HOUSE DOCKET, NO. 2668 FILED ON: 1/18/2013

HOUSE . . . . . No. 2138

The Commonwealth of Massachusetts

PRESENTED BY:

Geoff Diehl

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to further professionalize municipal police officers and their training.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geoff Diehl	*7th Plymouth*
F. Jay Barrows	*1st Bristol*
Nicholas A. Boldyga	*3rd Hampden*
Christine E. Canavan	*10th Plymouth*
Cheryl A. Coakley-Rivera	*10th Hampden*
Thomas P. Conroy	*13th Middlesex*
Angelo L. D'Emilia	*8th Plymouth*
Stephen L. DiNatale	*3rd Worcester*
Diana DiZoglio	*14th Essex*
Peter J. Durant	*6th Worcester*
Paul K. Frost	*7th Worcester*
William C. Galvin	*6th Norfolk*
Anne M. Gobi	*5th Worcester*
Kenneth I. Gordon	*21st Middlesex*
Danielle W. Gregoire	*4th Middlesex*
Bradford Hill	*4th Essex*
Randy Hunt	*5th Barnstable*
Jason M. Lewis	*31st Middlesex*

George N. Peterson, Jr.	*9th Worcester*
John H. Rogers	*12th Norfolk*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Todd M. Smola	*1st Hampden*
Theodore C. Speliotis	*13th Essex*
Bruce E. Tarr	*First Essex and Middlesex*
Donald H. Wong	*9th Essex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Michael J. Rodrigues	*First Bristol and Plymouth*
Thomas J. Calter	*12th Plymouth*
Michael R. Knapik	*Second Hampden and Hampshire*
Cleon H. Turner	*1st Barnstable*
Sarah K. Peake	*4th Barnstable*

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By Mr. Diehl of Whitman, a petition (accompanied by bill, House, No. 2138) of Geoff Diehl and others relative to the training and hiring standards for municipal police officers. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

An Act to further professionalize municipal police officers and their training.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 6: Section 116 of the General Laws is hereby amended by striking out the section in its entirety and inserting the following:-

Chapter 6: Section 116. Definitions of terms used in Sections 116 through 119

Section 116. The following words shall, whenever used in this section or in sections 116 through 119, inclusive, have the following meanings unless the context otherwise requires:

(1) Commission: The Massachusetts Police Officer Standards and Training Commission (MPOST) or its agency staff acting on its behalf, where applicable, or both.

(2) Executive Director: The executive director of the Massachusetts Police Officers Standards and Training Commission.

(3) Full-time Police Officer: A person who receives an appointment to a permanent full-time position in which he will exercise police powers as a municipal, University of Massachusetts, or environmental police officer.

(4) Part-time Officer: Any police officer who works less than XXX hours per [timeframe], whether paid or unpaid.

(5) Police Officer: A person empowered to exercise police powers in a fulltime, part-time, or volunteer capacity with a municipal, University of Massachusetts, or Massachusetts environmental police agency.

(6) Recruit Training: All entry-level police academies and reserve intermittent training programs.

(7) Reserve/Intermittent Police Officer: A person who receives an appointment to a part-time position in which he will exercise police powers as municipal, University of Massachusetts, or environmental police officer, whether paid or unpaid.

(8) Reserve/Intermittent Training Program: An entry-level training program operated or approved by the Commission that has the prescribed course of study that a reserve/intermittent

26 police officer must satisfactorily complete prior to exercising police powers in Massachusetts.
27
28 Chapter 6: Section 116A. Municipal police standards and training commission; members;
29 chairperson; nomination of executive director
30 Section 116A. There shall be a Massachusetts police standards and training commission within
31 the executive office of public safety. Members of said commission shall be as follows: 4 chiefs
32 of police to be appointed by the governor from nominations submitted by the Massachusetts
33 Chiefs of Police Association, 1 of whom shall be from the western Massachusetts region, 1 of
34 whom shall be from the central Massachusetts region, 1 of whom shall be from the southeastern
35 Massachusetts region, and 1 of whom shall be from the northeastern Massachusetts region, the
36 chief of police of the Massachusetts Bay Transportation Authority Transit Police, 1 chief of
37 police selected by the Massachusetts Chiefs of Police Association, 1 police officer to be
38 appointed by the governor from nominations submitted by the Massachusetts Police Association
39 executive board, the commissioner of police of the city of Boston, the colonel of state police, the
40 attorney general, 1 person to be designated by the secretary of public safety, or their respective
41 designees, a district attorney appointed by the Massachusetts District Attorneys Association, and
42 a college faculty member in public administration or a related field appointed by the governor.
43 All such appointments shall be for terms of 3 years with their successors appointed in a like
44 manner. A member may be appointed for additional terms.
45 The commission shall elect a chairperson annually and shall, as needed, provide nominations
46 for the selection of an executive director to the secretary of public safety. The secretary shall
47 select an executive director from the nominations submitted by the commission. The nominees
48 shall have practical and academic knowledge in the field of policing, including substantial
49 administrative experience and a degree or degrees in criminology, police administration, or other
50 similar field or any equivalent combination of education and experience. The position of
51 executive director shall be classified in accordance with section 45 of chapter 30 and the salary
52 shall be determined in accordance with section 46C of said chapter 30.
53 Chapter 6: Section 116B. Massachusetts police standards and training commission; powers and
54 duties
55 Section 116B: The commission shall establish minimum police officer hiring standards,
56 including minimum age, physical and mental standards, citizenship, good moral character,
57 experience, and other such matters as relate to the competence and reliability of persons to
58 assume and discharge the responsibilities of their offices.
59
60 The commission shall establish standards for licensure and training of municipal police
61 officers, candidates for appointment as municipal police officers, environmental law enforcement
62 officers and the University of Massachusetts police officers in accordance with applicable laws
63 and regulations, including requirements concerning courses of study, attendance, equipment and
64 facilities for police officer training; basic recruit training requirements for police officers
65 appointed on a fulltime basis; basic recruit training requirements for part-time or

