)



# Timeline Considerations

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## Additional Considerations – Certification Expirations

- All officers active on July 1, 2021 have certification expiration dates according to last names (A-H; I-P; Q-Z)
- Every officer graduating from an academy beginning July 1, 2021 has a certification that expires three years from graduating from an academy (they run throughout the year)
- Are there ways to converge everyone by last name to one annual date (June 30)? Alternatively, could POST sync certification date with officer's date of birth (like driver's license). This would likely require a transition period.

# Collaboration with MPTC

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## Chapter 6E Language

- The statute directs the Division of Police Certification (DoC) and the Municipal Police Training Committee (MPTC) to “jointly establish minimum officer certification standards subject to the approval of the Commission,” M.G.L. c. 6E, § 4(a)(1), which shall include and not be limited to those in § 4(f)(1)
- In anticipation of the first recertification process, the POST Commission promulgated the certification regulations in 555 CMR 7.00
- Regulations clarified criteria for meeting the statutory standards (including how to deal with previous misconduct, conduct the oral interview, and ascertain “good moral character”)

# Statutory Certification Standards

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## Certification Standards M.G.L. c. 6E, § (4)(f)(1):

- (i) Age of 21
- (ii) High school education or equivalent
- (iii) Successful completion of basic training program approved by MPTC
- (iv) Successful completion of physical and psychological fitness evaluation approved by the Commission
- (v) Successful completion of a state and national background check
- (vi) Passage of an examination approved by the Commission
- (vii) Possession of current first aid and CPR certificates
- (viii) Successful completion of an oral interview administered by the Commission
- (ix) Being of good moral character and fit for employment in law enforcement

# Statutory Certification Standards

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## Bars to Certification M.G.L. c. 6E, § (4)(f)(2):

- (i) does not meet the minimum standards § (4)(f)(1) or Commission regulations;
- (ii) has been convicted of a felony or is listed in the NDI or the Commission's decertification database; or
- (iii) while previously employed in law enforcement in any state or United States territory or by the federal government, would have had their certification revoked by the Commission if employed by an agency in the Commonwealth.

# Policy Question – Recertification

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M.G.L. c, 6E, §§ 4(f)(3), (4)(i)

- A certification shall expire 3 years after the date of issuance.
- Each law enforcement officer shall apply for renewal of certification prior to its date of expiration as prescribed by the commission. The commission shall not recertify any person as a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of subsection (f).

*Policy Question: How does POST verify that every officer previously certified by POST continues to satisfy the requirements of subsection (f)?*

# Policy Question - Recertification



Requirements that only need to be verified once (at the time of the initial certification)

Certification Standards M.G.L. c. 6E, § 4(f)(1)	Comments
(i) Attaining the age of 21	Verified once
(ii) High School or Equivalent	Verified once
(iii) Successful completion of basic training program *	Verified once

\* Full time academy or bridge academy

# Policy Question - Recertification

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Requirements that could be presumed to be satisfied if completed once, or on-going if complying with in-service training

Certification Standards M.G.L. c. 6E, § 4(f)(1)	Comments
(v) Successful completion of a state and national background check	Verified once <u>AND/OR</u> every three years. On-going examination of disciplinary records transmitted to POST. Require that all agencies do at time of hiring
(vii) Possession of current first aid and CPR certificate	Part of annual in-service training

# Policy Question - Recertification



## Requirements that merit further discussion

Certification Standards M.G.L. c. 6E, § 4(f)(1)	Comments
(iv) Successful completion of physical and psychological fitness Evaluation	Once? Periodically? Upon Hiring?
(vi) Successful completion of an examination	Once?
(viii) Successful completion of an oral interview	Once?
(ix) Good character and fitness for employment as a law enforcement officer	Any changes since last certification/attestation?



# Policy Question - Recertification

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## Alternative Approach to Interpreting Subsection (f)

As an alternative to individually analyzing the 9 criteria in subsection (f), the Commission could interpret subsection (i) and other relevant sections in the statute, as a directive for POST to ensure and/or strive towards:

1. Enhancing/maintaining psychological and physical well being
2. Commitment to standardized and ongoing training (basic and in-service)
3. A background free from disqualifying conduct, implementing progressive discipline in the event of certain misconduct
4. Good moral character and fitness for duty as a law enforcement officer

# Policy Question - Recertification

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## Physical & Psychological Fitness Evaluation

One reason to conclude that the Legislature intended this standard to be satisfied only once is that it used the same phrase "successful completion" that it used in referring to other standards that would only need to be satisfied once, i.e., "successful completion of a high school education or equivalent..." and "successful completion of the basic training program...."

# Policy Question - Recertification

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## Physical & Psychological Fitness Evaluation

Two reasons to instead conclude that the Legislature intended this standard to be satisfied each round are:

- In section 3(a), the Legislature authorized the Commission to adopt regulations “establishing a physical and psychological fitness evaluation pursuant to section 4 that measures said fitness to ensure officers are able to perform essential job duties,” which could arguably be seen as suggesting that it wanted to ensure that officers continue to be able to perform such duties.
- The Legislature had already called for regular physical fitness evaluations through a previously enacted statute, which is still on the books but has not been implemented for continuing officers. See M.G.L. c. 31, § 61A.

# Policy Question - Recertification

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## Physical & Psychological Fitness Evaluation

- If an evaluation is required on a regular basis, it could potentially be tailored to take into account an individual officer's:
  - Age;
  - Years of service; and/or
  - Specific duties.

