



**The Massachusetts Chiefs of Police Association and the  
Massachusetts Major City Chiefs present**

*A Response to The Final Report of  
The President's Task Force on  
21st Century Policing*



September 2015

As veteran police officers, the members of the Massachusetts Chiefs of Police Association (“MCOPA”) and the Massachusetts Major City Chiefs (“MMCC”) recognize that the public’s perception of police legitimacy is fundamental to effective policing and maintaining safe communities. Keeping communities safe requires establishing and preserving positive relations and continued trust between the police and the people they protect and serve. Crime statistics suggest that generally, people are the safest they have been in decades. Some studies reveal, however, that despite lower crime rates in many places, overall citizens’ confidence in and attitudes toward the police have not improved.<sup>1</sup> Some believe that tactics used by the police to reduce crime in such areas have left residents feeling targeted.

Certain events of the last year have exposed significant shortcomings, and sometimes complete breaches, in the bond that must continue to exist between the police and the people we serve. High profile law enforcement cases, including the controversial use of force deaths of Michael Brown in Ferguson, Missouri and Eric Garner in New York City in 2014, and a series of cases in 2015 in Baltimore, Maryland; North Charleston, South Carolina; Cleveland, Ohio; and most recently in Mount Auburn, Ohio, are the latest examples of a widening chasm between the criminal justice system and the communities it serves. Coverage of these high profile events by the national media has exposed the country to a series of controversial and questionable uses of force by police officers, sometimes accompanied or followed by massive public demonstrations and even riots, with the release of video evidence. The advent of body-

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<sup>1</sup> Jeffrey M. Jones. “In U.S., Confidence in Police Lowest in 22 Years.” *Gallup*. June 19, 2015.

worn cameras (“BWC”) used by some police departments, dash cam video, and the ability of smart phones to capture high quality recordings, combined with the use of social media to spread witness accounts and videos of police-citizen interactions, has provided the American public with a front row seat to interactions between police officers and members of the public.

As a result, some law-abiding citizens who, a year ago, would have described themselves as wholehearted supporters of the police, today wonder whether their support has been misplaced or based on naive assumptions. The police chiefs of Massachusetts know that these highly-publicized episodes of misconduct do not fairly represent the abundance of good police work officers perform every day. Indeed, challenges having little to do with crime control, such as people on the street struggling with issues related to mental health, drug and alcohol addiction, and homelessness, heavily influence the very nature of police work in the 21<sup>st</sup> Century.

The United States has approximately 18,000 police agencies served by over 800,000 officers and agents who, by and large, do an exceptional job under extremely difficult and trying circumstances. Every day, officers respond to calls regarding people struggling with mental illness and/or addiction problems, and in most cases, interact with people needing our help in a highly respectful and productive manner. It is unlikely, however, that a couple of patrol officers being called to a home to calm an emotionally disturbed person and talk him/her into voluntarily taking a ride to a hospital for needed medical services will attract the attention of the media or even the so-called “*Twitter-sphere*” – nor should it attract such attention.

It is estimated that police in the United States make up to 30,000 arrests per day.<sup>2</sup> Most of those arrests do not involve the use of any physical force at all, however slight. Only a small percentage of those police officers that do use force catch the national spotlight or raise the concerns we have seen since the events in Staten Island and Ferguson, as well as other nationally publicized events. We cannot, however, be content with the knowledge that most police do a laudable job most of the time. The public demands answers, to which they are absolutely entitled, just as our officers deserve the requisite training, policy guidance, equipment, and the necessary funding that will support them in our collective mission to guard our communities from crime, disorder, terror, and the fear of crime.

Our two associations are committed to providing new training to police officers and police chiefs, working with our communities in open and constructive ways, and conducting improvements in an open and transparent manner. We do not pretend to have all the answers, but we hold ourselves to an extremely high standard and are responsible for leading our officers to provide top quality protection to the communities that we so faithfully serve. In doing so, it is our intention to earn their collective respect, trust, and spirit of cooperation in fulfilling our duties and obligations. Officer-involved confrontations and officers' uses of force skew the public's perception of and can compromise the public's trust in the police and the rest of the criminal justice system as a whole. It is crucial, therefore, to actively form and foster a connection between the police and the public.

