

## Ronald S. Brandolini

---

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Friday, January 8, 2021 10:11 AM  
**To:** Ronald S. Brandolini  
**Subject:** RE: promotional exam

Hi Deputy,

I can call you anytime, just let me know a good number and a time for you.

My cell is ( ) if you'd like to call now.

Justin

**Hanrahan Consulting, LLC...Committed to Improving Policing in the Commonwealth**  
2 Dove Lane  
Westford, MA 01886  
Phone (617) 612-5210  
Fax (978) 467-4257  
www.HanrahanConsulting.com

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----- Original Message -----

**Subject:** RE: promotional exam  
**From:** "Ronald S. Brandolini" <RSB@framinghamma.gov>  
**Date:** Fri, January 08, 2021 10:09 am  
**To:** "Justin M. Hanrahan, Esq." <justin@masspromotions.us>

Good Morning,

I would like to touch base regarding our promotional testing. Can you let me know when you are available to discuss.

Ron

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Sunday, December 27, 2020 12:13 PM  
**To:** Ronald S. Brandolini <RSB@framinghamma.gov>  
**Subject:** RE: promotional exam

Hi Deputy,

I am away on vacation until January 4 (as well as my staff) but we will get you copy of the law book as soon as I get back. I have digital copies of the other titles but I may have some hard copies in my office, I'll try to dig them up and send them off as well.

I look forward to helping you select your first non-civil service sergeant!

Justin

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Subject: RE: promotional exam

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Thu, December 24, 2020 8:11 am

To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Cc: Lester Baker <[lb@framinghamma.gov](mailto:lb@framinghamma.gov)>

Good Morning,

I recently observed the finished contract that you either have or will be receiving soon. The Governor signed us out of Civil Service so we are good to start preparing for a spring promotional exam. We would like to have a meeting to include the rank union president or representative sometime in near future. Is it possible to get a copy of the Police Administration, Supervision of Police Personnel and 2020/2021 law manual sent to me at the department.

As for now, I will be the contact person for the department but Lester Baker is the Chief of Police.

Thanks,

DC Ron Brandolini

1 William Welch Way

Framingham, MA 01702

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**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

**Sent:** Monday, October 26, 2020 10:05 AM

**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

**Subject:** RE: promotional exam

Thank you for the update Chief.

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Subject: RE: promotional exam

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Mon, October 26, 2020 7:50 am

To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Yes, procurement I believe is working on contract to go forward with you. We still are waiting to come out of civil service hopefully soon then testing can be prepared and scheduled.

Ron Brandolini  
Acting Police Chief

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**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

**Sent:** Saturday, October 24, 2020 12:41 PM

**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

**Subject:** RE: promotional exam

Hi Chief,

I just wanted to follow-up regarding the quote I sent you a couple of months ago for your Sergeant and Lieutenant process...just wondering if it is still in the Que or if you went with another vendor?

I hope you are well.

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Subject: RE: promotional exam

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Fri, August 07, 2020 8:12 am  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

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**From:** Justin M. Hanrahan, Esq.  
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**Sent:** Thursday, August 6, 2020 2:03 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

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Would you like a formal quote? I will just need to know what rank(s) you want tested and a estimate of how many people you anticipate participating in the process. Also, I'll need to know if you want an assessment center process as well as a written exam.

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----- Original Message -----

Subject: promotional exam

From: "Ronald S. Brandolini" <RSB@framinghamma.gov>

Date: Thu, August 06, 2020 10:51 am

To: "[justin@masspromotions.us](mailto:justin@masspromotions.us)" <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Good Morning,

The Framingham Police Department is in the last stage of the process of coming out of civil service and we are hoping to schedule a test for late fall/winter for Sergeant/Lieutenants. Do you provide this type of promotional exam?

What texts do you recommend?

We wanted to add some of our policies and 21 Century Policing Document

Ma Gen law/procedure

What does pricing look like to put together and proctor such exam?

Any information you could provide would be helpful to include a proposal.

Respectfully,

Ron Brandolini  
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**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Friday, August 7, 2020 2:37 PM  
**To:** Ronald S. Brandolini  
**Subject:** RE: promotional exam  
**Attachments:** Framingham Lieutenant Exam Proposal 2020.pdf; Framingham Sergeant Exam Proposal 2020.pdf; Common titles for Promotional Process updated 4.2020.pdf

Hi Chief,

I attached two quotes. One for Sergeant and one for Lieutenant. If you hold them the same day we can combine the proctoring fee which will reduce the cost a bit. As far as text books, I attached a sheet of the most common ones used (along with my comments on each). I also included in the proposals reading lists with the most common title for each ranks. We can change it to whatever you want, I just included the most common titles as a placeholder for now.

For the entrance exam, it costs the City/PD nothing. We just ask that you provide the space (e.g. Framingham High, something like that) and we do everything else, advertising, recruiting, scoring etc. We typically charge the candidate a \$95 fee, that covers our costs and it eliminates those who are not serious from taking up time and resources by sitting for a test for a job they aren't serious about. We are doing Rockport PD entrance exam right now, our contacts with PD's and college CJ programs, as well as our aggressive recruiting will ensure you have a wide-range of candidates to choose from.

I am very confident that you will be very happy with our services and we essentially handle everything, not much for you to do on your end.

Let me know if you have any questions.

Justin

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## Ronald S. Brandolini

---

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Tuesday, February 9, 2021 6:36 PM  
**To:** Ronald S. Brandolini  
**Subject:** RE: Announcement Lateral

I do have all of the policies that you sent; and your lateral transfer posting is going out to 7,500 MA cops in about 10 minutes.

Justin

**Hanrahan Consulting, LLC**...Committed to Improving Policing in the Commonwealth  
2 Dove Lane  
Westford, MA 01886  
Phone (617) 612-5210  
Fax (978) 467-4257  
[www.HanrahanConsulting.com](http://www.HanrahanConsulting.com)

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----- Original Message -----

Subject: RE: Announcement Lateral  
From: "Ronald S. Brandolini" <RSB@framinghamma.gov>  
Date: Tue, February 09, 2021 1:02 pm  
To: "Justin M. Hanrahan, Esq." <justin@masspromotions.us>

Roger thanks

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Tuesday, February 9, 2021 12:53 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: Announcement Lateral

Yes, on the 24th in a zip file? I'm on the road today I'll double-check when I get back to my office tonight. But I'm pretty sure I did, I'll confirm.

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----- Original Message -----

Subject: RE: Announcement Lateral

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Tue, February 09, 2021 12:46 pm

To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Thanks. You received the policies/directives and rules I sent for tests correct?

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

**Sent:** Tuesday, February 9, 2021 12:44 PM

**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

**Subject:** RE: Announcement Lateral

Will do, it will go out this evening.

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----- Original Message -----

Subject: Announcement Lateral

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Tue, February 09, 2021 7:37 am

To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Cc: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Good Morning,

Would you share this with your following for us?

Ron

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## Ronald S. Brandolini

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**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Sunday, January 24, 2021 9:58 AM  
**To:** Ronald S. Brandolini  
**Subject:** RE: 2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT\_01212021

Good morning Deputy,

When you get a chance can you forward me the announcements that you sent out to your people just for the files on our end.

No rush.

Justin

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----- Original Message -----

Subject: Re: 2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT\_01212021  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
Date: Fri, January 22, 2021 2:01 pm  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Ok thanks I will review with Chief.

Sent from my iPhone

On Jan 22, 2021, at 1:56 PM, Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)> wrote:

?  
Hi Deputy,

They both look good. I made two very minor formatting adjustments - there was a rogue 1. on the policy section of sergeant list and an extra space on the Lt. The content is fine as they are but I made the adjustments (attached) if you want to use the ones I modified.

Not to muddy the waters, I thought of it during our Zoom meeting but I didn't want to bring it up in case you weren't on board...the police reform law is obviously important and not included in the 2020 version of the law book. My 2021 law book won't be available until mid-February so I think it is best to stick with the 2020 so they can start studying right away. However, I recently put out a 23 page breakdown of the police reform law (attached). It may not be a bad idea to include it on the reading list. If you decide to add it feel free to offer the booklet to the candidates - either

way also feel free to distribute it throughout your PD if you like.

If not, all else looks good.

Justin

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----- Original Message -----

Subject: 2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT\_01212021  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)><<mailto:RSB@framinghamma.gov>>  
Date: Fri, January 22, 2021 1:35 pm  
To: "Justin M. Hanrahan, Esq."  
<[justin@masspromotions.us](mailto:justin@masspromotions.us)><<mailto:justin@masspromotions.us>>>

Good Afternoon,

This is the Lt announcement I plan on sending out tomorrow. Any issues let me know. Sgt. announcement will follow.

