



Interested Party. The Massachusetts Police Association (MPA) has a membership of approximately 18,000 current and former Massachusetts police officers. It is the largest law enforcement association in Massachusetts.

Our members come from all ranks; from large and small agencies; from all regions of the Commonwealth; and from state, municipal, and specialized police departments. MPA is not a union or a management association.

Our perspective is reflected in our motto: “The voice of police officers throughout the Commonwealth.”

We appreciate the opportunity to communicate with POST during this important time.

Recertification Process. In Part 2¹ of the proposed recertification process, POST directs that law enforcement agencies:

- Provide a written document with eight (8) questions to their sworn officers in advance of an interview. *Part 2 Officer Questionnaire* (hereinafter *Part 2*), pg. 1;
- Assign an officer of higher rank to conduct the interview and orally discuss each officer’s specific responses. *Id.*;
- Retain “[a]ll the Officer’s answers, all notes from any discussion with the Officer.” *Id.*²; and
- Consider the officer’s responses “when evaluating whether the officer satisfies the requirement to be of good moral character and fit for employment.” *Id.*

The Part 2 instructions declare to the officer seeking recertification:

“Any answer that you do provide must be complete and accurate. If you intentionally make any false statements, or intentionally omit any pertinent information [without a good faith legal basis], your application for recertification will be disqualified, reported to the POST Commission, and *considered a complaint subject to investigation and possible sanction* by the Commission.” *Id.* at 2 [emphasis added].

¹ This document may be downloaded at <https://www.mass.gov/doc/officer-questionnaire-part-2-updated-4-11-22/download>. Last reviewed May 23, 2022. It appears as Attachment A.

² Also see POST FAQs on the Recertification Questionnaire (hereinafter FAQs), 3rd question. See <https://www.mass.gov/info-details/post-commission-officer-faqs-recertification-packet-outline-instructions>. Last reviewed May 23, 2022.

The officer must sign and date the questionnaire and “swear or affirm *under penalties of perjury* that the information provided herein is *true and compete*.” Id. at 4 [emphasis added].

Consequences. Officers must be certified to perform law enforcement functions in Massachusetts. G.L. c. 6E, § 4(g).³

The questionnaire is mandatory if the officer wants to remain certified and continue to function as a police officer.⁴ Failing to participate, or selectively participating, is not an option. 555 CMR 7.06(8).

While information in the questionnaire will not “automatically lead to a denial of certification” [Part 2, pg. 1], the potential adverse consequences are significant:

- A false statement or material omission subjects the officer to a perjury prosecution. Id. at 4.⁵
- A false statement or material omission also subjects the officer to discipline by POST, up to and including decertification.⁶
- The officer’s agency head is encouraged to use information provided by the officer to assess his or her character and fitness for duty [Id. at 1], which is a necessary component of certification.
- At a minimum, the officer’s responses may be used by POST to engage in further review which is, itself, a compulsory process that may delay or deny certification. Id. at 1.

³ 6E, 4(g) reads: “No agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the [POST] commission.”

⁴ FAQs, Questionnaire, 9th question.

⁵ G.L. c. 268, § 1A (signed statement with perjury warning sufficient to trigger crime in the event of false information). *Comm. v. Zhan Tang Huang*, 87 Mass. App. Ct. 65 (2015) (defendant lied in his homeowner’s insurance policy that he signed under the pains of perjury).

⁶ G.L. c. 6E, § 1 (definition of untruthfulness applies to statements to POST Commission) and § 10(a)(i) (mandatory decertification for felony conviction, which includes perjury), or (iii) (mandatory decertification if certification obtained through misrepresentation), or (a)(iv) (submission of falsified document to renew certification). See 6E, § 10(b) (discretionary revocation or suspension grounds).

Balanced Perspective. The MPA understands and respects that POST must administer a recertification process for veteran officers that, among other requirements, includes “successful completion of an oral interview.” G.L. c. 6E, § 4(f)(1)(viii).⁷

And, although a court has yet to interpret this statute, it is likely that POST may satisfy its duty to “administer[]” (Id.) an interview process by initially delegating that responsibility to agencies through the type of protocol found in POST’s *Part 2 Officer Questionnaire*.