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<sup>2</sup> "Crime in the United States, 2013." *FBI Uniform Crime Report*. 2013.

This requires developing and implementing policies and procedures that address officer bias, use of force, and an officer's response to threatened and/or actual force and/or confrontation. It is equally important to educate and train officers, as well as the public, about these important policies and procedures. It is also imperative to create an ongoing dialog with communities to understand what they believe is necessary to foster trust between the public and the police and to ensure the safety and protection of both. We see these steps and the examining of new approaches to policing not as an indictment of the current state of policing but as an evolution in policing and crucial movements towards ensuring that local communities have complete faith and confidence in the police officers protecting them as well as the entire criminal justice system.

Another approach to sharing transparency and improving accountability is through cultural change, both internal and external to the department. Change does not come easily in any agency. Transformational change is slow and deliberate. If done correctly, however, the change will reap great rewards for the agency and the community it serves. According to Edgar Schein<sup>3</sup>, shared values and underlying assumptions are the two major factors of culture. In order to change them internally and externally, the police leader needs to share his/her vision and provide meaning to the constituent base. Once that is accomplished, the leader's increased credibility motivates others to foster positive change. There is a notion that "culture trumps

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<sup>3</sup> Former professor at MIT Sloan School of Management, specialized in organizational development and organizational culture.

policy,” and in many ways it does. Only by changing the culture through effective leadership and transparency will community trust become attainable.

### **The President’s Task Force and Report on 21<sup>st</sup> Century Policing**

In December 2014, President Barack Obama created the Task Force on 21<sup>st</sup> Century Policing. The Task Force was charged with identifying best police practices from across the country and offering recommendations on how those practices can facilitate both a reduction in crime as well as the fear of crime and building public trust within local communities across the nation. The recommendations were formally published on May 18, 2015, in the Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing (“Report”). The Report is organized around six major topic areas, referred to as “Pillars,” each of which addresses an important aspect of policing and police-community relations. The six Pillars are classified as: (1) Building Trust & Legitimacy, (2) Policy & Oversight, (3) Technology & Social Media, (4) Community Policing & Crime Reduction, (5) Training & Education, and (6) Officer Safety & Wellness.

We view the Pillars and the Report’s corresponding recommendations as a unique opportunity to examine what we do here in Massachusetts and to continue providing officers with the necessary tools and information that increase their efficiency and effectiveness at reducing crime while simultaneously building trust within our communities. We will incorporate certain recommendations from the Report into our existing comprehensive training programs. This position paper highlights the work that Massachusetts police departments across the entire state have already done and will continue to do to ensure effective police practices, particularly in light of the Report’s

recommendations. It identifies areas where some of the Report's recommendations are already in place and reviews their effectiveness. We also examine each of the six Pillars to determine whether and how the police of Massachusetts align with them and what the Commonwealth can do to better achieve the goals of each particular Pillar.

### **Massachusetts has practiced certain of the Reports' recommendations for years**

Over the past twenty years, Massachusetts police departments have collectively worked to improve police practices in order to decrease overall crime and increase community partnerships by way of focused outreach and engagement. Accordingly, several of the Report's recommendations have been standard practice for police departments in the Commonwealth for several years. These practices include: (1) police participation in positive, non-enforcement activities that promote community engagement, such as substance abuse coalitions, neighborhood watches, and citizen police academies; (2) stricter regulations on the use of Electronic Control Weapons, such as using TASERS only when a subject is physically violent; (3) prosecutors overseeing criminal investigations in cases of officer-involved shootings and in-custody deaths; and (4) integration of bias elimination and reform-based eyewitness identification in police officer training. In addition, the Municipal Police Training Committee ("MPTC"), the state agency responsible for setting standards for the training of municipal police officers, completely overhauled its recruit training in the 1990s. The revised curriculum was built upon a foundation of ethical decision-making and increased community engagement. With respect to the six Pillars, we address each of them individually.

