**OFFICE OF THE INSPECTOR GENERAL**
COMMONWEALTH OF MASSACHUSETTS

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# Division of State Police Oversight 2018 Annual Report

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# EXECUTIVE SUMMARY

In July 2018, the Legislature created the Division of State Police Oversight[1] ("Division") through the passage of M.G.L. c. 22C, § 72.[2] The Legislature established the Division as an independent unit responsible for monitoring the quality, efficiency and integrity of the Massachusetts State Police ("MSP"). The Division operates as a part of the Massachusetts Office of the Inspector General ("Office"), an independent agency with a broad legislative mandate to prevent and detect fraud, waste and abuse of public funds at all levels of state government. The Division's scope encompasses, but is not limited to, (1) monitoring the quality, efficiency and integrity of the MSP's operations, organizational structure and management functions; (2) seeking to prevent, detect and correct fraud, waste and abuse in the expenditure of public funds; and (3) monitoring policy changes instituted as a result of the MSP's certification or accreditation by a state or national police accrediting agency pursuant to M.G.L. c. 22C, § 73.

The Division formally commenced operations in December 2018, after an extensive search for the Director that began in August 2018. During its first weeks of operation, the Division obtained and reviewed all policies, procedures, rules, regulations and collective bargaining agreements of the MSP and met with the entire MSP command staff. The Division's main focus to date has been monitoring the MSP's efforts to obtain certification or accreditation.

To that end, the Division can report that the MSP submitted an application seeking certification to the Massachusetts Police Accreditation Commission ("MPAC"), hired a full-time accreditation manager whose sole job function is to guide the MSP through the accreditation process, and is currently in the self-assessment phase toward achieving certification. During the self-assessment phase, the MSP is engaged in a comprehensive self-review of all operations, policies, procedures, rules and regulations to assure compliance with MPAC's established standards. This process is time consuming; its length varies from police organization to police organization depending on its size.

[1] M.G.L. c. 22C, § 72, refers to the Division as "an internal special audit unit." The Inspector General renamed the Division to avoid confusion with the previously created Internal Special Audit Unit within the Department of Transportation (see M.G.L. c. 6C, § 9).

[2] M.G.L. c. 22C, § 72, was passed through the enactment of Section 23 of Chapter 154 of the Acts of 2018.

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# BACKGROUND

## I. The Office of the Inspector General

The Office of the Inspector General for the Commonwealth of Massachusetts ("Office") is an independent agency charged with preventing and detecting fraud, waste and abuse in the use of public funds and public property. The Legislature created the Office in 1981 at the recommendation of the Special Commission on State and County Buildings, a legislative commission that spent two years probing corruption in the construction of public buildings in Massachusetts. It was the first state inspector general's office in the country.

In keeping with its broad statutory mandate, the Office investigates allegations of fraud, waste and abuse at all levels of government; reviews programs and practices in state and local agencies to identify system-wide vulnerabilities and opportunities for improvement; and assists the public and private sectors to help prevent fraud, waste and abuse in government spending. In addition, the Office provides guidance to local government officials on issues that arise under the Uniform Procurement Act, M.G.L. c. 30B, which governs the purchase and disposition of supplies, services, equipment and real property by municipalities and other public entities. The Office also educates public and private employees through its Massachusetts Certified Public Purchasing Official ("MCPPO") training program.

## II. The Division of State Police Oversight

Established in July 2018, with operations commencing in December 2018 after an extensive search for the Director, the Legislature charged the Division of State Police Oversight ("Division") with monitoring the quality, efficiency and integrity of the Massachusetts State Police's ("MSP") operations, organizational structure and management functions. *See* M.G.L. c. 22C, § 72(c). Additionally, the Division is responsible for monitoring policy changes instituted as a result of the MSP's certification or accreditation by a state or national police accrediting agency. The Division also seeks to prevent, detect and correct fraud, waste and abuse in the expenditure of public funds at all levels of the MSP, including expenditures by the MSP for "paid details and overtime." *See* M.G.L. c. 22C, § 73(c).

## III. The Massachusetts State Police

Founded in 1865, the MSP is the oldest statewide law enforcement agency in the nation. It provides full-service policing, with more than 2,000 sworn officers as well as several hundred civilian staff. Its jurisdiction spans across the state's 351 cities and towns and extends 12 nautical miles off the Commonwealth coastline. The MSP serves a population of approximately 6.8 million people and is responsible for criminal law enforcement and traffic safety across the Commonwealth. In addition, the MSP provides forensic services, protects Logan International Airport and provides basic policing services to small towns.

The MSP is led and managed by the Office of the Superintendent and is organized into five divisions that provide a variety of public safety and administrative services:

- The **Division of Field Services** oversees highway safety, assists municipal law enforcement agencies by responding to public safety emergencies or incidents, and provides other patrol resources and special operations;
- The **Division of Investigative Services** conducts criminal investigations, including homicides, in cooperation with the Commonwealth's district attorney's offices and provides forensic services through its state crime laboratory system;
- The **Division of Homeland Security and Preparedness** is responsible for the Commonwealth's readiness and response to a variety of large-scale criminal threats, including terrorist activity;
- The **Division of Standards and Training** operates the State Police Academy; it also oversees training and education across all of the MSP's divisions; and
- The **Division of Administrative Services** provides internal administrative support to the MSP.