Ron

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<POLICE REFORM COURSE BOOKLET [v.1.pdf](#)>

<2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT\_01222021.docx>

<2021 FRAMINGHAM SERGEANT ANNOUNCEMENT\_01222021.docx>

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## Ronald S. Brandolini

---

**From:** Justin Hanrahan <justin@masspromotions.us>  
**Sent:** Sunday, January 24, 2021 11:08 AM  
**To:** Ronald S. Brandolini  
**Subject:** Re: Promotional Exam Announcement

Thank you

Sent from my iPhone

On Jan 24, 2021, at 11:06 AM, Ronald S. Brandolini <RSB@framinghamma.gov> wrote:

---

**From:** Ronald S. Brandolini  
**Sent:** Saturday, January 23, 2021 11:38 AM  
**To:** Sworn Police Officers <spo@iframinghamma.gov>  
**Subject:** Promotional Exam Announcement

On behalf of Chief Lester Baker, I am please to announce the promotional exam for the positions of Sergeant and Lieutenant scheduled for May 22, 2021. This test will be made and administered by Hanrahan Consulting, LLC.

Please review the attached announcements which will also be posted in the roll call room. Hyperlinks in announcement will take you to the books that will be used for the exam.

Lieutenant -promotional procedures for the FPSOU can be found on the s drive under the contracts.

Sergeant -promotional procedures will be finalized shortly.

A list of policies to concentrate on will be provided in another email.

Any questions please forward to DC Ron Brandolini.

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<2021 FRAMINGHAM SERGEANT ANNOUNCEMENT\_01222021.docx>

<2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT\_01222021.docx>

## Ronald S. Brandolini

---

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Tuesday, January 19, 2021 10:15 AM  
**To:** Ronald S. Brandolini  
**Subject:** RE: may test

No a problem, May 22 will work. Are we still on for Zoom meeting at 4? I can push it back to 3:30 is you need I was able to re-schedule my day course.

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----- Original Message -----

Subject: may test  
From: "Ronald S. Brandolini" <RSB@framinghamma.gov>  
Date: Tue, January 19, 2021 10:11 am  
To: "Justin M. Hanrahan, Esq." <justin@masspromotions.us>

We need to move test to following week May 22. Does that work?

I also added the 21<sup>st</sup> Century Policing Report to testing material.

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## Ronald S. Brandolini

---

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Friday, January 8, 2021 1:56 PM  
**To:** Ronald S. Brandolini  
**Subject:** RE: promotional exam

Sounds good, I'm teaching a course Monday but if I can't answer I will be sure to call you on a break. We sent the law book to you yesterday you should have it soon. I can also send you a list of popular titles used for police promotions if you want to deviate from the traditional civil service titles.

I look forward to working with you!

Justin

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----- Original Message -----

Subject: RE: promotional exam  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
Date: Fri, January 08, 2021 1:50 pm  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

I will reach out Monday. We are hoping to get a test for both Sgt/Lt around May 22.  
Ron

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Friday, January 8, 2021 10:11 AM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Deputy,

I can call you anytime, just let me know a good number and a time for you.

My cell is [REDACTED] if you'd like to call now.

Justin

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----- Original Message -----

Subject: RE: promotional exam  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
Date: Fri, January 08, 2021 10:09 am  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Good Morning,  
I would like to touch base regarding our promotional testing. Can you let me know when you are available to discuss.  
Ron

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Sunday, December 27, 2020 12:13 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Deputy,

I am away on vacation until January 4 (as well as my staff) but we will get you copy of the law book as soon as I get back. I have digital copies of the other titles but I may have some hard copies in my office, I'll try to dig them up and send them off as well.

I look forward to helping you select your first non-civil service sergeant!

Justin

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**Ronald S. Brandolini**

---

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Tuesday, January 12, 2021 3:54 PM  
**To:** Ronald S. Brandolini  
**Subject:** RE: promotional exam  
**Attachments:** 2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT.doc; 2021 FRAMINGHAM SERGEANT ANNOUNCEMENT DRAFT.doc

Hi Deputy,

I attached the draft announcements for your review. I'll send you the Zoom meeting link for next week in a moment.

Justin

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----- Original Message -----

Subject: RE: promotional exam  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
Date: Fri, January 08, 2021 1:50 pm  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

I will reach out Monday. We are hoping to get a test for both Sgt/Lt around May 22.  
Ron

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Friday, January 8, 2021 10:11 AM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Deputy,

I can call you anytime, just let me know a good number and a time for you.

My cell is [REDACTED] if you'd like to call now.

Justin

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----- Original Message -----

Subject: RE: promotional exam  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
Date: Fri, January 08, 2021 10:09 am  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Good Morning,  
I would like to touch base regarding our promotional testing. Can you let me know when you are available to discuss.  
Ron

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Sunday, December 27, 2020 12:13 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Deputy,

I am away on vacation until January 4 (as well as my staff) but we will get you copy of the law book as soon as I get back. I have digital copies of the other titles but I may have some hard copies in my office, I'll try to dig them up and send them off as well.

I look forward to helping you select your first non-civil service sergeant!

Justin

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----- Original Message -----

Subject: RE: promotional exam

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Thu, December 24, 2020 8:11 am

To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Cc: Lester Baker <[lb@framinghamma.gov](mailto:lb@framinghamma.gov)>

Good Morning,

I recently observed the finished contract that you either have or will be receiving soon. The Governor signed us out of Civil Service so we are good to start preparing for a spring promotional exam. We would like to have a meeting to include the rank union president or representative sometime in near future. Is it possible to get a copy of the Police Administration, Supervision of Police Personnel and 2020/2021 law manual sent to me at the department. As for now, I will be the contact person for the department but Lester Baker is the Chief of Police.

Thanks,

DC Ron Brandolini  
1 William Welch Way  
Framingham, MA 01702

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

**Sent:** Monday, October 26, 2020 10:05 AM

**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

**Subject:** RE: promotional exam

Thank you for the update Chief.

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----- Original Message -----

Subject: RE: promotional exam

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Mon, October 26, 2020 7:50 am

To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Yes, procurement I believe is working on contract to go forward with you. We still are waiting to come out of civil service hopefully soon then testing can be prepared and scheduled.

Ron Brandolini  
Acting Police Chief

---

**From:** Justin M. Hanrahan, Esq.  
<[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Saturday, October 24, 2020 12:41 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Chief,

I just wanted to follow-up regarding the quote I sent you a couple of months ago for your Sergeant and Lieutenant process...just wondering if it is still in the Que or if you went with another vendor?

I hope you are well.

Justin

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----- Original Message -----

Subject: RE: promotional exam  
From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
Date: Fri, August 07, 2020 8:12 am  
To: "Justin M. Hanrahan, Esq." <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Good Morning,

Yes, could I get a formal quote for Sergeant/Lieutenant exam with no assessment center. Not sure possibly 10 taking Lt exam and 35 taking Sergeant.

Also any materials you may have reference conducting an entrance exam to include price you would charge test takers.

Thank you

---

**From:** Justin M. Hanrahan, Esq.  
<[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Thursday, August 6, 2020 2:03 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Chief,

Yes, we definitely provide promotional exams (and police entrance exams as well). I think it is safe to say that we do the majority of the non-civil service promotional exams in Massachusetts, some of the other vendors actually subcontract with us to write their exams so even if you were to hire a different vendor odds are good we would be writing it either way.

We commonly write our exams based on department specific policies, MA law and a variety of police management titles. Depending on the rank I can provide some recommendations for text books.

I believe we communicated back in March briefly about your exam needs. I am very confident that you will be very happy with the process if select us.

Would you like a formal quote? I will just need to know what rank(s) you want tested and a estimate of how many people you anticipate participating in the process. Also, I'll need to know if you want an assessment center process as well as a written exam.

I look forward to working with you.

Justin Hanrahan

**Hanrahan Consulting, LLC**...Committed to Improving Policing in the Commonwealth  
2 Dove Lane  
Westford, MA 01886  
Phone (617) 612-5210  
Fax (978) 467-4257  
[www.HanrahanConsulting.com](http://www.HanrahanConsulting.com)

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----- Original Message -----

Subject: promotional exam

From: "Ronald S. Brandolini"

<[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Thu, August 06, 2020 10:51 am

To: "[justin@masspromotions.us](mailto:justin@masspromotions.us)"

<[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Good Morning,

The Framingham Police Department is in the last stage of the process of coming out of civil service and we are hoping to schedule a test for late fall/winter for Sergeant/Lieutenants. Do you provide this type of promotional exam?

What texts do you recommend?

We wanted to add some of our policies and 21 Century Policing Document

Ma Gen law/procedure

What does pricing look like to put together and proctor such exam?

Any information you could provide would be helpful to include a proposal.

Respectfully,

Ron Brandolini

Acting Police Chief

Framingham

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## Ronald S. Brandolini

---

**From:** Ronald S. Brandolini  
**Sent:** Sunday, January 24, 2021 12:27 PM  
**To:** Justin M. Hanrahan, Esq.  
**Cc:** Ronald S. Brandolini  
**Subject:** FW: Emailing: 2021 Promotional  
**Attachments:** 2021 Promotional.zip

-----Original Message-----

**From:** Patricia Grigas <PG@framinghamma.gov>  
**Sent:** Saturday, January 16, 2021 10:44 AM  
**To:** Ronald S. Brandolini <RSB@framinghamma.gov>  
**Subject:** Emailing: 2021 Promotional

Your message is ready to be sent with the following file or link attachments:

2021 Promotional

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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## Ronald S. Brandolini

---

**From:** Ronald S. Brandolini  
**Sent:** Tuesday, February 9, 2021 7:38 AM  
**To:** 'Justin M. Hanrahan, Esq.'  
**Cc:** Ronald S. Brandolini  
**Subject:** Announcement Lateral  
**Attachments:** Announcement Lateral.docx

Good Morning,

Would you share this with your following for us?

