



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

September 4, 2024

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Eddy Chrispin

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 POLICY SUBCOMMITTEE MEETING AND AGENDA

Public Meeting #6

September 10, 2024

10:00 a.m.

84 State Street, Suite 200, Boston MA 02109

and

Remote Participation via [Zoom](#)

Meeting ID: 985 0250 5026

1. Call to Order
2. Approval of minutes
 - a. July 25, 2024
3. Draft Plan for Recertification – Executive Director and Legal Division
 - a. Review of Presentations and Proposals Provided to the Subcommittee
 - b. Good Moral Character and Fitness for Employment in Law Enforcement
4. Public comment
5. Matters not anticipated by the Chair at the time of posting
6. Adjourn

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Boston, Massachusetts 02109

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mass.gov/orgs/post-commission

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

Note that M.G.L. c. 66, § 6A(d) provides that “[a]n electronically produced document submitted to an agency . . . for use in deliberations by a public body shall be provided in an electronic format at the time of submission.”

2a.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Certification Policy Subcommittee Meeting Minutes
July 25, 2024
10:00 a.m.
By Zoom and in-person

Documents Distributed in Advance of Meeting

- Minutes from 5-23-24 Subcommittee Meeting
- Draft Regulations 555 CMR 7.00: Recertification
 - Draft showing changes made since prior version
 - Draft not showing changes
- Character and Fitness Proposal
 - Latest version
 - May 2024 version
 - April 2024 version
- In-service Training Proposal
- Memo and proposed survey regarding officers' physical and psychological fitness

In Attendance

- Commissioner Lawrence Calderone, Subcommittee Chair
- Commissioner Hanya H. Bluestone
- Commissioner Marsha V. Kazarosian
- Executive Director Enrique A. Zuniga
- General Counsel Randall E. Ravitz
- Deputy General Counsel Pauline Nguyen
- Deputy General Counsel LaRonica K. Lightfoot
- Director of Certification Steven R. Smith (Virtual)
- Outside Counsel Lon F. Povich

1. Call to Order

- At 10:18 a.m., Chair Calderone welcomed the public to the Commission's fifth Subcommittee meeting and called the meeting to order.

2. Approval of May 23, 2024 Minutes

- Chair Calderone asked for a motion to approve the minutes.
- Commissioner Bluestone moved to approve the minutes.
- Commissioner Kazarosian seconded the motion.
- The Commissioners voted as follows:
 - Chair Calderone – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Bluestone – Yes

3. Draft Plan for Recertification – Enrique A. Zuniga, Executive Director

- POST Executive Director Zuniga stated that the purpose of the meeting is to continue to receive feedback and direction from the Commissioners on how to proceed with the plan

for recertification, following General Counsel Ravitz's presentation.

4. Potential Revisions to 555 CMR 7.00: Recertification Presentation – Randall E. Ravitz, General Counsel

- General Counsel Ravitz provided a presentation highlighting potential revisions to the regulations regarding recertification consisting of changes made since May 23rd.
- General Counsel Ravitz stated there will be more opportunities for people inside and outside the POST Commission to offer reactions and ideas. If the Subcommittee approves a set of draft regulations, it would be presented to the full Commission for possible revision and approval. If a version is approved by the full Commission, it would be subject to a public hearing and comment process and it would then return to the full Commission for possible revision and final approval.
- General Counsel Ravitz read the beginning of the draft regulations 555 CMR 7.00: Recertification document, highlighting the changes in red which were changes made since the May 23rd Subcommittee meeting.
- Deputy General Counsel Pauline Nguyen provided a walk-through of the character and fitness section, including the definition of character and fitness, which derives from the International Association of Chiefs of Police (IACP) Code of Conduct, as well as provisions regarding the determination of character and fitness.
- Chair Calderone expressed concerns over the recommended terms listed for an appointing authority to consider in assessing an officer's character and fitness, stating he believes they are very broad and subjective.
- Commissioner Bluestone asked Chair Calderone to clarify how he would evaluate an officer to determine if the officer had good moral character.
- Chair Calderone answered that he would look at the mission statement of the department; and would determine whether that officer has integrity in their day-to-day duties; and whether they are honest, truthful in their reporting and testimony. He believed that listing ten criteria creates the appearance of micromanaging every aspect of policing.
- Commissioner Bluestone recommended they go through the list of criteria one-by-one and decide on which terms they agree and disagree on, to narrow down the list.
- The Subcommittee discussed whether the proposed definition of good moral character aligned with the standards outlined below in the proposed regulations and whether the definition of good moral character should reference or allude to the standards outlined in the regulations below.
- The Subcommittee engaged in discussion on the specific wording of the proposed regulation.
- Commissioner Bluestone proposed adding "and/or their department" after "Follows any mission and values statement developed or approved by the Commission."
- Regarding the standard for "conduct unbecoming," Chair Calderone stated that conduct unbecoming should be considered, but preferred that the word "doubt" be taken out. Commissioner Kazarosian proposed the word "implicates;" Chair Calderone stated "no." Commissioner Bluestone proposed replacing "conduct that casts doubt on" with "conduct that demonstrates a problem with." After discussion, the subcommittee proposed to remove the concept of "conduct unbecoming" and replace "Engages in conduct unbecoming a law enforcement officer, such as conduct that casts doubt on" with "Engages in conduct that demonstrates a problem with."