## The Six Pillars

### I. Building Trust & Legitimacy

Pillar 1, “Building Trust & Legitimacy,” states that law enforcement agencies and their officers should adopt a “guardian” rather than “warrior” mindset. The public perceives law enforcement as legitimate only when its officers are acting in “procedurally just” ways, such as “treating people with dignity and respect, giving individuals ‘voice’ during encounters, being neutral and transparent in decision making, [and] conveying trustworthy motives.” The goals of this Pillar encourage police departments to cultivate transparency and accountability, engage with communities via non-enforcement activities, use physical control equipment and techniques against vulnerable populations only as a last resort, consider public opinion when implementing certain crime-fighting strategies, create diverse workforces, and build positive relationships with immigrant communities.

We are in agreement that positive police-community interactions facilitate increased public trust and confidence in the police. Community members feel comfortable communicating with what they perceive as “*good cops*.” They view these so-called good cops as part of the fabric of the community. This is one of the key distinguishing characteristics between police with a guardian mindset and officers with a so-called “warrior” mindset. The guardian operates as part of the community, demonstrating empathy, and employing procedural justice principles during all interactions with the public. The behavior of the warrior, on the other hand, can at times lead to the perception of an occupying army, detached and alienated from the



community, exhibiting an “us versus them” mentality, and missing unique opportunities to build trust and confidence based on positive interactions.

We agree that the culture of police should embrace this guardian mindset, which needs to begin at recruit academies and continue through in-service training. Just as important, the guardian approach to policing must become ingrained into police departments’ daily operations. Chiefs can promote the approach by communicating values and internal policies that emphasize service and general protection of the citizenry; sergeants and command staff play a crucial role through their oversight of operations and communications with officers. Nearly all Massachusetts police departments already utilize the “community policing” philosophy and interact with their local communities by offering or participating in substance abuse coalitions, neighborhood watches, citizen police academies, assigning School Resource Officers to schools, and a wide range of similar programs. The MCOPA and MMCC are working to further develop these forms of community engagement, and the MPTC is including a discussion regarding the guardian mindset in its in-service training for the coming year.

Further, the MCOPA and MMCC are committed to helping chiefs find better ways to foster and maintain diversity within our police departments. Early recruitment is crucial to achieving this goal. Police officers should encourage people, particularly from underrepresented communities and as early as high school, to consider careers as police officers.

We also believe that chiefs should affirmatively reach out to immigrant communities and openly discuss their departments’ core missions. We recognize and value the diversity of the communities that we serve. Many of our residents have

emigrated to this community from other countries; some may not be citizens or legal residents of the United States. With that knowledge, we are committed to promoting safety and providing proactive community policing services to all who are located in our respective communities. In Massachusetts, routine encounters with people unlawfully residing in the United States seldom lead to deportation or reporting to federal immigration officials. There can be, however, a lack of understanding between individual police departments and their immigrant communities. Thus, there need to be additional opportunities to educate immigrant communities about the nuances of when and how immigration reporting occurs, what avenues exist for reporting crime in their communities, and the implications of encounters with police officers. We hope that this increased communication between the police and immigrant communities will result in an increased willingness to come forward, an increased voice, and therefore, greater safety for these often-marginalized communities.

As police officers, we rely upon the cooperation of all persons, documented citizens and residents, as well as those without a specific documentation status, to achieve our important goals of protecting life and property, investigating and preventing crime, and resolving recurring neighborhood issues. Assistance from the many various immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. It is absolutely essential that these individuals do not feel uncomfortable or intimidated in coming forward with information and firsthand knowledge to aid in investigating a particular crime. This type of mutual trust and cooperation is absolutely crucial in preventing and solving criminal incidents, as well as maintaining public order, safety, and security in an entire community.

It is incumbent upon all officers to make an unyielding personal commitment to equal enforcement of the law and equal service to the public regardless of documentation status. Confidence in this valued commitment will not only protect an individual's rights and freedoms from being adversely affected but will also increase the public's confidence and trust in the police department's effectiveness and efficiency in protecting and serving the members of the entire community.

Therefore, we, as duly sworn police officers, are responsible for providing effective police services to everyone in an equal, fair, and just manner. We are concerned primarily for the safety and welfare of all individuals within our respective communities. The specific immigration status (or lack thereof) of an individual or group of individuals in and of itself, is not and should not be a matter of police concern or enforcement action.