Ron

**Ronald S. Brandolini**

---

**From:** Ronald S. Brandolini  
**Sent:** Tuesday, January 19, 2021 1:18 PM  
**To:** Justin M. Hanrahan, Esq.  
**Subject:** 2021 FRAMINGHAM SERGEANT ANNOUNCEMENT  
**Attachments:** 2021 FRAMINGHAM SERGEANT ANNOUNCEMENT.docx

Draft

## Ronald S. Brandolini

---

**From:** Ronald S. Brandolini  
**Sent:** Tuesday, January 19, 2021 1:17 PM  
**To:** Justin M. Hanrahan, Esq.  
**Subject:** Emailing: FPSOA-MOA-FY-2019-2021  
**Attachments:** FPSOA-MOA-FY-2019-2021.pdf

Good Afternoon,

The procedure we agreed to with superiors union for Lt exam can be found within. On the call today will be Lt. Harry Wareham representing FPSOU.  
A similar procedure will be used for Sgts.

Your message is ready to be sent with the following file or link attachments:

FPSOA-MOA-FY-2019-2021

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

## Ronald S. Brandolini

---

**From:** Ronald S. Brandolini  
**Sent:** Tuesday, January 19, 2021 1:04 PM  
**To:** Justin M. Hanrahan, Esq.  
**Subject:** 2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT.doc  
**Attachments:** 2021 FRAMINGHAM LIEUTENANT ANNOUNCEMENT DRAFT.doc.docx

New draft announcement

## Ronald S. Brandolini

---

**From:** Ronald S. Brandolini  
**Sent:** Tuesday, January 19, 2021 10:22 AM  
**To:** Justin M. Hanrahan, Esq.  
**Subject:** Re: may test

I am not sure if all are available can we stay with original time.

Sent from my iPhone

On Jan 19, 2021, at 10:14 AM, Justin M. Hanrahan, Esq. <justin@masspromotions.us> wrote:

No a problem, May 22 will work. Are we still on for Zoom meeting at 4? I can push it back to 3:30 is you need I was able to re-schedule my day course.

**Hanrahan Consulting, LLC...Committed to Improving Policing in the Commonwealth**  
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----- Original Message -----

Subject: may test  
From: "Ronald S. Brandolini" <RSB@framinghamma.gov>  
Date: Tue, January 19, 2021 10:11 am  
To: "Justin M. Hanrahan, Esq." <justin@masspromotions.us>

We need to move test to following week May 22. Does that work?  
I also added the 21<sup>st</sup> Century Policing Report to testing material.  
Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

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## ***Hanrahan Consulting, LLC...Committed to Improving Policing in the Commonwealth***

August 9, 2020

Proposal: Framingham Lieutenant Promotional Exam  
Submitted to: Ronald Brandolini, Chief of Police  
Submitted by: Justin M. Hanrahan, Esq.

### **Scope of Work**

**Exam creation:** Hanrahan Consulting, LLC will create a written, multiple-choice, 100 question examination, based on the essential duties and required knowledge of a Framingham Police Lieutenant and that is specifically geared toward the duties of a Framingham Police Lieutenant.

The exam will be based on information obtained by a detailed analysis of the duties of a Framingham Police Lieutenant, focusing on eliciting the candidate's knowledge of Massachusetts criminal law and procedure, supervision of police line personnel, as well as the candidate's knowledge of the agency's policies and procedures.

The exam questions will be consistent with the following reading list unless otherwise specified by the department:

1. The Policies and Procedures of the Framingham Police Department (as of November 1, 2020)
2. ***POLICE ADMINISTRATION: STRUCTURES, PROCESSES, AND BEHAVIOR (9th Edition) 9th Edition: by Charles R. Swanson (Author), Leonard J. Territo (Author), Robert E. Taylor (Author).***
3. ***The President's Report on 21<sup>st</sup> Century Policing.***
4. ***The 2020 Police Officer's Law Manual: a Massachusetts Police Officer's Guide to Criminal Procedure, Statutory Law, Juvenile Law and Motor Vehicle Law, Hanrahan, J.; Hanrahan Consulting, LLC. ISBN-13: 978-0-9861564-5-8 Visit HanrahanConsulting.com for purchase information.***

**Exam Completion:** The exam will be completed in order to be administered, by Hanrahan Consulting, on a date to be determined by the Framingham Police Department

**Fee for exam creation based on above reading list: \$1,950**

**Proctoring and Scoring:** for an additional fee Hanrahan Consulting, LLC will proctor the examination and score each exam and establish a list of eligible candidates based on the highest to lowest scores of those who pass. The exams will be scored within 7 business days from receipt of the completed examinations.

**Fee for proctoring and scoring: \$475**

**Total combined fee for exam creation, proctoring and scoring: \$2,425**



## ***Hanrahan Consulting, LLC...Committed to Improving Policing in the Commonwealth***

August 9, 2020

Proposal: Framingham Sergeant Promotional Exam  
Submitted to: Ronald Brandolini, Chief of Police  
Submitted by: Justin M. Hanrahan, Esq.

### **Scope of Work**

**Exam creation:** Hanrahan Consulting, LLC will create a written, multiple-choice, 100 question examination, based on the essential duties and required knowledge of a Framingham Police Sergeant and that is specifically geared toward the duties of a Framingham Police Sergeant.

The exam will be based on information obtained by a detailed analysis of the duties of a Framingham Police Sergeant, focusing on eliciting the candidate's knowledge of Massachusetts criminal law and procedure, supervision of police line personnel, as well as the candidate's knowledge of the agency's policies and procedures.

The exam questions will be consistent with the following reading list unless otherwise specified by the department:

1. The Policies and Procedures of the Framingham Police Department (as of November 1, 2020)
2. ***Supervision of Police Personnel (9th ed., 2019).*** Iannone, N. F., Iannone, M. P., and Bernstein, J.; Prentice-Hall, Inc. ISBN-13: 9780135186237.
3. ***The President's Report on 21<sup>st</sup> Century Policing.***
4. ***The 2020 Police Officer's Law Manual: a Massachusetts Police Officer's Guide to Criminal Procedure, Statutory Law, Juvenile Law and Motor Vehicle Law,*** Hanrahan, J.; Hanrahan Consulting, LLC. ISBN-13: 978-0-9861564-5-8 Visit [HanrahanConsulting.com](http://HanrahanConsulting.com) for purchase information.

**Exam Completion:** The exam will be completed in order to be administered, by Hanrahan Consulting, on a date to be determined by the Framingham Police Department

**Fee for exam creation based on above reading list: \$2,800**

**Proctoring and Scoring:** for an additional fee Hanrahan Consulting, LLC will proctor the examination and score each exam and establish a list of eligible candidates based on the highest to lowest scores of those who pass. The exams will be scored within 7 business days from receipt of the completed examinations.

**Fee for proctoring and scoring: \$475**

**Total combined fee for exam creation, proctoring and scoring: \$3,275**

## Common titles for Promotion Exams

- **POLICE ADMINISTRATION: STRUCTURES, PROCESSES, AND BEHAVIOR** (9th Edition) 9th Edition:  
by Charles R. Swanson (Author), Leonard J. Territo (Author), Robert E. Taylor (Author).

**Comment:** this used by Civil Service for Sgt, Lt, Capt. It is more geared toward mid-level managers, so it would be more appropriate for the lieutenant portion of the exam, in my opinion.

- **COMMON SENSE POLICE SUPERVISION: PRACTICAL TIPS FOR THE FIRST-LINE LEADER:** Gerald W. Garner.

**Comment:** this book is used often in Connecticut for promotional exams, I'd describe it as a cross between Iannone and Police Administration.

- **IT'S YOUR SHIP: MANAGEMENT TECHNIQUES FROM THE BEST DAMN SHIP IN THE NAVY, 10<sup>th</sup>:** D. Michael Abrashoff

**Comment:** this book is used often in Connecticut for promotional exams as well, it is a decent book but reads more like a novel than a text book. Not police specific and a tough book to test.

- **SUPERVISION OF POLICE PERSONNEL** (9th Edition): Nathan F. Iannone

**Comment:** this is used by civil service also, although it is older and has its flaws it is still widely considered "the bible" of first-line supervision. It is used across the country for promotional exams, particularly at the sergeant level. For instance, Philly PD and NYC use it in addition to numerous other PD's. The latest version (9<sup>th</sup>) added two new chapters that covers many of the more recent issues facing policing. The new edition modernizes this older book pretty well.

- **THE POLICE MANAGER:** by Egan K. Green

**Comment:** Similar to Police Administration, has its pros and cons. I am not as familiar with this book as I am with some of the others.

- **POLICE SUPERVISION AND MANAGEMENT: IN AN ERA OF COMMUNITY POLICING:** by Kenneth J. Peak

**Comment:** this is another popular title for promotion exams. Boston PD has used it for promotion exam. Although it has CP in the title it is not a CP heavy book, particularly compared to the CP book on the civil service list.

- **EFFECTIVE POLICE SUPERVISION:** by Larry Miller et al.