- Chair Calderone proposed the idea that the standards enumerated in numbers 6-9 of the subsection of the regulations being discussed were already covered by that stated in number 4.
- Commissioner Kazarosian stated she did not believe they should eliminate any terms that derive from the IACP Code of Conduct, as it would lower POST standards.
- Chair Calderone stated that some of the language in numbers 6-9 was redundant and ineffective.
- Commissioner Bluestone recommended consolidating some of the criteria, so the list would appear shorter. She proposed consolidating “Engages in misconduct towards the public” and “Engages in misconduct towards other law enforcement officers.” She also proposed combining the proposals to state, “neglects the duties of a law enforcement officer and abuses one’s law enforcement authority or position.”
- Commissioner Kazarosian stated that she did not have an opinion as long as all of the language was present. She stated that the principle before the Subcommittee was to consider whether the agency should stick to the IACP’s standards, make the standard lower, or make it more stringent. Commissioner Kazarosian stated that her position is to keep the standard the same.
- After discussion about whether to incorporate by reference the IACP’s standards that are currently in the regulation, Commissioner Bluestone stated that she was not in favor of “going back to the beginning,” recognizing that early on there was little staff and resources to develop this concept. She stated that there has been a lot of work and thoughtful consideration of the different elements and it made a lot of sense to her to have the standards integrated into the regulations.

5. Public comment

- Executive Director Zuniga read 2 public comments that were sent via the Zoom Q&A feature:
 - James Sartell submitted “New Hampshire has language similar to your objective: Whose general character and reputation in the community are such that a reasonable person would doubt that the applicant would conduct him/herself with honesty and integrity and uphold the rule of law.”
 - Dennis Galvin submitted “Conduct unbecoming is a legitimate standard. Commissioner Calderone is correct over his concern of the wording ‘doubt’. Omit that section and related it directly to discrediting the department. The more explicit your standard is, the better will be the quality of the articulation of the case to justify supporting the charge.”
- Chair Calderone recommended that the Commissioners return to the next Subcommittee meeting to continue the conversation, comparing the criteria to the IACP Code of Conduct handout that Deputy Counsel Nguyen provided at the meeting.
- Executive Director Zuniga recommended that the Commission staff could supply the Commissioners with a chart of what language appears in the POST Standards vs. the IACP Code of Conduct.
- Chair Calderone recommended they choose the next 2 Subcommittee dates, and the Subcommittee chose September 10th and October 1st at 10:00 a.m.

- Chair Calderone requested a motion to adjourn the meeting. Commissioner Kazarosian made the motion to adjourn. Commissioner Bluestone seconded the motion. The Subcommittee voted as follows.
 - Commissioner Bluestone – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Calderone – Yes
- The motion was unanimously carried, and the meeting was adjourned.

3a.



CERTIFICATION
POLICY
SUBCOMMITTEE
MEETINGS
BETWEEN
FEBRUARY AND
SEPTEMBER 2024

Randall E. Ravitz, General Counsel
September 2024



FEBRUARY 1 MEETING

- **DISTRIBUTION OF:**

- PowerPoint presentation on:
 - Past recertification process and necessary future process.
 - Statutory and regulatory provisions on certification.
 - Policy questions regarding:
 - Shifting recertification dates to match birthdates.
 - Reevaluation of requirements every three years, particularly those re: physical & psychological fitness, an examination, an oral interview, and good moral character & fitness for employment in law enforcement (character & fitness).
 - Evaluation of in-service training and possibly performance reviews.
 - Initial recertification plan of March 2022 with highlighting of sections re: physical & psychological fitness, an oral interview, and in-service training.
 - Current recertification regulations with highlighting of certain sections re: character & fitness, and an oral interview.

