RULES AND REGULATIONS

POLICIES AND PROCEDURES

June 18, 2013

RULES AND REGULATIONS
FOR THE
GOVERNMENT
OF THE
POLICE DEPARTMENT
OF THE
TOWN OF BROOKLINE

AUTHORITY

Rules and Regulations for the government of the Police Department of the Town of Brookline are adopted in pursuance of the authority contained in Section 97 of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, as amended, accepted by the vote of the Annual Town Meeting of March 15, 1921.

The effective date of these Rules and Regulations shall be November 25, 2008 and they shall remain in full force and effect until amended or rescinded.

Daniel C. O'Leary
Chief of Police
Town of Brookline

Approved by the Board of Selectmen:

BOARD OF SELECTMEN

Richard J. Kelliher
Town Administrator

Approved as to legal form and content:

Jennifer Dopazo
Town Counsel

SECTION

I

RULES AND REGULATIONS

THE BROOKLINE POLICE DEPARTMENT

"Committed to our Community"

___*The Police Mission*___

To work in partnership with our citizens to ensure all people will enjoy a high quality of life without fear of crime. To work together to solve problems and provide the most responsive and highest quality of police service. To proactively prevent crime, maintain order and apprehend offenders in a manner consistent with the law, while ensuring the civil rights, civil liberties, and constitutional rights of all.

___*Our Values*___

Policing is the most critical service provided to a community. It is imperative that a set of core values permeate this Police Department. These values have been instilled in our Department over a period of time and have become an integral part of our officers' daily lives. We subscribe to a set of governing values which state our Department's beliefs as a Police Organization. These values are as follows:

- The most important asset of a Police Organization is its personnel. We value the efforts of all our members and strive to provide an environment where they can excel professionally.

- Excellence for the members of the Brookline Police Department is based upon fairness, integrity, hard work and professionalism in the performance of their duties.

- We are committed to providing the highest quality of professional law enforcement with the goal of enhancing the quality of life within our community.

- Our department will continue to build partnerships with our citizens in order to ensure personal safety, protect individual rights, and protect property and to promote individual responsibility and community commitment.

- The quality of life in our community is affected by the absence of both the fear of crime as well as crime itself. Our ability to fulfill our duties is dependent on our being able to secure and maintain public respect. We are committed to performing our work in ways that will reflect the highest level of integrity and honesty. Our Officers will consistently demonstrate sensitivity to all citizens and their problems.

FORWARD

The primary mission of the police force is crime prevention and the protection of life and property. The laws and police procedures related to them are promulgated by police agencies for the purpose of maintaining order and continuity. The basis, however, of all police action is the law, and the credibility of the law enforcement profession will be measured by its contribution to the welfare of man, its concern for excellence, and by the guidance it provides to its members toward a high level of ethical practice.

The purpose of this manual is to establish the principles for the management of the Brookline Police Department, and the standards of behavior to which every member of the department shall be held accountable. Its goals are to increase the quality of police service, to elevate the standards of the profession, and to strengthen the public confidence in law enforcement; to encourage officers individually and collectively to fully appreciate the total responsibilities of their office; to earn the support and cooperation of the general public in these endeavors.

Police officers have a sworn obligation to respect and defend the rights guaranteed to the people in the Constitution. In the performance of those duties they may command obedience or prohibit behavior which tends to irritate and conflict with the expectations of free men in a free society, and particular attention must be given to ensure its just and impartial application. Violations of law by those sworn to defend it will bring down the system more surely than all other forms of crime combined. Positive police action, while intended to serve the department's peace keeping mission, must be administered without prejudice; always mindful that in the execution of their duties they act not for themselves, but for the public.

Consistent with that responsibility they should be constantly aware that it is not a proper police function to prohibit or stop dissent. Civil disturbance and dissent are not synonymous. While civil disobedience and disturbance are illegal; dissent is not. Only violations of law and actions inimical to public safety are within the purview of the police. Proper understanding of the relationships between the maintenance of order in the community as the principle objective, and the enforcement of the law as a tool to be used in achieving it, is a distinction well made.

The rules, regulations, job descriptions and procedures should serve as a guide to the police officer and impress upon them the importance of their public service. The uniqueness of this role identifies them as a member of a profession capable of performing that service with dedication and wisdom.

ORGANIZATION AND MAINTENANCE OF THE BROOKLINE POLICE DEPARTMENT MANUAL

PURPOSE:

The Chief of Police has established regulations, policies, and procedures for the government, discipline, and supervision of the Brookline Police Department. He/She also has the authority to issue, modify, or approve department directives.

Personnel guidelines are a necessity in any organization if it is to effectively achieve the purposes for which it is established. This is particularly true in a police department, where the reputation of the organization is fundamentally dependent upon the personal conduct and professional competence of its individual officers. Although this Manual is especially directed to the officers of the police department, it is expected that all civilian employees will adhere to, and be guided by, all written directives consistent with the positions they hold and with their duties and functions in the department.

It cannot be expected that the contents of this Manual will cover all situations or emergencies that may arise. By the very nature of police work, police officers in the field must perform their duties independently and with a minimum of direct supervision. Their own intelligence, practical experience, prudent discretion, and common sense will often be their only available guidelines in carrying out their responsibilities.

The department is responsible for providing administrative direction and control to all members of the department. One of the department's responsibilities is to ensure that internal directives are carefully organized in a manner that will provide guidance and easy access to members in departmental expectations, rules, regulations, policies, and procedures. The purpose of the following procedures is to establish definitions and formats for various written directives to be issued by the department and to provide for proper preparation, indexing, and distribution, so that department personnel are kept informed of new, revised, or canceled rules, regulations, policies, procedures, or organizational changes.

PROCEDURES:

1. **<u>COMPOSITION OF MANUAL</u>:** The Brookline Police Department Manual is now located on the department computer system where employees shall have access, by following the installed directions to gain admittance to the desired chapter, in addition, hard copies of the manual shall be located throughout the department for employee reference. This manual contains the official regulations, policies, and procedures and other written directives of the department. The manual is comprised of two main sections. The first is the Regulations, and the second is the Policies and Procedures. The manual shall be updated on an as-needed basis as deemed appropriate by the Chief of Police. It is the responsibility of each employee to comply with and obey, and to keep current with the Department's Regulations, Policies, Procedures, and Directives.

   A. **REGULATIONS:** The Regulations segment of the Manual is organized in the following manner:

      1. **INDEX:** An extensive numerical index notes the location of all Regulations. Use of this index should assist the user in locating material rapidly.

      2. **PARTS:** The Regulations segment of the manual is sub-divided into two parts:

         a. Section I - Rules and Regulations of the Brookline Police Department;
         b. Section II - Duties by Rank and Assignment.

   B. **POLICIES AND PROCEDURES:** The Policies and Procedures segment of the manual is organized in the following manner:

      1. **TABLE OF CONTENTS:** A Table of Contents indicates the location of policies and procedures numerically by chapter number and subject matter.

      2. **CHAPTERS:**

         A. The Policies and Procedures segment of the manual is organized by chapter.

      3. **INDEX:** An extensive alphabetical index of subjects is located at the end of the Policies and Procedures segment of the manual. The use of this index should assist the user in locating material as quickly as possible.

4. **ISSUANCE:** All Policies and Procedures shall be promulgated by the issuance of a Special Order. Whenever a policy is approved, the Captain of the Traffic Division shall be responsible to ensure that the policy is transferred to the computer system for all personnel, and that hard copies are made available in the locations designated for same:

1. Office of Chief of Police;
2. Office of the Superintendent
3. Office of Captain of the Community Service Division;
3. Office of Captain of the Patrol Division;
4. Office of Captain of the Detective Division;
5. Office of Captain of the Traffic & Records Division;
6. Office of Commanding Officer - Platoon on Duty.

5. **REVISIONS:** All Policies and Procedures that have been revised shall be promulgated by the issuance of a Special Order. The revision date (month/year) of the Policy and Procedure shall be noted on the front page of the policy and procedure. This revision shall be promulgated in the same manner as in number four (4) above.

C. **MISCELLANEOUS WRITTEN DIRECTIVES:** A copy of the following directives will be placed in the department Directives Files, located in the Office of the Chief of Police:

1. General Orders;
2. Special Orders;
3. Personnel Orders;
4. Memoranda;
5. Bulletins;
6. Instructional material and other written directives as determined appropriate by the Chief of Police.

2. **DEFINITIONS:** The following terms and definitions are to be used as a part of the department's written directive system. A written directive is any written document used to guide or affect the performance or conduct of department employees. The term includes, but is not limited to, policies, procedures, regulations, general orders, special orders, memoranda, bulletins, and instructional material.

A. **GENERAL ORDERS:** General Orders are permanent written orders issued by the Chief of Police outlining policy matters which affect the entire department. A general order is the most authoritative written order the Chief issues, and may be used to amend, supersede or cancel any previous order. General Orders remain in full effect until amended superseded or canceled by the Chief. Arrangements shall be made to include General Orders in the Police Manual.

B. **SPECIAL ORDERS:** Special Orders are temporary written orders issued by the Chief of Police and/or Superintendent, outlining instructions covering particular situations. Special orders are automatically canceled when their objective is achieved.

C. **PERSONNEL ORDERS:** Personnel Orders are orders pertaining to assignments, change of duty assignments, hours of work, administrative matters related to condition of employment, and employee rights and benefits. Personnel Orders are issued by the Chief of Police and/or Superintendent.

D. **MEMORANDA:** Memoranda are written communications issued by the Chief of Police, Superintendent, Division Captains for one or more of the following purposes:

1. To issue information or instruction which does not warrant a formal order;

2. To direct the actions of subordinates in specific situations;

3. To explain or emphasize portions of previously issued orders; or

4. To inform members of actions or policies of other agencies.

E. **BULLETINS:** Information of use to members. Bulletins deal with matters such as training schools, community services, and other specific events for which there is a need for instruction or notification.

F. **PROCEDURAL MANUALS:** These are manuals that have been developed to assist and guide members of the department in the performance of their duties. All members shall, when performing duties dealt within these manuals, comply with their contents.

1. **REGULATION:** A mandate promulgated by the Chief of Police, applicable to all members of the department, and having the force of law.

2. **POLICY:** A written directive that is a broad statement of department principles. Policy statements may be characterized by words such as "may" or "should," and usually do not establish fixed rules or set procedures for conduct of a particular activity, but rather provide a framework for development of procedures and regulations.

3. **PROCEDURE:** A written directive which is a guideline for carrying out department activities. A procedure may be made mandatory in tone through the use of "shall" rather than "should," or "must" rather than

"may." Procedures sometimes allow some latitude and discretion in carrying out an activity.

3. ISSUING AUTHORITY FOR DIRECTIVES:

A. GENERAL ORDERS: Chief of Police

B. SPECIAL ORDERS: Chief of Police/Superintendent

C. PERSONNEL ORDERS: Chief of Police/Superintendent

D. MEMORANDA: Chief of Police, Superintendent, Division Captains

E. BULLETINS: Chief of Police, Superintendent, Division Captains

4. DISTRIBUTION OF DIRECTIVES:

A. GENERAL ORDERS: General orders will be binding on all personnel until officially modified or rescinded**.**

1. General Orders will be distributed to all affected personnel, or may at the discretion of the Chief of Police be distributed to Superintendent, Division Captains for posting and placement in the Police Duty Manual. General Orders affecting a large segment of the department shall be read at three consecutive roll calls.

General Orders will be inserted in the manuals located through out the department.

2. It shall be the responsibility of each Division Captain to ensure that all personnel under their command have read and understand the general order, and that the general order has been posted.

B. SPECIAL ORDERS:

1. Special Orders shall be distributed to all affected personnel, or may, at the discretion of the Chief of Police/Superintendent, be distributed to affected Division Captains for posting and placement in the Police Duty manual as appropriate. Special Orders affecting a large segment of the department shall be read at three consecutive roll calls.

2. It shall be the responsibility of Division Captains to ensure that all applicable personnel under their command have received the special order.

C. PERSONNEL ORDERS:

1. Personnel Orders will be distributed to all indicated personnel, and be distributed to Division Captains for dissemination.

2. It shall be the responsibility of division captains to ensure that all applicable personnel under their command have received the personnel order.

D. MEMORANDA: Memoranda will be distributed to all indicated personnel or may be distributed to all Division Captains for posting and/or placement in the Police Duty manual at the discretion of the issuing authority. Memoranda may include instructions for inclusion in the Manual if deemed appropriate by the Chief of Police. Any memorandum that effects a large segment of the department, is essential to career development, involves officer or citizen safety, or is determined to be of great interest or importance shall be issued to all members and shall be included in the manual. Memoranda affecting a large segment of the department shall be read at three consecutive roll calls.

E. BULLETINS: Bulletins will be distributed to all indicated personnel or may be distributed to Division Captains for posting and/or placement in the Police Duty book at the discretion of the issuing authority. Bulletins may include instructions for inclusion in the manual if deemed appropriate by the Chief of Police.

5. PREPARATION OF WRITTEN DIRECTIVES:

A. Written directives shall not conflict with previously established rules, regulations, policies, or procedures, unless short-term extenuating circumstances exist.

B. All written directives will be stated in precise terms with grammatical accuracy.

C. Whenever applicable, all written directives shall carry notations directing attention to other published documents, directives, or manuals which are related. Any directive amending, rescinding, or superseding other written directives shall indicate identifying notations (order number, regulation number, etc.) necessary to connect them.

D. All of the above mentioned written directives shall be forwarded to the Office of the Chief of Police for numbering.

6. INDEXING AND GENERAL FORMAT: All written directives shall be identified in the following manner:

A. **GENERAL ORDERS:** General Order plus date plus sequential number.

Example: General Order - # 2003-1

B. **SPECIAL ORDERS:** Special Order plus date plus sequential number.

Example: Special Order – # 2003-1

C. **PERSONNEL ORDERS:** Personnel Order plus date plus sequential number.

Example: Personnel Order - # 2003-1

D. **MEMORANDUM:** Date of issue.

Example: 1/1/03

E. **BULLETIN:** Date of issue.

Example: 1/1/03

7. **WRITTEN DIRECTIVES THAT ARE TO BE PLACED IN THE FILE:** All General Orders, Special Orders, Personnel Orders will be placed in the manual located in the Office of the Chief of Police. These directives are to remain in the Manual until they expire, or are modified or rescinded.

8. **REVIEW:**

A. All General Orders, Special Orders, Personnel Orders that have no expiration date shall be reviewed as necessary to determine if:

1. They should be canceled;

2. They should be permanently incorporated in the Regulations or Policies and Procedures of the department;

3. They should be revised and re-issued;

4. They should remain in effect until the next or subsequent reviews.

B. All reviews of written directives shall be conducted by the Chief of Police with input from the issuing authority. The Chief of Police shall make the final determination as to what directives will be canceled, permanently incorporated in

the manual, revised and re-issued, or remain in effect.

C. The written directives contained herein shall be under constant review. All policies, procedures, and regulations shall continue in force indefinitely, unless rescinded, amended, or revised.

9. **PROCEDURAL GUIDELINES:** The following procedural guidelines will be adhered to by all members of the Brookline Police Department:

A. All Department employees shall have access to both the electronic directive system and the hard copy of the Department Manual.

B. All members are expected to read the Manual and to be thoroughly familiar with its contents. Members will be held accountable for understanding all policies and following all directives in the manual. All members are invited and encouraged to forward suggestions for the improvement of department operations, practices, and procedures, in writing through department channels, for the attention of the Chief.

C. New regulations, policies, and procedures will be issued either through a General Order or a Special Order.

D. Employees are responsible for checking the Brookline Police email system to see what directives have been issued when they have been absent. They are responsible for reading each directive, which has been issued during their absence, whether or not it is read at their roll call.

10. **STAFF REVIEW:** The appropriate division supervisor or captain will participate in the review process when originating, revising, or canceling policies, directives, procedures, or other memoranda affecting their component.

11. **MAINTAINING THE MANUAL:** The Records Division will maintain the designated hard copies.

A. The following procedure shall be used when placing a new order in this Manual:

1. In alphabetical order, enter the new indexing information into the Manual's index.

2. Enter the subject in its proper numerical sequence in the index.

B. When removing a replaced, superseded, or canceled order from the Manual, cross out or delete neatly all indexing data pertaining to the old order.

C. This Manual is designed for use in a three-ring binder using pre-printed dividers.

SECTION

II

DUTIES BY RANK AND ASSIGNMENT

12. POLICY REVIEW AND DEVELOPMENT:

A. Any requests for policy and procedure review, development, or change will be directed to the Chief of Police.

B. Any such requests will then be forwarded to the appropriate authority as determined by the Chief of Police or Superintendent.

C. Drafts of such policy shall first be reviewed by the Chief of Police, Superintendent and then disseminated to Division Captains as directed by the Chief of Police.

D. The Superintendent and appropriate Division Captains will receive a draft copy of the order.

E. Division Captains are encouraged to seek input on policy and procedure development from subordinates:

1. At a minimum, Division Captains should afford supervisors under their command an opportunity to review orders and provide input. Depending on the nature of the order, selected personnel in various operational components, e.g., communications, crime prevention, operations, etc., should be permitted review and input.

2. All such input should be collected by the individual Division Captains. The Division Captain will then sign and forward the review sheet with the attached order and indicated changes to the Office of the Chief of Police.

F. Recommended changes will be incorporated in the order as determined by the Chief of Police:

1. Any Division Captain requesting additional review will then receive the revised final draft for review.

2. After this second review, the draft will be returned to the Office of the Chief of Police.

G. Completed reviewed and approved orders will then be issued at the direction of the Chief of Police through the Traffic/Records Division.

14. ACCREDITATION FILES: In all cases of issued directives, whether department- wide, division-wide, or unit-wide, a copy shall be forwarded to the Internal Affairs Officer. This is a necessary procedure in order to maintain department standards as mandated by the accreditation process.

LAW ENFORCEMENT AGENCY ROLE

1. Department Goals And Objectives

A large suburban society free from crime and disorder remains an unachieved ideal; nevertheless, consistent with the values of a free society, it is the primary objective of the Brookline Police Department to as closely as possible approach the ideal.

Functional objectives of the Brookline Police Department are:

A. Prevention of crime;

B. Deterrence of crime;

C. Protecting the civil liberties and constitutional and civil rights of all citizens;

D. Apprehension of offenders;

E. Recovery and return of property;

F. Movement of traffic, and;

G. Service to the public.

In order to most successfully attain the Department's basic goals and objectives, it is necessary to constantly evaluate them in light of the dynamic environment of modern society. Continuous changes in societal needs and expectations of law enforcement agencies along with frequent updating of statute law, training and education, all work to require that the approach to attaining goals and objectives remains adaptable.

To insure a comprehensive approach to formulating and updating the Department's goals and objectives, all Department personnel will be involved in the development process. Once formulated, these goals and objectives shall be distributed to each member of the police department and to each subdivision therein.

2. Procedures For Obtaining Input

The assignment of responsibility for obtaining input from Department personnel is as follows:

A. The Department's Command Staff and Supervisory Staff will be responsible for recommending changes, additions and deletions from present goals and objectives.

B. Prior to the writing of the annual review, each Division Captain shall be responsible for consulting with each police officer under his/her direct supervision to encourage their input and involvement in the planning and management processes.

3. Organizational Subdivisions Input

A. Each organizational component shall submit to the office of the Chief of Police, annual goals and objectives for that component and a review of the progress being made towards attaining the previous years' goals and objectives. For the purposes of this section, the following are considered organizational components: Patrol Division, Traffic & Records Division, Detective Division and Community Service Division.