# Policy Question - Recertification

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## Oral Interview Administered by the Commission

- The Commission previously took the view that it could “administer” interviews by charging agency supervisors with conducting them.
- One might conclude that the Legislature intended for this standard to be satisfied only once, since “oral interview” suggests a standard job interview.
- However, the term need not be viewed that way. For example, police officers “interview” suspects, and reporters “interview” news sources. The term could thus be seen as referring to a face-to-face performance review or similar conversation.

# Policy Question – 555 CMR 7.05 (4)

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## Good Moral Character & Fitness for Employment in Law Enforcement

Consideration of Particular Matters. In rendering a determination regarding an officer's good character and fitness for employment, **unless** there have been **allegations** that an officer has engaged in **multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, neither the employing agency nor the division of certification shall consider an allegation** of a particular instance of misconduct, **where:**

- a) An authority has made a **decision in the officer's favor** on the merits of a complaint alleging such misconduct;
- b) The alleged misconduct is currently the subject of a **pending investigation or adjudication** by any authority;
- c) The officer **has complied, or is in the process of complying**, with any disciplinary action or other adverse decision by an authority, in relation to the alleged misconduct, **and** the officer **has not engaged in any similar conduct** since the discipline or decision;
- d) 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
- e) The allegation is **not specifically and credibly supported**.

# Policy Question - Recertification

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## Good Moral Character & Fitness for Employment in Law Enforcement

- The Commission has previously utilized questionnaires to evaluate this standard.
- Some questions on its questionnaires have been critiqued.
- It is worth considering whether to include, and/or how to phrase, questions regarding, for example:
  - Personal interactions with the criminal justice system;
  - Domestic violence or neglect;
  - Bankruptcy;
  - Social media use;
  - Alcohol and cannabis use; and
  - Physical altercations.

# Policy Question - Recertification

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## In-service Training

- The MPTC has expressed the view that the criteria for recertification should include the satisfaction of each intervening year's in-service training requirements.
- Thus, in-service training requirements would be enforced through the recertification process in addition to the administrative suspension process of M.G.L. c. 6E, § 9(b).
- If such a standard is adopted, a noncompliant officer could potentially be given a conditional certification, with the condition being that in-service training must be completed within a certain amount of time.
- A certification standard regarding in-service training could potentially include a time element or a number-of-violations element (e.g., a rule that a violation cannot be cured, and requires denial of certification, if it went unsatisfied for a certain length of time or if there were a certain number of prior violations).



# Policy Question - Recertification

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## Performance Reviews

- One possible way of addressing several of the certification criteria is to require agencies to conduct periodic performance reviews that cover certain specified areas.
- Adopting such a requirement could have other benefits as well.
- A performance review could, for example, include: some form of physical and psychological evaluation; a background check (if necessary); an examination (if necessary); a check into first aid & CPR certification; an oral interview; a character and fitness evaluation; and/or anything else the Commission deems appropriate.

# Considerations for next meeting

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- (i) Notification method regarding renewal of certification
- (ii) Self-sponsored background check
- (iii) Self-sponsored questionnaire
- (iv) Input from MPTC and Others



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Massachusetts Peace Officer Standards & Training  
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**MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

**REQUIREMENTS AND PLAN FOR RECERTIFICATION  
OF CERTAIN LAW ENFORCEMENT OFFICERS**

**(Approved on March 16, 2022)**

The Peace Officer Standards and Training Commission hereby adopts this plan for recertifying, as law enforcement officers, those individuals who were automatically certified for a limited time through An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth, St. 2020, c. 253, § 102. Under the Act, such certifications will expire: on July 1, 2022 for officers with last names beginning with letters A through H; on July 1, 2023 for officers with last names beginning with letters I through P; and on July 1, 2024 for officers with last names beginning with letters Q through Z. Id. The Act further provides that the Commission may “not issue a certificate to an applicant who” “does not meet [certain] minimum standards,” and it may “not recertify any person as a law enforcement officer unless [it] certifies that the applicant for recertification continues to satisfy [such] requirements.” M.G.L. c. 6E, § 4, added by St. 2020, c. 253, § 30. This Plan provides a mechanism for determining whether officers continue to satisfy such requirements, and for renewing their certifications where appropriate. It applies only to officers who were automatically certified under the Act and are coming before the Commission for recertification for the first time.

**I. KEY STATUTORY PROVISIONS**

**M.G.L. c. 6, § 116**

...

The [Municipal Police Training Committee (“MPTC”)] and the division of police certification established in [M.G.L. c. 6E, § 4] shall jointly establish minimum certification standards for all officers, pursuant to [M.G.L. c. 6E, § 4].

....

**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:

...

(2) establish, jointly with the [MPTC] established in [M.G.L. c. 6, § 116], minimum officer certification standards pursuant to [M.G.L. c. 6E, § 4];

(3) certify qualified applicants;

(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;

...

(6) establish, in consultation with the [MPTC] established in [M.G.L. c. 6, § 116], minimum agency certification standards pursuant to [M.G.L. c. 6E, § 5];

(7) certify qualified agencies;

(8) withhold, suspend or revoke certification of agencies;

(9) conduct audits and investigations pursuant to [M.G.L. c. 6E, § 8];

...

(21) demand access to and inspect, examine, photocopy and audit all papers, books and records of any law enforcement agency;

...

(23) restrict, suspend or revoke certifications issued under [M.G.L. c. 6E]; [and]

...

(28) adopt, amend or repeal regulations in accordance with [M.G.L. c. 30A] for the implementation, administration and enforcement of [M.G.L. c. 6E], including, but not limited to, regulations:

...

(ii) determining whether an applicant has met the standards for certification; [and]

...

