

By Mr. Buckley of Abington, petition of the Mass. Chiefs of Police Assoc., Inc., John R. Buckley, Michael J. Daly, Arthur H. Tobin and Joseph J. C. DiCarlo for a change in the law relative to the training of police officers. Public Service.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE TRAINING OF POLICE OFFICERS.

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 6 of the General Laws is hereby
2 amended by striking out sections 116 through 119 inclusive and
3 inserting in place thereof the following sections: —

4 *Section 116.* There shall be a Massachusetts police training
5 council, hereinafter called the council, to consist of the attorney
6 general, the secretary of public safety, the commissioner of
7 public safety, the director of civil service, the commissioner of
8 police of the City of Boston, or their respective designees, the
9 special agent in charge of the Boston office of the Federal Bureau
10 of Investigation, if consent is given by the director of said
11 Bureau, the secretary of education, or his designee, who shall act
12 in an advisory capacity but shall have no vote, and the chairman
13 of the criminal law committee of the Massachusetts Bar
14 Association, or his designee, who shall act in an advisory capacity
15 but shall have no vote, a community resident from a high crime
16 area as defined by the Federal Bureau of Investigation crime
17 report, who shall act in an advisory capacity but shall have no
18 vote, and five members to be appointed by the Governor, one of
19 whom shall be an administrator of a City or Town, three of
20 whom shall be Chiefs of Police who shall be selected from a list
21 of six nominees submitted by the Board of Directors of the
22 Massachusetts Chiefs of Police Association, Inc., and one of
23 whom shall be a member of the Massachusetts Police Association,

24 who shall be selected from two nominees submitted by the Board
25 of Directors of said Association.

26 The members appointed by the governor shall serve for a term
27 of two years. Upon the expiration of the term of a member
28 appointed by the governor, his successor shall be appointed in
29 the same manner for a like term. The governor shall select from
30 the voting membership one member to act as chairman of the
31 council. Six members of the council shall constitute a quorum.

32 *Section 117.* The council shall meet at least four times a
33 calendar year. Special meetings may be called by the chairman
34 and shall be called by him at the request of the governor or upon
35 the written request of five members of the council. The members
36 shall serve without compensation but shall receive their necessary
37 expenses incurred in the discharge of their official duties.

38 *Section 118.* For the purposes of this act there shall be not
39 less than five regional police training schools. The council shall
40 supervise the establishment and operation of all regional police
41 training schools for the purpose of training municipal police
42 officers, capitol police officers, metropolitan district police
43 officers, Massachusetts bay transportation authority police offi-
44 cers and personnel of the registry of motor vehicles exercising
45 police powers as defined by chapter 534 of the acts of 1970
46 within the Commonwealth.

47 The council shall also certify and shall have the authority to
48 refuse to certify (I) regional and municipal police training schools
49 in the Commonwealth, (II) instructors and administrators to staff
50 said schools, the guidelines for the qualifications of instructors
51 and administrators staffing these schools being provided by the
52 training and education committee of the Massachusetts chiefs of
53 police association, based upon experience and education, (III)
54 recruit, in-service and supervisory programs of instruction offered
55 by schools based on length, quality and comprehensiveness
56 provided that prior to July 1, 1974, no recruit training program
57 with classroom and field instructions of less than twelve (12)
58 weeks shall be approved, and (IV) qualified individuals who have
59 satisfactorily completed the program of instruction as qualified
60 to serve as police officers with the Commonwealth, not inconsis-
61 tent with existing statutes.

62 The council shall be empowered, with respect to certified
63 regional and municipal police training schools, to establish rules
64 and regulations relating to courses of study, attendance require-
65 ments, equipment and facilities.