4. Oath Of Office

A. All personnel who are newly appointed to the position of police officer shall appear forthwith to the Town Clerk for the purpose of being sworn in. Said swearing in shall be an oath of office to enforce the laws of the Commonwealth of Massachusetts, the By-Laws of the Town of Brookline, and the Constitution of the United States. Once sworn in, the officer shall have the Oath signed by the Town Clerk and return this form to the Town Clerk’s Office.

5. Use Of Discretion

A. The exercise of discretion by a police officer is regulated by many sources, including: State Statute, Departmental Rules and Regulations, Policies and Procedures, Training and Supervision. Nonetheless, the individual officer's decisions on matters such as arrests, use of force, issuance of citations or restricting the freedom of citizens must still be considered as a discretionary authority of major importance. In exercising such authority, the officer must be able to analyze the situation taking many factors into consideration. The following are examples of the factors that must be considered in the exercise of discretion:

1. The impact of an officer's discretionary decision on overall departmental goals and objectives. A technically correct arrest for a minor violation that destroys months of hard work on a particular community relations project is counter productive.

2. The availability of supervisory personnel for guidance and/or consultation prior to making such a decision. If available, these personnel should be contacted prior to the exercise of discretion.

3. Articulation of facts and circumstances to justify the decision made. Police officers are accountable for their actions and must at all times be acting in good faith, free from bias and discrimination.

4. The range of available alternatives. If there is in fact a less severe course of action available that will accomplish the same results, then the less serious action should be considered.

5. Departmental factors such as manpower availability, seriousness of the offense, impact of the event upon the community, humane considerations, potential for reoccurrence or possible danger and vicarious liability.

B. Obviously, no list of factors such as this can be all encompassing. Each situation encountered by the police officer in the street is unique and as such, must be evaluated on a case-by-case basis.

C. A police officer's decision-making ability is a product of many factors including: personal background, education, training, experience and good common sense. Many situations a police officer will face will not lend themselves to a through analysis of all the factors involved; therefore, in these instances, the officer must rely upon his/her instinctive reactions. Paramount amongst these must be his/her sense of fairness and dedication to the Law Enforcement Code of Ethics.

6. Alternatives To Arrest And Pre-arraignment Confinement

A. In situations where the police officer has the right to exercise discretion to arrest or summons an individual, the circumstances of the incident should be closely considered and if the results would be the same with either course of action, the less abrasive course should be taken. Consultation with a supervisor, if possible, should be considered prior to making a final decision.

B. While the Department plays no direct role in the administration of any criminal justice or social service diversion programs, it plays a key role in the referrals of cases to such agencies. A list of service agencies is maintained in the Dispatch Center.

C. The decriminalization of public drunkenness requires that a police officer take intoxicated persons who pose a danger to themselves or others into Protective Custody, and attempt to place them into a detoxification center if they desire. If they refuse such placement, the officer may confine within a reasonable time limit them until they are able to care for themselves. A list of detoxification centers will be maintained in the Dispatch Center.

D. An officer who encounters a mentally disturbed person who the officer believes to be a danger to himself or to others, may involuntarily commit such a person to a mental health facility for examination by a Psychiatrist.

LAW ENFORCEMENT CODE OF ETHICS

All personnel who are newly appointed to the position of police officer shall abide by the following code of ethics adopted by the Brookline Police Department

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courageously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve those objectives and ideals, dedicating myself before God to my chosen profession - law enforcement.

POLICE OFFICERS

The Brookline Police Department shall provide police services to the incorporated boundaries and limits of the Town of Brookline and to all property owned by or leased to the Town wherever located.

Current maps illustrating the incorporated boundaries and limits of the Town of Brookline and the extraterritorial jurisdictional boundaries shall be maintained within the Brookline Police Department Policies and Procedures Manual. When a question of jurisdiction exists, police officers should request confirmation of jurisdictional boundaries from the Communications Center or from their immediate supervisor.

The specific powers of police officers to respond to crime and in other ways carry out the police mission are provided in a number of different statutes the most important of which is M.G.L. c. 41 s. 98. As a general rule, officers are permitted to exercise these powers only within the boundaries of the cities where they are so appointed. However, there are several exceptions which allow officers of one city or town to execute certain police functions beyond the city limits.

The first is where in response to an authorized request from another city or town, the Chief or his/her designee sends police officers to that city or town. In such situations, the officers sent may exercise their full authority in that other city or town M.G.L. c. 41 s. 99.

The second exception is that where a police officer on "fresh and continued pursuit" after an offender who committed a crime in the officers presence in their own city or town for which arrest without a warrant can be made (see the arrest section according to M.G.L. c. 41 s. 98A) they may arrest the offender in any other city or town and return him or her to the jurisdiction where said offense was committed.

The third exception allowing an officer to exercise their authority beyond there own city or town is where the officer has an arrest warrant, in which case they may serve the warrant in any community within the Commonwealth, (M.G.L. c. 41 s. 95).

The fourth exception allowing an officer to exercise their authority beyond there own city or town is where there is a mutual aid agreement in effect between the two communities.

MUTUAL AID: Pursuant to Chapter 212 of the Acts of 1998:

> A duly sworn officer of the Town of Brookline, who is authorized to exercise police powers within said town, may exercise all such police powers within 500 yards into the corporate limits of the City of Boston and the City of Newton, as if such officer were a duly sworn officer of said cities.
>
> A duly sworn officer of the City of Boston, who is authorized to exercise police powers within said city, may exercise all such police powers within

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MUTUAL AID: Pursuant to Chapter 212 of the Acts of 1998:

> A duly sworn officer of the Town of Brookline, who is authorized to exercise police powers within said town, may exercise all such police powers within 500 yards into the corporate limits of the City of Boston and the City of Newton, as if such officer were a duly sworn officer of said cities.
>
> A duly sworn officer of the City of Boston, who is authorized to exercise police powers within said city, may exercise all such police powers within 500 yards into the corporate limits of the Town of Brookline and the City of Newton, as if such officer were a duly sworn officer of said cities.
>
> A duly sworn officer of the City of Newton, who is authorized to exercise police powers within said city, may exercise all such police powers within 500 yards into the corporate limits of the Town of Brookline and the City of Boston, as if such officer were a duly sworn officer of said cities.

FEDERAL FACILITIES

In reservations and buildings owned by or under the control of the United States of America and used for Naval, Military, Postal, Customs, or other Federal purposes, the authority of the United States is supreme. Offenses committed within the territory owned by the United States and lying within the Commonwealth are cognizable by the courts of the United States and not by those of the Commonwealth unless Congress has specifically given jurisdiction to the Commonwealth; therefore, a Brookline Police Officer should bear in mind that when exercising his or her police powers on Federal property, they are limited to effecting an arrest, if such is indicated by the circumstances, and turning over his or her prisoner to his or her Superiors in order that the proper Federal authorities be notified.

PUBLIC TRANSPORTATION

Authority for policing public transportation facilities and vehicles is provided by statute, and while primary responsibilities are assumed by Massachusetts Bay Transportation Authority (MBTA) police or other similar security forces, Brookline Officers are required to take appropriate police action where violations occur within their municipal boundaries. Transit Authority security forces are necessarily limited as to manpower and mobility, and responsibilities related to preservation of the peace and protection of life and property fall largely on the shoulders of the Brookline Police Department.

Most important of the specific statutes of interest to Brookline Police and for violations of which arrests may be made without a warrant are:

M.G.L. c. 159	s. 104	Railroad offenses, on or near
M.G.L. c. 160	s. 220	Illegal rider
M.G.L. c. 161	s. 94A	Littering
M.G.L. c. 161	s. 95	Loitering

OFFENSES IN OR UPON RIVERS, HARBORS.

Police officers are authorized to arrest without a warrant any person found in the act of committing a misdemeanor in or upon the rivers or lakes within their jurisdiction. (M.G.L. c. 91 s. 58)

While this statute has limited application in the Town of Brookline, this section may be enforced where appropriate or necessary.

STATE HIGHWAYS

Chapter 81, Section 19, of the General Laws establishes the police jurisdiction of a municipality over "all state highways within its limits". The Brookline Police Department, therefore, has jurisdiction over all streets and highways within its boundaries. On any state highway within the Town, Brookline Police jurisdiction is shared with the appropriate agency or agencies.

SHOPPING CENTERS OR FACILITIES

A Police Officer may, within their jurisdiction, enforce all violations of law consistent with their authority which occur upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees. Privately owned shopping centers and industrial parks are, therefore, within the jurisdiction of the Brookline Police Department and subject to appropriate services.

GENERAL REGULATIONS
ALL PERSONNEL

The following regulations establish a standard of behavior to which every member of the Department is held accountable. The standard is a very high one, higher than that expected of members of the general public. The responsibility with which the Police Department is entrusted is unique in terms of its wide ranging powers, yet consistent with its duties and obligations. No other agency of government must be as mindful of the multiplicity of contacts and the nature of the relationships encountered by police and their potential for misunderstanding in a free society. When a person takes the oath of office as a police officer, they have, of their own free will, placed themselves under the jurisdiction of the Police Administration of the Town of Brookline and assumes the consequences of their own violations when in conflict with the rules, regulations and policies established by that administration. Such violations need not be punishable under existing statutes or ordinances to be considered punishable under the Rules and Regulations of the Police Department. Neither moral turpitude nor specific intent is required as an element of a violation.

SECTION I. RULES AND REGULATIONS

A. INTRODUCTION

The regulations in this Manual are adopted as a guide for the discipline and government of this police department.

It cannot be expected that any set of regulations will cover all situations or emergencies which arise. In a role as complex as that of a police officer, intelligence and discretion will often be the only available guidelines.

There is a need for standards of conduct and general rules in any organization, especially one in an area as important as law enforcement. These regulations are formulated to meet that need and shall consist of Sections I, II and III of this Manual.

Section I of this Manual is entitled "Rules and Regulations" and defines minimal expectations of all members and employees of the police department.

Section II contains job descriptions and is called "Duties by Rank and Assignment".

Section III contains "Policies and Procedures". These are the policies of the department for a variety of situations which may arise during an officer's tour of duty. Procedures for implementing each policy are also listed.

Department members and employees are required to read and be familiar with the contents of this Manual.

The purpose of this Manual is not to provide the Chief or appointing authority with a tool for punishing officers. Rather it is an attempt at improving the effectiveness of the police department by making clear to all officers and employees what is expected of them, and what they can expect of fellow officers and employees.

It is anticipated that from time to time this Manual will need revision. Times, attitudes and policies change. This Manual is in electronic form so that revisions can be made more easily. New pages will be inserted whenever changes are made.

B. DEFINITIONS USED IN SECTION I

Department	The Police Department of the Town of Brookline.
Chief	The Chief of Police
Superintendent	The Superintendent of Police
Officer-in-Charge	A Commanding Officer of a shift or the Commanding Officer of any given situation.
Senior Officer	A member in any given rank with the longest service in that rank.
Member	A duly appointed police officer in the Department.
Employee	A civilian employee of the Department.
Manual	The Police Manual of the Department.
Orders	Commands or instructions, oral or written, given by one member to a member of lesser rank.
Shift	A regular tour of duty, unless otherwise ordered by the Chief of Police.
Division	A major part of the Police organization which encompasses groups or units.
Officer in Command	In the absence of special orders to the contrary and subject to the Rules and Regulations of the Department, the senior officer of the highest rank, who is present on duty at any place or on any occasion shall assume command.
Special Duty	The performance of an assignment, the nature of which requires that the member or employee be allowed specific latitude or enlargement of usual police functions or procedures.
Superior Officer	A member above the rank of Sergeant.

C. PROFESSIONAL RESPONSIBILITIES

Police officers are professionals, and as such are expected to maintain exceptionally high standards in the performance of their duties.

Effective and efficient performance of his/her duty requires that a police officer maintain the respect and cooperation of his or her community. This requirement dictates that the conduct of all police officers be above reproach in all matters both within and outside the Department.

General professional responsibilities include taking appropriate action to:

1. protect life and property;
2. preserve the peace;
3. prevent crime;
4. detect and arrest violators of the law;
5. enforce all laws coming within departmental jurisdiction;
6. supervise public functions (such as parades or dances) where public order requires police presence;
7. respond to all public emergencies.

D. CONFLICT OF INTEREST

Since the position of a police officer is a public trust, it is important to avoid all situations involving conflicts of interest whether in fact or only in appearance.

1. **Membership in Organizations** - A member or employee of this Department shall not affiliate with or become a member of any organization if such affiliation or membership would in any way interfere with or prevent him or her from performing his/her duty.

2. **Outside Employment** - Prior to accepting any outside employment, a member or employee must notify the Chief. No member of the Department shall accept other employment which could impair his/her independence of judgment in the exercise of official duties.

3. **Political Activities** - All members of the Brookline Police Department may engage in political activity when not on active duty or on a special detail. A member may run for any non-partisan elective office. If a member runs for a partisan elective office he or she must request and be granted a leave of absence from the Department prior to announcing his or her candidacy or filing his or her nomination papers, whichever first occurs.

4. **Gifts and Gratuities** - Members and employees shall not under any circumstances solicit or accept any gift, gratuity, loan, reward or fee where there is any direct or indirect connection between the solicitation and their departmental membership or employment, except as may be specifically authorized by the Chief. Members and employees must pay for all meals and beverages.

5. **Unauthorized Transactions** - Members and employees are prohibited from entering into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the Department, except as may be specifically authorized by the Chief.

6. **Use of Official Position** - An officer shall not use his or her official position, Department ID card or Badge to gain privileges not otherwise available to them except in the performance of duty. His/Her official position, Department ID Card or Badge shall never be used to avoid the consequences of illegal acts.

E. ORDERS

An order is a command or instruction, written or oral, given by a superior officer. All lawful orders, written or oral, shall be carried out fully and in the manner prescribed. Members shall obey any lawful order of a superior including any order relayed from a superior by another member.

1. **General Orders** - General Orders are permanent written orders issued by the Chief of Police outlining policy matters which affect the entire Department. A General Order is the most authoritative written order the Chief issues, and may be used to amend, supersede or cancel any previous order. General Orders remain in full effect until amended, superseded or canceled by the Chief. Arrangements shall be made to include General Orders in the Police Manual. The Implementation of General Orders is subject to the approval of the Board of Selectman, as required by M.G.L c.41 s.97A.

2. **Special Orders** - Special Orders are temporary written orders issued by the Chief of Police outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved.

3. **Personnel Orders** - Orders pertaining to assignments, change of duty assignments, hours of work, administrative matters related to conditions of employment, and employee rights and benefits.

4. **Unlawful Orders** - No member shall knowingly issue an order in violation of any law or any departmental regulation. Unlawful orders shall not be obeyed. The officer to whom the order was given shall notify the ordering officer of the illegality of his or her order. Responsibility for refusal to obey rests with the officer to whom the order was given. He/She shall be strictly required to justify his or her action.

5. **Unjust or Improper Orders** - Lawful orders which appear to be unjust or improper shall be carried out. After carrying out the orders, the officer to whom the order was given may file a written report to the Chief via the chain of command indicating the circumstances and the reasons for questioning the orders, along with his or her request for clarification of departmental policy.

6. **Conflicting Orders** - Should any order given by a superior officer conflict with any previous departmental order, the member to whom such order is given will call attention to the conflict. If the superior officer does not change his or her order to avoid such conflict his or her order will be obeyed, but the member obeying such order will not be held responsible for disobedience of the previous order. It should later be reported to the Chief in writing for clarification.

F. REQUIRED CONDUCT

In addition to the specific duties of each individual rank and assignment as set forth in Section II of this Manual, the following provisions are applicable to all members of the Department.

1. **Reporting for Duty** - Report for duty whenever so ordered by proper police authorities. Report for duty at the regularly appointed time and not absent him/her self from duty without leave. Be present at all roll calls properly uniformed, equipped and ready for inspection.

2. **Truthfulness** - The following statement is issued in an effort to put employees on notice that untruthfulness will not be tolerated by the Department. When an officer is found to be untruthful, it damages the officer's ability to testify in future court proceedings. Testifying in court is a fundamental job requirement for a police officer, and therefore it is essential that an officer's integrity and credibility are intact. Therefore, all members of this department, both sworn and civilian, shall truthfully state the facts in all reports as well as when he/she appears before any judicial, departmental or other official investigation, hearing, trial or proceeding. He/she shall cooperate fully in all phases of such investigations, hearings, trials, and proceedings. Should the Department determine that an employee has been untruthful in any report to the Department, during any sworn testimony or in an internal investigatory interview, including interviews and at the Office of Professional Responsibility, the officer will be subject to serious discipline, up to and including termination, consistent with just cause principles.

3. **Submitting Reports** - Promptly and accurately complete and submit all reports and forms as required.

4. **Giving Identification** - Give identification in a civil manner to any person who may inquire, except where the physical safety of a member of the Department is threatened, or when authorized not to do so by proper authority. Under Chapter 41 s. 98D, state law requires that every full-time police officer shall carry a departmentally issued ID Card, bearing his/her picture, which shall be shown to the public upon lawful request.

5. **Address, Telephone and Marital Status** - An officer shall have a telephone in his/her residence or a phone number at which he/she can be reached and shall report in writing any change of phone number, address or marital status to the Chief of Police within 24 hours.

6. **Awareness of Activities** - Upon returning to duty from any absence inform him/her self about all new orders, regulations, memoranda and all other important matters governing his or her assignment.

7. **Physical Fitness** - Maintain good physical condition in accordance with a standard determined by the Chief.

8. **Physical, Psychological or Psychiatric Examination** - A member shall submit to a physical, psychological or psychiatric examination at the expense of the Department, when so ordered by the Chief of Police.

9. **Communication** - Transmit communications to other members of the Department when required. Utilize and follow policy regarding electronic e-mail.

10. **Civil Suits for Personal Injuries** - Any claims for damage to clothing or other personal property belonging to a member or employee caused by the performance of duty shall be made in accordance with current departmental directives. Members and employees shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing. Members or employees who have received municipal salaries for illness or for personal injuries sustained off duty, shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury.

A police officer absent on sick leave or injured in discharge of duty, or otherwise, who received pay during his or her absence and later is compensated or receives money on account of a claim for damages for such sickness or injury shall at once notify the Chief thereof, and will reimburse the Town in full for the amount of all salary received during his or her absence; provided, however, if the amount of compensation or damages so received is less than the amount of the salary received during his or her absence, then reimbursement shall be limited to the amount of such compensation or damages; and, provided further, that the police officer shall not be obliged to make reimbursement to the Town hereunder by reason of any payment received by him or her for an insurance company under a policy purchased by the officer which provides him or her with indemnity or benefits by reason of accident, sickness, or disability. A police officer injured while acting in the performance of his or her duty shall reimburse the Town for hospital, doctors' and nursing bills and related expenses paid or incurred in the treatment of such police officer to the extent that such officer recovers same or damages from the party who caused him or her the injury or from someone legally responsible for the act of such party.

Notice shall be filed before the action is taken. It shall include the facts of the claims and the name of the defendant. Keep the Chief informed of the status of the case and the final court determination.

This provision shall not apply to private insurance policies held by members or employees for which premiums are not paid for in part or in whole by the municipality.