**Comment:** Massachusetts civil service added this title onto their reading list in 2020. It is repetitive and tends to ramble and in my opinion is inferior to most others on this list.

- **EMOTIONAL SURVIVAL FOR LAW ENFORCEMENT: A GUIDE FOR OFFICERS AND THEIR FAMILIES:**  
by Kevin M Gilmartin

**Comment:** many PD's in other states include this as an add on to promo exams, it is not a management book but focuses on mental health and stress of police work.

## Ronald S. Brandolini

---

**From:** Justin M. Hanrahan, Esq. <justin@masspromotions.us>  
**Sent:** Friday, August 7, 2020 2:37 PM  
**To:** Ronald S. Brandolini  
**Subject:** RE: promotional exam  
**Attachments:** Framingham Lieutenant Exam Proposal 2020.pdf; Framingham Sergeant Exam Proposal 2020.pdf; Common titles for Promotional Process updated 4.2020.pdf

Hi Chief,

I attached two quotes. One for Sergeant and one for Lieutenant. If you hold them the same day we can combine the proctoring fee which will reduce the cost a bit. As far as text books, I attached a sheet of the most common ones used (along with my comments on each). I also included in the proposals reading lists with the most common title for each ranks. We can change it to whatever you want, I just included the most common titles as a placeholder for now.

For the entrance exam, it costs the City/PD nothing. We just ask that you provide the space (e.g. Framingham High, something like that) and we do everything else, advertising, recruiting, scoring etc. We typically charge the candidate a \$95 fee, that covers our costs and it eliminates those who are not serious from taking up time and resources by sitting for a test for a job they aren't serious about. We are doing Rockport PD entrance exam right now, our contacts with PD's and college CJ programs, as well as our aggressive recruiting will ensure you have a wide-range of candidates to choose from.

I am very confident that you will be very happy with our services and we essentially handle everything, not much for you to do on your end.

Let me know if you have any questions.

Justin

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----- Original Message -----

Subject: RE: promotional exam  
From: "Ronald S. Brandolini" <RSB@framinghamma.gov>  
Date: Fri, August 07, 2020 8:12 am  
To: "Justin M. Hanrahan, Esq." <justin@masspromotions.us>

Good Morning,

Yes, could I get a formal quote for Sergeant/Lieutenant exam with no assessment center. Not sure possibly 10 taking Lt exam and 35 taking Sergeant.

Also any materials you may have reference conducting an entrance exam to include price you would charge test takers.

Thank you

---

**From:** Justin M. Hanrahan, Esq. <[justin@masspromotions.us](mailto:justin@masspromotions.us)>  
**Sent:** Thursday, August 6, 2020 2:03 PM  
**To:** Ronald S. Brandolini <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>  
**Subject:** RE: promotional exam

Hi Chief,

Yes, we definitely provide promotional exams (and police entrance exams as well). I think it is safe to say that we do the majority of the non-civil service promotional exams in Massachusetts, some of the other vendors actually subcontract with us to write their exams so even if you were to hire a different vendor odds are good we would be writing it either way.

We commonly write our exams based on department specific policies, MA law and a variety of police management titles. Depending on the rank I can provide some recommendations for text books.

I believe we communicated back in March briefly about your exam needs. I am very confident that you will be very happy with the process if select us.

Would you like a formal quote? I will just need to know what rank(s) you want tested and a estimate of how many people you anticipate participating in the process. Also, I'll need to know if you want an assessment center process as well as a written exam.

I look forward to working with you.

Justin Hanrahan

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----- Original Message -----

Subject: promotional exam

From: "Ronald S. Brandolini" <[RSB@framinghamma.gov](mailto:RSB@framinghamma.gov)>

Date: Thu, August 06, 2020 10:51 am

To: "[justin@masspromotions.us](mailto:justin@masspromotions.us)" <[justin@masspromotions.us](mailto:justin@masspromotions.us)>

Good Morning,

The Framingham Police Department is in the last stage of the process of coming out of civil service and we are hoping to schedule a test for late fall/winter for Sergeant/Lieutenants. Do you provide this type of promotional exam?

What texts do you recommend?

We wanted to add some of our policies and 21 Century Policing Document

Ma Gen law/procedure

What does pricing look like to put together and proctor such exam?

Any information you could provide would be helpful to include a proposal.

Respectfully,

Ron Brandolini  
Acting Police Chief  
Framingham

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**Promotion to Police Sergeant**  
**Sergeant Selection Process**  
**Framingham, Massachusetts Police Department**



The Framingham Police Department is currently seeking candidates to be considered for promotion to the position of Police Sergeant. In order to be considered for this position candidates must successfully pass a written 100 question examination. The highest scoring candidates who successfully pass the examination with a 75 or greater will proceed to the next phase of the process which includes an oral interview. Promotion guidelines will be forthcoming.

**EXAMINATION DATE:** May 22, 2021 at 9:00 A.M.

**EXAMINATION LOCATION:** The Framingham Police Department or other similar location to be announced.

**ELIGIBILITY:** The candidate must have served at least 3 years full-time at the rank of a sworn patrol officer with the Framingham Police Department at time of written exam.

#### **READING LIST**

All applicants are responsible for reading all the texts and other materials listed below. Please note carefully which edition and/or date of publication is listed for each item. All chapters, appendices, glossaries, etc., are included unless otherwise noted. All examination questions will be based on these materials.

- 
1. *Supervision of Police Personnel* (9<sup>th</sup> ed., 2019). Iannone, N. F., Iannone, M. P., and Bernstein, J.; Prentice-Hall, Inc. ISBN-13: 9780135186237.
  2. ***The 2020 Police Officer's Law Manual: a Massachusetts Police Officer's Guide to Criminal Procedure, Statutory Law, Juvenile Law and Motor Vehicle Law***, Hanrahan, J.; Hanrahan Consulting, LLC. ISBN-13: 978-0-9861564-5-8  
Visit [HanrahanConsulting.com](http://HanrahanConsulting.com) for purchase information. All law and procedure questions will come from information within text.
  3. **The Policies and Procedures, Directives, Rules and Regulations of the Framingham Police Department as of January 1, 2021.** All policies, directives, rules and regulations are subject to testing. A list which contains highlighted policies for purpose of the exam will be forthcoming.
  4. *Interim Report of The President's Task Force on 21<sup>st</sup> Century Policing*. Pages 7-61.

APPLY BY: March 22, 2021 no later than 4:00 PM

APPLY IN WRITING: Deputy Chief Ronald Brandolini

*Examination Developed and Administered by Hanrahan Consulting, LLC*



**Promotion to Police Lieutenant**  
**Lieutenant Selection Process**  
**Framingham, Massachusetts Police Department**



The Framingham Police Department is currently seeking candidates to be considered for promotion to the position of Police Lieutenant. In order to be considered for this position candidates must successfully pass a written 100 question examination. Those who successfully pass the examination with a 75 or higher will proceed to the next phase of the process which includes an oral interview. Please review promotion guidelines created at bargaining.

**EXAMINATION DATE:** May 22, 2021 at 9:00 A.M.

**EXAMINATION LOCATION:** The Framingham Police Department or similar location to be announced.

**ELIGIBILITY:** The candidate must have served at least 3 years full-time at the rank of sergeant with the Framingham Police Department at time of written exam.

**READING LIST**

All applicants are responsible for reading all the texts and other materials listed below. Please note carefully which edition and/or date of publication is listed for each item. All chapters, appendices, glossaries, etc., are included unless otherwise noted. All examination questions will be based on these materials.

- 
1. *Police Administration: Structures, Processes, and Behaviors* (9<sup>th</sup> ed., 2017). Swanson, C. R., Territo, L., and Taylor, R. W.; Pearson Education, Inc./Prentice-Hall. ISBN-13: 978-0133754056.
  2. *The 2020 Police Officer's Law Manual: a Massachusetts Police Officer's Guide to Criminal Procedure, Statutory Law, Juvenile Law and Motor Vehicle Law*, Hanrahan, J.; Hanrahan Consulting, LLC. ISBN-13: 978-0-9861564-5-8 Visit [HanrahanConsulting.com](http://HanrahanConsulting.com) for purchase information. All law and procedure questions will come from information contained within text.
  3. **The Policies and Procedures, Directives and Rules and Regulations of the Framingham Police Department as of January 1, 2021.** All policies, directives, rules and regulations are subject to testing. A list of policies that will be highlighted on exam will be forthcoming.
  4. Interim report of The President's Task Force on 21<sup>st</sup> Century Policing. Pages 7-61.