reserve/intermittent police officers; and categories or classifications of advanced in service training programs and minimum courses of study and attendance requirements with respect to the categories or classifications.

The commission may grant licensure for police officers who comply with this [act] and suspend said license for failure to comply with this [act] or the rules of the commission. Said license may also be suspended for police officers who knowingly falsified or omitted material information on an application for training or licensure to the commission; who have been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; or whose license was previously issued by administrative error on the part of the commission

The commission shall review and recommend to the secretary an annual appropriation for the administration of the commission, as well as for the operations of a headquarters and regional training centers, and for the delivery of standardized training at the centers.

Chapter 6: Section 116C. Executive director; powers and duties

Section 116C: The executive director shall be responsible for the implementation of the commission's training standards, the maintenance of related training records, and the supervision of staff, facilities, and day-to-day operations and shall provide the commission with a monthly report regarding staff activities and police training. In addition, the executive director shall oversee the development of curricula; the setting of standards for instructor certification and course completion; the establishment of processes for the implementation of commission training standards and for meeting other police training needs as identified by staff and the commission; the inspection of the sites, records, and training for approved training programs to assure compliance; and such other duties as are necessary and appropriate to carry out the purposes of this section. The executive director is authorized to withhold licensure from any officer not meeting the standards established by the commission, to establish reasonable fees for services as permitted by law to help defray the costs of training, to enter into contracts and leases, and to apply for and accept grants on behalf of the Massachusetts police training commission for purposes of police training.

Chapter 6: Section 116F. Harbormaster training council [Someone caught the duplication and this is now 116F in the current MGLs.]

Chapter 6: Section 117. Meetings; compensation of members

Section 117. The commission shall meet monthly and at other times when ordered by the governor, secretary or chairman or upon the written request of 3 members. A majority of commission members shall constitute a quorum for the transaction of commission business. Commission members shall serve without compensation but may be reimbursed for their necessary expenses incurred in the discharge of their official commission duties.

106 Chapter 6: Section 118. Municipal police training schools; approval; rules and regulations
107 relative to schools
108 Section 118. The Massachusetts police training commission shall approve or disapprove
109 municipal, University of Massachusetts, and environmental police recruit training schools and
110 shall make rules and regulations subject to the approval of the governor and council, for such
111 schools, relating to courses of study, attendance requirements, equipment and facilities and
112 qualifications of instructors and such other rules and regulations related to police training
113 standards as may be necessary. The commission is authorized to conduct site visits and inspect
114 the records of approved schools for purposes of assuring compliance with training requirements.
115 Regulations adopted by the Commission shall apply to all agencies and local governments in
116 Massachusetts that employ persons as municipal, University of Massachusetts or Massachusetts
117 environmental police officers.
118
119 Chapter 6: Section 118A. Legislative intent.
120 Section 118A. It is the intent of the General Court in creating the Massachusetts Police
121 Standards and Training Commission to provide for the coordination of standards and training
122 programs for municipal, University of Massachusetts or Massachusetts environmental police
123 officers.
124 Chapter 6: Section119. Domestic violence complaints; basic training course; enforcement
125 guidelines
126 Chapter 6: Section 119A. Hate crimes; police instruction
127
128 [REPEAL THIS SECTION – antiquated]
129
130 Chapter 6: Section 119B. Protection, care and custody of minors upon arrest of parents or
131 guardians; police instruction
132
133 Chapter 6: Section 119C. Bicycle safety enforcement training
134
135 Chapter 41: Section 96B. Police training schools; supervisory training; attendance by persons
136 exercising police powers; wages and expenses; exceptions; removal for failure to attend
137 Section 96B. Every person who receives an appointment to a position on a full-time basis in
138 which he will exercise police powers in the police department of any city or town, the University
139 of Massachusetts or the Massachusetts environmental police, shall, prior to exercising police
140 powers, be assigned to and satisfactorily complete a prescribed course of study approved by the
141 Massachusetts police standards and training commission. The provisions of chapter thirty-one
142 and any collective bargaining agreement notwithstanding, any person so attending such a school
143 shall be deemed to be a student officer and shall be exempted from the provisions of chapter
144 thirty-one and any collective bargaining agreement for that period during which he is assigned to
145 a police basic recruit training school, provided that such person shall be paid the regular wages