11. **Line-of-Duty Disability** - Any injury, illness, or disability incurred in the line of duty shall be reported immediately by the concerned party to the uniform Shift Commander - said Shift Commander shall institute or cause to be instituted, an investigation and written report containing the following:

    a. location and circumstances of injuries;
    b. attempt to identify witnesses and obtain statements;
    c. determine cause of injury and verify treatment;

G. PROHIBITED CONDUCT

The following acts by a member of the Department are prohibited or restricted:

1. **Criminal Conduct** - Commission of any felony or misdemeanor.

2. **Conduct Unbecoming an Officer** - Any specific type of conduct which reflects discredit upon the member as a police officer, or upon his/her fellow officers, or upon the police department he/she serves.

3. **Neglect of Duty** - Being absent from assigned duty without leave or failing to take suitable and appropriate police action when any crime, public disorder or other incident requires police attention.

4. **Insubordination** - Failure or deliberate refusal to obey a lawful order issued by a superior, ranking or commanding officer.

5. **Unnecessary Force** - The use of more physical force than that which is necessary to accomplish a proper police purpose.

6. **Discourtesy** - Discourtesy, rudeness, or insolence to any member of the public. An officer shall be courteous and tactful in the performance of his/her duties and shall control his/her temper, exercising the utmost patience and discretion, even in the face of extreme provocation.

7. **Intoxication** - Intoxication or under the influence when reporting for duty or while on duty, through the use of liquor, controlled substances, drugs or any other means.

8. **Drinking on Duty** - The consumption of alcohol while on duty or while in uniform unless authorized by proper police authorities.

9. **Improper Associations** - A member or employee shall not maintain or establish associations or dealings with criminals, racketeers, gamblers, or persons engaged in unlawful activities, except in the discharge of official duty and with the knowledge of the member's Commanding Officer or the Chief of Police.

No member of the Department shall henceforth acquire any proprietary interest, either direct or indirectly, in any business which has an alcoholic license issued by the Town of Brookline, nor shall any member henceforth become employed by such a business in any manner except as a police officer to perform police duties on the premises.

10. **Undue Influences** - Seeking the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer or advancement.

11. **Recommending Private Services** - Recommending or suggesting in any manner the employment or purchase of any particular professional or commercial service or product, such as lawyers, bondsmen, undertakers, towing services or burglar alarm companies, except in the transaction of personal business.

12. **Personal Business** - Conducting personal business while on duty.

13. **Department Letterhead** - Use of the departmental letterhead for private correspondence or sending official correspondence out of the Department without the permission of the Chief of Police.

14. **Mailing Address** - Use of the Department as a mailing address for private purposes, especially for the purpose of a motor vehicle license or registration.

15. **Possessing Keys to Private Buildings** - Having keys to private buildings or dwellings on a member's area of patrol without the permission of the Chief.

16. **Sleeping** - Sleeping while on duty.

17. **Reading** - Recreational reading while on duty, except during meals.

18. **Smoking** - Conspicuous smoking while on duty.

19. **Notices Altering, defacing or removing any posted notice of the Department.** No notice shall be posted on the Department bulletin board without the permission of the Chief of Police or the Officer-in-Charge.

20. **Report of Loss or Damage** - In the event that departmental property is lost or found bearing evidence of damage which has not been reported, the last person using the property may be charged with failure to report and may be held responsible for damages.

21. **Incompetence** - An officer shall maintain sufficient competency to perform his or her duty and to assume the responsibilities of his/her position. Incompetence may be demonstrated by the following:

    a. a lack of knowledge of the application of laws required to be enforced;
    b. an unwillingness or inability to perform assigned tasks;
    c. the failure to conform to work standards established for the officer's rank, grade, or position;

d. repeated poor evaluations-or repeated infractions of the rules and regulations.

22. **Dissemination of Information** - An officer shall treat the official business of the department as confidential and shall conform to the following guidelines:

a. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.

b. An officer shall not remove or copy official records or reports from a police installation except in accordance with established departmental procedures.

c. An officer shall not divulge the identity of a person giving confidential information except as authorized by proper authority in the performance of police duties.

d. Press Relations - releasing to the press or news media information concerning departmental policy in the evidentiary aspects of any criminal investigation. Consult with the Chief of Police or his/her designee when in doubt.

23. **Feigning Illness** - An officer shall not feign illness or injury, falsely report himself/herself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his/her health.

24. **Use of Telephones** - Use of departmental telephone equipment for the transmission of private calls without the express permission of the Commanding Officer.

25. **Orders from Dispatcher** - All personnel shall promptly answer and execute all orders from the Dispatcher. These orders shall be considered as direct orders from higher authority.

H. UNIFORMS AND APPEARANCE

Members shall be neat appearing and well groomed while in uniform. All articles of clothing shall conform to the departmental uniform regulations. Civilian clothing shall not be worn with any distinguishable part of the uniform.

1. **Hair Styles** - The hair on top of the head will be neatly groomed. The length and/or bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. Hair will present a tapered appearance and when combed it will not fall over the ears or eyebrows or touch the collar except for the closely cut hair at the back of the neck. In all cases the bulk or length of hair will not interfere with the normal wear of all standard Brookline Police headgear.

2. **Sideburns** - If the individual desires to wear sideburns, they will be neatly trimmed. The base will be no more than 1¼" wide . Sideburns will not extend downward more than ¼" beyond the lowest part of the ear except when the side burn merges with a beard authorized by these regulations.

3. **Mustache and Beards** - The face will be clean shaven at all times except that mustaches and beards are permitted if they comply with the following regulations:

Mustaches

A mustache shall be neatly trimmed, well-groomed and tidy at all times. If any portion of a mustache extends beyond the corners of the mouth, it shall not fall below a line parallel with the bottom of the lower lip except when the mustache merges with a beard authorized by these regulations.

Beards

A. In recognition of the fact that their is a period of time when a beard is being grown during which the new growth gives an unshaven, unkempt appearance, beards shall be grown when the officer is off duty (i.e. during vacation, sick leave, days off, etc.) for a sufficient period of time to allow the beard to fill in, unless otherwise provided by these regulations.

B. The beard must be neatly trimmed and well groomed at all times so as not to present a ragged or unkempt appearance.

C. Full and partial beards are authorized, but patches and clumps of facial hair are not.

D. The beard shall not exceed ½ inch in depth. Depth shall be the perpendicular distance from the surface of the skin to the surface of the bulk of the beard. Each individual facial hair shall not exceed one inch in length.

E. An officer shall remove his beard when ordered to do so by a superior officer for the use of special equipment, for special operations or special assignments, in emergency situations or in order to achieve particular police objectives.

F. The Chief of Police and Captain of Detectives shall have authority to permit the growth of facial hair in a manner contrary to these regulations if so required for special operations, special assignments or in order to achieve particular police objectives.

G. An officer shall immediately remove his beard when ordered to do so by a superior officer if the beard fails to conform to the aforementioned regulations.

4. **Tattoos, Brands, Body Mutilation** – Visible tattoos and brands are prohibited for all employees. Individuals who have tattoos or brands will be permitted, at the discretion of the Chief of Police, to wear these in an exposed manner as long as they cannot be perceived or considered obscene, advocate sexual, racial, ethnic or religious or other unlawful discrimination, and do not detract from the appropriate professional image of the Department.

5. **Wearing the Uniform** - Uniforms shall be kept neat, clean, and well pressed at all times. Care should be taken not to wear threadbare or faded items. The uniform cap shall be worn out of doors unless otherwise directed by competent authority. The Chief shall periodically issue special orders pertaining to daily or seasonal wear.

6. **Civilian Clothing** - Commanding Officers may prescribe other types of clothing when necessary to meet particular police objectives. Unless otherwise directed, police officers shall be permitted to wear civilian clothing that should conform to standards normally required of office personnel in private business firms.

I. DEPARTMENTAL PROPERTY AND EQUIPMENT

Equipment issued to members of the Department shall remain the property of the Department. Members and employees shall maintain departmental property and equipment assigned to them in good condition. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

1. **Damaged-Inoperative Property-and Equipment** - Members and employees shall immediately report to their Commanding Officer any loss or damage to departmental property or equipment assigned to them. The immediate superior shall be notified of any defects or hazardous conditions existing in any departmental property or equipment.

2. **Care of Departmental Buildings** - Members and employees shall not mar, mark or deface any surface in any departmental building. No material shall be affixed in any way to any wall in departmental buildings without specific authorization from a Commanding Officer.

3. **Surrender of Departmental Property** - Members and employees are required to surrender all departmental property in their possession upon separation from the service, or when otherwise ordered.

4. **Departmental Vehicles** - A valid Massachusetts driver's license is required of all members. Members shall not use departmental vehicles without permission of the Commanding Officer. Departmental vehicles shall never be used for personal business or pleasure.

5. **Transporting Citizens** - Citizens shall be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation shall be done in conformance with departmental policy or at the direction of a Commanding Officer, immediate supervisor or the communications center.

6. **Authorized Equipment** - While on duty, a member shall carry only such equipment as is issued by the Department or authorized by the Chief of Police or Board of Selectmen. All sworn officers must, as a condition of employment, be able to lawfully carry a firearm.

7. **Reporting Accidents** - Accidents involving departmental property, personnel and/or equipment must be reported in accordance with procedures established by the Chief of Police.

8. **<u>Upkeep of Police Manual</u>** - All members and employees who are issued this Manual are responsible for its maintenance and knowledge of its contents and they are required to make appropriate changes or inserts as issued by the Chief. The Manual shall be considered departmental property.

J. DISCIPLINARY ACTIONS

Members and/or employees of the Department are subject to disciplinary actions as provided by statute (M.G.L. c. 31 sec. 43) and such other less severe measures deemed appropriate by the Chief of Police such as letters of reprimand. Procedural requirements regarding notice and hearings shall be observed. Disciplinary actions which may be imposed under statutory authority are the following:

1. Suspension not exceeding five days (M.G.L. c. 31 sec. 43e)
2. Suspension exceeding five days (M.G.L. c. 31 sec. 43a)
3. Lowering in rank and compensation (M.G.L. c. 31 sec. 43a)
4. Transfer without consent (M.G.L. c. 31 sec. 43a)
5. Discharge (M.G.L. c. 31 sec. 43a)

Statutory provisions provide for review before the Civil Service Commission (M.G.L. c. 31 sec. 43b) and thereafter before the state courts (M.G.L. c. 31 sec. 43d). In the alternative, the collective bargaining agreement between the Town and the Brookline Police Union provides for review of discipline under a "just cause" standard.

Probationary officers having less than one year of service charged with violations of these Rules and Regulations are subject to discharge without right to a hearing or appeal under the provisions of M.G.L. c. 31 s. 61.

It is the policy of the Brookline Police Department that all Superior Officers will immediately report all violations of law committed by Police officers under their command or control through the chain of command. Furthermore, all Superior Officers will immediately report, through the chain of command, violations of Departmental policies, rules, or procedures committed by Police Officers under their command or control that require further disciplinary action. Failure to do so, in either case, will be considered neglect of duty. The report will include a recommendation concerning any further action or disposition.

K. ALLEGATIONS OF CRIMINAL MISCONDUCT MADE AGAINST POLICE OFFICERS

1. **Administrative Duty** - A restricted or limited duty assignment including, but not limited to, desk duty. Administrative duty shall be used in preference to administrative leave except when it would be in the best interests of the department to do otherwise.

2. **Administrative Leave** - Temporary leave with pay.

3. **Disciplinary Action** - Any essentially punitive employment action that is authorized under the provisions of M.G.L.c. 31 s41; M.G.L.c. 268A s25 and also including oral and written reprimands.

4. **Duty Assignment** - A discretionary assignment made by the Chief of Police within the same civil service rank including, but not limited to, administrative duty and administrative leave.

5. **Criminal Offense** - An alleged violation of any provision of law that sets forth criminal penalties, including, but not limited to, statutes, acts, codes, ordinances, by-laws, rules or regulations enacted or promulgated by the federal government, any subdivision, administrative agency, department or authority thereof.

6. **Misdemeanor** - A criminal offense which, under Massachusetts law carries a maximum punishment of a sentence to a House of Correction, a fine or both; or the substantial equivalent under the law of another jurisdiction.

7. **Felony** - A criminal offense which, under Massachusetts law, carries a maximum sentence of death or imprisonment in the state prison; or the substantial equivalent under the law of another jurisdiction.

8. **Criminal Actions** - A police officer shall be considered a defendant in a criminal action if any of the following events have occurred:

    a. the officer has been arrested, arraigned or indicted for a criminal offense;

    b. the officer has received notice that he/she has been named as a defendant in an actual complaint issued by a court of law which alleges the commission of a criminal offense;

    c. the officer has received notice that he/she has been named as a defendant in an application for a complaint alleging a

d. in any jurisdiction which describes its criminal procedures in a manner different from that used above, the officer shall be subject to the requirement of this section if he/she has become a defendant in a criminal action which is the substantial equivalent of any of the above- described criminal procedures.

9. **Notice to the Chief of Police about Pending Criminal Action** - Any police officer who receives notice the he/she is a defendant in a criminal action in any jurisdiction shall immediately give notice to the Chief of Police of such action in his/her notice, the accused police officer shall provide the Chief of Police with the following information:

a. the nature of the criminal charge as described in the application for complaint, complaint or indictment or as described in the provision of law under which the criminal charge is brought;

b. the relevant section of the provision of law under which the criminal charge is brought;

c. the name and location of the court;

d. the docket or citation number;

e. the name of investigating law enforcement agency and/or complaining witness.

A police officer who is a defendant in a criminal action shall have a continuing duty to keep the Chief of Police informed as to the date, location and time of each scheduled proceeding and the terms of any final disposition of the criminal action.

Failure to comply with the provisions of this section shall be considered a serious breach of police procedures.

10. **Notice to the Chief of Police** - The notice required under subsection nine (9) or subsection fifteen (15) shall be made in writing and in-hand to the Chief of

11. **Criminal Investigation** - If the Chief learns that a police officer has become the focus of a criminal investigation, the Chief of Police may, at any time during the criminal investigation, or thereafter, place an officer on administrative action, if warranted under the circumstances, after giving due consideration to maintaining the security of any ongoing criminal investigation.

    The Chief may assign the Internal Affairs Officer (IAO) or other superior officer to conduct a separate, internal investigation during or after the completion of the criminal investigation after giving due consideration to the security of any ongoing investigation.

12. **Change in Duty Assignment During the Pendency of Criminal Action** - At his or her earliest opportunity after learning that a police officer has become a defendant in a criminal investigation, the Chief shall make a determination as to whether there should be a change in duty assignment or whether disciplinary action should be initiated.

    Upon notice that an officer has become a defendant in a criminal action or the focus of a criminal investigation, the Chief may immediately, or at any time thereafter, place the officer on administrative duty or administrative leave and may also initiate disciplinary action. The Chief need not await the disposition of the criminal action or the criminal investigation to initiate disciplinary action or to make a change in duty assignment.

    If the Chief of Police places an officer on administrative leave or administrative duty, he or she shall review that officer's status in light of the progress of the criminal action or criminal investigation on at least a weekly basis to determine whether disciplinary action or any change in duty assignment is warranted.

13. **Notice to the Board of Selectmen** - At the Chief's earliest opportunity after learning that:

    a. a police officer has become a defendant in a criminal action that charges the officer with a criminal offense that is punishable as a felony, or;

    b. a police officer has been arrested, arraigned, indicted or is a defendant in a criminal complaint issued by a court of law for a criminal offense that is punishable as a misdemeanor.

The Chief shall submit a preliminary report to the Board of Selectmen explaining the nature of the criminal action against the officer. The Chief's preliminary report to then Board of Selectman shall be made within 24 hours of said notice, exclusive of weekends and holidays. The Chief shall include in his or her preliminary report any action taken or contemplated with respect to duty assignments or disciplinary action.

The Chief shall have a continuing duty to keep the Board of Selectmen informed as to the status of the criminal action and as to any action taken or recommended with respect to duty assignments or disciplinary action.

If a police officer has became the focus of a criminal investigation, the Chief of Police shall not be required to submit a written report to the Board of Selectmen under this section until one of the events described above in subsections 13(a) or 13(b) has occurred and until the Chief determines that the security of any ongoing criminal investigation is no longer an overriding consideration.

14. **Specific Criminal Actions or Criminal Offenses** - If the Chief learns that a police officer is indicted for a criminal offense, the Chief shall submit a written recommendation to the Board of Selectmen as to whether or not the Board should suspend the officer without pay pursuant to the provisions of G.L.c.268A, s. 25.

If the Chief learns that a police has become a defendant in a criminal action or the focus of a criminal investigation, either of which involves a criminal offense that is punishable as a felony, the Chief shall place the officer on administrative leave or administrative duty until further unless the Chief has good reason to believe that such action would be inappropriate under the circumstances. The need to maintain the security of an ongoing investigation shall constitute good reason under this paragraph.

If the Chief learns that a police officer has become a defendant in a criminal action for operating under the influence of liquor or controlled substances or for possessions or distribution of controlled substances, the officer shall be placed on administrative duty or administrative leave unless the chief has good reason to believe that such action would be inappropriate under the circumstances. The need to maintain the security of an ongoing criminal investigation shall be good reason under this paragraph.

In all other misdemeanor cases, the Chief shall exercise his/her discretion with respect to duty assignments or disciplinary actions.

15. **Actions Brought Pursuant to G.L.c. 209A** - Any police officer who receives notice that he or she is a defendant in an action brought pursuant to

G.L c. 209A, or the substantial equivalent in any other jurisdiction, shall immediately give notice to the Chief of Police of such action. Such notice shall include the name and the address of the complaining witness, if it has not been impounded; the name of the court having jurisdiction; the name of the law enforcement agency having jurisdiction; the date, location and time of any scheduled hearings.

The officer shall have a continuing duty to keep the Chief of Police informed as to the date, location and time of each scheduled proceeding and as to the terms of any disposition of the action.

If an officer becomes a defendant in an action brought pursuant to G.L.c. 209A or its substantial equivalent, the officer shall be placed on administrative duty or administrative leave unless the Chief has good reason to believe that such action would be inappropriate under the circumstances.

If an officer has become a defendant in an action brought pursuant to G.L.c. 209A, or its substantial equivalent, the Chief of Police shall take whatever action he or she deems appropriate under the circumstances to seize or secure the officer's license to carry firearms, service weapon and ammunition or any other department-issued weapons, equipment or property.

16. **Disposition of the Criminal Action** - Upon disposition of a criminal action against a police officer, the Chief shall inform the Board of Selectmen in writing as to his or her recommendations for any changes in duty assignment or for disciplinary action, not with standing the lack of a conviction in the criminal action.

The fact that a criminal action has not resulted in a conviction shall not foreclose the possibility of a disciplinary action or a change in duty assignment.