- **AT MEETING:**

- Delivery of PowerPoint presentation referenced above, with discussion.



FEBRUARY 27 MEETING

- **RECEIPT OF WRITTEN COMMENTS FROM:**

- The ACLU of Massachusetts.
- The Bridgewater Police Chief and Massachusetts Police Association Vice President.
- A Police Peer Support Coordinator.
- The Massachusetts Coalition of Police.
- The Fraternal Order of Police of Massachusetts.
- National Public Safety Solutions.
- A Licensed Mental Health Clinician.

- **AT MEETING, RECEIPT OF VERBAL COMMENTS FROM:**

- The MPTC Chair.
- National Public Safety Solutions Executive Director.
- The Bridgewater Police Chief and Massachusetts Police Association Vice President.
- The Reading Police Chief.
- The Massachusetts Coalition of Police Vice President and the MCOP In-house Counsel.



APRIL MEETING

- **DISTRIBUTION OF:**

- Written comments previously received.
- Division of Police Certification proposal re: applying current recertification standards to new graduates, shifting expiration dates to birth months, and reviewing of in-service training compliance.
- Memo re research on physical & psychological fitness, including information on other jurisdictions' approaches and recommended steps.
- Proposed recertification regulations with explanatory notes.
- Proposal re character & fitness.
- Proposal re in-service training.

- **AT MEETING:**

- Presentation on the Division proposal referenced above, with approval.
- Presentation on the physical & psychological fitness analysis referenced above, with discussion and public comment.



MAY MEETING

- **DISTRIBUTION OF:**

- Proposed new recertification regulations with explanatory notes, reflecting minimal changes to the April version.
- Proposal on character & fitness, reflecting limited changes to the April version, most of which were non-substantive or involved cuts.
- Proposal on in-service training identical to the April version.

- **AT MEETING:**

- Presentation on the proposed revisions to regulations, with discussion and public comments.



JULY MEETING

- **DISTRIBUTION OF:**

- Proposed recertification regulations, reflecting limited changes to the May draft, many of which were consistent with the April proposal on character & fitness or were made within the explanatory notes.
- Proposal re character and fitness:
 - July draft, reflecting limited changes to the April draft, most of which were non-substantive or involved adding explanatory notes.
 - May draft.
 - April draft.
- Proposal re in-service training, reflecting minimal changes to the draft of April & May.
- Memo and proposed survey re physical & psychological fitness.

- **AT MEETING:**

- Presentations on the proposed recertification regulations, focusing primarily on revisions made since the last meeting, and on character & fitness, with discussion and public comment.



THIS SEPTEMBER MEETING

- **DISTRIBUTION OF:**

- Proposal re character & fitness, reflecting edits to the July draft that were approved at the July meeting, and minimal other non-substantive edits.
- Memo re character & fitness.
- Chart comparing proposal re character & fitness to IACP standards.

- **AT MEETING:**

- Anticipated presentation and discussion on proposal re character & fitness.



THANK YOU

3b.



MEMORANDUM

TO Subcommittee of the POST Commission (Chair Lawrence Calderone; Commissioner Hanya H. Bluestone; Commissioner Marsha V. Kazarosian)

FROM Hon. Lloyd Macdonald, ret.

DATE September 3, 2024

SUBJECT Character and Fitness – Cover Memorandum for September 10, 2024 Subcommittee Meeting

As you know, at your last two meetings, the subcommittee began its consideration of the issue of how a law enforcement officer’s good moral character and fitness for employment (“C & F”) ought to be determined as part of the certification process.¹ This memorandum focuses on summarizing the importance of the issue and the challenge of objectifying the C & F determination.

On the basis of the Commissioners’ comments and questions (principally as to how the proposed standards relate to the International Association of Chiefs of Police’s (IACP) standards that are incorporated by reference in the present Commission regulations), the staff has revised the text of some of the proposed C & F standards and prepared the enclosed chart that specifically compares the staff’s proposed text with that of the IACP standards.