At the same time, the statutory command — administer an oral interview — is general. No specific subject matter is mentioned. No specific number of questions are mandated. This means that POST has the authority, discretion, and responsibility to modify or omit questions that are vague, unfair, or unnecessary.

In this spirit and with this understanding, MPA reports that, with respect to the *Part 2 Questionnaire*, it has:

- No registered objection to questions 2, 3, 4, 5;⁸ and
- Significant concerns about questions 1, 6, 7, and 8. They are discussed below.

⁷ MPA has decided not to recommend changes to the Part 1 Agency Attestation process and POST’s regulations addressing recertification, which are found in 555 CMR 7.00 et. seq.

⁸ In recognition of the time pressure to implement recertification, MPA has decided not to formally object to Questions 2, 4, and 5.

MPA does believe strongly, however, that POST should remove these questions and simply mandate that agencies seek out this information as part of their Part 1 responsibilities.

In fact, the information requested in Part 2 questions 2, 4, and 5 — i.e., firearms license suspensions, restraining orders, and past disciplinary suspensions — is readily available to agency heads already. See, e.g., Chapter 253 of the Acts of 2020, § 99 (all law enforcement agencies required to compile and send to POST a comprehensive history of alleged and sustained complaints against each officer; the deadline for compliance has passed). G.L. c. 209A, § 7 (law enforcement officers and agencies have access to the statewide domestic violence record keeping system). G.L. c. 140, § 128B (firearms licensing database, which is accessible by police agencies).

In short, there is no need whatsoever to ask officers during the recertification process about information that their agency already has or may easily obtain. For POST, the risk is that police officers will see these questions as an “untruthfulness trap” that enables agencies, who are so inclined, to pursue untruthfulness allegations against an officer who fails to disclose information the agency already had.

Question 1.

Are you current in all tax payments? This includes federal and state taxes as well as property and excise taxes. (Note: if you are subject to and in compliance with a payment plan established by the federal or state government, you may answer “yes” to this question.) If no, please explain.

- **Problem.** This question calls for speculation on the part of the officer. The tax rules are complex, and an officer’s misstep in answering this question may result in a later denial of certification or, worse, a charge of untruthfulness if a later audit reveals non-compliance.⁹ Even professions involving individuals who are typically more educated about and experienced in tax matters provide more concrete screening questions.

As one example, prospective judges in the Commonwealth are asked: “Have you and your spouse timely filed all required state and federal tax returns in each year since you became a member of the Bar? If not, please explain. Have federal, state or local authorities ever instituted a tax lien or other collection procedure against you or your spouse? If so, please provide the details, including case numbers and court.”¹⁰

Asking someone whether they have *filed* tax returns is different from asking them whether they are *current in all payments*. The first calls for a factual assessment and response, while the latter calls for a much more nuanced legal conclusion.

- **Preferred option.** Substitute the following Question 1:

“Have you timely filed all required state and federal tax returns since you became a Massachusetts police officer? If not, please explain. Have federal, state, or local authorities instituted a tax lien or other collection procedure against you since you became a Massachusetts police officer? If so, please provide the details, including case numbers and court.”

Note: For the current recertification process — the first since POST was established by Chapter 253 of the Acts of 2020, § 102(a) — it is appropriate to ask about tax filing and collection actions during the officer’s entire career. However, in the future, when officers are recertified every three years [see 6E, § 4(f)(3)], these questions should be modified by substituting the phrase, “since you were last certified three years prior,” in the appropriate places.

⁹ The audit could even be conducted internally by a police agency, which may trigger the type of “score settling” by an administrator that promotes the opposite of what the law and POST intends for this process.

¹⁰ Questions 63 and 64 on Part II of the application for a judgeship. See <https://www.mass.gov/how-to/judicial-office-applications-and-instructions>.

Question 6.

In the last five years, have you ever sent or displayed a public communication on social media that you believe could be perceived as biased against anyone based on their actual or perceived race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status, or socioeconomic or professional level, provided you were at least 18 years old at the time? If yes, please provide each such public communication, and details. For these purposes, “communications” include, without limitation, posts, comments, and messages; and “public” communications are those that were made available to three or more people other than you.

- **Problems.** Question 6’s coverage is broad, encompassing messages composed by an officer and even messages displayed by an officer. The term “display” is undefined, suggesting that any visible communication on an officer’s social media, whether read or specifically endorsed by the officer, is subject to disclosure. For example, does an *arguably* racist post from another person in response to a proper post by an officer become subject to disclosure as a “display” because the officer took no position on its content and simply chose to ignore it?