APPLY BY: March 22, 2021 no later than 4:00 PM

APPLY IN WRITING TO: Deputy Chief Ronald Brandolini

*Examination Developed and Administered by Hanrahan Consulting, LLC*



Hanrahan Consulting, LLC

# MASSACHUSETTS POLICE REFORM LAW



**Instructor:**

**Attorney Justin M. Hanrahan**

**Version 1.0**

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# 2021

[www.HanrahanConsulting.com](http://www.HanrahanConsulting.com)

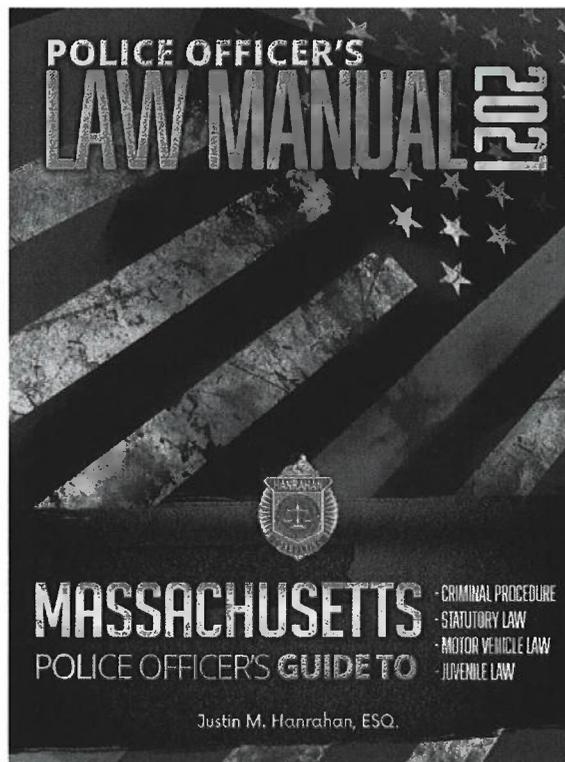
(617) 512-5210

**OVERVIEW:** After much debate, and sparked by highly publicized police actions in other states, Governor Baker signed the so-called Police Reform Bill into law on December 31, 2020. This law makes some major changes to police operations, training, discipline, hiring and retention. This booklet is designed to help you understand the more critical areas of the law, focusing mainly on the police operational side.

#### About the instructor

Justin Hanrahan has been a police officer for more than 25 years, 23 of which he served in a supervisory capacity. He has worked for the Yarmouth Police Department, Keene (NH) Police Department and the Watertown Police Department. He is also an attorney who focuses on police related law. He has been teaching police officers and supervisors for more than twenty years in the areas of critical incident management, police supervision and management, criminal law & procedure and many other topics. More than 15 years ago Justin started Hanrahan Consulting, LLC which has been providing some of the very best public safety training in Massachusetts as well as public safety hiring and promotional services.

Justin also publishes a law reference book – **The Police Officer's Law Manual: the Massachusetts Police Officer's Guide to Criminal Procedure, Statutory Law, Juvenile Law and Motor Vehicle Law**. This is the most comprehensive law manual available to Massachusetts Law Enforcement Officers. It is used by the Boston Police Academy, the MBTA Transit Police Academy, the Fitchburg University Police Program and many others. It is used by hundreds of Massachusetts Police Officers as their primary legal reference.



## USE OF FORCE ISSUES

<b>Physical Force:</b> de-escalation required	<p>A law enforcement officer <b>shall not use physical force</b> upon another person <b>unless</b>:</p> <ol style="list-style-type: none"> <li>1. De-escalation tactics have been attempted and failed <b>or</b></li> <li>2. (The de-escalation tactics) are not feasible based on the totality of the circumstances</li> </ol> <p><b>And</b> such force is necessary to:</p> <ol style="list-style-type: none"> <li>i. Effect the lawful arrest or detention of a person;</li> <li>ii. Prevent the escape from custody of a person; or</li> <li>iii. Prevent imminent harm</li> </ol> <p><b>And</b> the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated by the committee on police training and certification.</p>
<b>Deadly force:</b> de-escalation	<p>A law enforcement officer shall not use deadly force upon a person unless:</p> <ol style="list-style-type: none"> <li>1. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances <b>and</b></li> <li>2. Such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.</li> </ol>
<b>De-escalation tactics defined</b>	<p>"De-escalation tactics", proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force <b>including, but not limited to</b>:</p> <ol style="list-style-type: none"> <li>1. Verbal persuasion,</li> <li>2. Warnings,</li> <li>3. Slowing down the pace of an incident,</li> <li>4. Waiting out a person,</li> <li>5. Creating distance between the officer and a threat and</li> <li>6. Requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.</li> </ol>

## USE OF FORCE ISSUES

<b>Chokeholds are prohibited</b>	<p>A law enforcement officer <b>shall not use</b> a chokehold.</p> <p>A law enforcement officer <b>shall not be trained</b> to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.</p> <p><b>Attorney Hanrahan's comment:</b> the law provides no exceptions for the use of chokeholds, even in deadly force situations.</p>
<b>Chokehold defined</b>	<p>"Chokehold", the use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death.</p>
<b>Shooting into or at a moving vehicle</b>	<p>A law enforcement officer shall not discharge any firearm into or at a fleeing motor vehicle unless, based on the totality of the circumstances, such discharge is necessary to:</p> <ol style="list-style-type: none"> <li>1. Prevent imminent harm to a person <b>and</b></li> <li>2. The discharge is proportionate to the threat of imminent harm to a person.</li> </ol>
<b>Duty to Intervene</b>	<p>An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, <b>shall intervene to prevent the use of unreasonable force</b> unless intervening would result in imminent harm to the officer or another identifiable individual.</p>
<b>Excessive Force reporting Requirements</b>	<p>An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances <b>shall report the incident to an appropriate supervisor as soon as reasonably possible</b> but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.</p>
<b>Policy required for excessive force reporting</b>	<p>A law enforcement agency shall develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation.</p>

## USE OF FORCE ISSUES

<b>Mass Demonstration Requirements</b>	<p>When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.</p> <p>A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:</p> <ol style="list-style-type: none"> <li>1. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and</li> <li>2. The measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.</li> </ol> <p><b>Reporting Requirements</b></p> <p>If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the commission detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.</p> <p>The commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.</p>
<b>Penalties for non-compliance</b>	
<b>Penalties for non-compliance</b>	Although the law does not specifically delineate penalties for non-compliance, non-compliance will likely result in de-certification as well as civil and criminal ramifications.

## PROHIBITIONS ON PROFILING

### Chapter 90 § 63(h)

<b>Profiling Prohibited</b>	A law enforcement agency, as defined in c. 6E § 1, shall <b>not</b> engage in <b>racial or other profiling</b> .
<b>Racial or other Profiling defined</b>	<p>For the purposes of this subsection, "racial or other profiling" shall mean <b>differential treatment by a law enforcement officer</b> based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement action, whether intentional or evidenced by statistically-significant data showing disparate treatment;</p> <p>Provided, however, that "racial or other profiling" <b>shall not include</b> the use of such characteristics, in combination with other factors, to <b>apprehend a specific suspect based on a description</b> that is individualized, timely and reliable.</p>
<b>Civil action by AG</b>	The attorney general may bring a civil action in the superior court for injunctive or other equitable relief to enforce this subsection.
<b>Attorney Hanrahan's Comment</b>	In addition to civil injunction action by the Attorney General, profiling may result in decertification of a police officer as well as other civil and criminal ramifications.
<b>RELATED ISSUES</b>	
<b>Commonwealth v. Long</b>	<p>On September 17, 2020, the SJC decided <i>Commonwealth v. Long</i> which indicated that if a motor vehicle stop was racially motivated any criminal evidence uncovered will be suppressed. The defendant used to have to present statistical data to show racial motivation. Now, the defendant can use other means including "statements by the defendant and others, may be based on the defendant's personal knowledge, the defendant's own investigation, evidence obtained during discovery, and other relevant sources."</p> <p>Once the defendant shows a "reasonable inference" of racial motivation the burden shifts to the Commonwealth to prove it is not true.</p>

<p><b>Com v. Long factors</b></p>	<p>The SJC stated “when examining the totality of the circumstances, judges should consider factors such as:</p> <ul style="list-style-type: none"> <li>(1) patterns in enforcement actions by the particular police officer;</li> <li>(2) the regular duties of the officer involved in the stop;</li> <li>(3) the sequence of events prior to the stop;</li> <li>(4) the manner of the stop;</li> <li>(5) the safety interests in enforcing the motor vehicle violation; and</li> <li>(6) the specific police department's policies and procedures regarding traffic stops.</li> </ul> <p>These factors are not exhaustive; any relevant facts may be raised for the judge's consideration.”</p>
<p><b>Commonwealth v. Evelyn</b></p>	<p>On the same day that the SJC decided <i>Long</i> they also decided <i>Commonwealth v. Evelyn</i> which indicated that <b>flight and nervousness, along with similar evasive actions</b>, and the <b>weight given to these indicators of suspicion will be less</b> when the individual is <b>African American</b>.</p>

## VIOLATION OF CIVIL RIGHTS & BIAS FREE POLICING

### Chapter 12 § 11H

<p><b>Right to Bias-Free Policing</b></p> <p>c. 12 § 11H(b)</p>	<p>All persons shall have the right to bias-free professional policing.</p> <p><b>Decertification amounts to Prima Facie Evidence</b></p> <p>Any conduct taken in relation to an aggrieved person by a law enforcement officer acting under color of law that results in the decertification of said law enforcement officer by the Massachusetts peace officer standards and training commission pursuant to section 10 of chapter 6E shall constitute interference with said person’s right to bias-free professional policing and shall be a prima facie violation of said person’s right to bias-free professional policing and a prima facie violation of subsection (a) (Civil Rights Violation – see below).</p> <p><b>No Civil Liability Immunity if De-certified</b></p> <p>No law enforcement officer shall be immune from civil liability for any conduct under color of law that violates a person’s right to bias-free professional policing if said conduct results in the law enforcement officer’s decertification by the Massachusetts peace officer standards and training commission pursuant to section 10 of chapter 6E; provided, however, that nothing in this subsection shall be construed to grant immunity from civil liability to a law enforcement officer for interference by threat, intimidation or coercion, or attempted interference by threats, intimidation or coercion, with the exercise or enjoyment any right secured by the constitution or laws of the United States or the constitution or laws of the commonwealth if the conduct of said officer was knowingly unlawful or was not objectively reasonable.</p>
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<b>Bias-free Policing Defined</b>	"Bias-free policing", policing decisions made by and conduct of law enforcement officers that shall not consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level.
<b>Violation of Civil Rights: Civil Remedy</b>  c. 12 § 11H(a)	Whenever any person or persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the attorney general may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured.  Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person whose conduct complained of resides or has his principal place of business.