The object in drafting the C & F standards is to provide clarity to all officers and command staff by making the standards as objectively concrete as possible while recognizing the inherent need for some measure of flexibility due to the complex and nuanced nature of the law enforcement role. The standards should also reflect the substance of what officers *actually do*, i.e., what they are expected to perform on and off the street, not some idealized concept that does not comport with officers’ day-to-day duties and what is operationally expected of them.

¹ At the April subcommittee meeting, proposed amendments to the character and fitness regulations were in the meeting packet but were not discussed. The May meeting packet also contained proposed materials regarding C & F, but there was only a presentation and the discussion was abbreviated. At the July meeting, a revised proposal was presented based on Commissioner feedback, which led to the subcommittee’s first focused substantive discussion on C & F.

Further, it is important that the standards appear in one document—the regulations of the Commission—not in a third party source (e.g., the IACP’s policies and standards), notwithstanding the respect in which the IACP is held. As raised at the July subcommittee meeting, it made sense to rely on another organization’s standards while the Commission was establishing itself as a new agency. Now the Commission has the opportunity to define its own C & F standards. This not only allows officers, Commission staff, and the public to rely on one document for the C & F standards, but as mentioned above, also will provide the Commission with flexibility to amend those standards in the future.

And, finally, the object is to focus on the essence of the law enforcement function so a single standard of what is and is not acceptable applies uniformly across the Commonwealth’s numerically and sociologically diverse law enforcement agencies. Such standards are designed to reinforce the trust, respect and cooperation of the public consistent with the elevated position of law enforcement officers in the hierarchy of local and state government employees.

CHARACTER AND FITNESS STANDARDS: PROPOSED REGULATION AND IACP STANDARDS OF CONDUCT COMPARISON

The current regulation incorporates by reference the IACP's *Code of Ethics*, available at <https://www.theiacp.org/resources/law-enforcement-code-of-ethics> and the *Standards of Conduct*, available at <https://www.theiacp.org/resources/policy-center-resource/standards-of-conduct>.

The red language below represents proposed regulatory language presented at the July 25, 2024 subcommittee meeting ("July Meeting") regarding the character and fitness standards. New changes discussed at the last meeting are shown on top of the proposed change (in purple or blue).

DRAFT REGULATIONS

7.02: Definition

~~Good Character and Fitness for Employment.~~ "Good moral character and fitness for employment in law enforcement," as that phrase is used in M.G.L. c. 6E, § 4(f)(1)(ix). Character and fitness means to have qualities that the public, other members of law enforcement, and the Commission have the right to demand of an officer, which qualities include, but are not limited to, honesty, integrity, diligence, reliability, fairness, candor, trustworthiness, respect for and obedience to the law, and respect for the rights of others and the judicial process.

7.06: Determination of Character and Fitness

- (1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an applicant possesses character and fitness, as that term is defined in 555 CMR 7.02, shall take into account on-duty and off-duty conduct. Good moral character can be assessed through the consideration of the totality of the circumstances, weighing all factors, both favorable and unfavorable. No one factor is necessarily dispositive.
- (2) Submission by Appointing Authority.
 - (a) Each applicant's appointing authority shall provide a submission to the Commission concerning whether an officer possesses character and fitness, in accordance with Commission policy.
 - (b) In assessing character and fitness, an appointing authority may take into account whether an officer, both on duty and off duty:

<p>POST Commission proposed regulations, 555 CMR 7.00 (includes changes discussed in the July subcommittee meeting):</p>	<p>IACP <i>Standards of Conduct</i>, available at https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf</p>
<p>1. <u>Follows any mission and values statement developed or approved by the Commission or the law enforcement agency;</u></p>	<p>1. Officers shall follow this agency’s mission and values statement, oath of honor, and code of ethics. If an officer experiences an ethical conflict with these items, they should consult a supervisor for further clarification.</p>
<p>2. Adheres to state and federal <u>laws and orders;</u></p>	<p>3. Adherence to laws, regulations, and orders:</p> <ul style="list-style-type: none"> a. Officers shall abide by all laws, regulations, agency policies, rules, and procedures. b. Officers shall obey all lawful orders. c. Officers who are arrested or come under investigation for any offense in any jurisdiction shall immediately report this fact to their supervisor. d. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.
<p>3. <u>Demonstrates accountability and responsibility;</u></p>	<p>6. Accountability and responsibility:</p> <ul style="list-style-type: none"> a. Officers are directly accountable for their actions, through the chain of command, to this agency’s chief executive officer. b. Officers shall report for duty, including court and off-duty assignments, at the time and place required. c. Officers have a duty to intervene to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so. d. Officers have a duty to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of the agency is violating law or policy. e. Officers shall cooperate fully in any internal administrative investigation conducted by this or any other authorized agency and shall not attempt to conceal, divert, or mitigate any culpability of theirs or others by falsehoods or omissions. f. Officers shall utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures and