As a result of Question 6, officers are now responsible for combing their social media from the past 5 years, not to mention sites that they may have visited, to discover *potentially* offensive commentary that officers not only wrote, but that they may have seen and ignored in proximity to their authored content. In short, the “display” requirement risks creating a guilt-by-association standard.

The overbroad nature of this question is compounded by its vagueness. The officer is asked to identify all content that “could be perceived as biased.” It is not hyperbolic or defensive to point out that, especially in today’s climate, what fits into the “perception” category is virtually impossible for a law enforcement officer, not to mention a constitutional scholar, to discern.

The vagueness trap is further accentuated by POST’s decision to employ *part* of the definition of bias policing found in G.L. c. 6E, § 1. Section 1 covers “policing decisions made by and the conduct of law enforcement officers” on the basis of “race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level.” Notice that the ten characteristics in Section 1 are protected only when they improperly affect police *decisions* and *conduct*. The existence of bias that affects police service is easier to discern. But even this determination is often elusive and, at least when asserted by defendants following a traffic stop, requires an evidentiary proceeding.¹¹

In Question 6, the ten characteristics in Section 1 are unconnected to any law enforcement decision making. These characteristics become a hurdle to recertification when they simply appear as a *subject of communication* in a manner that *could be perceived as biased*.

¹¹ See *Comm. v. Long*, 485 Mass. 711 (2020).

Indeed, the overreach of this question does not require much speculation. Is a comment by an officer critical of immigration policy worthy of Question 6 disclosure? Can an officer articulate a stand against driver's licenses for immigrants without running head long into a Question 6 disclosure. How about a joke about lawyers or, more targeted, defense attorneys? (Lawyers as professionals are protected by 6E, 1.) How about a smiley emoji by an officer in response to a comment by a friend on his softball team that reads "I played like a retarded kid today"? (Intellectually disabled are protected and the smiley face may endorse or, at least, display the message.)

POST may respond to these hypotheticals by saying that the recertification process accommodates the type of dynamic discussion necessary to resolve these issues (e.g., lawyer comment, yes; disability comment, no; or might it be the other way?). The conversation-will-cure-all perspective presupposes two things: (1) That there is agreement, understanding, or policy in Massachusetts law enforcement at present about this difficult and historically unaddressed topic; and (2) that these content judgments and professional dialogues are best undertaken during a recertification process that may affect an officer's bottom line ability to remain on the job.

- **Preferred Option.** POST should omit Question 6 and instead draft a model policy¹² or regulation¹³ dealing with personal communication on social media by officers.¹⁴ Future certification efforts could responsibly contain a more concrete question:

"Have you read POST policy XXX or 555 CMR XXX? ___ Yes ___ No. If no, read it completely before answering the next question. Do any of your social media communications currently violate this policy/regulation? Note: If you are in doubt about any communication, you are obligated to discuss it with your agency in advance of or during your recertification interview."¹⁵

POST's goal has been a fair and unified certification process. To that end, there should be a unified set of criteria about what is and is not acceptable on social media for police *officers and* for the *commanders* who are called on to discuss and evaluate their employee's social media footprint. Remember, the "interviewers" of higher rank are delegated by POST to

¹² POST has the authority, in consultation with MPTC, to draft and mandate policy for agencies on critical topics such as social media. See G.L. c. 6E, § 5(b).

¹³ G.L. c. 6E, § 3(a)(28) ("adopt, amend, or repeal regulations . . . for the implementation of this chapter, including, but not limited to, regulations . . . determining whether an applicant has met the standards for certification . . .").

¹⁴ There are subject matter experts in this area that could assist POST — e.g., Eric R. Atstupenas, Esq., General Counsel of the Massachusetts Chiefs of Police Association; 774-293-2658; legal@masschiefs.org.

¹⁵ Of course this language is not a perfect formulation, but it is vastly superior to the current question because it is enforceable and allows the officer to seek guidance and assess his social media in comparison to a known standard.

“review the Officer’s responses,” orally discuss them and, if they “raise concerns in your mind, bring them to the attention of your Agency Head or their Designee.” *Part 2*, pg. 1.

