

HOUSE No. 214

Accompanying the first recommendation of the Department of Public Safety (House, No. 213), State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT REORGANIZING THE DEPARTMENT OF PUBLIC SAFETY AND THE DIVISION OF STATE POLICE.

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

1 SECTION 1. Chapter 22 of the General Laws is hereby
2 amended by striking out section 3A, inserted by section 1 of
3 chapter 771 of the acts of 1955, and inserting in place thereof
4 the following section: —

5 *Section 3A.* There shall be within the division of state police
6 a criminal information unit. The head of said unit shall be
7 designated by the commissioner from state police personnel
8 and shall hold such rank or temporary rank as the com-
9 missioner may determine. The commissioner may from time to
10 time assign to said unit such members of the state police and
11 other assistants as in his opinion are necessary to carry out its
12 duties. The head of said unit shall report annually, and at other
13 times in his discretion, to the governor, the attorney general
14 and the commissioner.

1 SECTION 2. Said chapter 22 is hereby further amended by
2 striking out section 3B, inserted by section 1 of chapter 749 of
3 the acts of 1969, and inserting in place thereof the following
4 section: —

5 *Section 3B.* There shall be within the division of state police
6 a narcotics section. The commissioner may from time to time
7 assign to said section such members of the state police and
8 other assistants as he may deem necessary to carry out the
9 duties of said section. Personnel assigned to the section as
10 officers shall be in the uniformed branch of the division of
11 state police.

1 SECTION 3. Said chapter 22 is hereby further amended by
2 striking out section 5, as most recently amended by
3 chapter 713 of the acts of 1956, and inserting in place thereof
4 the following section: —

5 *Section 5.* There shall be in the department a deputy com-
6 missioner who shall also be the secretary. He shall be appointed
7 by the commissioner, with the approval of the governor, and
8 may, with like approval, be removed at the pleasure of the
9 commissioner. The deputy commissioner, in addition to his
10 duties as secretary under section twelve, shall assume such
11 authority and responsibility as may be assigned to him by the
12 commissioner, and during the illness, absence or other disability
13 of the commissioner, he shall perform the official duties of the
14 commissioner.

1 SECTION 4. Said chapter 22 is hereby further amended by
2 striking out section 9-O, as most recently amended by
3 chapter 18 of the acts of 1970, and inserting in place thereof
4 the following section: —

5 *Section 9-O.* The commissioner may promote male members
6 of the uniformed branch of the division of state police who are
7 eligible for promotion to the grade of noncommissioned of-
8 ficers, lieutenant, captain, and major, and he may promote
9 female members of said uniformed branch who are eligible for
10 promotion to the grade of supervisor of state policewomen. All
11 promotions shall be based on the following factors which shall
12 be marked on a percentage basis:

13 (1) a competitive promotional examination open to all can-
14 didates who have completed not less than one year of service
15 in the next subordinate grade, or who have completed a total
16 of ten years of service as a member of the uniformed branch
17 prior to the final date of filing the application:

18 (2) performance evaluation reports which shall be submitted
19 annually to the commissioner by each first line supervisor,
20 under whom each candidate has served, and the average per-
21 centage of all such annual reports in the then current grade of
22 such candidate shall be the performance evaluation mark;

23 (3) an oral interview conducted by members of the uniform-
24 ed branch of the division of state police, or by officers of state

25 police departments outside the commonwealth, holding a grade
26 higher than that for which the examination is being conducted;
27 and

28 (4) in the case of promotions to the grades of non-
29 commissioned officers, supervisor of state policewomen, lieu-
30 tenant and captain a determination of longevity based upon the
31 granting of five per cent for each year of service plus one-
32 twelfth of such five per cent for each additional full month of
33 service, up to twenty years of service, computed as of the final
34 date for filing applications for such promotions.

35 The commissioner shall prepare notice of all promotional
36 examinations, which shall be written examinations, and shall
37 cause notice thereof to be published in the departmental orders
38 no later than thirty days prior to the final date for filing
39 application therefor. No examination shall be held less than
40 thirty days after the final date for filing such applications. All
41 performance evaluation reports required by this section shall be
42 submitted to the commissioner annually on the anniversary
43 date of the officer's enlistment, or whenever there is a change
44 in first line supervisors and prior to a promotional examination,
45 if the candidate has not been evaluated in his current rank, the
46 candidate shall be evaluated prior to the filing date. A can-
47 didate who has not been evaluated within sixty days prior to
48 the final filing date for promotional examination shall be re-
49 evaluated.