	shall not intentionally abuse, destroy, dispose of, or damage these items.
<p>4. Engages in conduct unbecoming a law enforcement officer, such as conduct that casts doubt on demonstrates a problem with regarding the officer's integrity, honesty, moral judgment, or character; brings discredit to the law enforcement agency; or impairs the law enforcement agency's efficient and effective operation;</p>	<p>4. Unbecoming conduct – Officers shall not conduct themselves in a manner, on or off duty, that:</p> <ul style="list-style-type: none"> a. Casts doubt on their integrity, honesty, moral judgment, or character; b. Brings discredit to this agency; or c. Impairs the agency's efficient and effective operation.
<p>5. <u>Is untruthful, as defined by M.G.L. c. 6E, § 1, in all-any matters;</u></p> <p>(M.G.L. c. 6E defines "untruthful" as "knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact: (i) on an official criminal justice record, including, but not limited to, a police report; (ii) while testifying under oath; (iii) to the commission or an employee of the commission; or (iv) during an internal affairs investigation, administrative investigation or disciplinary process.)</p>	<p>2. Officers shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement business.</p> <p>(fn: "This policy recognizes the fact that there are legitimate needs for deception and/or non-disclosure of information in furtherance of the law enforcement purpose.")</p>

<p>6. <u>Neglects the duties of a law enforcement officer;</u></p>	<p>5. Neglect of duty:</p> <ol style="list-style-type: none"> a. All officers shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the conduct of assignments and responsibilities. b. Officers shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.
<p>7. <u>Engages in misconduct towards the public; or other law enforcement officers;</u></p>	<p>7. Conduct toward fellow officers:</p> <ol style="list-style-type: none"> a. Officers shall conduct themselves in a manner that fosters cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another. b. Officers shall not use language or engage in acts that demean, harass, or intimidate other officers. <p>8. Conduct toward the public – Officers shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice.</p> <ol style="list-style-type: none"> a. Officers shall treat individuals with courtesy, respect, and dignity. b. Officers shall not employ an officious or overbearing attitude or use language that might belittle, ridicule, or intimidate individuals. c. Officers shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community and shall strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner. <p>(fn: “Agencies should determine whether de minimis items, defined as those that are “so minor as to merit disregard,” are included in these prohibitions.”)</p>
<p>8. <u>Abuses one’s law enforcement authority or position;</u></p>	<p>9. Abuse of law enforcement authority or position:</p> <ol style="list-style-type: none"> a. Officers may not accept goods, services, or discounts of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of the receipt to a supervisor. b. Officers shall not use their authority or position: <ul style="list-style-type: none"> • for financial gain; • to obtain or grant privileges or favors; • to avoid the consequences of illegal acts for themselves or others; or

	<ul style="list-style-type: none"> • to barter, solicit, or accept any goods or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others. c. Officers shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence. d. Officers shall not permit the use of any agency-issued identification card, badge, or official document by unauthorized persons. e. Officers are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others. f. Officers shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a supervisor. g. Officers shall not take or release photographs capturing sensitive information or images unless authorized to do so. h. Officers shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, unless the exigency of the situation requires immediate law enforcement action. i. Officers involved with any civil action that arises from acts performed under color of authority shall inform their supervisor.
<p>9. <u>Engages in with prohibited associations with individuals or prohibited visitation of establishments; or</u></p>	<p>10. Prohibited associations and establishments:</p> <ul style="list-style-type: none"> a. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another law enforcement or criminal justice agency or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in criminal activity), except as necessary to the performance of official duties or where unavoidable or impractical because of pre-existing familial or marital relationships. In such cases where regular household, physical, or telephone contact is unavoidable, the officer shall inform their supervisor of the relationship. b. Officers shall not knowingly engage in social or romantic relationships with confidential informants, victims, or witnesses involved with active investigations.