(iv) establishing a physical and psychological fitness evaluation pursuant to [M.G.L. c. 6E, § 4] that measures said fitness to ensure officers are able to perform essential job duties

....

**M.G.L. c. 6E, § 4**

(a)(1) There shall be within the commission a division of police certification. The purpose of the division of police certification shall be to establish uniform policies and standards for the certification of all law enforcement officers, subject to the approval of the commission. The head of the division shall be the certification director, who shall be appointed by the commission.

...

(f)(1) The division of police certification and the [MPTC] established in [M.G.L. c. 6, § 116] shall jointly establish minimum certification standards for all officers that shall include, but not be limited to:

- (i) attaining the age of 21;
- (ii) successful completion of a high school education or equivalent, as determined by the commission;
- (iii) successful completion of the basic training program approved by the [MPTC];
- (iv) successful completion of a physical and psychological fitness evaluation approved by the commission;
- (v) successful completion of a state and national background check, including, but not limited to, fingerprinting and a full employment history; provided, that if the applicant has been previously employed in law enforcement in any state or United States territory or by the federal government, the applicant's full employment record, including complaints and discipline, shall be evaluated in the background check;
- (vi) passage of an examination approved by the commission;
- (vii) possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the commission;
- (viii) successful completion of an oral interview administered by the commission; and
- (ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

[(f)](2) The commission shall not issue a certificate to an applicant who:

- (i) does not meet the minimum standards enumerated in [M.G.L. c. 6E, § 4(f)(1)] or the regulations of the commission;
- (ii) has been convicted of a felony or whose name is listed in the national decertification index or the database of decertified law enforcement officers maintained by the commission pursuant to [M.G.L. c. 6E, § 13(a)(i)]; or
- (iii) while previously employed in law enforcement in any state or United States territory or by the federal government, would have had their certification revoked by the commission if employed by an agency in the commonwealth.

[(f)](3) The commission may issue a certificate to a qualified applicant consistent with the provisions of this [M.G.L. c. 6E]. The commission shall determine the

form and manner of issuance of a certification. A certification shall expire 3 years after the date of issuance.

[f](4) An officer shall remain in compliance with the requirements of [M.G.L. c. 6E] and all rules and regulations promulgated by the commission for the duration of their employment as an officer.

...

(i) Each certified law enforcement officer shall apply for renewal of certification prior to its date of expiration as prescribed by the commission. The commission shall not recertify any person as a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of [M.G.L. c. 6E, § 4(f)].

....

### **M.G.L. c. 6E, § 5**

...

(b) The division of police certification in consultation with the [MPTC] established in [M.G.L. c. 6, § 116], and subject to the approval of the commission, shall establish minimum certification standards for all law enforcement agencies that shall include, but shall not be limited to, the establishment and implementation of agency policies regarding:

- (i) use of force and reporting of use of force;
- (ii) officer code of conduct;
- (iii) officer response procedures;
- (iv) criminal investigation procedures;
- (v) juvenile operations;
- (vi) internal affairs and officer complaint investigation procedures;
- (vii) detainee transportation; and
- (viii) collection and preservation of evidence.

(c) An agency shall remain in compliance with the requirements of this [M.G.L. c. 6E] and all rules and regulations promulgated by the commission.

### **M.G.L. c. 6E, § 9**

...

(b) The commission shall administratively suspend the certification of an officer who fails to complete in-service training requirements of the commission within 90 days of the deadline imposed by the commission; provided, however, that the commission may promulgate reasonable exemptions to this subsection, including, but not limited to, exemptions for: (1) injury or physical disability; (2) a leave of absence; or (3) other documented hardship. The commission shall reinstate the certification of an officer suspended pursuant to this subsection upon completion of the in-service training requirements of the commission.

**St. 2020, c. 253, § 102**

(a) Notwithstanding [M.G.L. c. 6E, § 4], a law enforcement officer, as defined in [M.G.L. c. 6E, § 1], who has completed an academy or training program certified by the [MPTC] or the training programs prescribed by [M.G.L. c. 22] on or before the effective date of this section[, July 1, 2021,] and is appointed as a law enforcement officer as of the effective date of this section, shall be certified as of the effective date of this section. Notwithstanding [M.G.L. c. 6E, § 4] or the preceding sentence, a law enforcement officer, as defined in [M.G.L. c. 6E, § 1], who has completed an academy or training program certified by the [MPTC] or the training programs prescribed by [M.G.L. c. 22C] on or before December 1, 2021, and is appointed as a law enforcement officer as of December 1, 2021, shall be certified as of the effective date of this section. No officer who is certified pursuant to this section shall be required to complete or repeat a basic training program if such officer previously completed a basic training program provided or approved by the [MPTC] or its predecessor, the criminal justice training council or received previous basic training that the [MPTC] deems equivalent to Massachusetts training standards.

(b) All law enforcement officers who have completed a reserve training program on or before the effective date of this section shall be certified as of the effective date of this section. Prior to the expiration of that certification, the officer shall complete additional training as required by the [MPTC].

...

(d) The certification of a law enforcement officer who has graduated from an academy or training program certified by the [MPTC] or the training programs prescribed by said [M.G.L. c. 22C] who is certified as a result of this section and whose last names begin with: (i) A to H, inclusive, shall expire 1 year after the effective date of this section; (ii) I to P, inclusive, shall expire 2 years after the effective date of this section; and (iii) Q to Z, inclusive, shall expire 3 years after the effective date of this section.

**II. STATEMENT OF POLICIES AND PRINCIPLES**

The Commission declares as follows.



