

SPAM ADVISORY: POST Law Enforcement Officer recertification questionnaire

- POST issued six (6) questions to facilitate a process for Law Enforcement Officer recertification in the Commonwealth. POST instructs as follows:
 - *Each Officer must 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.*
- POST Provided additional FAQs. Please review them prior to responding to POST's questionnaire.

The Association Provides Additional Advisements to Members. These advisements are drawn from our conversations with the Department, POST and the advice of the Association's General Counsel.

If you would like to speak to an attorney about responding to POST's questions, please sign-up as directed in the accompanying SPAM-O-GRAM.

- You must consider and answer each question truthfully as it pertains specifically to YOU, your experiences and conduct.
- A "good faith belief" means having a basis in fact or credible information.
- "Intentional" [as referenced above regarding *intentional false statements, or intentional omissions of pertinent information*] means done deliberately, not accidentally or otherwise without intentionality.
- You must answer the questionnaire and discuss your responses with the Interviewing Officer.
- If you cannot answer a question simply "yes" or "no", you need not try to turn your answer into a "yes" or "no". In fact, it may be that neither "yes" nor "no" is a true answer. Where appropriate, include qualifiers to make an answer truthful.
- If any answer is the subject of an applicable privilege, note that a privilege applies to the particular answer, but do not provide any detail that would constitute a waiver of the privilege.
- Questions:
 - 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.

- The options include, “Yes, to the best of my knowledge,” which may be an appropriate response if you believe that your tax obligations have been fulfilled.
 - In considering whether you are “current”, consider what tax obligations you have received notice as being due or overdue.
 - If you have any overdue tax bills now, you may be able to become current prior responding to this question, which would permit you to respond “yes”.
 - A lawful extension means that you are “current” and may answer “yes”.
 - Answers to this question may call for privilege communication. We advise you to communicate with your attorney if you believe that a true answer would reveal privileged communications.

- 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
 - The options include:
 - I have ONLY received the LTC issued by the Massachusetts State Police
 - I have received an LTC issued by another jurisdiction or authority, in addition to the State Police
 - If this is selected, a dropdown appears to list all jurisdictions that have issued you a license to carry.
 - Answers to this question may call for privilege communication. We advise you to communicate with your attorney if you believe that a true answer would reveal privileged communications.

- 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
 - If the answer is “yes,” and the matter is pending, the Associations recommends that you contact your current attorney.
 - If the answer is “yes,” and the matter is closed, the Association recommends that you contact your former attorney or seek legal counsel through the Association.
 - Note this question is asking specifically about any civil (*not* criminal) court litigation.
 - We advise including the identifying information for the case, including parties, docket number and court. Any further information may be privileged.
 - Answers to this question may call for privilege communication. We advise you to communicate with your attorney if you believe that a true answer would reveal privileged communications.

- 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
 - If the answer is “yes,” and the matter is pending, the Associations recommends that you contact your current attorney.
 - If the answer is “yes,” and the matter is closed, the Association recommends that you contact your former attorney or seek legal counsel through the Association.
 - This could include Restraining Order under c. 209A; Criminal Harassment Order under c. 258E; No Trespass Order or other specific conditions ordered to you by a Judge as the terms of release to a pending criminal charge.
 - A violation may only be found by a judge.
 - Answers to this question may call for privilege communication. We advise you to communicate with your attorney if you believe that a true answer would reveal privileged communications.

- 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. ___ YES ___ NO

___ No, not suspended for more than 5 days ___ Yes, suspended for more than 5 days ___ No, not disciplined for bias/excessive force ___ Yes, disciplined for bias/excessive force ___ To my knowledge, all disciplinary records, if any, have been submitted to POST

 - If you were suspended and later cleared of wrongdoing, we encourage you to say so.
 - If you were suspended for non-compliance with the vaccine mandate, but later came into compliance after a suspension, explain the circumstances and that the discipline was rescinded, if that was true in your case.
 - If you received an administrative suspension pending an investigation, that is not a disciplinary suspension.
 - Answers to this question may call for privilege communication. We advise you to communicate with your attorney if you believe that a true answer would reveal privileged communications.

- 6. 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

- We believe that our members are the most qualified law enforcement officers in the Commonwealth and absolutely are eligible and fit to be recertified as law enforcement officers.
- If you agree that you are eligible and fit, we are advising our members to answer “yes” and inform the interviewer that you are:
 - Graduate of XX RTT
 - Trooper, Trooper 1st Class, or Sergeant
 - Employed and in good standing with the Department of State Police
 - Proud to serve the people of the Commonwealth of Massachusetts
- The options include, “No, not to the best of my knowledge,” which may be an appropriate response if you believe that you are eligible and fit for recertification.
- Answers to this question may call for privilege communication. We advise you to communicate with your attorney if you believe that a true answer would reveal privileged communications.