	<p>c. Officers shall not participate or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.</p> <p>d. Except in the performance of official duties, officers shall not enter any establishment in which the law is knowingly violated.</p> <p>e. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law</p>
<p>10. <u>I</u>is worthy of the public trust and of the authority given to law enforcement officers.</p>	<p>(this standard is in the current regulation)</p> <p>The concept of “public trust” is used and addressed in the IACP’s standard (it appears 4 times).</p> <p>The idea of the misuse or abuse of authority and recognition that officers are in a position of authority are used and addressed in the IACP’s standard (“authority” appears 15 times).</p>

(c) In making such an assessment, the law enforcement agency also may rely on

1. Questionnaires;
2. ~~G~~Any guidance or forms approved by the Commission;
3. Performance reviews;
4. Relevant education;
5. Specialized training;
6. Professional awards;
7. Achievements;
8. Commendations by law enforcement agencies or officials or others;
9. Instances of imposed discipline;
10. ~~patterns~~ Allegations of misconduct;
11. The applicant’s age at the time of the conduct;
12. The amount of time since the conduct;
13. The reliability of the information concerning the conduct;
14. The seriousness of the conduct;
15. The type of substantiated allegations (e.g., conduct unbecoming an officer, untruthfulness, excessive force);
16. The type of discipline imposed for each substantiated complaint;
17. ~~Any~~ Decision from a body or person of authority;
18. Whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
19. The cumulative effect of conduct or information;
20. The evidence of rehabilitation;
21. The applicant’s positive social contributions since the conduct;
22. The applicant’s positive contributions to public welfare and safety since the

conduct;

23. The applicant's candor in the certification process;

24. The materiality of any omissions or misrepresentations;

25. The length of service in law enforcement at the federal, state, and municipal levels; and

26. Any Other evidence of past performance.

Good Moral Character and Fitness

I. Public Comments

A. We received comments from the ACLU, which they have summarized below:

1. a clear definition of “good character and fitness” to be added to 555 CMR 7.01;
2. nondiscretionary criteria that an agency must consider when assessing character to be added to 555 CMR 7.05(2)(a);
3. a requirement under 555 CMR 7.05(2)(b) that agencies provide a written explanation for a determination that an officer possesses good character where that officer engaged in recent misconduct or has a pattern of complaints alleging the same or similar misconduct;
4. an adoption of a new recertification plan that enacts the above requirement retroactively such that an agency must explain their determination that an officer that has engaged in misconduct since 2015 meets the character standard;
5. the addition of questions to the questionnaire to capture all aspects of an officer’s history, including any adverse judicial credibility determinations consistent with [*Graham v. District Attorney*, 493 Mass. 348, 383 (2024)], civil findings of liability for civil rights violations, and other admissions of misconduct;
6. no longer allowing agencies to attest without providing proof that a qualification standard has been met.

II. **Proposal 1: Define “being of good moral character and fit for employment in law enforcement” to provide clarity and make the provision as objectively concrete as possible, while recognizing the inherent need for some measure of flexibility.**

A. Proposal:

Good moral character means to have qualities that the public, other members of law enforcement, and the Commission have the right to demand of an officer. “Good moral character” includes but is not limited to qualities of honesty, integrity, diligence, reliability, fairness, candor, trustworthiness, respect for and obedience to the law, and respect for the rights of others and the judicial process.

III. Proposal 2: Instead of incorporating by reference the standards and code established by the IACP, expressly define the standards for character and fitness in our regulations.

The benefits of this proposal include:

- Having one document – the regulations – to turn to for the standards, rather than multiple documents to learn about the requirements.
- Establishing our own standards rather than relying on any specific organization’s standards.
- Updating the standards so they relate to an officer and the officer’s profession.

Note: there will be global changes made to the regulations including the list below. These changes are largely to ensure that terms are used consistently throughout the regulations and may be considered ministerial. These changes have been made, but are not redlined, below. The redlining shown in the regulatory amendment below provides the proposed standards and process for evaluating an applicant’s character and fitness.