1. The Commission is committed to acting in accordance with the letter and spirit of An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth, St. 2020, c. 253, and satisfying the expectations of the Massachusetts Legislature.
2. Chapter 6E of the General Laws reflects certain competing goals that need to be balanced and harmonized. The first is ensuring that the Commission has the authority to develop, with input from others where appropriate, comprehensive standards that will ensure that officers are fit for duty. See M.G.L. 6, § 116; c. 6E, §§ 3(a), 4. The second is having a very large number of officers certified in a short amount of time. See 2020, c. 253, § 102. The third is achieving consistency and uniformity in the standards applied to law enforcement officers. See M.G.L. c. 6E, §§ 4(a)(1), 4(f)(1); cf. M.G.L. c. 6E, § 3(a)(28)(iii) (similar, as to disciplinary regulations). The fourth is evaluating officers on an individualized basis. See M.G.L. c. 6E, §§ 3(a), 4.
3. Section 4(f)(1) of Chapter 6E sets forth “minimum certification standards.” The Commission is not statutorily *required* to certify an officer who meets those minimum standards in M.G.L. c. 6E, § 4(f)(1); that is, the statute does not grant an officer who satisfies those standards an *entitlement* to certification. See M.G.L. c. 6E, § 4. Moreover, additional standards may be set by the Commission and the MPTC acting jointly. See M.G.L. c. 6, § 116; c. 6E, §§ 3(a)(2), (f)(1). Or, they may be set by the Commission alone. See M.G.L. c. 6E, §§ 3(a), 4(a)(1).
4. An appropriate additional standard is one that requires completion of all required in-service training in order for an officer to be recertified without any limitation, condition, restriction, or suspension. That will help ensure that officers satisfy their training obligations, and enhance the skills and knowledge of those who protect the populace.
5. Neither the requirements for certification, nor a decision not to recertify, is intended to be punitive in nature.
6. Rather, such requirements and decisions are intended to ensure that members of our communities are protected and treated properly, to help each law enforcement agency maintain a corps of qualified officers, to further the interests and welfare of individual officers, and to generally promote the public interest.
7. Where an officer’s failure to satisfy a standard does not necessitate that the officer be removed from the ranks of law enforcement, it is preferable that the officer receive assistance so that the officer may reach a level of fitness for service.
8. Declining to recertify an officer whose certification has expired is materially different from decertifying an officer—that is, revoking the officer’s certification. M.G.L. c. 6E, §§ 1, 3(a), 4(i), 10. Thus, the mere fact that an officer has not been recertified would not expose the officer to the various consequences of decertification. See M.G.L. c. 6E, §§ 4(d), (f)(2), 4(h), 8(e), 10(g), 11, 13(a), 13(b), 16.

9. While it might not be practicable to conduct extensive, individualized evaluations of each officer, based on a series of criteria, within the time provided by St. 2020, c. 253, § 102(d), the Commission can and should be informed about officers as to whom agencies have developed significant concerns.
10. At the same time, where those concerns relate to whether an officer is “of good moral character and fit for employment in law enforcement,” M.G.L. c. 6E, § 4(f)(1)(ix), and thus involve subjective assessments, it is important to ensure that the agency’s concerns are substantiated, that the officer has an opportunity to respond, and that the positions of both are given due consideration.
11. Officers have not been provided with extensive notice of the need for recertification, as St. 2020, c. 253 was enacted on December 31, 2020. And those whose certifications are set to expire on July 1, 2022 will not have had a great deal of notice as to any standards adopted by the Commission before their expiration date arrives.
12. Some officers may understandably face challenges in achieving a certain level of fitness, and it may require significant time and effort for them to do so.
13. While the Legislature’s design of a staggered certification system through St. 2020, c. 253, § 102 was understandable and beneficial in certain ways, it would be inequitable to require some officers to achieve a certain level of fitness by July 1, 2022 while allowing other officers until July 1, 2024 in which to do so.
14. The Commission is dedicated to continuing to raise the level of fitness and professionalism among officers over time.
15. The above goal will be best achieved through a careful process that incorporates input from the MPTC, law enforcement officers, other stakeholders, experts, and members of the public, and that accounts for considerations such as the terms of collective bargaining agreements.
16. The process of continuing to develop standards will benefit from the gathering of information regarding the practices and experiences of individual agencies.
17. Requiring agencies to contribute in certain ways to the development of standards, and to the implementation of the recertification process, will enable the Commission to utilize their expertise, will enable agencies to tailor plans based on their own needs, and will promote efficiency through the division of labor.
18. In order to be most effective, the Commission aims to adopt a plan that will provide for flexibility, and it reserves the ability to exercise the full range of the broad powers granted to it by law.

### **III. RECERTIFICATION PLAN AND STANDARDS**

The Commission adopts the following plan for recertifying officers.