Wouldn’t it make the most sense to provide a policy/regulatory foundation by which officers could meaningfully assess their content, and commanders could meaningfully assess their compliance in the realm of social media? The standard contained in Question 6 does not provide sufficient guidance in the way that a policy/regulation will.

Consider 555 CMR 6.00. It is a great example of how POST, in consultation with the Municipal Police Training Committee (MPTC), drafted practical and comprehensive use of force (UOF) regulations designed to have statewide application and amplify statutory directives found in 6E, §§ 14 and 15.

To continue the analogy, POST would never approve, in the absence of 555 CMR 6.00, a recertification question that inquired: “Have you ever, within the last five years, used force or displayed force in a manner that could be perceived as excessive by a citizen in your community? If yes, please provide the details of each incident.” Such a rudderless standard — calling for the officer to speculate about UOF from the perspective of a citizen — would be the equivalent of Question 6’s social media inquiry.

There is yet another benefit of promulgating a social media policy/regulation *before* calling on officers to speculate about their social media. The policy/regulation will immediately spawn discussion, reflection, training, and adaptation among the entire Massachusetts police profession. This same phenomenon accompanied the release of 555 CMR 6.00.¹⁶

Finally, our request to delay and modify a recertification requirement is not unprecedented. POST recently and wisely decided to limit its psychological and physical fitness standard for veteran officer recertification. The reason was, while the current psychological and physical examinations make sense for recruits, they do not have the same relevance to officers with a track record of performance. POST will continue to study the issue before committing to a recertification process.¹⁷ See 555 CMR 7.06(4) (POST requires only that an officer was psychologically and physically evaluated before graduating from the recruit academy, but it

¹⁶ Attorney Scheft, who represents the MPA in this matter, has personally conducted training on the regulations found in 555 CMR 6.00 for thousands of Massachusetts police officers, including at the MPA annual convention on October 21, 2021. As one example, while some agencies have had a longstanding policy that pointing a firearm at a person constitutes a reportable UOF, 555 CMR 6.03 now makes this perspective binding on all agencies and officers. This has been a point of discussion, adaptation, and reinforcement in police training programs. There are countless other examples in the UOF realm as well.

¹⁷ The comments of Commissioner Dr. Hanya H. Bluestone were particularly perceptive on the limits of a psychological evaluation for veteran officers. There are a variety of other concerns that also influenced POST to study these issues further before mandating a more comprehensive recertification standard. See open meeting of POST on May 3, 2022 at <https://www.mass.gov/lists/post-commission-meetings-2022>.

left the door open for officers to be recertified if POST approves a new process by July 1, 2024).

Question 7.

Do you currently belong, or have you ever belonged, to any organization that, at the time you belonged, unlawfully discriminated (including by limiting membership) on the basis of actual or perceived race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status, age or socioeconomic or professional level? If so, please provide details regarding each such organization.

- Problem.** This question is plagued by the same infirmity in Question 6. It is overbroad and vague. First, it asks the candidate whether they have *ever*, throughout their life, belonged to an organization that discriminates. Is there an adult citizen in America that has not belonged to a discriminatory organization at some point? The Boy Scouts, Catholic Church, VFW, Daughters of the American Revolution, Little League Baseball, American Bar Association or police motorcycle club (both discriminate based on professional level), or any organization with an entry fee or tuition which, by definition, considers a person's socioeconomic means. What if the officer worked for an employer who did not comply with the ADA by refusing to install a ramp for disabled individuals? What if the organization was successfully sued under the ADA and the officer continued to work there during high school?

Second, this question, like Question 6, incorporates the definition of bias found in 6E, § 1, which is applied to police *on duty* decisions and conduct, but which is remarkably overbroad when applied to the act of simply *belonging* to an organization.

Third, how is an officer to assess whether *the organization* unlawfully discriminated based on *actual or perceived* bias? And how is it the officer's fault if it has? For example, the officer who belongs to the Catholic Church must disclose it, even though the officer has always abhorred the treatment of women and the abuse of children that occurred within the institution where he prays. The same can be said about, for example, the State Police, an organization that has been adjudicated in multiple cases to have engaged in sexual harassment and other forms of discrimination (as have most other public and private organizations).