Finally, as local police officers, we defer to federal authorities for the enforcement of the nation's civil immigration laws or the concomitant use of discretion. Accordingly, local police do not undertake immigration-related investigations and do not routinely inquire into the immigration status of people encountered during normal police operations. This does not, however, preclude police officers from cooperating and assisting with federal immigration officials when formally requested as part of an on-going *criminal* investigation or from notifying those specific federal authorities in serious situations where a potential threat to public safety or national security is perceived.

## II. Policy & Oversight

Pillar 2 focuses on police policy, noting that police departments must clearly articulate their policies to the public and should not engage in practices that disparately impact particular segments of the community. Policies on the use of force are of the utmost concern, and police departments should incorporate a “*sanctity of life*” philosophy into these policies.

The Report recommends that police departments develop policies that foster collaboration between the police and neighborhoods that are disproportionately affected by crime. It also recommends that departments have comprehensive policies on the use of force that emphasize de-escalation, mandate external and independent criminal investigations, and require external prosecutors in cases of police use of force that result in death. It further recommends implementing non-punitive peer review systems, adopting identification procedures that minimize bias, making demographic data of departments publicly available, and collecting and maintaining data on all detentions. The Report advises departments to minimize the appearance of military operations at mass demonstrations, refrain from practices that are largely for revenue-generating purposes, and prohibit practices that discriminate against LGBTQ and transgender populations or that profile based on race, ethnicity, gender, religion, age, immigration status, disability, and/or language fluency.

Massachusetts already follows many of these listed recommendations. Specifically, training in the use of force is in compliance with United States Supreme Court decisions and emphasizes that officers may use only the degree of reasonable force necessary to make an arrest or protect the public. Further, use-of-force training in

the Commonwealth utilizes a response model that incorporates the principle of de-escalation, without referring to it as such. This means officers are expected to adjust their response to a person's actions as the person escalates or deescalates the situation. Additional training regarding techniques for better utilization of distance, time, and communication, and further policy guidance in the area of making arrest-summons decisions would be useful and is scheduled for the coming training year.

Massachusetts also already requires prosecutor-lead investigations for cases of police use of force that result in death. The district attorney in each county has jurisdiction over most investigations of deaths and must coordinate the investigation with the local police department and the Office of the Chief Medical Examiner.<sup>4</sup> While officer-involved shootings seem to occur less frequently in Massachusetts, when they do occur, we believe the resulting investigations are thorough, transparent, and fair. We are not opposed to exploring new approaches; however, any change in the current system would require a considerable coordinated effort between police and district attorneys, and ultimately may require passing legislation.

We agree that there is an inadequate system, or some would argue, no real system at all, for gathering nation-wide data on officer-involved shootings. While Congress mandated the FBI to collect the data, there is no mandate that police departments submit it. To be fair, departments that experience low rates of shootings are, by and large, unaware that the FBI collects the information. We know from discussions with the FBI that an effort is underway to create a more reliable reporting

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<sup>4</sup> See G.L. c.38, §4.

system. Such a system is likely to require some time and funding before it is fully available.

We encourage the Commonwealth, presumably the Executive Office of Public Safety and Security (“EOPSS”), to begin collecting OIS data from Massachusetts police departments. This data should include instances where an officer fires his weapon in the line of duty, excluding training and the destruction of a wounded animal, as well as data on instances where officers are fired upon. We recommend that the data be released publicly on a quarterly basis. We do not envision this system to be permanent, but we support the collection of statewide data now so that it may be made available for public scrutiny while we await further action by the federal government.

Massachusetts is already a leader in the area of bias elimination in identification procedures. A joint survey in 2013 by the MCOPA and the New England Innocence Project identified 253 police departments – including the Massachusetts State Police and MBTA Transit Police – that had policies already in place regarding elimination of bias and identification procedures. The survey found that 85% of those policies incorporated reform protocols. Further, in 2014, at the urging of the MCOPA, the MPTC mandated that all police academies teach reform-based eyewitness identification to all recruits. In 2015, at the urging of our working group, the MPTC mandated the topic for veteran in-service training during the 2015-2016 academic year.

Given the experiences of the past year, police departments should review their policies and training on the policing of mass demonstrations. The Boston Police Department (“BPD”) has a particularly good reputation for managing large demonstrations in safe and peaceful ways. The MCOPA and MMCC will seek guidance

from the BPD in shaping model policies and training issues for local police departments across Massachusetts.