**A. General Provisions**

1. In order to be recertified without limitation, condition, restriction, or suspension, an officer must satisfy all standards under Sections III.B and III.C below. See M.G.L. c. 6E, §§ 3(a), 4.
2. The Commission hereby “certifies that,” where the standards set forth in Section III.B below are met, an officer “continues to satisfy the requirements of [M.G.L. c. 6E, § 4(f)].” M.G.L. c. 6E, § 4(i).
3. In all cases, the Commission reserves the ability to exercise its power to “deny an application or limit, condition, restrict, revoke or suspend a certification.” M.G.L. c. 6E, § 3(a).
4. Unless the Commission exercises the power referenced in Section III.A.3 directly above, an officer who satisfies the standards of Sections III.A and III.B below may be recertified as a law enforcement officer. See M.G.L. c. 6E, §§ 3(a), 4, 9(b), 10(d).
5. In any instance where an employing agency makes a report to the Commission pursuant to this Plan, the Commission will exercise its authority and discretion to determine the action to be taken. See M.G.L. c. 6E, §§ 3(a), 4, 9(b), 10(d).
6. The Commission authorizes the Executive Director or the Executive Director’s designee to develop a form attestation as to any standard requiring an attestation, and to take all other administrative steps necessary to implement this Plan. See M.G.L. c. 6E, §§ 2(g), 2(h), 3(a), 4.
7. At any time, in its discretion, the Commission may withdraw, revise, suspend, or reinstate any provision of this Plan, or any recertification, status, or action effected hereunder. See M.G.L. c. 6E, §§ 3(a), 4.

**B. Certification Requirements of M.G.L. c. 6E, § 4(f)**

1. **Standard (i): “attaining the age of 21”**
  - a. This standard will be deemed satisfied if the officer’s employing agency or the MPTC attests that it was satisfied at any point in time before the expiration of the officer’s certification.
2. **Standard (ii): “successful completion of a high school education or equivalent, as determined by the commission”**

- a. This standard will be deemed satisfied if the officer’s employing agency or the MPTC attests that it was satisfied at any point in time before the expiration of the officer’s certification.

3. **Standard (iii): “successful completion of the basic training program approved by the [MPTC]”**

- a. This standard will be deemed satisfied if the officer’s employing agency or the MPTC attests that it was satisfied at any point in time before the expiration of the officer’s certification.

4. **Standard (iv): “successful completion of a physical and psychological fitness evaluation approved by the commission”**

- a. Until July 1, 2024, this standard will be deemed satisfied where the officer successfully completed a physical and psychological fitness evaluation that the MPTC found acceptable in approving the officer’s admission to or graduation from “an academy or training program certified by the [MPTC] or the training programs prescribed by [M.G.L. c. 22C],” St. 2020, c. 253, § 102.
- b. If an employing agency head concludes that an officer is not “able to perform essential job duties,” M.G.L. c. 6E, § 3(a)(28)(iv), the employing agency head must make a written report regarding that conclusion to the Commission. See M.G.L. c. 6E, § 3(a).
- c. For these purposes, “essential job duties” means the actual, and primary or dominant, duties of a law enforcement officer who holds the specific position in which the individual serves. Cf. St. 2020, c. 253, § 51 (inserting M.G.L. c. 22C, § 10A, which provides in part that “[t]he [State Police cadet] qualifying examination shall fairly test the applicant’s knowledge, skills and abilities that can be fairly and reliably measured and that are actually required to perform the primary or dominant duties of the position of state police cadet”), § 108(c) (charging new commission with, inter alia, “study[ing] the feasibility and benefits of establishing” “a statewide law enforcement officer cadet program,” and “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”).
- d. Where such a report is made, unless the Commission otherwise directs, the employing agency will be required to develop a plan

with the goal of enabling the officer “to perform essential job duties,” M.G.L. c. 6E, § 3(a)(28)(iv), which plan shall be treated as a form of in-service training, subject to the provisions of M.G.L. c. 6E, § 9(b). See M.G.L. c. 6E, § 3(a).

- e. Any such plan shall be designed and implemented with the goal of assisting the officer in attaining the requisite level of fitness and shall not have punitive elements.
- f. The Commission will continue developing an evaluation of physical and psychological fitness, through the formal promulgation of sections of the Code of Massachusetts Regulations or otherwise.
- g. The Commission, in consultation with the MPTC, will also explore the development of standards for agency certification that require certain measures relative to the physical and psychological fitness of officers. See M.G.L. c. 6E, §§ 3(a), 5(b), 5(c).
- h. Agencies are not precluded from developing their own standards or training requirements separate from the certification process.
- i. The Executive Director shall be authorized to require agencies to provide the Commission with information concerning their current and past practices with respect to physical or psychological evaluations. See M.G.L. c. 6E, §§ 3(a), 5(b), 5(c).

**5. Standard (v): “successful completion of a state and national background check . . .”**

- a. This standard will be deemed satisfied if all of the following criteria are met.
  - i. The employing agency attests that such 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 the officer’s certification.
  - ii. The employing agency has provided all information regarding the officer’s discipline that the Commission required it to submit, prior to the expiration of the officer’s certification. See St. 2020, c. 253, § 99.
  - iii. The employing agency attests to certain key facts regarding the officer’s background including that:

- (A) The officer has not been “been convicted of a felony,” M.G.L. c. 6E, § 4(f)(2)(ii);
- (B) The officer’s “name is [not] listed in the national decertification index or [any] database of decertified law enforcement officers maintained by the commission pursuant to [M.G.L. c. 6E, § 13(a)(i)],” M.G.L. c. 6E, § 4(f)(2)(ii); and
- (C) After conducting due diligence, mindful of the terms of M.G.L. c. 6E, the attester has not concluded that, if the officer was “previously employed in law enforcement in any state or United States territory or by the federal government,” the officer “would have had their certification revoked by the commission if employed by an agency in the commonwealth,” M.G.L. c. 6E, § 4(f)(2)(iii); see also M.G.L. c. 6E, § 10(a).

iv. The Commission does not discern any basis, within information it has received, for finding the standard unmet.

**6. Standard (vi): “passage of an examination approved by the commission”**

- a. This standard will be deemed satisfied if the officer’s employing agency or the MPTC attests that it was satisfied at any point in time before the expiration of the officer’s certification.