17. **Exercise of Discretion** - In making a determination as to a change in the duty assignment or in taking any other action pursuant to this policy, the Chief shall exercise his or her discretion, the Chief should consider the following factors:

a. the gravity of the offense;
b. the weight and sufficiency of the evidence and the credibility of the witnesses;
c. whether the complaining witness is a law enforcement agency;
d. whether the officer has been indicted, arrested or arraigned on a criminal complaint;
e. the impact on the public, including any potential threat posed by the officer to the safety, health and welfare of the public or any individual;
f. any impact on the public's trust and confidence in its police department;

g. impact on the police department, including efficient operation of the department, the morale of other officers, the department public image and integrity;
h. the presumption of innocence afforded the accused officer;
i. the physical and mental condition of the officer;
j. any undue hardship that may be suffered by the officer or his or her family;
k. the ability of the officer to continue to perform his or her duties in an unbiased, uninhibited and professional manner;
l. if the officer is being prosecuted under the laws of another state or foreign government, the Chief should consider whether the alleged criminal conduct is conduct made criminal under the laws of Massachusetts;
m. the officer's prior criminal history, history of disciplinary actions, complaints of misconduct, investigative reports and performance evaluations
n. the provisions of applicable law or collective bargaining agreements;
o. the safety of the accused officer or any other officer;
p. the security of police department facilities, property, records, evidence and weapons;
q. the security of ongoing investigations;
r. any extenuating circumstances or valid legal defenses;
s. any other factors which the chief deems relevant to the decision-making-process;

18. **Seizure of Weapons and Other Department Issued Equipment** - If an officer has become a defendant in a criminal action or the focus of a criminal investigation, the Chief of Police may take whatever action he or she deems appropriate under the circumstances to seize or secure the officer's license to carry, service weapon and ammunition or any other department-issued weapons, equipment or property.

19. **Authority of Division Commanders and Officers in Charge** - In the absence of the Chief of Police and upon learning that a police officer is a defendant in a pending criminal action or an action brought pursuant to G.L.c. 209A or that an officer has become the focus of a criminal investigation, either under the provisions of subsections 9-15 or from any reliable source, a Division Commander or Officer-in-Charge may, in accordance with the provision of this section, take any action necessary under the circumstances with respect to placing the officer on administrative duty or administrative leave and with respect to the seizure of the officer's service pistol and ammunition or any other department-issued weapons, equipment or property. Said superior officers should make reasonable attempts to inform the Chief of Police and their own commanders prior to or immediately after taking such action and shall inform the Chief of Police in writing as soon as possible.

20. **<u>The Role of the Internal Affairs Officer (IAO)</u>** - Following the receipt of notice under subsection 9 or subsection 15, or upon learning of a pending criminal action from any reliable source, the Chief of Police shall provide the IAO or other superior officer designated by the Chief, with all relevant information regarding the criminal action or criminal investigation including the dates of scheduled proceedings.

In order to maintain the security of an ongoing criminal investigation, the Chief shall not be required to notify the IAO until the Chief determines that security is no longer an overriding consideration.

Upon receipt of the relevant information, the IAO shall initiate an internal investigation into the circumstances surrounding the criminal action and shall also monitor the progress of the criminal action. Such internal investigation shall be separate from any ongoing criminal investigation. The IAO shall prepare a preliminary report and submit it, along with any pertinent reports or documents, to the Chief, as soon as possible or, in any event, within 7 days.

The IAO shall have a continuing duty to keep the Chief of Police informed as to the status of the criminal action and as to the progress of any internal investigation being conducted by the IAO.

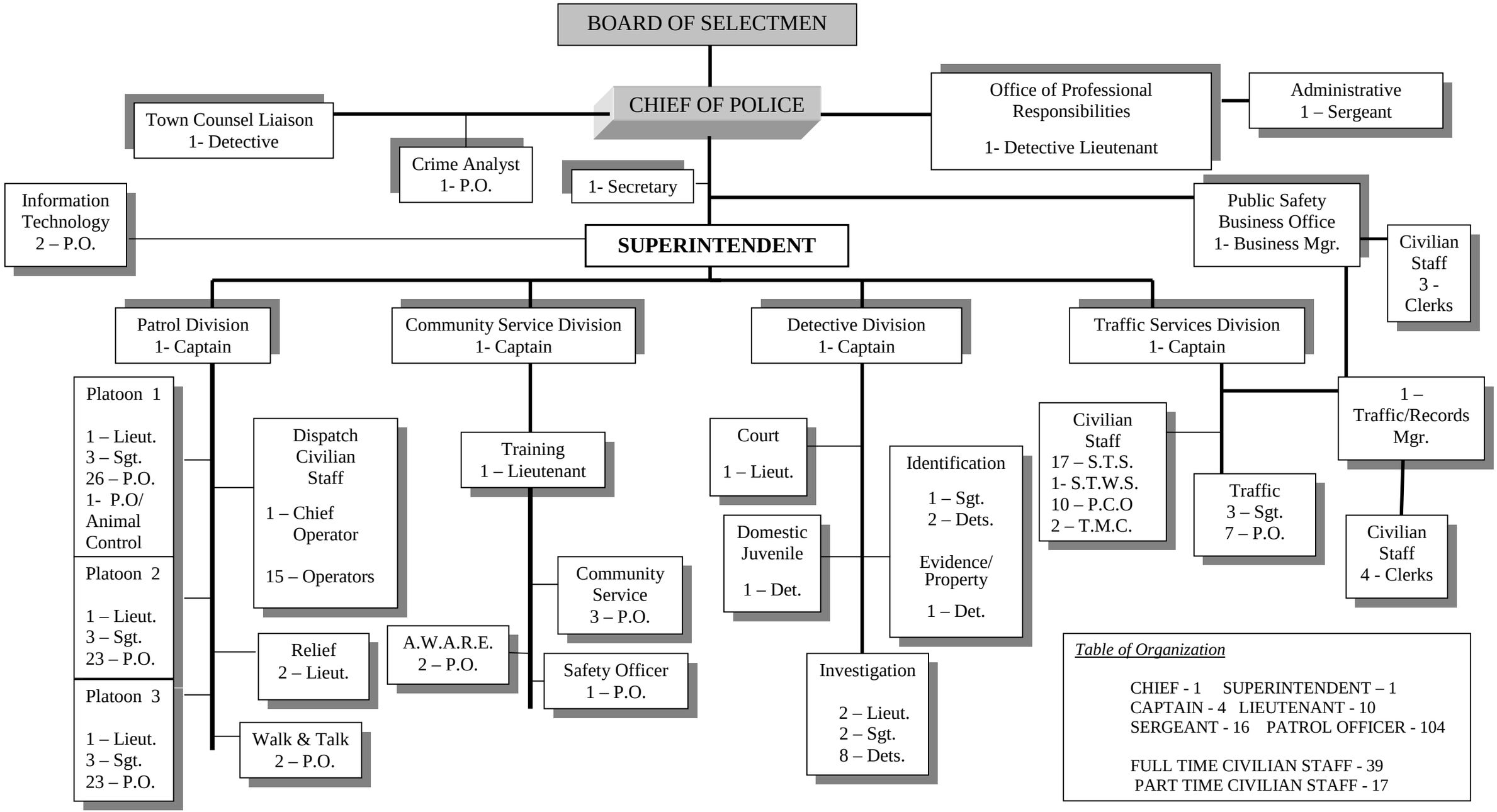
The IAO's investigation should otherwise proceed in accordance with established policies and procedures relative to internal investigations.

In the absence of the IAO or, the circumstances so require, the Chief may designate a Superior officer to perform the functions of the IAO under this section.

21. **<u>Confidentiality and Privacy</u>** - Any documents, reports and records relative to a criminal action, criminal investigation, or a criminal record concerning a Brookline Police Officer or that relate to an action brought pursuant to G.L.c.209A against a Brookline Police Officer shall be maintained in accordance with the provisions of G.L.c.66, s.10, G.L.c.4, s.7, G.L.c.6, s.172, G.Lc.209A or any other applicable provisions of law and the rules and regulations of the Brookline Police Department.

No officer or employee of the Brookline Police Department is authorized to disseminate any information about a criminal action, criminal investigation, or a criminal record concerning a Brookline Police Officer or that relate to an action brought pursuant to G.L.c.209A against a Brookline Police officer except as permitted by this section; as required by law; as necessary to perform his or her duties; or as directed by the Chief of Police.

BROOKLINE POLICE DEPARTMENT – ORGANIZATIONAL CHART – JUNE 2013

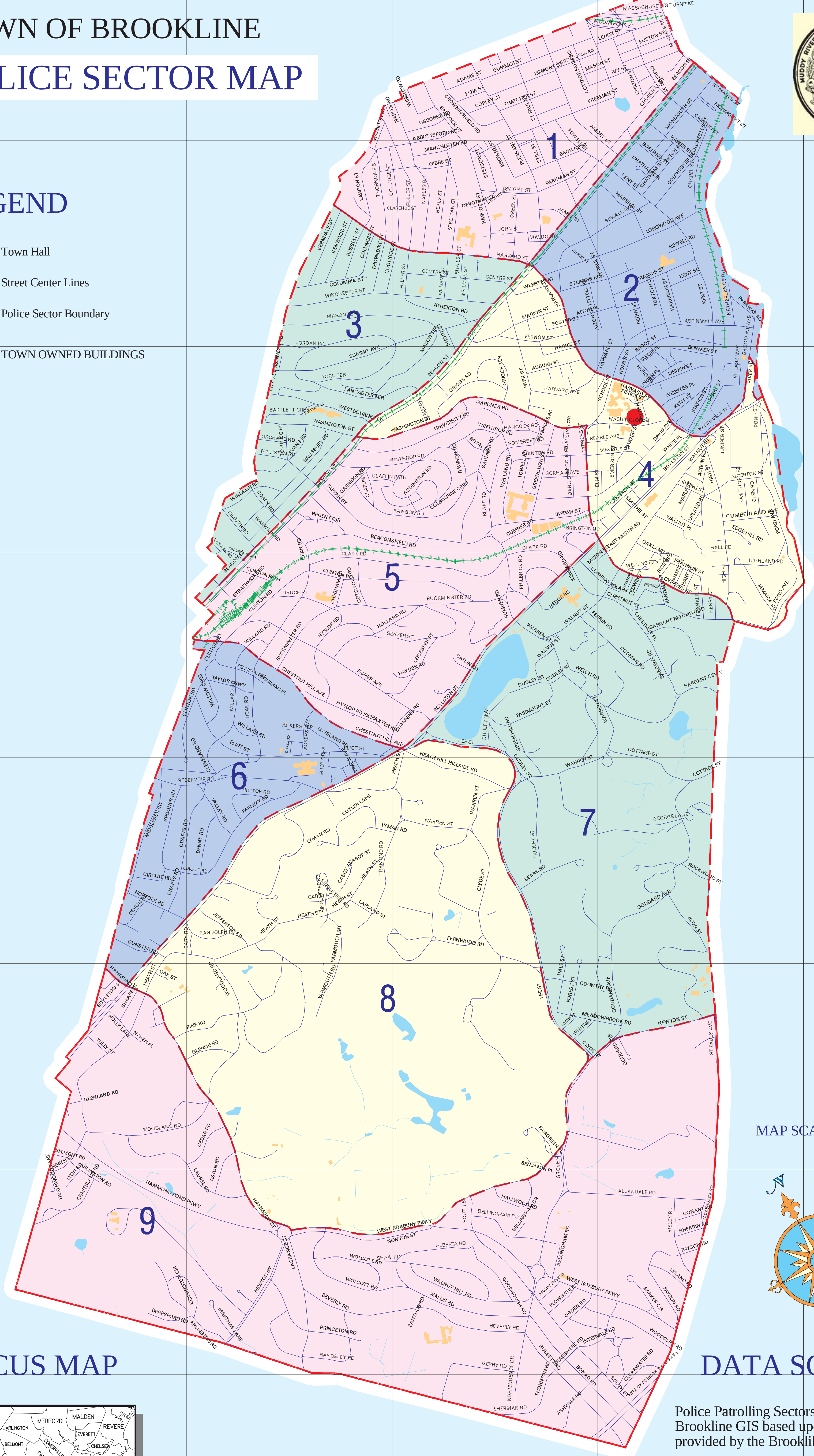


TOWN OF BROOKLINE

POLICE SECTOR MAP

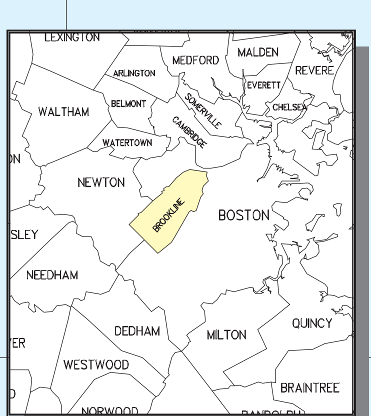
LEGEND

- Town Hall
- Street Center Lines
- Police Sector Boundary
- TOWN OWNED BUILDINGS



MAP SCALE 1:20000

LOCUS MAP



DISCLAIMER

The information shown on this map is from the Brookline Geographic Information System (GIS) database.

The Town of Brookline cannot guarantee the accuracy of the information. Users are responsible for determining its suitability for their intended use or purpose.

DATA SOURCES

Police Patrolling Sectors:Digitized by Brookline GIS based upon a hard copy map provided by the Brooklibe Police Department.

Street Centerline: Boston Edison Company. Modified and updated by brookline GIS.

Brookline Town Boundary: Boston Edison Company. Modified and corrected by Camp Dresser and McKee, Inc..

SECTION

II

DUTIES BY RANK AND ASSIGNMENT

CHIEF OF POLICE

A. SUMMARY

The Chief of Police is the chief administrative officer of the Department and the final departmental authority in all matters of policy, operations, and discipline. He/She exercises all lawful powers of his/her office and issues such lawful orders as are necessary to assure the effective performance of the Department.

Through the Chief of Police the Department is responsible for the enforcement of all laws coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the Department. He/She is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by proper authority and for the Department's relations with local citizens, the local government and other related agencies.

The Chief is responsible for training of all members of the Department. The Chief shall have general charge of the station house and all property of the Police Department.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Chief of Police to:

1. Supervises the day to day operation of the Department in the observance and enforcement of all laws and regulations; oversees the operation of all divisions which include detective, patrol, traffic, community relations, drug enforcement, and internal affairs functions.

2. Supervises, trains and evaluates subordinates; oversees the assignment of members of the force to shifts and daily routines; supervises special police assignments; determines disciplinary action as required; interviews and recommends appointment or promotion of all applicants for positions within the Police Department; participates in the collective bargaining process as a management representative. Institutes and revises personnel policies and procedures for the department.

3. Designate an officer to serve as Commanding Officer in his/her absence.

4. Researches and plans the development of long and short-range goals for the department in all areas of police operations.

5. Coordinates departmental action with other law enforcement agencies in cooperative measures for crime prevention and law enforcement.

6. Oversees the preparation and management of the department budget; prepares and submits reports of police department operations for annual report and as requested by the Town Administer and the Board of Selectmen.

7. Responsible for overseeing the management of large amounts of departmental revenue.

8. Formulates and reviews policies to ensure that law enforcement and public safety needs of the community are met.

9. Encourage members of the Department to work with the community to solve problems.

10. Promulgate all general and special orders of the Department and issue on his/her own authority orders, written and oral, not inconsistent with his/her powers, duties and responsibilities.

11. Checks and reviews complaints, teletype messages, uniform bureau reports, detective reports and cases pending in court.

12. Provide for investigation into all cases of alleged or apparent misconduct by departmental personnel.

13. Responsible for overseeing and managing seizure of assets belonging to those charged with crimes.

14. Oversees the maintenance of all records and statistics.

15. Be responsible for the necessary delegation of authority to those under his/her command, commensurate with their duties and responsibilities.

16. Exercise general supervision and inspection of all licensed public places within the community.

17. Attends professional meetings and conferences for purposes of public relations, regional discussions, and information gathering and exchange; acts as representative of the police department before the Town Meeting, citizen groups, and other law enforcement organizations. Represents the department at community, civic and social events.

18. Develops and coordinates state, local and federal grants.

19. Possess a valid Massachusetts Driver's License.

20. Adopt a policy covering the safekeeping of all evidence and any property recovered, found or confiscated. Designate a member of the Department as Property/Evidence Officer.

21. Performs similar or related work as required or as situation dictates.

C. DUTIES AND RESPONSIBILITIES - REPORTING

1. Submit an annual report to the Town Administrator and the Board of Selectman outlining the activities of the Department.

2. Submit a monthly report to the Commissioner of Corrections indicating the number of persons of each sex arrested. Classify such reports by type of offense. M.G.L. c. 124 s. 9.

3. Notify the State Department of Public Utilities within twenty-four hours after an accidental death by electricity or gas.

4. Notify the State Department of Natural Resources of any person presumed to be lost in the woodlands in their community. M.G.L. c. 21 s. 6A.

5. Report to the State Division of Fisheries and Game any injury or death resulting from the use of any firearm, bow and arrow or other weapon while hunting or target shooting. M.G.L. c. 131 s. 60.

6. Promptly report to the appropriate authority all particulars within his/her knowledge, relating to injuries to persons or property alleged to have been caused by defects, obstructions or want of repair on any public street.

7. Notify the Registrar of Motor Vehicles, on the appropriate forms, the particulars of an accident involving a motor vehicle which happens within the limits of this community in which any person is killed or injured or where there is damage in excess of $1000. to any one vehicle or other property. Ascertain, if possible, the name(s) of the operators and notify the Registrar of the same.

8. Be responsible for the preparation and justification of the annual departmental budget and for the control of all departmental expenditures.

9. Submit the appropriate data and forms to the proper authority for the purposes of compiling the Uniform Crime Report or other similar reporting method.

10. Maintain a personnel record system in which shall be kept all pertinent information on all Department members and employees.

11. Submit such other reports as required by law.

SUPERINTENDENT

SUMMARY:

Under the direction of the Chief of Police, the principal responsibilities of the Superintendent shall include, but not be limited to, assisting the Chief of Police as directed, in the day-to-day operations and business of the Police Department, supervising police personnel in the performance of their official duties, maintaining discipline, resolving and coordinating issues, concerns and grievances from the collective bargaining representatives, and providing training and motivation. In addition, the Superintendent is responsible for following principal activities to attain accountability in the fulfillment of the responsibilities and objectives of the Police Department:

DUTIES AND RESPONSIBILITIES:

1. Assist in maintaining sound union and management relations, including participating on behalf of management in grievance hearings, collective bargaining meetings, and other union and management meetings or forums.

2. Establish and maintain sound union and management relations, while upholding the rights and interests of management. Adhere to the collective bargaining agreements for and between the Town of Brookline and organized labor unions.

3. Oversee the training needs of department personnel to insure that all officers are receiving assigned training. Provide training opportunities to enhance the management and supervisory skills of command and supervisory officers.

4. Oversee overtime and paid detail assignments, insure compliance with Departmental policies, orders, rules and procedures, as well as related collective bargaining contractual obligations.

5. Insure the integrity of the Department is not compromised by the misfeasance, misconduct or failure to do the job of any employee.

6. In accordance with M.G.L. Ch. 31, apply disciplinary sanctions for violations of Department rules, policies, orders or procedures, not to exceed a suspension without compensation for five (5) days, and if necessary, with a recommendation to the Chief of Police that additional or greater discipline be imposed.

7. Monitor and/or conduct internal affair investigations, to include those allegations of criminal wrongdoing on the part of police officers.

8. Maintain all records of internal affairs and/or criminal complaints against officers in a secure manner.

9. Participate in the process associated with the presentment of management's case before hearing officers of the Human Resources Division, Labor Relations, Arbitrators, etc.

10. Oversee and coordinate the various elements and requirements of the recruitment selection and promotion processes.

11. Insure that the Police Department is in compliance with the equal employment opportunity policies, rules and procedures of the Town of Brookline and as required by law.

12. Supervise the daily activity of the Department personnel, issuing verbal and written directives to ensure that the Department is providing efficient policing services.

13. Provide and exchange information with command and supervisory personnel concerning the performance of officers in their command. Where performance is below acceptable standards, insure that the measures taken to correct the situations are designed to be responsive to the deficiency.