C. 231 § 85AA	<b>FALSE/FRAUDULENT WORK HOUR CLAIMS</b>
1.	A law enforcement officer (as defined in chapter 6E § 1),
2.	<ul style="list-style-type: none"> <li>• <b>knowingly submits</b> to a state agency, state authority, city, town or agency (as defined in chapter 6E § 1) <b>a false or fraudulent claim of hours worked</b> for payment and receives payment therefor <b>or</b></li> <li>• <b>knowingly makes, uses or causes to be made or used a false record or statement material to a false or fraudulent claim of hours worked</b> for payment that results in a law enforcement officer receiving payment therefor <b>or</b></li> <li>• <b>any person who conspires</b> to commit a violation of this section,</li> </ul> shall be punished
<b>Penalty</b>	A fine of 3 times the amount of the fraudulent wages paid or by imprisonment for not more than 2 years.
<b>Attorney Hanrahan's Comment</b>	In addition to the above criminal penalties the officer would be subject to decertification.

C. 276 § 2D NO-KNOCK WARRANT RESTRICTIONS/REQUIREMENTS	
<p><b>Danger to Life and No Children or person over 65</b> c. 276 § 2D(a)</p>	<p>A warrant that does not require a law enforcement officer to knock and announce their presence and purpose before forcibly entering a residence shall not be issued except by a judge and only if the affidavit supporting the request for the warrant:</p> <ol style="list-style-type: none"> <li>i. Establishes probable cause that if the law enforcement officer announces their presence their life or the lives of others will be endangered; and</li> <li>ii. Includes an attestation that the law enforcement officer filing the affidavit has no reason to believe that minor children or adults over the age of 65 are in the home. unless there is a credible risk of imminent harm to the minor or adult over the age of 65 in the home.</li> </ol>
<p><b>Pre-authorized required</b> c. 276 § 2D(b)</p>	<p>A police officer executing a search warrant shall knock and announce their presence and purpose before forcibly entering a residence unless authorized by a warrant to enter pursuant to subsection (a).</p>
<p><b>Only exception for Pre-authorization</b></p>	<p>An officer shall not dispense with the requirements of subsections (a) and (b) except to prevent a credible risk of imminent harm.</p>
<p><b>Evidence exclusion for non-compliance</b></p>	<p>Evidence seized or obtained during the execution of a warrant shall be inadmissible if a law enforcement officer violates this section.</p>

SCHOOL/LAW ENFORCEMENT INFORMATION SHARING RESTRICTIONS	
<p><b>Restrictions on School sharing of information with Law Enforcement</b></p>	<ul style="list-style-type: none"> <li>• <u>School department personnel</u> and <u>school resource officers</u> (as defined in section 37P),</li> <li>• <b>Shall not disclose to a law enforcement officer or agency</b>, including local, municipal, regional, county, state and federal law enforcement, <b>through an official report or unofficial channels</b>, including, but not limited to text, phone, email, database and in-person communication, or submit to the department of state police’s Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement,</li> <li>• Any information relating to a student or a student’s family member from its databases and other recordkeeping systems including:             <ol style="list-style-type: none"> <li>i. immigration status;</li> <li>ii. citizenship;</li> <li>iii. neighborhood of residence</li> <li>iv. religion;</li> <li>v. national origin;</li> </ol> </li> </ul>

**SCHOOL/LAW ENFORCEMENT INFORMATION SHARING RESTRICTIONS**

	<ul style="list-style-type: none"> <li>vi. ethnicity; or</li> <li>vii. suspected, alleged, or confirmed gang affiliation,</li> </ul> <ul style="list-style-type: none"> <li>• <b>Unless</b> it is germane to a <u>specific unlawful incident</u> or <u>to a specific prospect of unlawful activity</u> the school is otherwise required to report.</li> </ul> <p>Exceptions:</p> <p>Nothing in this paragraph shall prohibit the sharing of information:</p> <ul style="list-style-type: none"> <li>i. For the purposes of completing a report pursuant to section 51A of chapter 119;</li> <li>ii. Upon the specific, informed written consent of the eligible student, parent or guardian;</li> <li>iii. To comply with a court order or lawfully issued subpoena;</li> <li>iv. In connection with a health or safety emergency pursuant to the provisions of 603 1734 C.M.R. 23.07(4)(e); or</li> <li>v. For the purposes of filing a weapon report with the local chief of police pursuant to this section.</li> </ul>
<p><b>School resource officer defined</b></p>	<p>“School resource officer”, a duly sworn municipal police officer with all necessary training, up-to-date certificates, including special school resource officer certification as required by subsection (b) of section 3 of chapter 6E or a special officer appointed by the chief of police charged with: (i) providing law enforcement; (ii) promoting school safety and security services to elementary and secondary public schools; and (iii) maintaining a positive school climate for all students, families and staff.</p> <p>For the purpose of this section, a school resource officer shall be exempt pursuant to subsection (j) of section 10 of chapter 269 (carrying a dangerous weapon on school grounds) while serving in the officer’s official capacity.</p>
<p><b>Memorandum of Understanding Commission</b></p>	<p>A commission will be established to develop a model school resource officer memorandum of understanding;</p>
<p><b>The Model Memorandum of Understanding requirements</b></p>	<p>The model memorandum of understanding shall, at minimum, describe: (i) the mission statement, goals and objectives of the school resource officer program; (ii) the roles and responsibilities of the school resource officer, the police department and the school; (iii) the process for selecting school resource officers; (iv) the mechanisms to incorporate school resource officers into the school environment, including school safety meetings; (v) information sharing between school resource officers, school staff and other partners; (vi) the organizational structure of the school resource officer program, including supervision of school resource officers and the lines of communication between the school district and police department; (vii) training for school resource officers, including, but not limited to, continuing professional development in child and adolescent development, conflict resolution and diversion strategies, de-escalation tactics and any other training required by the</p>

## SCHOOL/LAW ENFORCEMENT INFORMATION SHARING RESTRICTIONS

	Massachusetts peace officer standards and training commission established in section 2 of chapter 6E; and (viii) the manner and division of responsibility for collecting and reporting the school-based arrests, citations and court referrals of students to the department of elementary and secondary education in accordance with regulations promulgated by the department.
Memorandum must state school resource officer restrictions	<p>The model memorandum of understanding shall expressly state that school resource officers shall not:</p> <ol style="list-style-type: none"> <li>i. Serve as school disciplinarians, enforcers of school regulations or in place of licensed school psychologists, psychiatrists or counselors; and</li> <li>ii. Use police powers to address traditional school discipline issues, including non-violent disruptive behavior.</li> </ol>

## IN-CUSTODY SEX CRIMES COMMITTED BY LAW ENFORCEMENT

C. 265 §  
13H½

### INDECENT A&B BY LAW ENFORCEMENT

<p>On a person age 14 or older</p> <p>c. 265 § 13H½ (b)</p>	<p>A law enforcement officer who commits an indecent assault and battery on a person <b>who has attained the age of 14</b> and who is <b>in the custody or control</b> of such law enforcement officer shall be punished.</p> <p><b>Consent not possible:</b> In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.</p> <p><b>Penalty:</b> imprisonment in the state prison for not more than 5 years, or by imprisonment for not more than 2½ years in a jail or house of correction.</p>
<p>On an Elder or a Person with Disability</p> <p>c. 265 § 13H½ (c)</p>	<p>A law enforcement officer who commits an indecent assault and battery on an <b>elder or person with a disability</b>, as defined in section 13K, and who is in the custody or control of such law enforcement officer shall be punished.</p> <p><b>Consent not possible:</b> In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.</p> <p><b>Penalty:</b> imprisonment in the state prison for not more than 10 years, or by imprisonment in the house of correction for not more than 2½ years, and a law enforcement officer who commits a second or subsequent such offense shall be punished by imprisonment in the state prison for not more than 20 years.</p>