**7. Standard (vii): “possession of current first aid and cardiopulmonary resuscitation certificates or equivalent, as determined by the commission”**

- a. This standard will be deemed satisfied if the officer’s employing agency or the MPTC submits an attestation stating that the officer currently possesses such certificates or the equivalent.

**8. Standard (viii): “successful completion of an oral interview administered by the commission”**

- a. The Commission shall develop a reasonable set of questions to be asked, or topics to be discussed, with each officer.
- b. Each employing agency shall develop a system to ensure that a supervisor conducts an interview covering such questions or topics with each officer.

- c. Each employing agency head shall arrange for him/herself to be interviewed in the same manner by an appropriate appointing authority.
- d. Each employing agency head and appointing authority shall make a written report to the Commission where an interview raises significant questions about whether an officer fails to satisfy any standard for recertification.
- e. Where no such report is made, this standard will be deemed satisfied.
- f. The Commission reserves the ability to further refine such interviews in the future, through the formal promulgation of sections of the Code of Massachusetts Regulations or otherwise. See M.G.L. c. 6E, §§ 3(a), 4.
- g. Agencies are not precluded from asking additional questions, or conducting additional interviews or evaluations, separate from the certification process.

9. **Standard (ix): “being of good moral character and fit for employment in law enforcement, as determined by the commission”**

- a. In an assessment of “good moral character,” it is appropriate to take into account whether an 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.
- b. Each employing agency head and appointing authority shall make a written report to the Commission where, for any reason, it does not attest that an officer is “of moral character and fit for employment in law enforcement,” M.G.L. c. 6E, § 4(f)(1)(ix), or it has significant concerns about the officer’s character and fitness.
- c. Any such written report must be substantiated with an explanation for the agency’s declining to make such an attestation, or its possession of concerns. The report must be sufficient to permit the Commission to understand and evaluate the basis for the agency’s action and conclusions.
- d. Where such a report is submitted to the Commission, the officer at issue will be given an adequate opportunity to respond. Both the report and the response will be given due consideration, in

accordance with protocols adopted by the Commission or, where there are no such protocols, then adopted by the Executive Director.

- e. Where no such report is made, and the employing agency attests that the officer currently possesses “good moral character and fitness for employment in law enforcement,” M.G.L. c. 6E, § 4(f)(1)(ix), this standard will be deemed satisfied.

**C. In-service Training Requirements**

1. In order to receive a recertification free of any limitation, condition, restriction, or suspension, an officer must have completed, in advance of the expiration of the officer’s initial certification, all in-service training that the officer was required to complete by that point.
2. The Commission adopts the standard that appears in Section III.C.1 directly above pursuant to M.G.L. c. 6E, §§ 3(a) and 4(a)(1). That standard is separate from, and additional to, those that must be satisfied for certification and recertification under M.G.L. c. 6E, §§ 3(a)(2), 4(f), and 4(i).
3. For purposes of this Plan, the additional training mandated by St. 2020, c. 253, § 102(b) should be understood to constitute a form of in-service training.
4. Except in circumstances as to which Section III.D below applies, where the standard in Section III.C.1 above is not satisfied, the Executive Director, or the Executive Director’s designee, shall determine whether the officer’s recertification shall be limited, conditioned, restricted, or denied, and the nature of any conditions, limitations, or restrictions. See M.G.L. c. 6E, §§ 2(g), 2(h), 3(a), 4(a)(1), 9(b).
5. Nothing herein shall be construed to preclude the Commission’s ordering retraining for an officer where warranted. See M.G.L. c. 6E, §§ 3(a), 10(d)-(f).

**D. Authorization of Conditional Recertification for Certain Law Enforcement Officers Who Are Unable to Complete In-service or Supplemental Training Due to Documented Hardship**

1. Where an individual is unable to satisfy the in-service training requirements referenced in Section III.C above due to certain documented hardship, the individual may be conditionally recertified as a law enforcement officer and receive a temporary exemption from the



administrative-suspension provisions of M.G.L. c. 6E, § 9(b). See M.G.L. c. 6E, §§ 3(a), 4, 9(b).

2. An individual will be eligible for such a conditional recertification and temporary exemption if:
  - a. The individual was automatically certified as a law enforcement officer pursuant to St. 2020, c. 253, § 102;
  - b. The individual applies to the officer's employing agency for such a conditional recertification and temporary exemption;
  - c. The individual provides documentation to the employing agency that sufficiently establishes that the individual is unable to complete required in-service training due to a circumstance listed in Subsection III.D.4, below;
  - d. The individual otherwise meets all qualifications for recertification; and
  - e. The individual's employing agency certifies that the individual meets the criteria for a conditional recertification and temporary exemption described herein. See M.G.L. c. 6E, §§ 3(a), 4, 9(b).
3. Such a recertification and temporary exemption will be subject to the following conditions:
  - a. The individual must complete the required training before the expiration of an extension afforded under Subsection III.D.4 below; and
  - b. The officer's employing agency may decide to limit the powers and duties of the officer while that officer's recertification remains conditional, based on an exercise of sound discretion that takes into account, at a minimum, the officer's experience and qualifications, the needs of the agency and the communities that it serves, and the safety and interests of the public. See M.G.L. c. 6E, §§ 3(a), 4, 5(c), 9(b).
4. Extensions of time may be afforded according to the following terms, based on a proposal by the MPTC:
  - a. Military leave: 90 days after the military leave ends;
  - b. Injured-on-duty leave under M.G.L. c. 41, § 111F: 90 days after the injury leave ends;