14. Monitor the quality of work performed for the adherence to acceptable policing standards, identify areas of deficiency, and recommend improvements to enhance the efficiency and effective utilization of police department resources.

15. Act as a liaison with news media, business and civic organizations, and other individuals and organizations as assigned by the Chief of Police.

16. Monitor advances in technology, such as computerization and other equipment utilized in providing professional police services with the Brookline Community.

17. Inform the Chief of Police of all investigations and/or other issues or areas of concern that might have an effect upon the Police Department or the Town of Brookline.

18. Initiate, compile and write General Orders, Policies, Procedures, Rules and Regulations, reports, memoranda, and other documents necessary for the governance or operation of the Police Department.

19. Coordinate the Town of Brookline Personnel Performance Evaluation System for the Police Department. Conduct an annual inspection to determine how well the system is functioning, identifying instances of extreme ratings and the causation or reasons for them.

20. Responsible for department wide inventory of equipment.

21. Participate in the preparation of the Police Department Budget for presentment to the Board of Selectman, Town Meeting, and other Boards on Communities as deemed necessary.

22. Conduct both announced and unannounced staff inspection patrols to ensure the maintenance of proper standards of police duty, supervision and command.

23. Meet with the shift/division commanders and supervisors on a regular basis to discuss important activities of the particular tour of duty or unit. Convey information from the Chief of Police to the shift/division commanders and supervisors and advise the Chief of Police of all issues or areas of concern that might have an effect upon the Police Department or the Town of Brookline.

24. Insure compliance with all laws the Police Department or its officers are charged with the responsibility and authority to enforce.

25. Recommend to the Chief of Police promotions/demotions, the assignment, reassignment or transfer of any member or employee of the Department to or from any unit or assignment whenever it is deemed that such action is in the best interest of the efficiency, effectiveness, discipline or morale of the Police Department.

26. Ensure that all members of the Police Department have been provided with a copy of the Department's Policies and Procedures, Rules and Regulations and that they have acknowledged receipt of same, in writing.

27. Plan and execute police programs designed to enhance the police and citizen partnership while preventing and repressing crime, apprehending and prosecuting offenders, recovering property for the rightful owners. Engage in problem solving, and respond to the issues and concerns confronting individuals and neighborhoods of the community, modifying these programs to meet current trends, changes in acceptable policing standards and practices, and in responding to the issues and concerns of the individuals and the neighborhoods of the community.

28. Enlist the suggestions and input of members and employees of the Department to ensure participation at all levels.

29. Be responsible for the necessary delegations of authority to those under his/her command, commensurate with their assignment duties and responsibilities.

30. Develop a policing strategy to prevent crimes, as well as, to respond effectively to community needs.

31. Submit such other reports as are required by law or as required by the Chief of Police.

32. Monitor the daily attendance and deployment of patrol personnel to ensure a proper level of police coverage in the community, reassigning of personnel and/or positions to meet the needs of the community.

33. Exercise general supervision and inspection of all licensed persons and public places within the community.

34. Submit a monthly report to the Commissioner of Corrections indicating the number of persons arrested and held in custody, their gender, and the classification of the type of offense as required by M.G.L. C. 124 s9.

35. Submit the appropriate data and forms to the proper authority for the purposes of compiling the Uniform Crime Report.

36. In the absence of the Chief of Police, and upon his/her direction, the Superintendent will assume the powers, duties and responsibilities of the Chief of Police, subject to any limitations set by the Chief of Police.

37. Shall perform such other duties as assigned by the Chief of Police.

CAPTAIN

A. SUMMARY

Subject to the direction and control of the Chief of Police, and Superintendent of Police, a Captain is responsible for the supervision and control of all officers, police services clerks and civilian personnel under their command and is responsible for their efficiency and effectiveness as members of the Department. In the absence of the Chief of Police, a Captain may assume the powers, duties and responsibilities of the Chief of Police, subject to any limitations set by the Chief of Police.

A Captain may assume the powers, duties and responsibilities as the Commanding Officer of any one of the Divisions of the Police Department.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of a Captain to:

1. Familiarize him/herself with the authority delegated to them. Understand the responsibilities of those under their command.

2. Coordinate with the Training Division the training of all members assigned to their command. Be sure that all officers are knowledgeable of all developments in laws, statutes, by-laws, department regulations and operations or other matters that impact their job responsibilities.

3. Obey and transmit promptly all orders of the Chief, ensuring uniform interpretation and full compliance.

4. Handle serious infractions of departmental standards. When a member of the Department has consistently refused to improve their conduct, despite efforts by themselves and their Officer-in-Charge, require that a written report be submitted. Full details of the incident or series of incidents shall be included in the report. Convey the report to the Chief with written comments on the situation and a recommendation for action to be taken.

5. Actively participate in the identification and recommendation of those officers who would benefit by means of placement in the departments “Early Intervention System”.

6. Assist in the administration of the departmental program for:

    a. Organizing and conducting personnel training programs;

    b. improving working conditions for maximum efficiency and morale;

c. using personnel records and performance evaluations for individual guidance and improvement;

d. ensuring the proper and economical use of police manpower, property and equipment;

e. promoting personnel safety.

7. Examine for approval or disapproval all reports or records submitted. If approved, initial the report or record in the proper place. If disapproved, order the officer to correct the deficiencies and resubmit the report or record.

8. Maintain daily an attendance record for those employees who come under their immediate command.

9. Ensure prompt reporting to other municipal agencies and outside authorities of any important matter within their jurisdiction.

10. Keep themselves and members informed of all significant events or developments in law enforcement which affect the Department. If changes or revision in any present practices of the Department seem advisable; submit oral or written reports detailing recommendations.

11. Keep informed of all Town wide activities and events that may affect residents of the Town.

12. Inform authorized personnel of any other significant events or developments affecting the Department.

13. Promote harmony and cooperation among all units of the Department.

14. Encourage members of the Department to work with the community to solve problems.

15. Ensure proper processing of all complaints by citizens.

16. Ensure the transfer of supervisory responsibility for his/her division during periods of extended absence.

17. Possess a valid Massachusetts driver's license.

18. Perform other duties as assigned by the Chief of Police and Superintendent of Police.

19. Maintain and keep current their professional development.

LIEUTENANT

A. SUMMARY

Subject to direction from the Chief or Captain, a Lieutenant is responsible for the immediate supervision and control of all members under his/her command and is responsible for their efficiency and effectiveness as members of the Department. He/She performs various functions relating to either administration or operation of the Department as directed by the Chief or Captain.

In the absence of a Captain, a Lieutenant may be directed to assume the powers, duties and responsibilities of a Captain, subject to any limitations set by the Chief of Police.

A Lieutenant may assume the powers, duties and responsibilities of any position that requires the rank of Lieutenant. These positions include Detective Lieutenant, Officer in Charge, Internal Affairs Officer, Training Officer, Lodging House Officer, Liquor Officer and the Court Prosecutor position. Lieutenants may be required to work at different hours of the day and night depending upon their assignment.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of a Lieutenant to:

1. Maintain discipline and morale within the Department. Submit written reports, as directed, in all cases of infractions by members or where a member has consistently refused to improve his/her conduct, despite efforts by themselves and his/her Officer-in-Charge.

2. Investigate personnel complaints as assigned by the Chief.

3. Ensure proper processing of all complaints by citizens.

4. Promote harmony and cooperation among all units of the Department.

5. Organize and assign duties to assure proper performance of departmental functions.

6. Prepare required correspondence and reports and maintain proper records of departmental activities. Communicate information as required.

7. Examine for approval or disapproval all reports or records submitted. If approved, initial the report or record in the proper place. If disapproved, order the officer to correct the deficiencies and resubmit the report or record.

8. Respond to emergencies, incidents or dispatches as required. Take command of the situation until relieved by an officer of superior rank.

9. Maintain records of each member's attendance, overtime, days off, leaves of absence, and vacations as directed by the Chief.

10. Periodically inspect all members under their command to assure proper maintenance of personnel and departmental equipment.

11. Assist departmental personnel in the preparation of cases.

12. Prepare efficiency ratings on departmental personnel as directed by the Chief.

13. Actively participate in the identification and recommendation of those officers who would benefit by means of placement in the Departments “Early Intervention System”.

14. At the direction of the Chief, observe probationary officers, and prior to the expiration of their probationary period, submit to the Chief a detailed written report concerning their qualifications to secure permanent status and his/her opinion as to the desirability of their retention.

15. Ensure that all departmental personnel assigned to them know and execute their duty assignments, and are fully familiar with the rules, regulations, policies and procedures of the Department.

16. Supervise departmental personnel while they are on duty. Take measures through consultation with departmental personnel and personal observation to see that all officers are properly carrying out their police duties. Frequently exchange information on the performance of departmental personnel with their Officer-in-Charge and/or Patrol Supervisor. Where a member of the Department has not properly carried out their duties, bring the matter to the attention of his/her Officer-in-Charge.

17. Ensure that all personnel under his/her command, are aware of those departmental forms, records and reports they are expected to complete and of the manner in which the forms, records and reports are to be filled out. Take steps to see that all personnel under his/her command, properly fulfill their duties in this matter.

18. Faithfully carry out all orders from the Chief or Captain, and communicate to the members of the Department the nature of any orders which affect them.

19. Encourage members of the Department to work with the community to solve problems.

20. Assist in supervision of departmental training as directed by the Chief.

21. Possess a valid Massachusetts Driver's license.

22. Perform other duties as assigned by the Chief of Police.

SERGEANT

A. SUMMARY

A Sergeant occupies the first level of supervision in the Department. One of his/her primary responsibilities is ensuring the proper performance of police duty from the officers assigned to duty within the area subject to his/her supervision.

The Sergeant is also charged with ensuring compliance with the Department's rules and regulations and policies and procedures. He/She handles all infractions by personnel assigned to them and reports all violations to his/her superior.

He/She shall thoroughly acquaint themselves with the duties of patrol officers and shall assist and instruct the officers under his/her supervision in the proper discharge of their duties.

He/She shall be responsible for the proficiency, morale, discipline, training, conduct, appearance and strict attention to duty of all officers under his or her supervision.

In the absence of a Lieutenant, a sergeant may be directed to assume the powers, duties and responsibilities of a Lieutenant, subject to any limitations established by the Chief of Police.

A Sergeant may assume the powers, duties and responsibilities of any position that requires the role of sergeant. These positions include Detective Sergeant, Patrol Supervisor, Community Service Supervisor, Domestic Violence / Juvenile Officer, Detail Officer and Traffic Supervisor. He/She performs various functions relating to either administration or operation of the Department as directed by either the Chief, Captain, or Lieutenant. Sergeants may be required to work at different hours of the day or night depending upon the assignment.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of a Sergeant to:

1. Supervise patrol officers assigned to his or her command.

2. Be fully familiar with the current departmental rules, policies, procedures and developments in the law that affect him/her and members under his/her supervision.

3. Constantly monitor and review the performance of officers under his/her supervision on a regular basis to determine whether they are properly, effectively and consistently carrying out the work assigned to them in the manner consistent with the police department's mission statement.

4. Ensure that when the police performance of an officer under his/her command is unsatisfactory, measures are taken through encouragement, explanation,

referral to his/her superior officer or other means consistent with departmental policy to see that the officer's future conduct is up to standard.

5. Submit a written report to the Officer-in-Charge regarding any member of the Department when they commit a serious breach of the regulations of the Department, and informal corrective measures prove inadequate. Include in such report the complete details of the misconduct and of those corrective measures attempted. Examples of types of misconduct which would ordinarily be considered "serious" include. but are not limited to the following:

    a. Flagrant refusal to obey orders;

    b. the commission of any criminal offense;

    c. verbal and/or physical abuse of a member of the public;

    d. excessive use of force with a prisoner or other person;

    e. absence without leave.

    f. excessive tardiness;

    g. a conflict of interest;

    h. negligent failure by the departmental personnel to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public;

    i. repeated failure to respond to orders, instructions or other admonitions to correctly execute his or her duties.

    j. abuse of sick leave / sickness in family leave.

6. Actively participate in the identification and recommendation of those officers who would benefit by means of placement in the departments “Early Intervention System”.

7. Implement all orders received from Officers-in-Charge. To this end thoroughly explain to departmental personnel under their command the content of new orders that affect their responsibilities.

8. Be accountable for the actions or omissions of officers under their supervision which are contrary to departmental regulations or policy.

9. Respond to emergencies, incidents, or dispatches as required. Take command of the situation until relieved by an officer of superior rank.

10. Be knowledgeable in crime scene management.

11. Encourage all members of the Department to work with the community to solve problems.

12. Promote harmony and cooperation among all units of the Department.

13. Ensure that all patrol officers receive warrants, court orders, summonses, subpoenas or other official papers, and serve or deliver or perform their duties regarding such papers promptly and accurately.

14. Inspect the manifold before beginning his/her tour of duty and familiarize themselves with all important matters that have occurred since their last inspection of the manifold. They shall make note of all complaints at roll call and make certain that the officers under their supervision are giving them proper attention.

15. At the direction of their superior, observe probationary officers and submit detailed monthly reports concerning their qualifications to secure a permanent status in their opinion as to the desirability of their retention as required.

16. Conduct periodic staff inspection and report in writing to the commanding officer the results of these inspection and any violations of rules and regulations or policy and procedures of the department they observe for corrections and disciplinary action.

17. Be responsible for all detail officers during their shift.

18. Posses a valid Massachusetts Driver's license.

19. Perform any other duties as assigned by the Chief of Police.

C. DUTIES AND RESPONSIBILITIES - REPORTING AND NOTIFICATION

1. Comply with the departmental records and reporting system and instruct police officers in the proper method of reporting.

2. Examine for approval or disapproval all reports or records submitted. If approved, initial the report or record in the proper place. If disapproved, order the officer to correct the deficiencies and resubmit the report or record.

3. Report to their Officer-in-Charge all serious or unusual occurrences that occur during their tour of duty.

4. Ensure proper processing of all complaints by citizens.

5. Investigate and report on any officer who is injured during their tour of duty and submit detailed report to the officer in charge.

6. Investigate and report on any damage to departmental property and submit detailed report to the officer in charge.

7. Cause reports to be filed on preliminary investigations and periodic reports on the status of more in-depth investigations, calling to the attention of their Officer-in-Charge any significant developments in all investigations.

PATROL OFFICER

A. SUMMARY

A Patrol Officer shall be responsible for the efficient performance of required duties in conformance with the rules, regulations, and policies contained in this Manual.

Duties shall consist of, but are not necessarily limited to, a number of general police responsibilities necessary to the stability and safety of the community. A Patrol Officer shall be expected to:

1. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.

2. Reduce the opportunities for the commission of crime through preventive patrol and other measures.

3. Aid individuals who are in danger of physical harm.

4. Respond appropriately to medical emergencies and provide aid.

5. Facilitate the movement of vehicular and pedestrian traffic.

6. Assist other Town agencies and departments when directed.

7. Identify problems that adversely effect the quality of life, or public safety, or hazards for the people in Brookline and work to provide solution to these problems

8 Create and maintain a feeling of security in the community.

9. Promote and preserve the civil order.

10. Provide other services on an emergency basis.

11. Investigate crimes, offenses, incidents, and conditions, including arresting offenders.

12. Regulate certain business or activities as required by law.

13. Have a valid Massachusetts operator's license.

14. Be in possession of or at least be eligible for a License to Carry Firearms

15. Perform other duties as may be assigned by the Chief of Police or the Commanding Officer of the Patrol Division.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of a Patrol Officer to:

1. Exercise authority consistent with the obligations imposed by the oath of office. Remain accountable to superior officers and promptly obey legitimate orders.

2. Coordinate efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and maximum achievement of police objectives.

3. Communicate to superiors and to fellow officers all information obtained which is pertinent to the achievement of police objectives.

4. Respond punctually and safely to all assignments.

5. Acquire and record information concerning events that have taken place since the last tour of duty.

6. Record activity during tour of duty in the manner prescribed by proper authority.

7. See that any assigned motor vehicle and any other department equipment is well maintained and that it is kept clean both inside and out. Immediately report all defects and damages sustained to the vehicle to the Patrol Supervisor and complete all reports and forms required for such procedures. Use the call number assigned to the car to contact headquarters. Operate the radio in line with FCC regulations and current departmental procedures.

8. Exert every effort to satisfy the needs of citizens requesting service, assistance or information, and courteously explain any instance where jurisdiction does not lie with the Police Department and suggest other procedures to be followed.

9. Be accountable for the securing, documenting, and proper transporting of all evidence and property coming into their custody.

10. Answer questions asked by the general public, counsel juveniles and adults when necessary and refer them to persons or agencies where they can obtain further assistance.

11. Preserve the peace at public gatherings, neighborhood disputes and civil protests.

12. Serve or deliver warrants, court orders, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.

13. Confer with court prosecutors and testify in court.

14. By study, training and research, become familiar with advanced techniques and ideas designed to improve police performance.

15. Be alert to the development of conditions tending to cause crime, take preventative actions to correct such conditions and inform superiors as soon as the situation permits.

16. Regulate certain business or activities as required by law.

17. Accomplish other general duties as they are assigned or become necessary.

18. Perform all other duties as assigned by the Chief of Police or Commanding Officer of the Patrol Division.

C. SPECIFIC DUTIES AND RESPONSIBILITIES - PREVENTIVE PATROL

1. Patrol an assigned area for general purposes of crime prevention and law enforcement. Patrol includes, but is not limited to:

    a. Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths, etc. Conditions that contribute to crime should be reported. The location of fire boxes, telephones and other emergency services should be noted;

    b. apprehending persons violating the law or wanted by the police;

    c. completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered or additional information is discovered pertaining to a previously reported offense, the officer completes an investigation report;

d. preserving any crime scene until an Officer-In-Charge or Detective arrives when such crime scene is encountered or when dispatched to the scene as the first responding officer;

e. public assembly checks;

f. building security checks;

g. observing and interrogating of suspicious persons;

h. issuing traffic citations;

i. being alert for and reporting fires;

j. reporting street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety;

k. checking of schools, parks, playgrounds and other public buildings;

1. responding to any public emergency.

2. Conduct a thorough preliminary investigation of all offenses and incidents within the area of assignment and scope of activity. Collect evidence and record data which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.

3. Be alert to the development of conditions tending to cause crime or indicative of criminal activity. Take preventive action to correct such conditions, and inform superiors as soon as the situation permits.

4. Respond to situations brought to the officer's attention while in the course of routine patrol or when assigned by radio. Render first aid, when qualified, to persons who are seriously ill or injured. Assist persons needing police services.

5. Remain on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when an Officer-in-Charge or the Dispatcher has issued authorization for a temporary absence.

6. Patrol area giving particular attention to and frequently rechecking locations where the crime hazard is great. Insofar as possible, a Patrol Officer shall not patrol an area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.

7. Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.

8. If assigned to operate a motor vehicle:

    a. See that it is well maintained mechanically and that it is kept clean both inside and out;

    b. inspect the vehicle and all equipment assigned to that vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately report all defects and damages sustained to the vehicle and equipment to the proper authority and complete all reports and forms required by current procedures;

    c. remove the keys whenever the patrol car is left unattended for any reason;

    d. use only vehicles assigned by the Officer-in-Charge;

    e. use the call number assigned to the car to contact headquarters;

    f. operate the radio in line with FCC regulations and current departmental procedures;

    g. ensure that the assigned vehicle's gas tank is full prior to completion of each tour of duty.

9. Keep radio equipment in operation at all times and be thoroughly familiar with departmental policy concerning use of the radios.