146 provided for the position to which he was appointed and such reasonable expenses as may be
147 determined by the appointing authority and be subject to the provisions of chapter one hundred
148 and fifty-two.
149 Every police officer on a full-time basis in any such municipal, University of Massachusetts, or
150 the Massachusetts environmental police department, shall be assigned to and shall attend a
151 prescribed course of study approved by the Massachusetts police standards and training
152 commission for in-service officers training and continuing education at such intervals and for
153 such periods as said commission may determine. Any such police officer who receives an
154 appointment to a position of higher rank shall, in addition, complete such other courses of
155 supervisory training as said commission may determine. While attending such school or
156 completing such courses, such persons shall be paid his regular wages as a police officer and
157 shall receive such reasonable expenses as may be determined by the appointing authority.
158 Each person appointed as a reserve or intermittent police officer in a city or town, at the
159 University of Massachusetts, or in the Massachusetts environmental police shall, prior to
160 exercising police powers, satisfactorily complete a course of study prescribed by said
161 commission. Any such officer shall also be assigned to and shall attend a prescribed course of
162 study approved by the Massachusetts police standards and training commission for in-service
163 officers training and continuing education at such intervals and for such periods as said
164 commission may determine. Any such police officer who receives an appointment to a position
165 of higher rank shall, in addition, complete such other courses of supervisory training as said
166 commission may determine.
167 Upon petition to the Massachusetts police standards and training commission by the appointing
168 authority, a person appointed to a position on a full-time, reserve, or intermittent basis in which
169 he will exercise police powers in the police department of any city or town, at the University of
170 Massachusetts, or in the Massachusetts environmental police may be exempted by said
171 commission, in whole or in part, from the provisions of this section prior to his exercising police
172 powers. The requirement that training be completed prior to exercising any police powers may
173 be waived by said commission.
174 Failure of an appointed person to satisfactorily meet the standards set by the commission and
175 to complete all prescribed courses of study may result in the commission withdrawing or
176 withholding the appointed person's license. Upon the commission withdrawing or withholding
177 the appointed person's license, the appointing authority shall remove the appointed person from
178 his position as a police officer until such time as the license is reinstated.
179 Chapter 41: Section 96C. Police officer minimum qualifications
180 Section 96C. No agency or any other person authorized by law to appoint municipal,
181 University of Massachusetts or Massachusetts environmental police officers in this state shall
182 appoint any person as a police officer who does not meet the following qualifications. The
183 person shall:
184 (1) Be a United States citizen;
185 (2) Be at least 18 years of age;

186 (3) Be fingerprinted. Local, state and national fingerprint files shall be searched to determine
187 if the applicant has a criminal record;
188 (4) Not have been convicted of a crime for which he could have been imprisoned in a federal
189 penitentiary or state prison;
190 (5) Hold a high school diploma or evidence of an equivalent achievement;
191 (6) Have good moral character as determined by a background investigation. The hiring
192 agency shall complete a background investigation as defined by the commission of any applicant
193 for employment as a police officer before the applicant may be employed or begin training as a
194 police officer;
195 (7) Be free of any physical, emotional or mental conditions which might adversely affect his
196 performance of duty as a police officer. Emotional and mental conditions shall be evaluated by a
197 licensed psychologist or psychiatrist; and
198 (8) Pass an oral interview examination by the hiring agency.
199
200 A person who is convicted of a felony after his appointment as a police officer is ineligible for
201 continued employment as a police officer. If the person has been licensed by the Massachusetts
202 police standards and training commission, his licensure shall be automatically revoked on the
203 date of his conviction. The executive director shall notify the person and the person's employing
204 agency upon revocation of licensure under this subsection.
205
206 Chapter 147: Section 31. Names and status of police officers sent to Massachusetts police
207 training commission; failure to send names
208 The chief of police, commissioner, or chief executive of any municipal, University of
209 Massachusetts, and Massachusetts environmental police department and the clerk of each town
210 in which no chief of police or city marshal is appointed shall, within fifteen days after such
211 appointment, notify the executive director of the Massachusetts police standards and training
212 commission of the name of any person appointed to a fulltime, reserve, or intermittent police
213 officer position and shall, within fifteen days after such actions, send to the executive director of
214 the Massachusetts police training commission the names of all the police officers, including
215 fulltime, part-time, reserve, and intermittent officers, who have resigned, retired, been
216 terminated, died, or otherwise had a change of status using forms prescribed by the commission.
217 If he neglects or refuses so to do, he shall be punished by a fine of fifty dollars.
218
219