- c. Workers' compensation leave: 90 days after the workers' compensation leave ends;
  - d. Chemotherapy/radiation treatment: 90 days after the medical leave related to chemotherapy/radiation treatment ends;
  - e. Parental leave, including pregnancy, maternity, paternity, and adoption leave: 90 days after the leave ends;
  - f. Family and Medical Leave Act leave / Paid Family and Medical Leave: 90 days after the leave ends; and
  - g. Emergency exigencies approved by majority vote of the Commission: 90 days or such other period as the Commission in its discretion decides.
  - h. Any extension that has not ended by five years after the original deadline shall lapse and application for reinstatement shall be required.
5. Where an individual fails to satisfy all training requirements before the expiration of an extension, the previously granted temporary exemption will end, and the individual will be subject to the provisions of M.G.L. c. 6E, § 9(b), with the date on which the extension expired being treated as the "deadline imposed by the commission" to "complete in-service training requirements of the commission."
6. If the conditional status of an individual's recertification, and an individual's temporary exemption from the administrative-suspension provisions of M.G.L. c. 6E, § 9(b), are based solely on the individual's inability to satisfy a training requirement described herein, such status and exemption shall automatically end upon the individual's completion of the required training. See M.G.L. c. 6E, §§ 3(a), 4, 9(b).



555 CMR 7.00: RECERTIFICATION

Section

- 7.01: Definitions
- 7.02: Submission of Employing Agency Information to the Commission
- 7.03: Continuation of Certification Period
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- 7.05: Determination of Good Character and Fitness for Employment
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7.01: Definitions

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

Authority. 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.

Bridge Academy Training. The "additional training as required by the municipal police training committee" pursuant to St. 2020, c. 253, § 102(b).

Certification Period. The period of time between the effective date and the expiration date of an individual's certification as a law enforcement officer, including any period of continuation, provided for under M.G.L. c. 30A, § 13 or 555 CMR 7.03, beyond the reference date.

Commission. The peace officer standards and training commission as an agency, including its commissioners and its staff.

Conditional Certification and Conditional Recertification. A certification of the type described in 555 CMR 7.04.

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 recertification."

Denial of Recertification. 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. 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. 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 following the satisfaction of any conditions attached to a conditional recertification or the expiration of the time to satisfy any such conditions; and does not include a decision granting a conditional recertification.

Full Certification and Full Recertification. A decision granting certification 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. "Good moral character and fitness for employment in law enforcement," M.G.L. c. 6E, § 4(f)(1)(ix).

7.01: continued

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

Reference Date. The end date for an officer's certification provided for in St. 2020, c. 253, § 102 or the end date of a prior certification issued to an officer by the commission, whichever is later, without regard to any period of continuation provided for by M.G.L. c. 30A, § 13 or 555 CMR 7.03.

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 to seek recertification.

7.03: Continuation of Certification Period

- (1) Pursuant to M.G.L. c. 30A, § 13, the certification period for an officer shall continue after the reference date for the officer, if:
  - (a) The application, in a form approved by the commission, is submitted in advance of the reference date for the officer;
  - (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) The inclusion of an officer's name in a roster submitted in accordance with 555 CMR 7.02(3) shall be considered an application on behalf of the officer for purposes of 555 CMR 7.03(1)(a).
- (3) A certification period continued pursuant to 555 CMR 7.03 will end upon the issuance of a final decision regarding recertification.

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 beyond the officer's control and which are attributable to the officer's employing agency, the municipal police training committee, or the commission.
- (2) The division of certification may conditionally recertify an officer in other appropriate circumstances including, but not limited to, where:
  - (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 was unable to satisfy a requirement for recertification because the officer was on approved leave during the relevant time or because of another valid reason;
  - (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.

7.04: continued

(3) An officer shall not be required to satisfy any conditions attached to a conditional recertification, nor shall any time periods associated with any such conditions begin to elapse, before the conclusion of any review or hearing, or the expiration of the time afforded for the officer to seek such review or hearing, pursuant to 555 CMR 7.10.

(4) Change in Certification Status.

(a) When an officer fails to satisfy a condition of a conditional recertification within the time allowed, taking into account the provisions of 555 CMR 7.04(3), the division of certification shall terminate the officer's certification, unless good cause for an extension of time for the officer to satisfy the condition has been shown.

(b) When an officer satisfies all conditions of a conditional recertification within the time allowed, taking into account the provisions of 555 CMR 7.04(3), and the commission has not otherwise limited, restricted, or suspended the officer's certification, the division of certification shall convert the conditional recertification into a full certification with an expiration date of three calendar years from the reference date for the officer.

(5) 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

(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.

In assessing good character and fitness for employment, an employing agency may take into account whether an officer adheres to state and federal law, acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and is worthy of the public trust and of the authority given to law enforcement officers. In making such an assessment, the agency also may rely on questionnaires, any guidance or forms approved by the Commission, performance reviews, relevant education, specialized training, professional awards, achievements, commendations by law enforcement agencies or officials or others, instances of imposed discipline, patterns of misconduct, and any other evidence of past performance.

(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 it cannot find that an officer possesses 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.

1. The written report shall contain an explanation for the agency's determination including, but not limited to, a description of specific conduct 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 possesses good character and fitness for employment.