In fact, POST was recently asked about how an officer should answer this question. It responded: "Note that the question extends only to unlawful discrimination. This is a standard of "reasonableness". If one did answer "yes," a description would be included under the question explaining the affiliation. Again, these are identified as topics to be discussed with the officer, and answers, independently, will not automatically decertify an officer. POST would only further review this if a department expressed concern relative to an officer's particular affiliation." [emphasis added]¹⁸

¹⁸ FAQs Questionnaire, 8th question.

POST’s commentary, while well meaning, does not clarify. How is an officer supposed to intuit what is “only unlawful discrimination” versus what is lawful discrimination? Similarly, what is “reasonable” is itself elastic and subjective, especially applied to a question about “actual or perceived” discrimination that covers criteria (e.g., socioeconomic or professional level) that have never been previously addressed by our civil rights laws.

It is also not reassuring to officers that POST will only review their response if their department expresses concern. There is already agency discretion built into the recertification process. A question should not be fashioned in a manner that provides any agency head, regardless of motive, with a mechanism that can be exploited against disfavored employees.

- **Preferred option.** Substitute the following Question 7:

“Do you currently belong to an organization that advocates or openly supports — in its written materials or through the statements of its leadership — discrimination based on race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration, or age? If so, please provide relevant details concerning each organization.”

This formulation is preferable because it deals with the officer’s current behavior, at a time when there is no excuse, rather than expose the officer and POST to the type of retroactive assessments that have become unrealistic, and frankly counterproductive, in the context of today’s sensibilities.

Equally important, the issue is not whether the organization has actually or perceptually discriminated (most have). The issue is really whether the officer belongs to an organization that *espouses, advocates, or openly supports* discrimination through its written materials or leadership. Going back to the earlier example of the State Police, it is — indisputably — an organization that has engaged in unlawful discrimination, but no one would say that it espouses or advocates discrimination. Isn’t that the real issue here?

Finally, we deliberately leave out socioeconomic and professional level as grounds for a discriminatory organization to *belong* to. While these characteristics have reasonably been forbidden as the basis for police decision making and conduct (see 6E, § 1), they are routine and noncontroversial factors for admission and membership in a host of public and private organizations.¹⁹

¹⁹ For example, every professional organization discriminates on the basis of professional level.

Question 8.

Thinking broadly, do you have any knowledge or information, in addition to that specifically addressed in the preceding questions, which may be relevant, directly or indirectly, to your eligibility or fitness to be recertified as a law enforcement officer with this law enforcement agency? This would include, but is not limited to, knowledge or information concerning your character, temperament, habits, employment, education, criminal records, traffic violations, residence, or otherwise. If so, please provide details.

- **Problem.** This question asks officers to “think[] broadly” about “direct[] or indirect[]” information concerning their “character, temperament, habits, employment, education, criminal records, traffic violations, residence, or otherwise” pertaining to their “fitness to be recertified.”

It is the ultimate “untruthfulness” trap! Fail to disclose a habit, bad driving, prior criminal history, or some other information from any time in the past, and the officer is accused of untruthfulness and/or being unfit for certification. The fact that POST might ultimately side with the officer does not diminish the time, expense, and upset that attends these inquiries.

Although some of our members may balk at the discretion invested in their agency heads to find them “of good moral character and fit for employment in law enforcement” [*Part 1: Agency Official’s Attestation* (hereinafter *Part 1*), at pg. 3], the MPA accepts that some discretion must be invested in the leaders of our law enforcement agencies for the recertification process to meet the statutory and regulatory aims of POST. See, e.g., 555 CMR 7.05(1) (agency heads “shall take into account” on and off duty conduct in assessing an officer’s moral character and fitness).

At the same time, Question 8 goes way too far. It turns police professionals into conscripts of the regulatory process. It requires — every three years under the pains and penalties of perjury — that officers scour their entire private and public life, insecure in the knowledge that, if they happen to miss some instance of bad habit, driving, or temperament that is later revealed by a zealous administrator or, equally likely, a disgruntled citizen or advocate, they now become the focal point for an “untruthfulness” allegation and/or denial of certification process.

In response to officer opposition, some POST staff members have characterized Question 8 as an opportunity for officers to inject positive, career accomplishments into the recertification process. While the MPA does not doubt that one could provide positive statements in response to Question 8, there are better ways for POST to incorporate professional development into the recertification process. Officers could be directed to submit a resume or simply asked, “Are there any career assignments, developments, awards, training, or other information that you wish to communicate to your agency head and POST?”