We are unaware of any police department in Massachusetts that uses traffic enforcement to generate revenue for their city or town, as was the case in Ferguson, Missouri. The MCOPA and MMCC believe that traffic enforcement should focus on violations that are most likely to lead to crashes, on geographic areas where crashes frequently occur, and on areas where citizens report frequent violations.

We agree with the recommendations concerning the prohibition of any form of discrimination or profiling and believe that most Massachusetts police departments already have appropriate policies in place. While police chiefs are responsible for ensuring that their officers conduct themselves in ways that are free of prejudice, some members of the minority community report stops and encounters they perceive as unfair or too frequent. As one step to address this issue, the working group sought to ensure that every municipal police officer of every rank undergoes training on implicit bias. Implicit bias is present in us all; it is part of our make-up. It is based on our experiences and exposure to what we see and hear. An elderly driver, a kid wearing a cap sideways, a black man with dreadlocks: any of these visuals can trigger an unconscious, internal response, in most cases, one we are not aware of or would rather not admit to. This is implicit bias and police departments across Massachusetts are committed to understanding its effects. To further officers' understanding of implicit bias and its impact on their performance and community interactions, the MPTC is including the topic in its mandatory in-service training for the coming training year.

### III. Technology & Social Media

Pillar 3 focuses on ways in which the effective use of modern technology can enhance transparency and facilitate a dialogue between police departments and their communities. Because technology advances at a faster rate than law and policymaking, the Report recommends implementing technology in ways that improve efficiency but do not infringe on individual rights. The Report primarily focuses on the integration of social media and the use of BWCs.

We agree that police departments should adopt best practices for technology-based community engagement. The MCOPA and MMCC will provide a model policy to its member agencies on the use of social media. Training on this topic is readily available. Again, Massachusetts has proven to be at the forefront. The Report commended the BPD for how it embraced and utilized social media, particularly surrounding the 2013 Boston Marathon bombings:

The BPD successfully used Twitter to keep the public informed about the status of the investigation, to calm nerves and request assistance, to correct mistaken information reported by the press, and to ask for public restraint in the tweeting of information from police scanners. This demonstrated the level of trust and interaction that a department and a community can attain online.

Unlike most other states, Massachusetts utilizes a very restrictive system for the issuance of Electronic Control Weapons (“ECW”), better known by the brand name TASER, which are known to reduce both officer and civilian injuries. Departments seeking to issue TASERs must apply for approval from EOPSS, which has traditionally



only approved police departments that submit policies restricting the deployment of TASER probes to those cases where suspects are actually assaultive.

With regard to the use of BWCs, the MCOPA and MMCC strongly recommend two changes in state law. First, the MCOPA has filed legislation that would list BWCs as exemptions to the definition of an intercepting device under the state wiretap law. This change would ensure that police officers are not violating the statute if they wear a BWC during an encounter with a citizen and would apply only to officers in full uniform or cameras in marked police cruisers. It should be policy that officers tell citizens that they are being recorded. If, however, the circumstances of an encounter change and other people enter the conversation, it should be clear that the presence of a BWC is lawful.

Second, we recommend re-examining the state's public records law. In some states, public record requests for large volumes of recordings have created a heavy burden on police departments as they attempt to redact the recordings due to privacy and confidentiality issues. This burden has caused police departments elsewhere to terminate their programs, which undermines the goal of increasing transparency and communication between the police and the public. We believe that certain parties should have access to footage of specific incidents, namely the media, individuals involved in the incident, and courts and attorneys handling litigation relating to specific incidents. Uninvolved members of the general public, on the other hand, should not be able to demand video recordings of incidents because redacting them for privacy and confidentiality issues places a heavy burden on police departments.