50 No member who is a candidate for promotion to the grade
51 of a noncommissioned or commissioned officer or supervisor of
52 state policewomen shall be eligible for promotion unless he or
53 she has attained a mark of at least seventy per cent in the
54 written examination.

55 The standards for promotion to the noncommissioned
56 officers grades, supervisor of state policewomen and com-
57 missioned officer grades up to and including captain shall be
58 based upon the following factors which shall be weighted as
59 follows: — written examinations, eight; performance evaluation,
60 three; oral interview, three; longevity, six.

61 The standards for promotion to the grade of major shall be
62 based upon the following factors which shall be weighted as
63 follows: — written examinations, four; performance evaluation,

64 three; oral interview, three.

65 Each candidate for promotion to any such grade who is a
66 veteran shall have two points added to his or her general
67 average mark.

68 Before making any promotions in accordance with this
69 section, the commissioner shall publish and distribute in depart-
70 mental orders a list of members of the uniformed branch of
71 the division of state police who are eligible for promotion to a
72 specified grade. Such lists shall remain valid for a period of two
73 years from the date of publication. Appointment to a vacancy
74 occurring in any grade shall be made from the top three
75 candidates on the appropriate list who are eligible for pro-
76 motion.

1 SECTION 5. Said chapter 22 is hereby further amended by
2 striking out section 9P, inserted by section 2 of chapter 785 of
3 the acts of 1965, and inserting in place thereof the following
4 section: –

5 *Section 9P.* Any vacancy that occurs in the grade of lieu-
6 tenant colonel and executive officer of the uniformed branch
7 of the division of state police shall be filled by the com-
8 missioner from the next subordinate grade.

1 SECTION 6. Said chapter 22 is hereby further amended by
2 striking out Section 9Q, as most recently amended by chapter
3 17 of the acts of 1970, and inserting in place thereof the
4 following section: –

5 *Section 9Q.* No person shall be eligible for appointment to
6 any of the following grades until such person has completed
7 the following period of service in the uniformed branch of the
8 division of state police: – corporal, four years; sergeant, six
9 years; staff sergeant, eight years; lieutenant or supervisor of
10 state policewomen, ten years; captain, twelve years; and major,
11 fourteen years.

12 (1) no person shall be eligible for appointment to any of the
13 following grades in the said uniformed branch unless such
14 person has earned semester hour credits toward a baccalaureate
15 or an associate degree as follows: – corporal, ten semester hour
16 credits; sergeant, twenty-five semester hour credits; staff ser-

17 geant, forty semester hour credits; lieutenant or captain, sixty
18 semester hour credits (associate degree). No person shall be
19 eligible for appointment to the grade of major or to the grade
20 of lieutenant colonel in the said uniformed branch unless such
21 person has earned one hundred and twenty semester hour
22 credits (baccalaureate degree). All semester credits and degrees
23 shall be earned in an educational institution accredited by the
24 New England Association of Colleges and Secondary Schools or
25 by the Board of Higher Education.

26 (2) the provisions of clause (1) of this section shall not
27 apply to any person who was enlisted for the first time as a
28 member of the uniformed branch of the division of state police
29 prior to January 1, 1971.

1 SECTION 7. Notwithstanding the provisions of sections 9-O
2 and 9Q of chapter 22 of the General Laws, inserted by
3 sections 4 and 6, respectively, of this act, any member of the
4 uniformed branch of the division of state police who on the
5 effective date of this act holds the rank of staff captain shall
6 be deemed to hold the rank of major without being required to
7 take a competitive promotional examination.

1 SECTION 8. Notwithstanding the provisions of section 9-O
2 of chapter 22 of the General Laws, inserted by section 4 of this
3 act, any female member of the uniformed branch of the divi-
4 sion of state police who on the effective date of this act holds
5 a rank other than provided for said female members by said
6 section 9-O shall retain such rank.