A glance at Question 8’s “kitchen sink” approach, however, reveals that its request for information is designed to facilitate an assessment of the officer’s “eligibility or fitness to be recertified.” While it may accommodate career news, Question 8 will, in all likelihood, become a means to challenge officers who failed to disclose some information that fit within the eight categories listed (i.e., character, temperament, habits, employment, education, criminal records, traffic violations, residence).

Another current strategy to blunt the overreach of Question 8 appears in advice provided by legal counsel for the State Police Association of Massachusetts (SPAM). In his guidance document, counsel asserts: “We believe that our members are the top law enforcement officers in the Commonwealth and absolutely are eligible and fit to be recertified as law enforcement officers.” The advisory then recommends that officers “inform the interviewer that you are a [g]raduate of ___ RTT; a Trooper, Trooper 1st Class, or Sergeant; [e]mployed and in good standing with the Department of State Police; [and] [p]roud to serve the people of the Commonwealth of Massachusetts.”²⁰

Will this generic, rote response satisfy POST in all cases? And, if it does, one must ask what the point of this question is if its coverage is essentially reduced to a pro forma incantation.

- **Preferred option.** Question 8 should be removed from the questionnaire. There is no need for it.

At present, agency heads and POST have independent complaint processes at their disposal that accommodate both internal and external complainants who may report every type of unprofessional misconduct encountered both on and off duty.

Agency heads have always been able to independently investigate any allegations or information brought to their attention that may subject an officer to discipline or cast doubt on their fitness to serve.

Furthermore, agency heads are encouraged, during the recertification process, to convey any specifics concerning an officer’s temperament, habits, employment, record, etc. pertaining to an officer’s moral character and fitness for employment. *Part 1*, pg. 4.

²⁰ SPAM Advisory re: POST Questionnaire (promulgated April 28, 2022 by Patrick Hanley, Esq.), pg. 5

Summary. The following modifications to the Part 2 Questionnaire are urgently recommended:

Question 1. “Have you timely filed all required state and federal tax returns since you became a Massachusetts police officer? If not, please explain. Have federal, state, or local authorities instituted a tax lien or other collection procedure against you since you became a Massachusetts police officer? If so, please provide the details, including case numbers and court.”

Question 6. POST will draft a policy or regulation concerning proper and improper use of social media by police officers.

“Have you read POST policy XXX or 555 CMR XXX? ___ Yes ___ No. If no, read it completely before answering the next question. Do any of your social media communications currently violate this policy/regulation? Note: If you are in doubt about any communication, you are obligated to discuss it with your agency in advance of or during your recertification interview.

Question 7. “Do you currently belong to an organization that advocates or openly supports — in its written materials or through the statements of its leadership — discrimination based on race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration, or age? If so, please provide relevant details concerning each organization.”

Question 8. Delete this question from the Part 2 Questionnaire.

Conclusion. MPA appreciates POST’s time and consideration of its recommendations, and our members and attorney are available to consult further with POST and its staff.

Respectfully submitted,

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Attachment

A

Peace Officer Standards and Training Commission

Recertification Packet: Part 2 Officer Questionnaire

**Questionnaire for
Law Enforcement Officer Recertification**

I. Instructions

A. Instructions for the Agency Head or Designee

To be recertified as a Law Enforcement Officer by the Peace Officer Standards and Training (POST) Commission in accordance with Chapter 6E of the Massachusetts General Laws, an Officer must meet certain specified standards.

The POST Commission thus asks that you provide this form to an individual (the “Interviewer”) within your Agency who will be charged with providing this questionnaire to the Officer seeking recertification. The Interviewer may be any officer designated by the Agency Head of higher rank than the Officer being reviewed. An Agency Head or the designated Evaluator of Part 1 may also serve as the Interviewer. You should direct the Interviewer to do the following: provide the questionnaire below to the Officer; ensure that the Officer answers the questions listed; review the Officer’s responses; and orally discuss the responses with the Officer. As discussed in other materials provided by the POST Commission, the Officer’s answers and oral comments should be considered when evaluating whether the Officer satisfies the requirement to be of good moral character and fit for employment as a law enforcement officer, but any ultimate determination of character and fitness should be based on the totality of the information obtained. Also, no form of information that is provided by the Officer will automatically lead to a denial of recertification, but certain responses may prompt further review by the POST Commission. All the Officer’s answers, and all notes from any discussion with the Officer concerning those answers, must be retained by the Agency. DO NOT submit this questionnaire to the POST Commission unless requested to do so.