66 No regional or municipal police training school in the
67 Commonwealth shall offer a program of instruction for purposes
68 of preparing individuals to become municipal police officers,
69 capitol police officers, metropolitan district commission police
70 officers, Massachusetts bay transportation authority police
71 officers or of the registry of motor vehicles personnel exercising
72 police powers in the Commonwealth unless it is certified by the
73 council. No instructor or administrator shall teach at regional or
74 municipal training schools unless that person is certified by the
75 council. No individual shall serve as a municipal police officer,
76 capitol police officer, metropolitan district commission police
77 officer, Massachusetts bay transportation authority police officer
78 or personnel of the registry of motor vehicles exercising police
79 powers in the Commonwealth, unless he has, within nine months
80 of the date of his appointment, been enrolled in a regional or
81 municipal police training school certified by the council for the
82 purpose of receiving a basic training course.

83 Subsequent to July 1, 1974, no new appointee to a municipal
84 police department, the capitol police, the metropolitan district
85 police, the Massachusetts bay transportation authority police or
86 personnel of the registry of motor vehicles exercising police
87 powers shall be certified by the council to exercise police powers
88 unless within six months of the date of his employment in this
89 position he has been enrolled in a regional or municipal police
90 training school, certified by the council, to receive a basic course
91 of instruction which shall provide no less than twelve (12) weeks
92 of classroom and field instruction and further that he has
93 satisfactorily completed the course of study and passed a
94 job-related competency examination approved by the Council.

95 Each person appointed as a reserve or intermittent police
96 officer, as defined in chapter 31, sections 20A and 20C
97 respectively, shall complete a course of training as prescribed by
98 the council after which he must be certified by the council as a
99 reserve or intermittent police officer.

100 Any person attending a regional or municipal police training

101 school which has previously been certified by the council, who
102 through his own fault fails to satisfactorily complete the course
103 or who, in a basic training school fails to pass the council
104 approved job-related competency examination, shall be removed
105 from the position to which he has been appointed wherein he
106 would exercise police powers.

107 The council shall have the authority to provide residential
108 facilities as part of the training program as it may deem
109 appropriate, wherein trainees may reside at a regional academy if
110 such facilities are available.

111 The appointing authority in each city, town or state agency
112 shall notify the executive director of the council, upon a form to
113 be provided by the council, immediately upon the appointment
114 of any permanent, reserve or intermittent police officers and
115 with respect to the registry of motor vehicles, the Registrar shall
116 notify the executive director of the council concerning the
117 appointment of any employee who will exercise police powers as
118 previously defined.

119 Upon petition to the executive director by the appointing
120 authority a person appointed to a position wherein he will
121 exercise police powers may or may not be exempted by the
122 council from being enrolled in a regional or municipal police
123 training school for a basic training course within the prescribed
124 period as defined previously or may be exempted from attending
125 a regional or municipal police training school if unique or special
126 circumstances are clearly demonstrated to the executive director,
127 who will then submit such unique or special circumstances to the
128 council for a determination.

129 Nothing in this act shall be construed to limit the authority of
130 law enforcement agencies as previously defined in this act to
131 employ without mandatory training, cadets, community service
132 officers or other civilian personnel who do not exercise police
133 powers.

134 The provisions of this act with respect to basic training as
135 defined above do not apply to those persons employed as
136 regularly appointed, permanent, full-time law enforcement offi-
137 cers appointed prior to January 1, 1966.

138 Subsequent to July 1, 1974, failure to provide recruit training
139 as described above to any person exercising police powers shall

140 result in a fine to the employing agency of not less than one
141 hundred dollars for each person so employed and a fine of not
142 less than fifty dollars per day for every day said person serves in
143 violation of this section following notice from the council of
144 violation of this section.

145 The council is empowered to file a petition in the court of
146 equity of the county in which the police agency violating any
147 provisions of this section is located to enforce the provisions of
148 this section.

149 Monies appropriated pursuant to Public Law 90-351, 82
150 Statutes 197, (of 1968), to implement this Act, that remain
151 unused or uncommitted as of July 1, 1973, shall revert to the
152 council to be used pursuant to section 119 of this act.