C. 265 § 13H½		INDECENT A&B BY LAW ENFORCEMENT
<p><b>On a Person with an Intellectual Disability</b></p> <p>c. 265 § 13H½ (d)</p>	<p>A law enforcement officer who commits an indecent assault and battery on a person in their custody or control who is known to such law enforcement officer as having an <b>intellectual disability</b> shall be punished.</p> <p><b>Consent not possible:</b> In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.</p> <p><b>Penalty:</b> 1<sup>st</sup> offense be punished by imprisonment in the state prison for not less than 5 years or not more than 10 years; and for a second or subsequent offense shall be punished by imprisonment in the state prison for not less than 10 years. Except in the case of a conviction for the first offense for violation of this subsection, the imposition or execution of the sentence shall not be suspended, and no probation or parole shall be granted until the minimum imprisonment herein provided for the offense shall have been served.</p>	
<p><b>On a child under the age of 14</b></p> <p>c. 265 § 13H½ (e)</p>	<p>A law enforcement officer who commits an indecent assault and battery on <b>a child under the age of 14</b> and who is in the custody or control of such law enforcement officer shall be punished.</p> <p><b>Consent not possible:</b> In a prosecution commenced under this subsection, a child under the age of 14 shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.</p> <p><b>Penalty:</b> imprisonment in the state prison for not more than 10 years, or by imprisonment in the house of correction for not more than 2 and one-half years. A prosecution commenced under this subsection shall neither be continued without a finding nor placed on file.</p>	
Arrest Power, Related Issues & Notes		
<p><b>Power of Arrest</b></p>	<p><b>Felony</b> – a police officer may effect a warrantless arrest for this offense provided he/she has probable cause that the suspect committed the offense.</p>	
<p><b>Law Enforcement Officer Defined</b></p>	<p>For the purposes of this section “law enforcement officer” shall mean a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police officer in the employ of a public institution of higher education pursuant to chapter 15A § 5, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a parole officer, an officer of the department of youth services, a constable, a campus police officer who holds authority as a special state police officer or a person impersonating one of the foregoing.</p>	

C. 265 § 22(c)		IN-CUSTODY RAPE
Elements		
<b>In-custody Sexual Intercourse</b>	A law enforcement officer who has <b>sexual intercourse</b> with a person in the custody or control of the law enforcement officer shall be found to be in violation of subsection (b) (forcible rape).	
<b>Sexual Intercourse defined</b>	For the purposes of this subsection (c. 265 § 22(c)), "sexual intercourse" shall include vaginal, oral or anal intercourse, including fellatio, cunnilingus or other intrusion of a part of a person's body or an object into the genital or anal opening of another person's body.	
<b>Consent not possible</b>	In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to sexual intercourse with such law enforcement officer.	
<b>Law Enforcement Officer Defined</b>	For the purposes of this subsection, "law enforcement officer" shall mean a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police officer in the employ of a public institution of higher education pursuant to chapter 15A § 5, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a parole officer, an officer of the department of youth services, a constable, a campus police officer who holds authority as a special state police officer or a person impersonating any of the foregoing.	
Arrest Power, Penalties & Notes		
<b>Power of Arrest</b>	<b>Felony</b> – a police officer may effect a warrantless arrest for this offense provided he/she has probable cause that the suspect committed the offense.	
<b>Penalty</b>	Same as forcible rape via c. 265 § 22(b)	

## FACIAL RECOGNITION & BIOMETRIC SURVEILLANCE

### RESTRICTIONS AND REQUIREMENTS

Written request required (b)	Any law enforcement agency performing or requesting a facial recognition search using facial recognition technology shall only do so through a written request submitted to the registrar of motor vehicles, the department of state police or the Federal Bureau of Investigation.
Permissible Uses (b)	<p>A law enforcement agency may perform such a facial recognition search for the following purposes:</p> <ol style="list-style-type: none"> <li>i. To execute an order, issued by a court or justice authorized to issue warrants in criminal cases, based upon specific and articulable facts and reasonable inferences therefrom that provide reasonable grounds to believe that the information sought would be relevant and material to an ongoing criminal investigation or to mitigate a substantial risk of harm to any individual or group of people; or</li> <li>ii. Without an order to identify a deceased person or if the law enforcement agency reasonably believes that an emergency involving substantial risk of harm to any individual or group of people requires the performance of a facial recognition search without delay.</li> </ol> <p>Note: Any emergency request shall be narrowly tailored to address the emergency and shall document the factual basis for believing that an emergency requires the performance of a facial recognition search without delay.</p> <p>This subsection shall not apply to the department of state police when performing investigatory functions related to the issuance of identification documents by the registrar of motor vehicles.</p>
Documentation required (c)	<p>Law enforcement agencies shall document each facial recognition search performed and shall provide such documentation quarterly to the executive office of public safety and security. Such documentation shall include:</p> <ol style="list-style-type: none"> <li>i. A copy of any written request made for a facial recognition search;</li> <li>ii. The date and time of the request;</li> <li>iii. The number of matches returned, if any;</li> <li>iv. The database searched;</li> <li>v. The name and position of the requesting individual and employing law enforcement agency;</li> <li>vi. The reason for the request, including, but not limited to, any underlying suspected crime;</li> <li>vii. The entity to which the request was submitted; and</li> <li>viii. Data detailing the individual characteristics included in the facial recognition request.</li> </ol> <p>Such documentation shall not be a public record, except for as provided for in (the annual reporting requirement – see below).</p>

## FACIAL RECOGNITION & BIOMETRIC SURVEILLANCE

Exceptions	<p>Notwithstanding subsection (b), a law enforcement agency may:</p> <ol style="list-style-type: none"> <li>i. Acquire and possess personal electronic devices, such as a cell phone or tablet, that utilizes facial recognition technology for the sole purpose of user authentication;</li> <li>ii. Acquire, possess and use automated video or image redaction software; provided, that such software does not have the capability of performing facial recognition or other remote biometric recognition; and</li> <li>iii. Receive evidence related to the investigation of a crime derived from a biometric surveillance system; provided, that the use of a biometric surveillance system was not knowingly solicited by or obtained with the assistance of a public agency or any public official in violation of said subsection (b).</li> </ol>
Annual publishing	The executive office of public safety must report annually the number of searches/requests for facial recognition searches.

### DEFINITIONS

Biometric surveillance system	Any computer software that performs facial recognition or other remote biometric recognition
Facial recognition	An automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on the physical characteristics of an individual's face, head or body, that uses characteristics of an individual's face, head or body to infer emotion, associations, activities or the location of an individual; provided, however, that "facial recognition" shall not include the use of search terms to sort images in a database.
Facial recognition search	A computer search using facial recognition to attempt to identify an unidentified person by comparing an image containing the face of the unidentified person to a set of images of identified persons; provided, however, that a set of images shall not include moving images or video data.
"Other remote biometric recognition"	An automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on an individual's gait, voice or other biometric characteristic or that uses such characteristics to infer emotion, associations, activities or the location of an individual; provided, however, that "other remote biometric recognition" shall not include the identification or verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other information derived from physical contact.

## OTHER RELEVANT & IMPORTANT ISSUES

### PUBLIC RECORDS

The Massachusetts Public Records law specifically excludes “personnel and medical files” from public record; meaning a citizen does not have a right to access personnel and medical files in a document that would otherwise be public. However, the Police Reform law states that this provision “shall not apply to records related to a law enforcement misconduct investigation.” In other words, records related to law enforcement misconduct investigations are open to public inspection.

### CREATION OF A POST: Peace Officer Standards & Training Commission

M.G.L. c. 6E sec. 30 creates the POST and its authority.

#### 9 members:

- 3 appointed by Governor (police chief, retired Superior Court justice, social worker),
- 3 appointed by AG (police officer below rank of sergeant who is a labor union representative, a law enforcement officer from list of nominees from MA Association of Minority Law Enforcement Officers, an attorney nominated by the MBA’s Civil Rights and Social Justice section), and
- 3 who are jointly appointed by Governor and AG (one shall be a nominee by the MCAD).

The group shall include people of color and women, at least as in such proportion as in commonwealth’s population.

Members appointed for 5 year term.

There will be an executive director, who shall not be a member of the Commission.

Neither the executive director nor employees of the newly created division of standards shall have been previously employed as a law enforcement officer or a law enforcement agency.

### POWERS & DUTIES

- POST Commission shall act as the primary civil enforcement agency for all violations of c. 6E sec. 30
- Establish, jointly with the MPTC and the newly created Division of Police Certification within the POST Commission, **minimum officer and agency certification standards.**
- Certify (and de-certify) qualified applicants and agencies.
- The Commission can receive complaints from *any source*.
- The Commission can conduct audits and investigations.
- The Commission can require re-training, suspend or revoke certification of officers and agencies.

- The Commission can request and receive from the state police, DCJIS, and other CJ agencies, including but not limited to the FBI and IRS, such CORI information relating to the administration and enforcement of this chapter; demand access to and examine, photocopy and audit all papers, books and records of any law enforcement agency.
- The Commission can issue subpoenas and compel the attendance of witnesses, require testimony under oath before the commission in the course of an investigation or hearing.
- The Commission can impose levies, fines, fees and impose penalties and sanctions for a violation of this chapter.
- The Commission can refer cases for criminal prosecution.
- The Commission can refer patterns of racial profiling or mishandling of complaints of unprofessional police conduct for investigation and possible prosecution by the AG, federal, state or local authorities. If the AG has reasonable cause to believe a pattern exists based on information received from any source, the AG may bring a civil action for injunctive or other appropriate equitable and declaratory relief.