2. As to each instance of specific conduct cited in the agency's report as evidence that the officer may lack good character and fitness for employment, the employing agency shall address:

a. Any discipline imposed or decision issued by an authority as a result of the conduct, or the reason(s) why there was no discipline or decision;

b. The extent to which the officer complied with any such discipline or decision;

7.05: continued

- c. Any similar conduct allegedly undertaken by the officer subsequent to any such discipline or decision; and
  - d. The dates of each instance of conduct, and imposition of discipline or issuance of a decision.
- (d) Response by Officer. Within 14 calendar days of the submission of the report to the commission, or a longer period of time allowed by the commission upon a showing of good cause, 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:
    - 1. An attestation that an officer possesses good character and fitness for employment and accompanying information;
    - 2. Any report by an employing agency of the type described in 555 CMR 7.05(2)(c); and
    - 3. Any response by an officer of the type described in 555 CMR 7.05(2)(d).
  - (b) 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.
- (4) Consideration of Particular Matters. In rendering a determination regarding an officer's good character and fitness for employment, unless there have been allegations that an officer has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, neither the employing agency nor the division of certification shall consider an allegation of a particular instance of misconduct, where:
- (a) An authority has made a decision in the officer's favor on the merits of a complaint alleging such misconduct;
  - (b) The alleged misconduct is currently the subject of a pending investigation or adjudication by any authority;
  - (c) The officer has complied, or is in the process of complying, with any disciplinary action or other adverse decision by an authority, in relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision;
  - (d) 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
  - (e) The allegation is not specifically and credibly supported.

7.06: Evaluation of Recertification Standards

Except as otherwise provided in 555 CMR 7.04, 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 reference date for the officer. If the officer has not attained the age of 21 at any point in time before the reference date for the officer, and if the reference date is prior to July 1, 2024, 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 reference date for the officer. If the officer has not successfully completed a high school education or equivalent at any point in time before the reference date for the officer, and if the reference date is prior to July 1, 2024, the officer shall be conditionally recertified on the condition that the officer shall successfully complete a high school education or obtain a General Educational Development (GED) certification from an accredited program by July 1, 2024.

## 7.06: continued

(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 reference date for the officer. If the officer has not successfully completed a regular basic training program (not bridge academy training) at any point in time before the reference date for the officer, 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 90 calendar days or such other time as is allowed by the MPTC.

(b) Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed bridge academy training at any point in time before the reference date for the officer. If the officer has not successfully completed bridge academy training due to a documented hardship recognized under 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 bridge academy 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 the MPTC or the training programs prescribed by M.G.L. c. 22C prior to the reference date for the officer. The commission will implement a policy concerning officers who were certified pursuant to St. 2020, c. 253, § 102 but did not successfully complete 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 applicable reference date.

(5) Successful Completion of a State and National Background Check. This standard shall be deemed satisfied if the following criteria are met:

- (a) 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 reference date for the officer;
- (b) The commission has received all disciplinary records as described by commission policy relative to an officer prior to the reference date for the officer;
- (c) The commission has received an attestation to certain key facts regarding the officer's background; and
- (d) The commission does not discern any basis, based on information it has received, for finding the standard unmet.

If this standard is not satisfied because no background check has been conducted, the officer shall be conditionally recertified on the condition that this standard must be met within 90 calendar days. In all other circumstances where the officer has not satisfied this standard, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional recertification.

(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 required for completion of regular basic training (not bridge academy training) at any point in time before the reference date for the officer. If the officer has not successfully completed an examination required for completion of regular basic training (not bridge academy training) at any point in time before the reference date for the officer, 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 training) within 90 calendar days or such other time as is allowed by the MPTC.



7.06: continued

(b) Examination Part of Bridge Academy Training. This standard shall be deemed satisfied if the officer successfully completed an examination required for completion of bridge academy training at any point in time before the reference date for the officer. If the officer has not successfully completed an examination required for completion of bridge academy training due to a documented hardship recognized under 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 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 90 calendar days.

(8) Successful Completion of an Oral Interview Administered by the Commission. This standard shall be deemed satisfied if, in accordance with commission policy, an officer is interviewed by, discusses a set of questions with, or discusses the officer's responses to a questionnaire with, the head of the officer's agency or the head's designee, or in the case of the head of the agency, the head's appointing authority. If this standard is not satisfied because of certain action or inaction by the employing agency, or because the officer was on approved leave, the officer will be conditionally certified on the condition that the standard is satisfied within the later of 90 calendar days or 90 calendar days following the officer's return to active service, as applicable. If this standard is not satisfied for any other reason, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional 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 7.05. If this standard is not satisfied, the officer shall not be recertified, notwithstanding any provisions of 555 CMR 7.06 that provide for conditional recertification.

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) A decision that does not provide for full recertification 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 7.07(1) shall also inform the officer of the ability to seek review by the executive director as provided for in 555 CMR 7.10(1) and a hearing as provided for in 555 CMR 1.10 and 555 CMR 7.10(2).

7.08: Retroactivity of Recertification

A decision to recertify an officer made after the reference date for the officer, notwithstanding 555 CMR 7.03, will apply retroactively to that date, regardless of whether the recertification is subject to any limitations, conditions, or restrictions.

7.09: Restriction or Revocation of Certification

The granting of a recertification shall not preclude the limiting, conditioning, restricting, suspending, or revoking 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 the officer's 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 21 days of a decision by the division of certification 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 that person's designee, may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting concerning the matter.

(c) The executive director, or that person's 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: *Final Disciplinary Hearings and Appeals of Certification Decisions.*

(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 attach limitations, conditions, or restrictions on the officer's ability to reapply.

7.11: Final Determinations

An officer's application shall not be deemed "finally determined," as that term is used in M.G.L. c. 30A, § 13, absent a final decision by the commission.

REGULATORY AUTHORITY

555 CMR 7.00: St. 2020, c. 253; MG.L. c. 6E.