#### **IV. Community Policing & Crime Reduction**

Pillar 4, “Community Policing & Crime Reduction,” emphasizes the importance of establishing positive relationships between police departments and communities. Similar to Pillar 1, it aims to reduce crime in a just manner while protecting individual citizens’ rights. Police interventions must be conducted with “strong policies and training” that are rooted in “procedural justice.” Community policing helps create partnerships among police agencies, educational and religious institutions, and other stakeholders. It thereby increases economic strength and social connectivity. Community policing also improves officers’ job satisfaction and increases community resilience to crime. The goals of this pillar include developing policies that favor community engagement, collaborating on crisis situations that engage multiple organizations, reflecting the values of “protection and promotion of the dignity of all,” and addressing the needs of at-risk youth by adopting programs and creating youth leadership opportunities.

We agree in full with these goals and note that many Massachusetts police departments are already implementing “least harm” resolution strategies that evolved out of the community policing philosophy. We agree that police departments should integrate community policing into their culture and organizational structure.

We also agree that, in crisis situations, police agencies should engage in community team approaches. Many jurisdictions in Massachusetts already participate in regular forums and meetings that encourage the public to interact with and inform the police. Chiefs should also work with their schools to encourage alternatives to criminal prosecution for in-school disruptive behavior, including restorative justice, counseling,

and family intervention. At the federal level, we agree that the United States Department of Justice (“USDOJ”) should develop and disseminate baseline models of crisis intervention tactics that agencies at the local level can implement.

We believe that, whenever possible, police departments should also evaluate their patrol deployment practices to provide officers with the time to solve problems and engage the community. We propose the development of training for executives, sergeants, and patrol officers to encourage creative thinking on this issue and to promote increased community engagement.

Further, we recognize that social and physical disorder promotes criminal activity, whereas social cohesion and neighborhood order foster more crime-resistant communities. With these insights in mind, we agree that new policing approaches must balance emergency response with a focus on addressing the persistent neighborhood problems linked to crime. We recognize the important role that the police department plays in producing public safety by engaging residents as partners in preventing crime, which reintegrates police officers into the fabric of the community and helps improve overall community-police relations. To this end, we agree that it is essential that we continue to work with the community to help build stronger self-sufficient communities. Crime control tactics need to be augmented with strategies to prevent crime, reduce the fear of crime, and improve the quality of life in our local neighborhoods across the Commonwealth.

Problems are most often local in nature, which makes local knowledge and the experience of community members a key aspect to effective problem-solving and sustained progress. Community involvement, from identifying problems in the first

instance to establishing priorities, setting the agenda, and tailoring the appropriate response, are absolutely essential. Understandably, incorporating community knowledge and experience into policing and achieving real inclusion, as opposed to mere community legitimization of police-set priorities, presents real challenges. However, if we as police leaders are to sustain long-term success in our respective communities in reducing crime, this type of partnership is essential and will ultimately be the key.

## **V. Training & Education**

The fifth Pillar, “Training & Education,” identifies the wide variety of challenges police officers face, including international terrorism, improved technology, changes in societal expectations of their police, and rapidly changing laws. The Report emphasizes the need for new training curricula for both academy recruits and veteran officers on topics such as interpersonal and communication skills, bias awareness, procedural justice and impartial policing, mental health issues, and analytical research and technology. The Report notes the need for reform in recruitment, hiring, evaluation, and promotion practices. Such reforms are essential to developing a more highly-educated workforce that can effectively engage with the community.

The MCOPA and MMCC wholeheartedly agree with the call for improved training. While the Commonwealth already leads the nation in many of these areas, we recognize there is always room for improvement. To that end, the MPTC is already engaged in a complete overhaul of the academy recruit curriculum, including not only the content but also the philosophies that provide the foundation for ethical decision-making, legitimacy, and community engagement. We agree that the traditional “boot

camp” environment has no place in modern police training. However, we firmly support the use of a modified stress environment in early academy training because it provides high-stress situations where recruits learn restraint and good judgment. We also believe that Field Training Officer programs should be re-examined, and perhaps modeled after the Southern Police Institute's Police Training Officer (PTO) curriculum, which is specifically designed for agencies engaged in community policing and problem-solving service delivery methods.

We also agree that increased adult-based learning and scenario-based training are essential, and we support partnerships with academic institutions that can assist with academic data collection and research. Some police departments in the Commonwealth already engage in these partnerships with various universities, including Harvard University and Northeastern University. The MCOPA and MMCC agree with higher education initiatives and programs that improve recruit and veteran officer training and that focus on leadership, social interaction, mental health and addiction issues, cultural diversity, and procedural justice.