1 SECTION 9. Chapter 147 of the General Laws is hereby
2 amended by striking out section 1, as appearing in the
3 Tercentenary Edition, and inserting in place thereof the follow-
4 ing section: –

5 *Section 1.* The commissioner of public safety, in this
6 chapter called the commissioner, shall have charge of the ad-
7 ministration and enforcement of all laws, rules and regulations
8 which it is the duty of the department of public safety, in this
9 chapter called the department, to administer and enforce. He
10 shall, subject to the approval of the governor, make all neces-

11 sary rules for the government of his department, for reports to
12 be made by officers under him and for the performance of
13 their duties. He shall make an annual report.

1 SECTION 10. Said chapter 147 is hereby further amended
2 by striking out section 4A, as appearing in the Tercentenary
3 Edition, and inserting in place thereof the following section: –

4 *Section 4A.* The commissioner shall provide within the divi-
5 sion of state police for receiving, arranging and keeping proper
6 means for the identification of criminals and for the furnishing
7 of means of identification of criminals to police departments of
8 cities and towns, to the department of correction and to
9 prosecuting officers within the commonwealth. He may in his
10 discretion furnish means of identification of criminals to proper
11 officers in other states and in foreign countries. He may secure
12 means of identification including measurements, photographs,
13 fingerprints and other means, so that known criminals may be
14 identified in this commonwealth. The commissioner shall, on
15 his own initiative, or upon request of the chief police officer of
16 any city or town, or of any district attorney within the
17 commonwealth, furnish to such chief police officer or district
18 attorney such information as he has in his possession which
19 may tend to assist in the identification or apprehension of
20 criminals.

1 SECTION 11. Said chapter 147 is hereby further amended
2 by striking out section 4C, as most recently amended by
3 section 2 of chapter 749 of the acts of 1969, and inserting in
4 place thereof the following section: –

5 *Section 4C.* The criminal information unit within the divi-
6 sion of state police shall be charged with the following duties
7 and functions:

8 (a) Said unit shall collect, by investigation of its own and by
9 receipt from other law enforcement agencies, information con-
10 cerning organized crime, organized illegal gambling, and other
11 illegal activities generally described as rackets, including inform-
12 ation as to the identity and doings of persons who engage in,
13 promote, operate or participate in such activities and of
14 persons arrested for the illegal use, sale or possession of harm-
15 ful drugs or narcotics.

16 (b) Said unit shall maintain files of all such information
17 which it collects and receives, and shall serve as a clearing
18 house of intelligence for all law enforcement agencies within
19 the commonwealth concerning such activities and such persons,
20 and may provide to and receive from similar agencies outside
21 the commonwealth any such information. Any police depart-
22 ment of the commonwealth, or any of its political subdivisions,
23 may, by request, in the form and manner prescribed by said
24 unit, receive such information as is in the files of said unit
25 concerning such activities and such persons in which said police
26 department has an official interest. The clearing house func-
27 tions of this unit constitute a co-operative relationship between
28 said unit and said police departments; and if in the discretion
29 of the head of said unit, responding to such request for
30 information might interfere with an investigation being carried
31 on by some other department or by said unit, he may, with
32 the approval of the commissioner, deny the request.

33 (c) Said unit shall from time to time advise the local police
34 departments of new schemes or rackets which may come to its
35 attention, and of new devices, techniques, methods of opera-
36 tion, and other matters of interest relating to such activities
37 and such persons, so that the police of the commonwealth and
38 its political subdivisions shall be better informed and thus
39 better able to enforce the laws with respect to such activities
40 and such persons.

41 (d) The clerk of any court in which a person is convicted of
42 a crime involving gaming of any kind, drug and narcotic viola-
43 tions, the sale or possession of pornographic literature or the
44 improper solicitation or use of funds for charitable purposes,
45 shall forthwith report such conviction to said unit. The proba-
46 tion officer of said court shall furnish to the clerk a description
47 of any person so convicted, which shall be on a form pre-
48 scribed by the commissioner of public safety.

1 SECTION 12. Said chapter 147 is hereby further amended
2 by striking out section 4E, as most recently amended by
3 section 23B of chapter 889 of the acts of 1969, and inserting
4 in place thereof the following section: -

5 *Section 4E.* The narcotics section within the division of
6 state police shall be charged with the following duties and
7 functions: - to investigate all violations of the narcotic and
8 harmful drug laws of the commonwealth; to arrest all violators
9 of such laws; and to cooperate with the department of the
10 attorney general in training men assigned to the narcotics
11 section in practices and procedures relating to the narcotic and
12 harmful drug laws pursuant to section eleven B of chapter
13 twelve.