## CREATION OF THE DIVISION AND INITIAL WORK

Pursuant to M.G.L. c. 22C, § 72(a), the Inspector General appoints a director of the Division, who serves as an assistant inspector general, for a four-year term. The director may appoint, subject to the approval of the Inspector General, such employees as he deems necessary to carry out the work of the Division. In August of 2018, prior to the appointment of a Director, the Office coordinated with the Division of Capital Asset Management and Maintenance ("DCAMM") to secure adequate office space and infrastructure to support the Division's work. After a diligent and competitive hiring process, the Office appointed its first Director as well as a Senior Investigator in December of 2018. The Division also hired an investigator and is in the process of hiring other staff. During its initial weeks of operation, the Division obtained and reviewed all policies, procedures, rules, regulations and collective bargaining agreements of the MSP. It also has established regular meetings and communications with senior command staff of the MSP.

The primary focus of the Division's work during the end of 2018 and the beginning of 2019 entailed monitoring the MSP's efforts towards certification or accreditation by a state or national accrediting agency, as well as initiating a detailed examination of all policies and practices specific to attendance, paid details and overtime.

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## THE MASSACHUSETTS STATE POLICE EFFORTS TO ACHIEVE CERTIFICATION OR ACCREDITATION

As part of its legislative mandate, the Division is charged with monitoring policy changes the MSP institutes as a result of its efforts to become certified or accredited by a state or national accrediting agency. The certification or accreditation process for any police organization, regardless of size, generally consists of two major components: (1) establishing administrative and operational standards for the police organization to meet; and (2) assessing the police organization to ensure it meets these standards.

In January 2019, the MSP hired an accreditation manager whose sole job function is to guide the agency through the accreditation process. The accreditation manager is a recently retired MSP captain who has worked in every MSP division. On February 14, 2019, the MSP submitted an initial application to the Massachusetts Police Accreditation Commission ("MPAC")[3] beginning the process toward full certification or accreditation. MPAC was established in October of 1996, through the combined efforts of the Massachusetts Chiefs of Police Association, the Massachusetts Police Accreditation Coalition and the Executive Office of Public Safety and Security. Through Executive Order No. 392, MPAC was initially created as a state agency within the Executive Office of Public Safety and Security, mandated to oversee accreditation for police organizations throughout the Commonwealth. In February 2004, MPAC transitioned from a state agency to a private, non-profit organization. It offers two professional credentialing programs: certification and accreditation. Accreditation is the higher of the two program awards; it consists of 382 standards, of which 257 are mandatory and 125 are optional. Mandatory standards that do not apply to the agency are waived. Only a percentage of the optional standards must be met, and the percentage is based on the police organization's size. The certification program consists of 159 standards, all of which are mandatory. Since these 159 standards are part of the 257 mandatory standards for accreditation, certification is a significant milestone toward accreditation. The MSP must first successfully achieve certification before MPAC will assess it for accreditation.

MPAC based its standards on those established by the Commission on Accreditation for Law Enforcement Agencies, Inc., a national accrediting agency. These standards reflect best practices in police management, administration, operations and support services. For instance, subject areas include:

- Agency authority, jurisdiction and use of force
- Recruitment, selection and promotion of personnel
- Training, discipline and internal affairs
- Patrol, traffic operations and criminal investigations

[3] The Division drew information on the MSP's efforts to achieve certification or accreditation directly from MPAC's website at www.masspoliceaccred.net, the MPAC application and interviews with the MSP.

- Victim/Witness assistance
- Emergency response planning
- Detainee transportation and holding facilities
- Records and communications
- Collection and preservation of evidence
- Property and evidence control

The MPAC certification and accreditation process consists of six phases outlined below. The length of the process can vary from organization to organization. The MSP is currently engaged in the self-assessment phase.

1. **Information Phase**: Police organizations usually begin the process with a simple request for information about certification and accreditation. The information generally includes an overview of the six phases, the costs (actual and potential), the standards, the benefits and the availability of support services from MPAC.

2. **Application Phase**: Once the police organization decides to participate in the program, it completes the program application. Upon receipt of the application and fee, MPAC provides instructional material and individualized training to prepare the police organization for the next phase of the process.

3. **Self-Assessment Phase**: This phase involves a thorough examination of the police organization, by the organization itself. It is the most labor-intensive and time-consuming phase because it includes both a comprehensive review of the standards and preparation for the police organization's on-site assessment. The activities in this phase include: (1) analyzing each standard to determine organization compliance; (2) achieving organization compliance where noncompliance is determined; and (3) documenting compliance in a centralized repository for the on-site assessors to review.

4. **Pre-Assessment Phase**: This phase of the process involves two preliminary reviews: one by the police organization's peers, the other by MPAC staff. Both pre-assessments give the applicant police organization an indication of its readiness for an on-site assessment by MPAC-appointed assessors.

5. **On-Site Assessment Phase**: In general, the evaluation process for certification consists of a two-day assessment in the police organization's facility to verify compliance with all applicable standards. An assessment team verifies compliance by reviewing written directives and documentation, interviewing employees and observing various aspects of the organization's

facility. The assessment for accreditation is conducted in three days by a team of assessors to account for the additional standards necessary to achieve accreditation.[4]

6. **Commission Review Phase**: Based on the findings and recommendations of the assessment team, MPAC grants certification or accreditation for a three-year period. Upon achieving initial certification, police organizations work toward re-certification or pursue accreditation. Accredited agencies work toward re-accreditation. During the three-year period, MPAC monitors the police organization's ongoing compliance with program standards.

To the extent the MSP changes its policies, procedures, rules or regulations as a result of its certification or accreditation efforts, the Division will monitor and report on such changes.

[4] As the MSP is the largest police organization in the Commonwealth, it is anticipated that the assessment for certification and accreditation will take longer than the typical time period.