10. Take measures to direct the flow of traffic in the area during periods of congestion.

11. Notify the Officer-in-Charge if more than a temporary absence from regular duties is required.

12. Make periodic reports to the station house.

D. SPECIFIC DUTIES AND RESPONSIBILITIES - TRAFFIC PATROL

1. Direct and expedite the flow of traffic at assigned intersections keeping in mind the duty as a traffic officer in preventing accidents, protecting pedestrians and ensuring the free flow of traffic.

2. Enforce the parking ordinances and motor vehicle laws in the patrol areas.

3. Be alert for traffic safety conditions which may endanger or inconvenience the public and report such conditions to the Officer-in-Charge before the end of your tour of duty.

4. Respond immediately when called from a traffic post to render emergency police service. Notify the station at the earliest possible opportunity.

5. Wear the prescribed traffic safety clothing and equipment.

DETECTIVE

A. SUMMARY

The Detective will be responsible for the further investigation and prosecution of all felonies, thefts, frauds, burglaries, check cases, aggravated assaults and other such misdemeanors that require extended investigation. He/she shall perform other duties as may be assigned by the Chief or Officer-In-Charge of Detectives. The Detectives are directly responsible to their Officer-in Charge who has full authority and direct control over all Detectives, subject to any limitation set by the Chief. The degree of proficiency required in the performance of the specific sections of duties which follow shall be determined by the Officer-in-Charge of Detectives.

B. GENERAL RESPONSIBILITIES AND DUTIES

It is the duty and responsibility of a Detective to:

1. Cooperate fully with other units within the Department and all departments and agencies in other jurisdictions. Make investigations for them and provide criminal records and other information to them, where such action does not conflict with any investigations being conducted by this Department. In addition, be prepared to aid them in the apprehension of suspects or offenders, and generally, act as a liaison officer between this Department and all similar bureaus or units in other police departments and law enforcement agencies.

2. Be fully familiar with the law and departmental procedures and policies surrounding the handling of suspects, crime scene control, the care of prisoners, and the presentation of evidence in the court.

3. Be familiar with known criminals, and their associates. Know their general behavior patterns, their hang-outs and their modus operandi. Be alert for sources of information and cultivate them.

4. Investigate promptly and diligently all crimes assigned, utilizing all available resources. Upon receipt of the case, immediately interview the complainant, victim and witness. When any person is interviewed or interrogated, identify properly before asking any questions.

5. Keep their Officer-in-Charge informed of the progress of his or her investigations and request additional instructions when further progress appears impossible. Also, communicate to his/her Officer-in-Charge any additional information uncovered which relates to criminal activity beyond the scope of his/her immediate investigation.

6. Submit a written report of his or her activities regarding assigned cases to their Officer-in-Charge as requested. Furnish such other daily or monthly reports as required.

7. Follow up all cases until there is a final disposition or the case is declared inactive by the Officer-in-Charge.

8. Contact the complainant or victim periodically to apprise him or her of the state of the investigation. Within the first two weeks following a crime, personally contact the complainant or victim, for these purposes unless special reasons not to do so exist.

9. Keep an accurate, up-to-date account of expenses incurred when on out-of-town assignment. Submit this account to the Officer-in-Charge for their approval before presenting it for reimbursement.

10. Make note on their report when an officer renders exceptional assistance in order that the officer rendering such assistance may receive due credit for his/her efforts.

11. Prepare cases for court. Carefully prepare the presentation of facts, and ensure that witnesses appear. Obtain the court disposition of all cases in which he/she was involved.

12. Report during the tour of duty, at such intervals as the Chief and/or Officer-in-Charge may designate.

13. See that any assigned motor vehicle or any other department equipment is well maintained and that it is kept clean both inside and out. Immediately reports all defects and damages sustained to the equipment to the Officer-in-Charge and complete all reports and forms required for such by current procedures. Have a valid Massachusetts driver's license. Use the call number assigned to the car to contact headquarters. Operate the radio in line with FCC regulations and current departmental procedures.

14. Secure any vehicle which is left unattended and ensure that doors are locked and any windows shut. When a vehicle returns to the station at the end of a tour of duty, ensure that the gas tank is filled.

15. Communicate to the Officer-in-Charge all information received or known which may affect the safety of other members of the Department in the execution of their duties. For example, the identity of persons known to be carrying weapons.

16. Meet periodically and in all other ways coordinate your police work with the other members of the Department assigned to operate in your sector.

17. Be available by telephone or radio during the tour of duty when the situation permits.

18. Safeguard all property recovered; tag and stamp all lost, stolen or found property that comes into your possession. Submit a written report to the Officer-in-Charge concerning such property and return same to Property/Evidence officer.

19. Perform other duties as assigned by the Chief of Police or Commanding Officer of the Detective Division.

C. LICENSING DUTIES

1. Investigate applicants for second-hand dealer licenses and automobile dealer licenses.

2. Ensure that applicants for second-hand dealer licenses and automobile dealer licenses are in compliance with Town of Brookline By-Law, Article 8.30 "Fingerprint-Based Criminal Background Checks" by submitting to fingerprinting by the Brookline Police Department within ten days of the date of application.

3. Conduct a thorough background investigation of applicants for second-hand dealer licenses and automobile dealer licenses, including the results from fingerprint based state and federal background checks.

4. Visit licensed establishments periodically such as antique dealers, pawnbrokers and second-hand dealers. Ensure that each license is in order and up to date and that nothing is present which violates its terms.

5. Investigate complaints against licensed establishments and cooperate with and render assistance to the License Board in all matters.

D. AUTO THEFT DUTIES

1. Conduct a daily review of automobile theft reports. Note those which will require investigation work and undertake investigation of them.

2. Cooperate with other police departments and agencies in the investigation of auto larcenies and in the recovery of stolen cars.

E. BANK RESPONSIBILITIES

1. Receive complaints from banks and other establishments and persons in the area regarding fraudulent checks and all similar cases. These cases may

involve uttering, forgery, fraud or theft. Apprehend and prosecute offenders for these and related offenses. Prepare complaints for prosecution in court.

2. Maintain records of all known check passers, check passing rings and worthless checks.

3. Check teletypes from other departments in the state and outside the state relating to check passers.

F. NARCOTIC DUTIES

1. Have absolute control over, and custody of all controlled substances coming into your possession, until such time as the controlled substance is turned over to the Property and Evidence Officer.

2. Make applications for and review all search warrants obtained by any officer or unit of the Department alleging violations of Chapter 94C. Whenever possible, be personally present at execution of the warrant, when so assigned.

3. Act as a liaison officer between the Department and other departments and governmental agencies involved with controlled substances.

4. Be familiar with people arrested for or charged with controlled substance act violations.

5. Be available when requested by any civic, church or fraternal organization, with the permission of the Chief of Police, for the purpose of drug education and participation in other community drug programs. Cooperate fully with all recognized drug rehabilitation groups in town including the Probation Office, in connection with the Drug Rehabilitation Law (M.G.L. c. 123 s 39-55).

6. Prepare training programs on narcotics enforcement issues and participate in the training of recruits when requested.

7. Maintain an up-to-date drug information file for use at legislative or other hearings on drug problems.

8. Investigate all complaints of controlled substance act violations. Apprehend, charge and prosecute offenders. Carry out protracted surveillance and undercover purchases when so ordered.

G. IDENTIFICATION DUTIES

1. Become proficient in the science and technique of fingerprinting, photography,

microscopy, and the collection, preservation and presentation of all physical evidence.

2. Take fingerprints, classify them, and maintain the fingerprint files on all arrested persons.

3. Take any non-criminal fingerprints and photographs as required for firearm permits or identification purposes.

4. Photograph and process persons taken into custody by the police and take stand-up photographs of certain groups of individuals in accordance with the established procedure of the Detective Division. Maintain the photography files.

5. Photograph as required:

- **a.** sites of fires of suspicious origin;
- **b.** homicides;
- **c.** sudden deaths and suicides if there is a possibility of an inquest;
- **d.** safe breaks;
- **e.** autopsies when requested by the medical examiner;
- **f.** serious accidents and accidents involving town owned vehicles;
- **g.** other incidents as directed by the Chief of Police or commanding officer.

6. Search crime scenes systematically for physical evidence in conformity with Established and approved procedures of the Detective Division.

7. Process all physical evidence collected by or brought to the Detective Division.

8. Preserve for court any and all physical evidence found at the scene of a crime. Make any enlargements of photographs as may be required for presentation in court.

9. Conduct only authorized searches of the various files maintained by the Detective Division, refrain from divulging information contained in such files to persons other than those specifically authorized by the Commanding Officer or the Chief.

10. Keep themselves informed of all improvements in scientific investigative techniques with regard to police identification and laboratory processes.

11. Prevent destruction or removal of any records, fingerprint cards, videos or photographs from the files of the Detective Division except upon the order of the Chief of Police.

12. Issue firearms registrations and permits when so assigned.

13. Interview and perform background checks on all applicants requesting licenses to carry weapons.

14. Administer the registering of sexual offenders into the State registry.

H. RAPE INVESTIGATION DUTIES

1. Be responsible for both the crime scene and/or the victim.

2. Take immediate steps to ascertain, obtain or render treatment for injuries. Be aware of the probability of shock and/or emotional distress as well as physical injury and deal with the victim accordingly.

3. Attempt to obtain immediate information on and description of the assailant(s) for communication to the Dispatcher.

4. Request permission from the victim for a medical exam to be performed

a. Ensure that such medical exam includes semen specimens and pubic hair combings and samplings;

b. Note the names of any other medical personnel present (nurses, etc) for possible future court appearance;

c. Obtain a signed medical statement from the attending physician.

5. Obtain the services of a female police officer when necessary.

6. Record visible injuries, condition of clothing and the crime scene in detail.

7. Collect and preserve all evidence and submit to Evidence/Property officer as required by departmental procedures.

8. Arrange to have photographs taken when necessary and with the permission of the victim. And:

a. Take as many pictures as possible;

b. Record all pictures in the photo log so there will be no later confusion as to identity or source of the photograph.

9. Arrange for an in-depth interview of the victim and prepare a report of same. Be aware of the importance of handling the interview properly and with sensitivity. Details, modus operandi and precise, objective reporting are essential in these cases.

10. Handle all departmental records, reports and conversations with or concerning the victim in a confidential manner and according to Chapter 41 s 97D.

DETECTIVE LIEUTENANTS

A. SUMMARY

A lieutenant of the Detective Division shall perform all the duties of a lieutenant in addition to having the responsibility for exacting the proper and efficient performance of the police duties from the officers assigned to duty within the Detective Division.

It is the duty and responsibility of a Detective Lieutenant to:

1. Assume command of the division in the absence of the Commanding Officer.

2. Direct and supervise the detectives assigned to the division. Actively participate in investigations, and keep the Commanding Officer informed of the progress of all assigned cases.

3. Ensure that subordinates are trained in the proper techniques of criminal investigation and report writing.

4. Ensure that proper arrest charges are placed against offenders; that cases are properly prepared for court or grand jury actions and oversee the activities of detectives in the presentations of cases to the courts and grand juries when assigned.

5. Responsible to keep up with recent developments in the forensic sciences, criminal and constitutional law as well as criminal procedure.

6. Be aware of all aspects of ongoing investigations to include criminal intelligence, the use of informants and the use and accounting of departmental monies assigned to the detective division.

7. Ensure that prisoners in custody have been properly fingerprinted, photographed, and interrogated when the need exists.

8. Ensure that cases for investigation are assigned to subordinates according to department policies and procedures.

9. Be on call to respond to serious crimes during designated off duty hours.

10. Maintain the detective case management system.

11. Maintain liaison with the District Attorney's Office, coordinate for all Superior Court cases, Grand Jury appearances, and Jury Session trials. Assist in providing necessary evidence to the District Attorney's Office. Monitor

trials. Assist and fill in for the Police Prosecutor, Brookline Court when necessary.

12. Maintain liaison with federal, state, and local law enforcement agencies on intelligence, crime patterns, and protection of high risk individuals.

13. Perform other duties as assigned by the Chief of Police or Commanding Officer of the Detective Division.

DETECTIVE SERGEANTS

A. SUMMARY

A sergeant of the Detective Division shall perform all the duties of a sergeant in addition to having the responsibility for exacting the proper and efficient performance of the police duties from the officers assigned to duty within the Detective Division.

B. GENERAL RESPONSIBILITIES AND DUTIES

It is the duty and responsibility of a Detective Sergeant to:

1. Supervise detective patrolmen and act as a liaison between supervisors and subordinates of the division for the purpose of transmitting orders through the chain of command.

2. Ensure that cases for investigation are assigned to subordinates according to department policies and procedures.

3. Actively participate in investigations as they are assigned.

4. Assist other members of the division in their investigations, the determination of charges and the preparation of cases for court and grand juries.

5. Report to superiors verbally or in writing relative to the status of cases currently under investigation by detectives.

6. Keep fully informed of the conduct of all cases under investigation

7. Respond to emergencies, incidents, or dispatches as required.

8. Report to superiors all serious or unusual events that occur during the tour of duty.

9. Trains subordinates in the proper techniques of criminal investigations regarding domestic abuse, juvenile and elderly issues and hate crimes.

10. Ensure that all mandated reports are filed with the appropriate agencies regarding juvenile and elderly incidents and hate crimes.

11. Maintain the detective case management system.

Perform other duties as assigned by the Chief of Police or Commanding Officer of the Detective Division.

OFFICER IN CHARGE

A. SUMMARY

An Officer in Charge is normally a ranking officer, Lieutenant or Sergeant, from the Department who has been designated by the Chief to command a shift. He/She is responsible for the immediate supervision and control of all officers under their command and is personally responsible for their efficiency and effectiveness as members of the Department.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Officer in Charge to:

1. Provide for the daily inspection by Patrol Supervisors of members assigned to patrol. Correct any non-compliance with departmental standards of uniform or equipment.

2. Provide for all significant changes in departmental rules, regulations, policies and procedures to be explained first at roll call and later by the Patrol Supervisors and copies distributed.

3. Coordinate the deployment and activities of Traffic and Patrol personnel.

4. Be responsible for the conduct of roll calls, dissemination of information and/or materials, and inspection of officers for only such equipment as has been authorized by the Chief of Police,

5. Ensure the proper use of radio procedures by all members under his or her command.

6. Ensure the efficient operation and maintenance of the Department's communications system and the personnel assigned to this function.

7. Periodically evaluate the adequacy of the communications equipment to meet the Department's needs, Report any inadequacy using current departmental procedures and recommend the procurement of needed equipment.

8. Ensure that inspections of motor vehicles and equipment are carried out and that the results of such inspections are properly reported as required by current departmental procedures.

9. Ensure that uniformed patrol personnel not use unmarked cars without the approval of the Chief of Police or his/her designee.

10. Provide for the security, cleanliness, and maintenance of the Station House and its equipment, during his or her tour of duty.

11. Ensure that the cells are kept well ventilated and clean and that all prisoners coming into or remaining in the Station House are treated fairly and in accordance with departmental rules and procedures.

12. Ensure that all persons coming into the Station House are treated courteously.

13. Ensure proper processing of all complaints by citizens.

14. Oversee the prompt and accurate entry of all official police business submitted into the police journal.

15. Ensure that the computer files are maintained.

16. Maintain the order and security of the Station House and the proper conduct of officers.

17. Oversee and direct officers who are assigned to desk duty.

18. Take special measures to ensure that the departmental procedures are carried out regarding the handling of lost, stolen or abandoned property or property required as evidence or taken from a prisoner.

19. Examine for approval or disapproval all reports or records submitted. If approved, initial the report or record in the proper place. If disapproved, order the police officer to correct the deficiencies and resubmit the report or record.

20. Maintain proper record keeping of all officers that call out sick or report back to duty. Ensure next shift has proper manpower.

21. Be responsible for the care and handling of prisoners in accordance with departmental policies and procedures and the Massachusetts General Laws.- Responsibilities include, but are not necessarily limited to, the following guidelines:

    a. Examine each prisoner upon his or her arrival at the Station House for injuries. If any are found, record the fact in writing and submit the report to the Chief of Police. (M.G.L. c. 276 s. 33). Determine whether any of the injuries were inflicted by a member of the Department. If they were, note such in the report.

Investigate the circumstances of the incident for possible disciplinary action and request the officer who inflicted the injury to submit a detailed report describing the incident. Forward such report to the Chief.

b. If the prisoner requires medical attention, activate the emergency medical system, and, if necessary, have him or her conveyed to a hospital,

c. when a prisoner is unconscious for any cause, immediately attempt to restore consciousness. Activate the emergency medical system. Allow no unconscious person to be placed in a cell except with the approval of a physician;

d. inform a prisoner charged with operating a motor vehicle while under the influence of alcohol of their rights as required by law. Afford them a reasonable opportunity to exercise their rights. Provide such person with a copy of their rights or give them an opportunity to read a posted copy of it. Inform them of the opportunity to the breathalyzer exam.

22. Oversee arrests of juveniles and immediately notify the parents and the Probation Office; if there is no parent, the guardian or person with whom the juvenile resides and the Probation Office. (M.G.L. c. 119 s. 67).

23. See that any person, including a juvenile, arrested for a felony or misdemeanor is fingerprinted and photographed. Also, have palm prints taken of arrestee.

24. Be responsible for ensuring the prompt and effective service of all summonses, court orders, subpoenas, warrants and other official documents forwarded by proper authority and have them recorded properly.

25. When a female is brought into the Station House under arrest, ensure that departmental procedures surrounding the handling of female prisoners are followed.

26. Oversee the booking process. If an arrested person has been taken directly to a hospital and is remaining there, notify the hospital and see that proper booking procedures are carried out at the hospital.

27. Inform any prisoner upon his or her being booked of his or her right to use the telephone. (M.G.L. c. 276 s. 33A)

28. Oversee the bonding procedures and release of prisoners on bond.

29. Designate work assignments in conjunction with the Chief of Police or his/her designee.

30. Inform the relieving officer of all police business that is pending or would otherwise be of interest or importance to him or her.

31. Perform other duties as may be assigned by the Chief of Police.

INTELLIGENCE SUPERVISOR

A. SUMMARY

The Intelligence Supervisor will manage and direct the agency's criminal intelligence program. The Intelligence Supervisor will ensure that the intelligence function produces timely, relevant and actionable criminal intelligence that supports the mission of the police department. The Intelligence Supervisor will be aware of current legal and privacy issues surrounding the criminal intelligence environment. He/she will understand the processes necessary to produce tactical and strategic intelligence products. The Intelligence Supervisor will coordinate with the Intelligence Investigator or other officers to analyze, assess and disseminate information that has value to officers in conducting their duties. The Intelligence Supervisor will also delegate or assume responsibility that any associated work will be assigned for timely follow-up in investigation. The Intelligence Supervisor is assigned to the Criminal Investigation Division.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Intelligence Supervisor:

1. Provide strategic intelligence to identify and monitor any criminal organizations or individuals possessing criminal intent, who are motivated by personal ideology, nationalism or religion that may adversely impact our community. This will include identification of targets and any past criminal activity associated with the organization or individual. These groups and/or individuals may target persons, businesses or institutions for financial, physical or psychological harm. Criminal organizations include any that interfere or advocate in preventing any person from the full rights and benefits afforded to them by law.

2. Utilize strategic intelligence to formulate plans to diffuse possible volatile situations, provide safety and security to visitors and residents and protect individual's civil rights.