Although Massachusetts already has many programs in place that further the goals of this Pillar, we agree that the federal government should get involved by developing a national postgraduate institute of policing for senior executives. Such an institute would prepare them to lead agencies in the 21<sup>st</sup> Century, in addition to encouraging and incentivizing higher education for police officers and creating an environment for the sharing of ideas, practices, and experiences. We also agree that the foundation for developing, improving, and facilitating best-practices for police training, for establishing accountability, and for enhancing professionalism is a strong,

state-level Peace Officer Standards and Training (“POST”) agency. Such agencies play a prominent role in other states. Massachusetts is one of a handful of states without a POST system in place. We propose that the legislature create a POST system, and we will support legislation to accomplish that. This will not be a simple task and will need additional planning, consideration, development, and funding.

## **VI. Officer Wellness and Safety**

Because policing is inherently dangerous, addressing Pillar 6, “Officer Wellness & Safety,” is critical. Recent officer deaths remind us of the risks police officers face and that physical, mental, and emotional injuries can take a toll on an entire agency. The concerns that police officers have for their safety are well-founded. Data compiled by the FBI shows a steady increase in ambush attacks on officers over the past three decades,<sup>5</sup> and figures from its 2013 Uniform Crime Report show that nearly 50,000 officers were assaulted the previous year, over 14,000 of whom sustained injuries.<sup>6</sup> At the same time, officers are under increased stress and scrutiny, and years of exposure to society’s darker side can cause cynicism to creep into their daily decision making. We want them to be healthy. We need them to be healthy because we need emotionally sound and balanced decisions.

The Task Force states, and the MCOPA and MMCC agree, “The wellness and safety of law enforcement officers is critical not only to themselves [...] but also to public

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<sup>5</sup> Melissa J. Blake and Roger D. Miller. “Officer Safety Corner: Ambushes on U.S. Law Enforcement Officers.” *The Police Chief*. August 2015.

<sup>6</sup> “2013 Law Enforcement Officers Killed and Assaulted.” *FBI Uniform Crime Report*. 2013.

safety.” Pillar 6 focuses on strategies for officer wellness, including: physical, mental, and emotional health; vehicular accidents; officer suicide; shootings and assaults; and partnerships with social services and unions to develop solutions. Although the MPTC already addresses these issues in its recruit training, the MCOPA and MMCC agree there is a need to further develop appropriate programs and services that promote officer wellness and awareness at every level of police organizations.

This Pillar also considers the physical equipment provided to officers. We agree Congress should reauthorize and expand the Bulletproof Vest Partnership, and USDOJ should expand data collection efforts on injuries and “near misses” in addition to officer deaths. We agree that local departments should provide all officers with first aid kits and anti-ballistic vests, adopt policies requiring the use of seatbelts and bulletproof vests, and, at every level of training, emphasize the consequences of failing to do so. Implementing these changes would further the overall goal of officer wellness and safety.

### **Plan of Action**

The MCOPA and MMCC are committed to the continued examination and reform of police practices, particularly to increase community engagement, transparency, and public trust. As such, we are pleased to announce our Plan of Action.

#### **A. Training for Chiefs**

In September 2015, we will partner with the MPTC in the presentation of a two-day Chiefs’ Conference. Upon the recommendation of the working group, the MPTC has mandated that the following topics be presented:

- Fair and Impartial Policing Half Day
- Developing Legitimacy and Procedural Justice Half Day
- Eyewitness Identification Half Day
- Community Engagement 2 Hours
- Community Collaboration - Persons with Mental Illness 2 Hours
- Managing Critical Incidents 30 Minutes
- Review of Veteran Officer Mandates 30 Minutes

The MPTC will offer make-up classes for chiefs whose schedules prevent them from attending the two-day conference.

