

Every SPAM member should read the POST Commission's ("POST") new regulations for recertification. These regulations were approved by POST on June 8, 2022. The regulations may be found [here](#).

Significantly, POST has set forth the lens through which the State Police and other police departments must assess officers' good character and fitness for employment. The regulation found at 555 CMR 7.05(2):

- 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.*
 - i. *In assessing good character and fitness for employment, an employing agency may take into account whether an officer adheres to state and federal law, acts consistently with recognized standards of ethics and conduct adopted by the employing agency or as set forth in the Law Enforcement Code of Ethics and Standards of Conduct most recently adopted by the International Association of Chiefs of Police, and is worthy of the public trust and of the authority given to law enforcement officers. In making such an assessment, the agency also may rely on questionnaires, any guidance or forms approved by the Commission, performance reviews, relevant education, specialized training, professional awards, achievements, commendations by law enforcement agencies or officials or others, instances of imposed discipline, patterns of misconduct, and any other evidence of past performance.*
- b. *If an employing agency determines that an officer possesses good character and fitness for employment, the agency shall provide, upon request by the commission, documentation supporting such a determination.*
- c. *If an employing agency determines that it cannot find that an officer possesses good character and fitness for employment, the employing agency shall make a written report to the commission, a*

copy of which shall be simultaneously provided to the officer and the head of the officer's collective bargaining unit.

- i. The written report shall contain an explanation for the agency's determination, including, but not limited to, a description of specific conduct supporting the agency's determination. The written report must be sufficient to permit the commission to evaluate the basis for the employing agency's determination, and to permit the commission to determine whether the officer possesses good character and fitness for employment.*
 - ii. As to each instance of specific conduct cited in the agency's report as evidence that the officer may lack good character and fitness for employment, the employing agency shall address:
 - 1. Any discipline imposed or decision issued by an authority as a result of the conduct, or the reason(s) why there was no discipline or decision;*
 - 2. The extent to which the officer complied with any such discipline or decision;*
 - 3. Any similar conduct allegedly undertaken by the officer subsequent to any such discipline or decision; and*
 - 4. The dates of each instance of conduct, and imposition of discipline or issuance of a decision.**
- d. Response by Officer. Within fourteen (14) calendar days of the submission of the report to the commission, or a longer period of time allowed by the commission upon a showing of good cause, the officer may submit a written response to the commission, a copy of which shall be simultaneously provided to the officer's employing agency.*

If the Department "determines that it cannot find that an officer possesses good character and fitness for employment" it must make a written report to POST. At

POST, SPAM members are entitled to due process under the regulations. If the Department makes a written report to POST, that does not mean that you will not be recertified. As the regulations make clear, the fact that an officer is not fully recertified is distinct from being *decertified*. The regulations issued on June 8, 2022, do not address *decertification* other than to say that it is distinct from recertification.

We will keep you updated on developments at POST, and we encourage all members to review the above referenced regulations themselves.