B. Instructions for the Interviewer

Please provide this questionnaire to the Officer, ensure that the Officer answers the questions listed, and review the Officer’s responses. Responses must be orally discussed with the Officer. If any written or oral responses by the Officer raise concerns in your mind, bring them to the attention of your Agency Head or their Designee. Follow any other instructions provided by your Agency Head. All the Officer’s answers, and all notes from any discussion with the Officer concerning those answers, must be retained by the Agency.

C. Instructions for the Officer Seeking Recertification

To facilitate a thorough evaluation process for Law Enforcement Officer recertification in the Commonwealth, the POST Commission asks that each Officer answer the questions below and then participate in any related discussions required by a superior officer. If you have a good faith belief that you cannot answer a question completely and accurately without waiving a privilege,

protection, or right recognized by law, you may state that belief in lieu of answering. Any answer that you do provide must be complete and accurate. If you intentionally make any false statements, or intentionally omit any pertinent information other than as provided above, your application for recertification will be disqualified, reported to the POST Commission, and considered a complaint subject to investigation and possible sanction by the Commission. No form of information that is provided will automatically lead to a denial of certification, but certain responses may prompt further review by the POST Commission.

II. Identification of the Officer and Interviewer

Please provide the following information.

Officer Name: _____
 Last First MI

Date of Birth: _____ ID #: _____

Agency: _____

Interviewer Name: _____

III. Questions

Please type or print clearly. Attach additional pages if necessary and number answers accordingly.

1. Are you current in all tax payments? This includes federal and state taxes as well as property and excise taxes. (Note: if you are subject to and in compliance with a payment plan established by the federal or state government, you may answer "yes" to this question.) If no, please explain. Yes No

2. Have you ever received a license or permit to possess or carry a firearm, of any type? If so, for each such license or permit, please indicate the issuing jurisdiction or official; indicate whether any such license or permit has ever been revoked or suspended; and if it has been revoked or suspended, provide details. Yes No

3. Have you ever been a defendant in a civil suit in which it was alleged that you acted violently or abusively, or utilized excessive force, towards another person? If so, please provide details as to each such suit. Yes No

4. Have you ever been the subject of a restraining order or any other court order that restricted, or imposed consequences based on, your conduct? Have you ever been found in violation of either? If so, please give the details regarding each order, including the time frame in which it was issued and the identity of the court that issued it. Yes No

5. Have you ever been subjected to disciplinary action, consisting of a suspension of more than 5 days with or without pay, or where bias or excessive force was found by investigation, in connection with any employment, including employment by your current law enforcement agency? If yes, please give details as to each such incident and the nature of the disciplinary action taken.

No, not the subject of any suspensions more than 5 days

Yes, suspended for more than 5 days

6. In the last five years, have you ever sent or displayed a public communication on social media that you believe could be perceived as biased against anyone based on their actual or perceived race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status, or socioeconomic or professional level, provided you were at least 18 years old at the time? If yes, please provide each such public communication, and details. For these purposes, “communications” include, without limitation, posts, comments, and messages; and “public”

communications are those that were made available to three or more people other than you. Yes No

7. Do you currently belong, or have you ever belonged, to any organization that, at the time you belonged, unlawfully discriminated (including by limiting membership) on the basis of actual or perceived race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status, age or socioeconomic or professional level? If so, please provide details regarding each such organization.
Yes No

8. Thinking broadly, do you have any knowledge or information, in addition to that specifically addressed in the preceding questions, which may be relevant, directly or indirectly, to your eligibility or fitness to be recertified as a law enforcement officer with this law enforcement agency? This would include, but is not limited to, knowledge or information concerning your character, temperament, habits, employment, education, criminal records, traffic violations, residence, or otherwise. If so, please provide details. Yes No

IV. Officer Affirmation

I hereby swear or affirm under penalties of perjury that the information provided herein is true and complete.

Signature: _____

Date: _____

Initials: _____

Additional space to answer questions, if needed (Please number accordingly)