### **B. Veteran In-Service Training**

The MPTC has mandated forty (40) hours of in-service training per year for all officers, regardless of rank. The following training for all municipal police officers is mandated within the 40 hours of mandated training for the coming year:

- CPR/First Aid 6 hours
- Legal Update 6 hours
- Defensive Tactics Skills 3 hours
- Use of Force Revisited 3 hours
- Fair and Impartial Policing 3 hours
- Eyewitness Identification 3 hours
- Critical Incident Response Protocols 30 Minutes
- Firearms Requalification and Training\*

\* Due to the nature of this training, no minimum hours are mandated. Instead, each officer is required to fire a proficiency qualification course each year and in addition, fire an additional fifty (50) rounds of ammunition in at least two live-fire training sessions. The time required varies by department; consequently, the standard is based upon sessions and rounds fired, rather than time.



### **C. Legislative Proposals**

The following bills were filed upon the request of the MCOPA at the beginning of the 2015-2016 legislative session and are currently pending:

- 1) House 1637, sponsored by Representative Paul Tucker, would amend the current wiretap law to make it clear that a police officer wearing a BWC, or using a dash-cam in a marked cruiser, was not in violation of the law, and
- 2) House 1290, sponsored by Representative John Fernandes, would require that the State Police, Transit Police, and the police department of any city or town of 2,000 or more residents adopt uniform policies on eyewitness identification. The State Police, Transit Police, and most municipal police departments already have such policies, and the MCOPA will provide a model policy for adoption by those who do not.

As stated previously in this position paper, we believe that the Commonwealth's public records law should be amended for the purposes of protecting the privacy of citizens recorded by the police, and to prohibit the release of large quantities of recorded material to uninvolved parties. We also believe that the Commonwealth should adopt a POST model and have begun discussions with key legislators about a potential piece of legislation to accomplish it.

### **D. Policy Development**

The MCOPA and MMCC will develop the following model policies for use by Massachusetts police chiefs:

- The Productive Use of Social Media

- Ballistic Vests and Seatbelts
- Community Engagement

## **Conclusion**

Today, people are closely watching their police and rightfully so. We condemn the acts of officers who have betrayed their oaths or who have been abusive to citizens. They have no place among us. But we also recognize that the use of force, even when justified, can be difficult to watch. We hope the public judges officers based on an entire incident, when the relevant facts and circumstances have been gathered, thoroughly investigated, and brought to light.

Many of the televised incidents involving use-of-force by police, justified or not, involved a person who was resisting or fleeing the police. It is worth noting that when a person runs from the police or resists being taken into custody, the level of risk within the event – to the suspect, to the officers, and to bystanders – increases dramatically. We encourage people who find themselves stopped or being arrested to comply with the lawful requests of the police officer. There are numerous avenues of restitution for a citizen who feels they have been wronged by the police, including filing specific motions in court to dismiss or suppress evidence, the filing of a complaint with the internal affairs unit of the involved police department, contacting the specific police chief directly or through an intermediary, or taking the case directly to the media. A person who believes his or her arrest was unlawful and who resists police efforts to take them into custody may well be mistaken and both resistance and subsequent flight substantially increase risk to all involved.

We cannot emphasize enough the great faith and confidence we have in, and true appreciation we have for, the men and women who serve our communities as police officers. Every day, they handle society's most perplexing problems, and in most cases they do it seamlessly and without incident. They provide comfort to the sick and injured, assist the mentally ill and those addicted to alcohol and drugs, and respond to the scenes of domestic disputes where violence has taken place and young children have witnessed such trauma. They all have chosen to wear the uniform in the hopes that they can be helpful to those who need it.

We mourn for the families, loved ones, and police departments of officers who have been killed in the line of duty. We are extremely concerned with the increasing rate at which offenders attack police officers, whether armed or unarmed, and with little concern for the consequences for their actions.

The citizens of Massachusetts should know that their police and their chiefs of police are absolutely committed to protecting them and providing the highest quality of service. We continue to live by the ideal expressed by Sir Robert Peele in 1829, "the police are the people and the people are the police."

## Acknowledgments

In response to the release of the recommendations of the President's Task Force on 21<sup>st</sup> Century Policing formally published on May 18, 2015, a working group was established by criminal justice practitioners from within this Commonwealth with members from the Massachusetts Chiefs of Police Association (MCOPA), the Massachusetts Major City Police Chiefs Association (MMCC), the Attorney General's Office (AGO), the Massachusetts Municipal Police Training Council (MPTC), and the International Association of Chiefs of Police (IACP).

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