3. Will evaluate and analyze the information provided by the Intelligence Investigator using departmental resources or outside contacts and if appropriate assign it for work, follow up investigation or refer it to another division for assignment or an advisory.

4. Perform other duties as assigned by the Chief of Police or the Commanding Officer of the Detective Division.

INTELLIGENCE INVESTIGATOR

A. SUMMARY

While all Officers are expected to be intelligence investigators, the department will assign one officer to be the primary intelligence network investigator. This investigator's role is to collect, evaluate and compile information in support of police department operations. The role of the departmental Intelligence Investigator will extend beyond the department and require them to access external information to networks to include New England State Police Information Network (NESPIN), State Police Fusion Center, Regional Information Sharing System (RISS) which is a current component of NESPIN and Law Enforcement On-Line.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Intelligence Investigator:

1. The Intelligence Investigator will support other agencies on-line requests for information and intelligence or refer the request to the appropriate officer or investigator.

2. The Intelligence Investigator will act as a liaison to these agencies for the Intelligence Supervisor.

3. Provide organizational intelligence and gather information that would assist the police department in reducing crime, the fear of crime and improving the quality of life in our community. This would include possible drug and/or prostitution locations, recent releases from correctional facilities, parole and probations information, known sex offenders and known criminal offenders with M/O crime specialty, identification of potential targets for property crime/crimes against the person (i.e. high theft vehicles, certain types of businesses or individuals being targeted.)

4. Focus on individuals who are motivated for crime for profit or crimes against the person.

5. Utilize organizational intelligence and crime analysis to formulate coordinated and cooperative operational plans to achieve stated goals of reducing crime, fear of crime and improving the quality of life in our community.

6. Collect information and intelligence that in the past has been collected in officer's notebooks, on wanted posters, on interdepartmental memos, sent

out on NCIC teletypes, gathered at meetings such as the Boston Police Anti-Youth Violence, Joint Terrorism Task Force, and the Greater Boston Detective.

7. The Intelligence Investigator will input information into our in-house computer system utilizing the intelligence program. The Intelligence Supervisor will review this information and, if appropriate, will assign it for work or follow-up investigation or refer it to another division for assignment or advisory. If none of the aforementioned is warranted, the information will be disseminated and will remain in the system history to provide possible future intelligence links. If after the evaluation the information has no basis of creditability or reliability, that should be noted in the system.

8. Perform any other duties assigned by the Chief of Police or Commanding Officer of the Detective Division.

OFFICE OF PROFESSIONAL RESPONSIBILITY OFFICER

A. SUMMARY

Subject to the direction and control of the Chief of Police, the Detective Lieutenant in charge of the Office of Professional Responsibility shall investigate complaints that are received by the Chief of Police or Board of Selectmen relative to the conduct of a member or members of the Police Department.

The primary responsibility of the Detective Lieutenant is to respond to allegations of misconduct against the Department and its employees. The Detective Lieutenant will be responsible for recording, registering, and controlling the investigation of alleged misconduct within the department, and, maintaining the confidentiality of Internal Affairs investigations and records.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Detective Lieutenant to:

1. Identify and investigate all complaints of misconduct or mistreatment charged against members of the department uncovered from internal or external sources.

2. Investigate incidents involving:

- **a.** Brutality, death, or serious injury caused by a department employee;
- **b.** firearms discharge resulting in personal injury or property damage caused by a department employee;
- **c.** any violation of the criminal statutes by a department employee;
- **d.** possible corruption or bribery by a department employee.
- **e.** Allegations of bias-based profiling.

3. Maintain in a secured and confidential file a complete record of all investigations conducted. These records will be secured in a locked file cabinet.

4. Keep the Chief of Police informed of the progress of current investigations.

5. Endeavor to complete investigations within 60 days, serious complaints within 30 days, and submit all written reports and records to the Chief of Police for his or her review and appropriate action. Any extension of this time limit must be requested of the Chief of Police with the reasons for the request explaining, in writing.

6. Communicate with complainants as needed, keeping them updated on the status of their complaint.

7. Recommend new or revised training programs or changes in department policies, procedures, rules, and regulations, in order to reduce the causes and frequency of complaints against members.

8. Identify and recommend to the Chief of Police those employees who would benefit by means of placement in the departments "Early Intervention System". Conduct a documented annual evaluation of the "Early Intervention System".

9. Investigate all instances where an officer discharge's their firearm (other than training) to determine whether the use of the weapon was in accordance with department policy.

10. Maintain a file and review all use of force reports submitted by members of the department. Ensure that use of force by department members is utilized within the guidelines set by departmental policies and procedures, and training standards. Annually submit to the Chief of Police an analysis of all use of force reports.

11. Conduct periodic staff inspections and report in writing to the Chief of Police the results of these inspections and any violations of the rules and regulations or policies and procedures of the department that he/she observes for corrections or disciplinary action.

12. Maintain liaison with the Attorney General's Office of the Commonwealth of Massachusetts, as is appropriate, during investigations involving alleged criminal conduct on the part of an employee as is necessary to obtain legal advice or assistance in case preparation.

13. Prepare an annual report, indicating the number of complaints filed, and the disposition of investigations undertaken.

14. Conduct a documented annual review of department practices regarding bias-based profiling. Review will include: citizen concerns, traffic stops, field interviews, asset seizures, and forfeiture efforts.

15. Maintain a file and review all reports submitted by members of the department who engage in motor vehicle pursuits. Ensure that pursuits are conducted in

compliance with guidelines set by departmental policies and procedures and training standards.

16. Oversee the implementation and compliance with the state accreditation program.

17. Perform other duties as assigned by the Chief.

TOWN COUNSEL LIAISON

A. SUMMARY

Subject to the direction and control of the Chief of Police, The Town Counsel Liaison will act as the department liaison between the Office of Town Counsel and the Police Department.

The primary responsibility of the Town Counsel Liaison is to investigate all accidents or injuries involving Town Property. He/She is also responsible for maintaining the process associated with the state accreditation program.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Town Counsel Liaison to:

1. Identify and investigate all accidents or injuries involving Town Property.
2. Investigate all Town Property accidents or injuries involving:
    a. Town vehicles, equipment, signs, or trees.
    a. Right of ways, public ways and sidewalks.
    b. Parks and recreation facilities.
    c. Town owned buildings.
3. Maintain a record of all accidents or injuries involving Town Property.
4. Communicate with various Town departments involved with the investigation.
5. Communicate with insurance companies for the submission of all subrogation claims arising out of Town Property Accidents.
6. Process claims submitted by insurance companies, lawyers, and reporting agencies.
7. Maintain liaison with Town Counsel during investigations.
8. Assist Town Counsel with all investigations.
9. Perform other duties as assigned by the Chief of Police

PATROL SUPERVISOR

A. SUMMARY

A Patrol Supervisor shall be responsible for the supervision of all Police Officers on their shift and shall be directly responsible to the Officer-in-Charge of the shift. Supervision shall also include any other department officers working on their shift.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Patrol Supervisor to:

1. Acquaint themselves with the duties of all members under their command and supervise Patrol Officers in the execution of their duties. To this end make frequent responses to routine calls to ensure that all officers are properly carrying out their responsibilities.

2. Ensure that all officers under their supervision are properly instructed and guided in the performance of their duties, and take special care to see that they are informed of and are thoroughly familiar with departmental policies and procedures in all types of situations.

3. Investigate whenever an officer is absent from his or her post, fails to report for duty, neglects any of their duties, or displays mental or physical incompetence. Promptly report the findings of said investigation to the Officer-in-Charge of the shift.

4. Investigate and submit a report regarding any officer who is injured while on duty. Report to be specific and detailed in nature.

Supervise roll call and perform the following functions:

a. Inspect the officers to see that they are properly uniformed and equipped and that all weapons are inspected per departmental procedure.

b. report to the Officer-in-Charge when any Patrol Officer is unfit for duty;

c. pass on to the officers under their supervision all warrants, court orders, subpoenas, official papers, etc., that are to be delivered or served during the tour of duty. Ensure that they are properly delivered or served or returned back to the commanding officer prior to the end of their tour;

d. ensure that all matters announced at roll call are thoroughly understood by the officers.

Periodically, as the Chief or Officer-in-Charge of the shift may require, review and evaluate the overall performance of officers under his or her command. Make a report to the Division Commander through the Officer-in-Charge of the shift, on the results of these evaluations.

1. Ensure proper processing of all complaints by citizens.

2. Be knowledgeable in crime scene management.

3. Examine for approval or disapproval all reports or records submitted. If approved, initial the report or record in the proper place. If disapproved, order the officer to correct the deficiencies and resubmit the report or record.

4. Actively participate in the identification and recommendation of those officers who would benefit by means of placement in the departments "Early Intervention System".

5. Conduct periodic staff inspections and report in writing to the Commanding Officer the results of these inspections and any violations of the rules and regulations or policies and procedures of the department that they observe for corrections or disciplinary action.

6. Perform other duties as assigned by the Chief of Police.

EVIDENCE AND PROPERTY OFFICER

A. SUMMARY

The Evidence and Property Officer performs departmental functions relating to the processing, filing, storage and security of all property coming into the possession of the police department, including controlled substances and related evidence. The Evidence and Property Officer also acts as a custodian of all controlled substances handled by the Department and any other property that comes into the possession of the Department.

B. GENERAL RESPONSIBILITIES AND DUTIES

It is the duty and responsibility of a the Evidence and Property Officer to:

1. Act as custodian of all controlled substances seized in the course of any arrest or investigation in compliance with M.G.L. c 94C s.47A.

2. Preserve for court any and all physical evidence relating to controlled substance found at the scene of a crime.

3. Process all physical evidence regarding controlled substance which is collected by or brought to the Department.

4. Preserve the security and custody of evidence under their control by giving or receiving a standardized receipt whenever evidence is received or transferred.

5. Transfer evidence only to persons authorized to receive it and only according to departmental policy regarding handling of evidence.

6. Properly destroy evidence in a timely manner when no longer needed for court or return it to the proper owner.

7. Keep themselves informed of all improvements in scientific investigative techniques with regard to police identification and laboratory processes.

8. Be responsible for the safekeeping of all lost, found, stolen or recovered property coming into the possession of the Department when so assigned.

9. Received, mark for identification, prepare, package, record and forward to the laboratories, all evidence that requires further specific processing.

10. Perform other duties as assigned by the Chief of Police or the Commanding Officer of the Detective Division.

RECORDS OFFICER

A. SUMMARY

The Records Officer of the Department has the responsibility for the general handling and security of all departmental records. He/She maintains all necessary files on criminal offenses and any statistical information as may be determined necessary for the preparation of reports required of the Department or by the Chief of Police.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Records Officer to:

1. Be in charge of the orderly operation and security of the records room.

2. Compile, maintain index, and coordinate:

    a. departmental reports and records;
    b. statistical data as required by law and departmental policy;
    c. arrests and detentions records;

3. Maintain security of all records

4. Prohibit the removal of any record, police report or written communication without the specific authority of the Chief.

5. Perform other duties as assigned by the Chief of Police.

6. Maintain computerized records of all records to ensure proper chain of custody.

7. Review report writing files to ensure proper classification and reconciliation is maintained under NBIRS guidelines.

COMMANDING OFFICER
TRAFFIC DIVISION

A. SUMMARY

The Commanding Officer of the Traffic Division is responsible for vehicular and pedestrian safety within town jurisdiction and according to existing regulations. He/She oversees the administration of the Parking/Traffic ticket system, detail assignment system, and the school crossing guard and parking control officer functions.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Commanding Officer of the Traffic Division to:

1. Utilize selective enforcement to ensure that motorists and pedestrians comply with traffic laws.

2 Maintain all traffic accident records and moving violation records.

3. Plan for traffic routing and directing, removal of vehicles and other traffic hazards, crowd control and safety vehicle access for emergency situations.

4. Establish and coordinate work programs for Traffic Division personnel.

5. Provide for the care, maintenance and calibration of traffic investigative and enforcement equipment assigned to the unit.

6. Supervise the inspection, repair, collection and audit of monies from town parking meters.

7. Conduct parking ticket hearings via mail or in person.

8. Attend Transportation Board meetings in a police advisory capacity.

9. Coordination of police motor vehicle towing activity with contract tow companies.

10. Issue hackney license and regulate taxis licensed by the Town of Brookline.

11. Perform other duties as assigned by the Chief of Police.

12. Manage the Brookline Police Department marked, unmarked, and undercover vehicle fleet.

13. Provide operating plans for major events that may affect traffic patterns and pedestrian safety.

14. Coordinate with the Transportation Division to identify traffic and parking issues that may affect the quality of life in Brookline.

15. Perform other duties as assigned by the Chief of Police, and Superintendent of Police.

COMMANDING OFFICER
COMMUNITY SERVICE DIVISION

A. SUMMARY

The Commanding Officer of the Community Service Division serves as a liaison between the Department and the Brookline community. He/She provides for a proper relationship between the Police Department and all groups and social agencies in the community. He/She also serves as the Public Information Officer for the department.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Commanding Officer of the Community Service Division to:

1. Organize programs that promote unity and a spirit of cooperation among all segments of the community and the Police Department.

2. Arrange for the participation of the Division in the programs of as many social agencies as possible. This includes the use of the resources of the total community as well as the availability of all contributions of the Division.

3. Ensure that the department operates in the manner consistent with the police department's mission statement.

4. Educate the public and members of the Department so as to make them conscious of the need for close Police-Community Relations.

5. Establish programs to improve the image of the Department in the community.

6. Serve as the departmental liaison to The Human Relations Youth Resource Commission

7. Supervise and implement programs in the crime prevention field.

8. Supervise the activities of such programs as the Walk and Talk Unit, the D.A.R.E. program, the Bicycle Unit, the Auxiliary Police and the Citizen Police Academy.

9. Supervise the activities of the Safety Officer.

10. Supervise the operation of the Training Unit.

11. Serve as Public Information Officer for the Department. Also supervise the activities of the Press Officer and all media related issues arising from the Police Department.

12. Perform other duties as assigned by the Chief of Police, and Superintendent of Police.

COMMANDING OFFICER
SERVICE DIVISION

A. SUMMARY

Under the general supervision of the Chief, the Commanding Officer of the Service Division reviews and evaluates the Division's operation and ensures the availability of timely, accurate and complete records information and services to staff and line personnel.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Commanding Officer of the Services Division to:

1. Control records procedures through system review and audit.

2. Establish Records Procedural Guidelines for implementation by the Department. Regularly review these procedures to ensure their continuing effectiveness.

3. Supervise report reception, storage and retrieval.

4. Supervise records on: arrests, crimes, personal identification.

5. Supervise the maintenance of the Public Safety Physical Plant.

6. Perform other duties as assigned by the Chief of Police, and Superintendent of Police.

COMMANDING OFFICER

PATROL DIVISION

A. SUMMARY

Under the general supervision of the Chief, the Commanding Officer of the Patrol Division is responsible for the supervision and coordination of all patrol activities.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Commanding Officer of the Patrol Division to:

1. Exercise supervision of all units and officers assigned to their command.

2. Consult periodically with Shift Commanders to determine the overall effectiveness of departmental programs, policies and procedures.

3. Oversee the citizen complaint reception process to guarantee that desk personnel are faithfully executing all applicable departmental policies and procedures.

4. Investigate all complaints brought to their attention involving members of the Division or any other situations which might possibly undermine good order or discipline within the Department.

5. Evaluate and make recommendations for deployment of patrol personnel so as to maximize their crime prevention and law enforcement effectiveness.

6. Ensure that departmental procedures pertaining to the handling, processing and custody of males, females and juveniles are faithfully complied with.

7. Conduct line inspections of members of the patrol force for the purpose of determining compliance with departmental standards.

8. Supervise the proper and complete upkeep of the manifold and the reviewing of reports submitted by patrol officers.

9. Visit all parts of the town periodically to observe conditions as they relate to the police task. Respond, when necessary, to the scene of a serious crime or major disturbance and take command.

10. Perform other duties as assigned by the Chief of Police, and Superintendent of Police.

COMMANDING OFFICER
DETECTIVE DIVISION

A. SUMMARY

Under the general supervision of the Chief, the Officer-in-Charge of the Detective Division supervises Detectives under their command. He/She is responsible for the overall effectiveness of the Division with respect to investigations of criminal activity, apprehension and conviction of criminal offenders and recovery of stolen property.

B GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Officer-in-Charge of the Detective Division to:

1. Organize and assign duties within the Division consistent with the authority delegated by the Chief, to provide for the successful execution of the unit functions.

2. Provide for continuation of command and/or supervision in his or her absence subject to the approval of the Chief.

3. Review case loads to ensure even distribution of investigations among Detectives.

4. Maintain the detective case management system.

5. Coordinate efforts of Detectives on investigations requiring special attention and additional manpower.

6. Be available personally at departmental headquarters during his or her tour of duty to supervise and conduct Division business and activities, and to personally respond to the scene of any major or unusual crime to review the progress of the investigation.

7. Review all reports and applications for search warrants submitted by Detectives for accuracy, completeness and conformity with departmental requirements.

8. Review with immediate subordinates on how Detectives are carrying out their duties. Where deficiencies appear, instruct subordinates to take remedial steps.

9. Ensure that special equipment assigned to the Bureau receives proper usage and maintenance.

10. Effect cooperation with Detectives/Inspectors from other municipal, state and federal law enforcement agencies.

11. Keep the Chief informed of all important developments. Report any changes that would affect the Division organization or personnel assignments to promote effectiveness and efficiency.

12. Promote harmony and cooperation with all other units within the Department.

13. Supervise the keeping of Division information files for reference use by Detectives.

14. Ensure that records required of the Division's activities are prepared and submitted when due.

15. Ensure that all legal papers submitted to the Division are served in conformity with applicable laws.

16. Inform the Commanding Officer of Patrol, or other personnel affected, of any information known by members of the Detective Division, such as the identity of persons known to be carrying weapons, the existence of stake outs, etc., which could effect the safety of members of the Department in the execution of their duties.

17. Perform other duties as assigned by the Chief of Police, and Superintendent of Police.

SAFETY OFFICER

A. SUMMARY

The Safety Officer has the primary responsibility for cooperating with the schools in developing and improving safety education programs. He/She will also be involved with the development and presentations of safety awareness and prevention courses or programs in the grade schools and high school. These programs and courses will include, but are not limited to, internet predator safety, teenage dating violence, and bullying. The safety officer is to keep up with new developments and ideas for child, adolescent, and teenage safety. Prevention education and awareness programs that will be beneficial to the student's development.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Safety Officer to:

1. Conduct safety education programs for school personnel regarding child molesters, playground and water safety, traffic and bus safety and general first aid. Supervise the training of safety patrol units.

2. Work with school personnel and make recommendations to the Commanding Officer of the Traffic Division regarding school zones, crossings, signs, markings and the elimination of street hazards.

3. Teach at D.A.R.E. classes when requested.

4. Enforce laws in and around schools which may affect the health and safety of students and faculty.

5. Issue seasonal safety bulletins for radio and TV.

6. Address P.T.A. and other civic and service organizations on the subject of school safety.

7. Act as liaison officer between all schools and the police department.

8. Assist in the implementation of neighborhood crime watches.

9. Supervise School Crossing Guards.

10. Inspect school bus stops, routes and related facilities periodically, and make any required recommendations to proper authorities.