## DE-CERTIFICATIONS & SUSPENSIONS

### Immediate Suspensions

The commission **shall immediately suspend the certification** of any officer who is:

1. Arrested, charged or indicted for a felony. If, after a preliminary inquiry, there is a finding by a **preponderance of the evidence** that the officer engaged in conduct that could constitute a felony, the Commission shall suspend the certification.
2. If, after a preliminary inquiry, the Commission determines by a preponderance of the evidence that an officer arrested, charged or indicted for a **misdemeanor that affects his/her fitness of serve**, the officer's certification shall be suspended.

### Mandatory de-certifications

The commission **shall**, after a hearing, **revoke an officer's certification** if the Commission finds, by **clear and convincing evidence**, that the officer was involved in a variety of instances, including but not limited to:

1. The officer is convicted of a felony,
2. The officer is convicted of submitting false time sheets,
3. The officer used excessive force resulting in death or serious bodily injury,
4. The officer used a chokehold,
5. The officer engaged in conduct that would constitute a hate crime,
6. The officer failed to intervene, or attempt to intervene to prevent another officer from engaging in prohibited conduct or behavior (including, but not limited to, excessive or prohibited force).

**Discretionary suspensions and de-certifications**

Commission may, after a hearing, suspend or revoke an officer's certification if the Commission finds, by clear and convincing evidence, that the officer was involved in numerous instances, including but not limited to:

- The officer is convicted of a misdemeanor,
- The officer was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, or immigration status,
- The officer has a pattern of unprofessional police conduct or repeatedly sustained internal affairs complaints for the same or different offenses.

**Other important provisions**

Commission has the power to **order retraining** and to reinstate suspended officers when conditions are satisfied.

No officer may apply for certification after his/her certification has been revoked.

The commission shall maintain a **publicly available database** on its website that includes, but is not limited to:

- The names of all decertified officers,
- The officer's last appointing agency and the reason for decertification;
- The names of all officers who have been suspended, including dates of suspension, appointing agency, and reasons;
- The names of all officers ordered to undergo retraining, the type of retraining ordered, the appointing agency and the reason.

Requires the publication of any revocation orders and findings, and to provide the information to the National Decertification Index.

The commission must file annual report with Legislature, Governor and AG reporting many issues, including but not limited to, all officer-involved injuries or deaths, any policies or recommendations to reduce the number and seriousness of officer-involved injuries or deaths; all officers who were decertified, circumstances regarding de-certifications, certification suspensions, retraining orders, etc.

**Attorney Hanrahan's note: Preponderance of the Evidence** is one of the lowest standards of proof. In civil cases, the preponderance of evidence standard comes into play when the plaintiff satisfies the burden of proof by offering evidence that demonstrates their claims have a greater than 50% chance to be true. In the police world it is comparable to probable cause. The **clear and convincing evidence standard** has a higher standard of proof than preponderance of evidence, but lower than proving beyond a reasonable doubt. Where the preponderance of evidence only requires the plaintiff to 'tip the scales' towards demonstrating fault, the clear and convincing standard needs to demonstrate that fault is 'highly' and 'substantially' more probable to be true than not true.

**LAW ENFORCEMENT AGENCIES MUST SUBMIT DISCIPLINARY RECORDS**

The law requires every law enforcement agency, on or before September 30, 2021, to provide the Massachusetts Peace Officer Standards and Training Commission a comprehensive disciplinary record for each law enforcement officer, including but not limited to:

- Every complaint of which the officer was a subject of during the course of their employment with the agency; and
- All disciplinary records of the officer, including the final disposition of a complaint, if any, and any discipline imposed.

On or before December 1, 2021, the Commission must provide to each agency a list of each officer currently employed in the Commonwealth, and each agency shall provide to the Commission a comprehensive disciplinary record for each law enforcement officer previously employed by the agency, including, but not limited to:

- Every complaint of which the officer was a subject of during the course of their employment with the agency; and
- All disciplinary records of the officer, including the final disposition of a complaint, if any, and any discipline imposed.

**DIVISIONS WITHIN THE POST COMMISSION****THE DIVISION OF POLICE CERTIFICATION**

The law establishes within the POST Commission a Division of Police Certification, which shall work with the MPTC to jointly establish minimum certification standards for all law enforcement officers.

Important components of this Commission:

- All law enforcement agencies shall be certified by the Commission. The certification shall expire 3 years after the date of issuance.
- Officers shall remain in compliance with all requirements for the duration of their employment as an officer.
- No agency shall appoint/employ a person as a law enforcement officer unless the person is certified by the Commission.
- The commission shall, in consultation with the Division of Police Standards (discussed in next section), create and maintain a database with records for each certified law enforcement officer, including, but not limited to date of certification, trainings, any written reprimand,

suspension, arrest, internal affair complaints, criminal convictions, separation from employment, decertification, and similar information.

- Each certified officer shall apply for renewal of certification prior to its expiration date.
- The Commission will maintain a publicly available and searchable database containing records for law enforcement officers, while considering the health and safety of officers.
- In consultation with the MPTC, and subject to approval of the Commission, the Division shall establish and implement agency policies regarding use of force and reporting use of force, officer code of conduct, officer response procedures, criminal investigation procedures, juvenile operations, internal affairs and officer complaint investigation procedures, detainee transportation and collection and preservation of evidence.

### THE DIVISION OF POLICE STANDARDS

The law establishes within the POST Commission a Division of Police Standards, which shall investigate officer misconduct and make disciplinary recommendations to the Commission.

How it supposed to work:

**Department initiated investigations:** The department/agency must transmit complaints to the Division of Police Standards, including the internal investigation and the final conclusion, including the recommended disciplinary action.

**Complaints received by the Division:** The Division of Police Standards may initiate an investigation if they receive a report or other evidence deemed sufficient by the Commission of an officer-involved injury or death, commission of a crime by an officer, use of force in violation of law or regulation, officer failure to intervene in use of force by an officer in violation of law or regulation, or any conduct of a law officer upon receipt of a complaint, report or evidence deemed sufficient by the Commission.

Other important information:

- The division may audit all records related to the complaints, investigations and investigative reports of any agency related to officer misconduct or unprofessionalism, including personnel records.
- The division shall create and maintain a database containing information related to complaints and allegations; The division shall actively monitor the database to identify patterns of unprofessional police conduct.
- The division shall be a law enforcement agency with the power to receive intelligence and to investigate any suspected violations of law.

**THE MUNICIPAL POLICE TRAINING COMMITTEE MODIFICATIONS****Change in the make-up of the Committee:**

The MPTC membership is modified to include additional representatives: Two sheriffs to be appointed by the governor, the chair of the MA Association of Minority Law Enforcement Officers, and the president of the MA Association of Women in Law Enforcement. The MPTC advisory, nonvoting membership is modified to include a social worker and a mental health clinician.

**Training Requirements**

The MPTC shall establish policies and training standards for officers and candidates for municipal police, MBTA, UMASS and other campus police and appointed deputy sheriffs performing police duties.

The MPTC is mandated to create an in-service training on various issues, including:

- A program for law enforcement officers and civilian interaction and to promote procedural justice, emphasizing de-escalation and disengagement tactics and procedures, and other alternatives to the use of force for minor children that build community trust and maintain community confidence.
- A program for school resource officers that examines how legal standards regarding police interaction and arrest procedures differ for juveniles compared to adults; child and adolescent cognitive development; impact of trauma, mental illness, behavioral addictions and developmental disabilities; de-escalation tactics specific to youth and strategies for resolving conflict and diverting youth in lieu of making an arrest.

**Other MPTC Issues**

The MPTC shall work with the Division of Police Certification to jointly establish minimum certification standards for all officers.

The MPTC shall work with the Massachusetts Peace Officer Standards and Training Commission to jointly promulgate rules and regulations for the use of force by law enforcement officers.

Municipal Police Training Committee (MPTC) will remain under the oversight of the Executive Office of Public Safety and Security.

**OTHER ISSUES**

**State Police:** the new law modifies the appointment of the Colonel as well as training, discipline and promotion modifications. The law also creates a State Police cadet program.

**Expungement:** The law allows individuals to expunge criminal records that occurred before their 21<sup>st</sup> birthday, with some limitations (e.g. violent crimes, domestic violence, etc.).

**The creation of many new Commissions**

1. Commission on the Status of African-Americans
2. Commission on the Status of Latinos and Latinas
3. Commission on the Status of Persons with Disabilities
4. Commission on the Social Status of Black Men and Boys.
5. Commission to make recommendations relative to the training and certification of correction and juvenile detention officers.
6. Commission on Law Enforcement Body Camera Task Force to establish requirements for several issues, including the procurement and use of body cameras, storage of recordings, and a process to include footage in public records.
7. Commission to study the use of facial recognition technology.
8. Commission to study the establishment of a statewide law enforcement officer cadet program.
9. Creates a special legislative commission on structural racism in correctional facilities.
10. Creates a special legislative commission on structural racism in the parole process.
11. Creates a special legislative commission on structural racism in the probation process.

**Final comments:** the law is very large and encompassing and, like most legislation, there are many components that may not be 100% clear. It will likely take Court interpretation to clarify many provisions of the law.

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