1 SECTION 2. *Section 119.* The council shall be provided
2 with suitable offices in the State House or elsewhere. The council
3 shall appoint an executive director and an assistant executive
4 director, provided however, that said nominees shall have not less
5 than six years experience as a full-time duly constituted law
6 enforcement officer of a municipal, state or federal agency or
7 governmental unit thereof. The council shall also appoint
8 superintendents of regional training schools, instructors, secre-
9 taries, clerks and assistants and other personnel as it may require
10 and may make such expenditures as may be necessary to execute
11 effectively the functions of the council. Said executive director
12 and assistant director shall not be subject to chapter 31. The
13 school directors of regional training schools shall not be required
14 to be subject to chapter 31 and the provisions of section 91,
15 chapter 32 of the General Laws or any related sections of said
16 chapter.

17 The council is authorized to enter into contracts and agree-
18 ments with any department, agency or political subdivision of
19 the federal or state government, or any individual, corporation,
20 association, or political sub-division of the Commonwealth to
21 provide or receive personal services including the authority to
22 purchase and/or maintain a leasehold interest of real estate.

1 SECTION 3. Chapter 41 of the General Laws is hereby
2 amended by striking out section 96B and inserting in place
3 thereof the following section: —

4 *Section 96B.* Any police recruit or police officer or registry
5 of motor vehicles personnel exercising police powers attending a
6 regional police training school or municipal police training school
7 shall be paid the compensation he would otherwise be entitled to
8 in his regularly appointed position, with a maximum compensa-
9 tion equivalent to that of forty hours per week. He shall also
10 receive such reasonable expenses as may be determined by the
11 appointing authority of the city, town, state agency or authority

12 Every regular police officer on a permanent full-time basis in
13 any city or town, every reserve officer and intermittent police
14 officer in any city or town, the metropolitan district police
15 officers, the capitol police officers, and the Massachusetts bay
16 transportation authority police officers and personnel of the
17 registry of motor vehicles exercising police powers shall be
18 assigned to and shall attend a police training school approved by
19 the Massachusetts police training council for the purpose of
20 completing an approved course of study of in-service training at
21 such intervals and for such periods of time as the council may
22 determine. Any such person who received an appointment to a
23 position of higher rank shall, in addition, complete such other
24 courses of supervisory training as the council may determine.
25 While receiving such training such person shall be paid his regular
26 wages, with a maximum compensation equivalent to that of a
27 forty hour week and may receive such reasonable expenses as
28 may be determined by the appointing authority as referred to in
29 this section.

1 SECTION 4. The effective date of section 118 of this act
2 shall be January 1, 1975.

The Commonwealth of Massachusetts

Be it enacted by the Senate and House of Representatives in Conference assembled, That

SECTION 1. Notwithstanding any act or law to the contrary, the several laws, acts and resolutions of the Commonwealth, including the laws, acts and resolutions of the several towns, cities and counties, shall be subject to the provisions of this act.

SECTION 2. The provisions of this act shall apply to all laws, acts and resolutions of the Commonwealth, including the laws, acts and resolutions of the several towns, cities and counties, which are in force on the date of the passage of this act.

SECTION 3. The provisions of this act shall apply to all laws, acts and resolutions of the Commonwealth, including the laws, acts and resolutions of the several towns, cities and counties, which are in force on the date of the passage of this act.

SECTION 4. The provisions of this act shall apply to all laws, acts and resolutions of the Commonwealth, including the laws, acts and resolutions of the several towns, cities and counties, which are in force on the date of the passage of this act.

SECTION 5. The provisions of this act shall apply to all laws, acts and resolutions of the Commonwealth, including the laws, acts and resolutions of the several towns, cities and counties, which are in force on the date of the passage of this act.

SECTION 6. The provisions of this act shall apply to all laws, acts and resolutions of the Commonwealth, including the laws, acts and resolutions of the several towns, cities and counties, which are in force on the date of the passage of this act.