Some of the global changes to the regulations that are not redlined below:

1. Where “character and fitness” is referenced in the regulation, make clear in the regulations that it means “character and fitness as defined in 555 CMR 7.02(2).”
2. An individual seeking certification is called the “applicant” instead of “officer.”
3. Use the term “appointing authority” instead of “employing agency” where appropriate.
4. Capitalize the “c” in the word “Commission.”
5. Instead of “agency” alone, make clear it means “law enforcement agency”

Also note: for consistency, any change that is adopted regarding the character and fitness standards would also carry to 555 CMR 9.00: *Initial Certification of Officers; and Renewed Certification of Independently Applying Officers.*

Proposed regulatory amendment:

7.06: Determination of Character and Fitness

(1) General Standards Utilized by Employing Agency and Commission. Any assessment of whether an applicant possesses character and fitness, as that term is defined in 555 CMR 7.02, shall take into account on-duty and off-duty conduct. Good moral character can be assessed through the consideration of the totality of the circumstances, weighing all factors, both favorable and unfavorable. No one factor is necessarily dispositive.

(2) Submission by Appointing Authority.

(a) Each applicant's appointing authority shall provide a submission to the Commission concerning whether an officer possesses character and fitness, in accordance with Commission policy.

(b) In assessing character and fitness, an appointing authority may take into account whether an officer, both on duty and off duty:

1. Follows any mission and values statement developed or approved by the Commission;
 - ~~1-2.~~ Adheres to state and federal laws and orders;
 3. Demonstrates accountability and responsibility;
 4. Engages in conduct unbecoming a law enforcement officer, such as conduct that casts doubt on the officer's integrity, honesty, moral judgment, or character; brings discredit to the law enforcement agency; or impairs the law enforcement agency's efficient and effective operation;
 5. Is untruthful, as defined by M.G.L. c. 6E, § 1, in all matters;
 6. Neglects the duties of a law enforcement officer;
 7. Engages in misconduct towards the public;
 - ~~2-8.~~ Engages in misconduct towards other law enforcement officers;
 - ~~3-9.~~ Abuses one's law enforcement authority or position;
 - ~~4-~~ Engages with prohibited associates or establishments; or
 - ~~5-~~
- ~~6-10.~~ Is worthy of the public trust and of the authority given to law enforcement officers.

(c) In making such an assessment, the law enforcement agency also may rely on

1. Questionnaires;
2. Any guidance or forms approved by the Commission;
3. Performance reviews;
4. Relevant education;
5. Specialized training;
6. Professional awards;
7. Achievements;
8. Commendations by law enforcement agencies or officials or others;
9. Instances of imposed discipline;
10. ~~patterns~~ Allegations of misconduct,
11. The applicant's age at the time of the conduct;
12. The amount of time since the conduct;
13. The reliability of the information concerning the conduct;

14. The seriousness of the conduct;
15. The type of substantiated allegations (e.g., conduct unbecoming an officer, untruthfulness, excessive force);
16. The type of discipline imposed for each substantiated complaint;
17. Any decision from a body or person of authority;
18. Whether the conduct would subject the individual to discipline under M.G.L. c. 6E;
19. The cumulative effect of conduct or information;
20. The evidence of rehabilitation;
21. The applicant's positive social contributions since the conduct;
22. The applicant's positive contributions to public welfare and safety since the conduct;
23. The applicant's candor in the certification process;
24. The materiality of any omissions or misrepresentations;
25. The length of service in law enforcement at the federal, state, and municipal levels; and
26. Any other evidence of past performance.

(3) Sources

A. Statute:

M.G.L. c. 6E, § 1:

“Untruthful” or “untruthfulness”, knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact: (i) on an official criminal justice record, including, but not limited to, a police report; (ii) while testifying under oath; (iii) to the commission or an employee of the commission; or (iv) during an internal affairs investigation, administrative investigation or disciplinary process.

M.G.L. c. 6E, § 4(f)(1):

The division of police certification and the municipal police training committee established in section 116 of chapter 6 shall jointly establish minimum certification standards for all officers that shall include, but not be limited to:

...

(ix) being of good moral character and fit for employment in law enforcement, as determined by the commission.

B. Regulation:

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.

...

(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.

C. Incorporated into the POST Commission's regulations by reference:

1. International Association of Chiefs of Police (IACP), Law Enforcement Code of Ethics: <https://www.theiacp.org/resources/law-enforcement-code-of-ethics>
2. International Association of Chiefs of Police (IACP), Standards of Conduct, <https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>