11. Develop a bicycle safety program in cooperation with school authorities.

12. Coordinate and update the department website among all the divisions and webmaster.

13. Perform other duties as assigned by the Chief of Police or the Commanding Officer of Community Service Division.

DOMESTIC VIOLENCE / JUVENILE OFFICER

A. SUMMARY

The Juvenile Officer investigates all crimes involving juveniles. He/She is available to members of the department, as well as members of the public, for consultation on handling juvenile offenders and young persons with problems. The Domestic Violence officer investigates all incidents of domestic abuse as defined by M.G.L. c 209A abuse law

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Domestic Violence / Juvenile Officer to:

1. Formulate a positive crime prevention program aimed at young persons in conjunction with the local schools and social agencies.

2. Maintain a list of social agencies to which juveniles can be referred for such things as counseling, employment, and medical services.

3. Investigate reported crimes which are likely to have involved young persons.

4. Coordinate the processing of juveniles with the local court authorities, including the Clerk's Office and Probation Office.

5. Be available to speak to community groups on youth problems. Assemble pamphlets and films on delinquency.

6. Answer calls to the station from parents and others seeking assistance with problem youngsters.

7. Review all reports of domestic violence, following up each complaint reported to police personnel, by making contact with the victims, and filing additional complaints where necessary

8. Assist victims of domestic abuse in gaining access to the courts, battered woman's support groups, shelters, legal services, and medical services.

9. Maintain a complete and accurate file for all 209A's and domestic complaints as well as updating the in-house computer system.

10. Ensure that mandated reports are made by officers regarding elder and juvenile cases.

11. Access social services when necessary for the reporting of child abuse/neglect, elder abuse, etc.

12. Keep aware of victim's situations / circumstances, assisting them where necessary in amending existing court orders.

13. Coordinate efforts with the District Attorney's office and victim witness advocate to help insure the safety of the victim.

14. Disseminate all necessary information regarding domestic violence and juvenile issues throughout the department.

15. Attend community meetings, discussion groups and programs, whose goal is the reduction of domestic violence.

16. Coordinate arrests and service of 209A warrants both within and outside of the Town.

17. Enforce the laws of M.G.L. c209A.

18. Investigate and/or refer all cases concerning elderly abuse.

19. File "hate crime" reports with appropriate agencies.

20. Perform other duties as assigned by the Chief of Police or the Commanding Officer of the Detective Division.

SCHOOL TRAFFIC WORKING SUPERVISOR

A. SUMMARY

A School Traffic Working Supervisor enforces parking rules and regulations; acts as a Traffic Control Officer; assumes the responsibility of managing and supervising all Traffic Control Officers and School Traffic Supervisors, and assists the Traffic Division Supervisor with day-to-day supervisory responsibilities.

B. GENERAL DUTIES & RESPONSIBILITIES

It is the duty and responsibility of the School Traffic Working Supervisor to:

1. Comply with all of the duties of a Traffic Control Officer which includes, but is not limited to:

    a. Enforce all parking rules and regulations in accordance with applicable laws;

    b. Issue notices of violations to offenders, and explain, when requested, the reason for the violation;

    c. Ensure that parking tickets are properly issued. This includes proper placement and service;

    d. Notify dispatch of any motor vehicle accidents, emergencies, or hazards by radio;

    e. Note and report any serious motor vehicle violation to a Traffic Division supervisor;

    f. Note and report any parking meter, traffic sign, or traffic signal problems to the appropriate authorities on a daily basis;

    g. Perform selective enforcement when requested.

2. In addition to all Traffic Control Officer responsibilities, the School Working Traffic Supervisor will comply with all regularly assigned School Traffic Supervisor duties which includes, but is not limited to:

    a. Assist children crossing to and from school;

    b. Ensure all equipment and uniforms are properly maintained, worn, and displayed;

c. Report directly to their assigned school traffic post for each tour of duty at the assigned times and not leave until all school children have been safely cared for;

d. If unable to report for duty due to illness or other sufficient reason, notify the Commanding Officer Platoon on Duty before 07:00.

3. The School Traffic Working Supervisor shall also assume the responsibility of managing and supervising all Traffic Control Officers and School traffic Supervisors. A list of some, but not all of the duties follows:

   a. Supervise scheduling (deployment assignments and Saturday ticketing) in accordance with the policies set forth by the Traffic Division.

   b. Review enforcement efforts of Traffic Control Officers and School Traffic Supervisors that ticket, and assign them to specific locations when necessary.

   c. Coordinate with uniform and equipment suppliers, including purchasing and delivery via the Traffic Sergeant and Public Safety Office.

   d. Ensure that school traffic posts are properly staffed. Report absences directly to the Traffic Supervisor and the Commanding Officer Platoon-on-Duty.

   e. Maintain records of scheduling assignments and other important information.

   f. Ensure that new personnel are trained properly prior to performing any assignments on their own.

   g. Ensure that pay slips are processed in an accurate & timely manner.

4. Meet regularly with Traffic Sergeant(s) to review employee performance.

5. Review sick time records and make recommendations to the traffic supervisor.

6. Perform their assigned duties under the direct supervision and control of the Commanding Officer of the Traffic Division or their authorized representative, and obey all reasonable commands and orders in the performance of their duty.

7. Perform all other duties as are assigned by the Chief of Police, Superintendent, or the Commanding Officer of the Traffic Division.

SCHOOL TRAFFIC SUPERVISORS

A. SUMMARY

School Traffic Supervisors are responsible for directing traffic at assigned crossings to protect school children and to provide for the orderly movement of traffic.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the School Traffic Supervisors to:

1. Perform their assigned duties under the direct supervision and control of the Commanding Officer of the Traffic Division or their authorized representative, and obey all reasonable commands and order in the performance of their duty.

2. Insure that children use the proper crossing locations and that no children are in the streets while traffic is moving.

3. Shall have as their principal duty, the protection of children going to and from school and shall permit nothing else to interfere with this function.

4. Shall submit to their Commanding Officer a report of all traffic violations and serious traffic hazards noted while on duty.

5. Wear appropriate safety equipment when directing traffic. White gloves or mittens and an outer garment of reflective material is always required when on-duty.

6. Shall wear such uniforms and insignia, and be provided with such equipment as the Chief shall prescribe.

    a. Uniforms and equipment will be furnished but will remain the property of the Town of Brookline, to be surrendered upon resignation or termination of appointment;

    b. Uniforms shall be given all reasonable care, shall be worn while on duty and shall not be worn at any other time.

    c. Shall report directly to their school traffic post for each tour of duty at the assigned times and shall not leave such post until all school children have been safely cared for.

    d. If unable to report for duty because of illness or other sufficient reason,

they shall notify the Officer-in-Charge of the station not later than 7:00 A.M.

e. Shall report back from sick leave at least one hour before their next assignment.

f. Shall ascertain the location of the police signal box and the fire alarm box and telephone nearest to their post and in the event of an accident or other emergency shall notify the Officer-in-Charge of the station immediately.

7. Shall never, in the performance of duties, place their hands on a student or any other person at any time except in the event of an accident or similar emergency.

8. Shall render the same care and attention to students attending other than elementary grades, as given to children in the elementary grades.

9. Shall transmit all complaints, in writing, received while on duty to their Commanding Officer for proper disposition.

10. Shall present directly to the school principal concerned, any violations by children of their safety rules observed while on duty, and shall make a report of such violations to their Commanding Officer.

11. Shall perform all such other duties as are assigned to them by their Commanding Officer or the Chief of Police.

PARKING CONTROL OFFICER

A. SUMMARY

A Parking Control Officer enforces parking rules and regulations for the Town of Brookline in accordance with M.G.L. c 90 sections 20A and 20C.

B. DUTIES AND RESPONSIBILITES

It is the duty and responsibility of the Parking Control Officer to:

1. Enforce all parking rules and regulations for the Town of Brookline in accordance with all applicable laws, by-laws, traffic rules and regulations.

2. Officers are assigned areas taking cognizance of illegally parked vehicles, overtime meters, restricted parking violations, public safety violations, two hour overtime violation, and handicapped parking space violations.

3. Issue notices of violation to offenders. Explains when requested the reason for the violation notice.

4. Shall wear such uniforms and insignia, and be provided with such equipment as the Chief of Police shall prescribe.

    a. Uniforms and equipment will be furnished but will remain the property of the Town of Brookline, to be surrendered upon resignation or termination of appointment.

    b. Uniforms shall be given all reasonable care, shall be worn while on duty and shall not be worn at any other time.

5. Notifies authorities of motor vehicle accidents, emergencies or hazards by radio or telephone.

6. Notes and reports any motor vehicle violation to the Traffic Division for follow up investigation.

7. Keep records and reports in an accurate and complete manner.

8. Performs selective parking enforcement when requested.

9. Perform all other duties as are assigned by the Chief of Police or Commanding Officer of the Traffic Division.

SENIOR CLERK AND SECRETARY

A. SUMMARY

The Senior Clerk and Secretary performs clerical and secretarial duties requiring a considerable degree of decision making and a thorough knowledge of departmental operations; maintains a close and highly responsive relationship to supervisor's work; acts fairly independently and assumes a high degree of responsibility in the absence of the supervisor; performs related work as required.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Senior Clerk and Secretary to:

1. Work under supervision of executive, administrator, department or organization head.

2. Supervise a small number of employees.

3. Maintain appointment schedule of supervisor; act as receptionist taking phone calls, direct walk-ins, and handle inquiries and prepare correspondence and reports for signature when required.

4. Prepare and maintain administrative, statistical, fiscal, confidential or analytical records and prepare associated reports of a highly confidential nature as required.

5. Furnish information pertaining to departmental rulings, procedures and policies and proceed with a wide latitude of independent judgment in carrying out, applying and interpreting applicable policies, laws, procedures, rules and regulations based on knowledge gained through experience.

6. Operate standard office equipment such as computer terminals, adding machines, copiers, fax machine, shredders, etc.

7. Proficient in word and data processing and searching techniques relative to the in-house computer system.

8. Perform stenographic and typing work calling for a very high degree of accuracy; record and transcribe minutes, reports and all other documents of controlling Boards and Commissions.

9. Perform related work as assigned by the Chief of Police or Commanding Officer.

CHIEF EMERGENCY TELECOMMUNICATIONS DISPATCHER

A. SUMMARY

The Chief Emergency Telecommunications Dispatcher is to supervise and assist in directing the operations and personnel of the Brookline Public Safety Dispatch Facility and to perform all the duties of an Emergency Telecommunications Dispatcher. The work is performed under the supervision of the Police and Fire Departments.

Subject to the provisions in the Brookline Police Department Rules and Regulations Manual section covering Policies and Procedures, the Chief Emergency Telecommunications Dispatcher has the primary responsibility for the initial deployment of law enforcement personnel and equipment.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Chief Emergency Telecommunications Dispatcher to:

1. Performs all duties of a Emergency Telecommunications Dispatcher; answers and dispatches emergency rescue and response personnel for Emergency 9-1-1 calls; answers telephone lines - emergency and non-emergency - other than the 9-1-1 lines; triages all medical calls to see if A.L.S is needed.

2. Answer and respond to all Police, Fire and EMS radio transmissions; monitors all radios for the Department of Public Works; uses computer terminal to converse with Police cruisers, monitors Fire Digitizer System for fire alarms, monitors Police Digitizer System for burglar alarms, Monitors BAPERN and Mutual Aid (Fire) cities and towns specifically Boston, Newton and Metro Fire and dispatches response personnel and apparatus as needed. Monitors prisoners and Police Station on closed circuit monitors.

3. Enters all applicable calls into the Computer Assisted Dispatch system; operates NCIC/CJIS computer system and administers tests for employees to be certified on this equipment.

4. Supervises the work of all Emergency Telecommunications Dispatchers; assists in interviewing and hiring new personnel; provides training and instruction; allocates personnel; plans, coordinates, assigns and reviews work activities; maintains standards; acts on employee problems; evaluates performance reviews and evaluations and recommends transfers, disciplinary action and discharges as appropriate.

5. Routinely review all 9-1-1 and non-emergency calls received to ensure proper handling and service provided by Emergency Telecommunication Dispatchers.

6. Assists in training all Emergency Telecommunications Dispatchers in the operation of all Public Safety Communications equipment including radios, telephone systems, computer systems, TDD and others in accordance with recognized standards and practices.

7. Assists in maintaining the day-to-day operations of the Brookline Public Safety Dispatch Facility; assists in scheduling personnel to ensure proper coverage of all shifts, assigns overtime shifts, and hires P/T employees to fill vacant shifts; assists in preparing and maintaining payroll and budget; ensures compliance with all Town personnel policies and practices. Assists in developing, recommending, implementing, training and monitoring all new Standard Operating Procedures for Emergency Telecommunication Dispatch staff.

8. Ensures all Emergency Telecommunication Dispatchers fully understand and comply with current Brookline Police and Brookline Fire policies and procedures.

9. Maintains all required records of Public Safety Communications activities including CPR, EMT, EMD and Public Safety Dispatch certification records for all Dispatch personnel.

10. Maintains all equipment in the Dispatch Facility and arranges for maintenance and repair as needed; purchases goods and supplies needed for the operations of the Communications Center.

11. Accesses and teaches employees how to enter emergency information on the Reverse 9-1-1 system.

12. Maintains confidentiality regarding access to all public Safety information; refers legal questions to the appropriate personnel; notifies Police and Fire Chief of all major incidents.

13. Mediates problems between the Police and Fire departments concerning communications; handles complaints from the public and other departments and ensures proper resolution.

14. Perform any other duties as assigned by the Chief of Police, Commanding Officer of the Patrol Division or the Commanding Officer-Platoon on Duty.

EMERGENCY TELECOMMUNICATION DISPATCHER

A. SUMMARY

The Dispatcher receives all oral communications from the public and law enforcement personnel coming into the police station. By following established procedures and employing common sense, he or she transmits requests for service to the appropriate location.

Subject to the provisions in the Manual sections covering Policies and Procedures, the Dispatcher has the primary responsibility for the initial deployment of law enforcement personnel and equipment.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Dispatcher to:

1. Report any deployment of police officers beyond their regularly assigned routes or sectors to the Officer-in-Charge.

2. Inform the Officer-in-Charge whenever a police vehicle is out of service.

3. Announce the call letters of the Department as issued by the Federal Communications Commission.

4. Be thoroughly familiar with the Department's procedures relating to use of radio and other communications equipment.

5. Acquire a thorough knowledge of the location and lay-out of streets, buildings, parks, housing developments and other significant areas of the community so as to maximize the accuracy and speed of dispatches.

6. Respond to all complaints received in a calm and civil manner.

7. Be familiar with emergency procedures that relate to matters requiring urgent police attention so as to be capable of activating them immediately.

8. Coordinate police, fire and ambulance activities at the scene of crimes, motor vehicle accidents, fire scenes, etc.

9. Keep personnel who have been dispatched on calls fully informed of all facts affecting the safety or efficiency of their response to the call. Review all data in the CAD for all hazards.

10. Inform the Officer-in-Charge when contact with an officer on patrol cannot be made after a unit is paged twice.

11. Maintain equipment, especially the emergency call lines, in working order and immediately report any malfunction or defect to the Officer-in-Charge.

12. Utilize the CAD system to assign units to calls, arrive units at scene and update system with dispositions of incident.

13. Render assistance to the members of the general public who make inquiries at police headquarters.

14. Monitor the alarm panel for all alarms.

15. Monitor CCTV's for interior, cellblock, and outside perimeter security.

16. Operate the E911 system. Receive, transfer and record calls.

17. Monitor BAPERN and Intercity channels for radio traffic of interest to the Brookline Police.

18. Monitor and utilize the LEAPS/NCIC computer system. Enter, modify and cancel various records.

19. Answer all telephone calls promptly and respond by stating "Brookline Police Department", followed by his/her rank and surname as well as informing the caller that they are being recorded.

20. Perform any other duties as assigned by the Chief of Police or the Commanding Officer – Platoon on Duty.

LODGING HOUSE OFFICER

A. SUMMARY

Under the general supervision of the Chief of Police and the Captain of the Patrol Division, the Lodging House Officer is a Lieutenant responsible for the administration of the rules and regulations for lodging houses in the Town of Brookline.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Lodging House Officer to:

1. Periodically inspect all lodging houses licensed by the Board of Selectman to insure compliance with M.G. L. c140 s22 – 32 and the Town of Brookline lodging house regulations.

2. Submit reports on all inspections of lodging houses.

3. Make follow-up inspections as warranted.

4. Seek court complaints for uncorrected violations.

5. Investigate any reports received on unlicensed lodging houses.

6. Seek court complaints on unlicensed lodging houses.

7. Make monthly activity reports to the Patrol Commander.

8. Make annual reports to and testify before the Board of Selectman.

9. Consult and coordinate with the Health, Building, and Fire Departments as well as Town Counsel.

10. Make recommendations for revisions or updates to the lodging house regulations.

11. Perform other duties as assigned by the Chief of Police, Commanding Officer of the Patrol Division or the Board of Selectmen.

LIQUOR LICENSE OFFICER

A. SUMMARY

The duties and responsibilities of the Liquor License Officer are to enforce applicable sections of M.G.L. c 136, 138, 143, 149, 271, and 272. ABCC Regulation 204CMR 1.00-19.00 and Town of Brookline Alcoholic Beverage Regulations. The Liquor License Officer is a sworn agent of the Licensing Board.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Liquor License Officer to:

1. Perform unannounced inspections of all licensed premises for compliance with all applicable laws, by-laws, and regulations.

2. Seek hearings or court complaints for any violations.

3. Prepare cases and attend licensing hearings before the Board of Selectmen.

4. Perform periodic spot checks of licensed premises for under age persons, intoxicated persons, illegal drug use, gaming, and other crimes.

5. Investigate reports of incidents involving licensed premises.

6. Conduct periodic covert operations to detect service to under age individuals.

7. Check special one day licenses for compliance.

8. Investigate applications for new licenses, license transfers, manager changes, and any other matters requested by the Licensing Board.

9. Ensure that applicants for liquor licenses are in compliance with Town of Brookline By-law, Article 8.30 “Fingerprint-Based Criminal Background Checks” by submitting to fingerprinting by the Brookline Police Department within ten days of the date of application.

10. Conduct a thorough background investigation of applicants for liquor licenses, including the utilization of the results from fingerprint based state and federal criminal background checks.

11. Check entertainment licenses for compliance with terms and conditions of the license.

12. Check common victualler license for compliance with terms and conditions of the license.

13. Prepare yearly reports for the Board of Selectmen on liquor licenses, entertainment licenses, common victualler licenses, food vendor licenses, and coin amusement device licenses.

14. Perform other duties as assigned by the Chief of Police, Commanding Officer of the Patrol Division, or the Board of Selectmen.

SECRETARY TO THE CHIEF OF POLICE

A. SUMMARY

The secretary to the Chief of Police shall assist the Chief of Police in the administration of his/her office by performing highly responsible secretarial and clerical functions. The secretary shall have a good working knowledge of basic legal, law enforcement and related terminology customarily used in department operations and must have a general knowledge of the operations of the police department.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Secretary to the Chief of Police to:

1. Plan and assist in the functioning of the immediate office.
2. Provide for the efficient operation of the office.
3. Prepare and maintain office records and files.
4. Have complete knowledge of the operations of the office.
5. Forward information and directives as instructed to appropriate members.
6. Process departmental correspondence.
7. Maintain department personnel files.
8. Respond to telephone inquiries from within the department and the general public.
9. Maintain total confidentiality of all department operations.
10. Responsible for the payment of invoices submitted to the police department.
11. Responsible for cash receipts.
12. Performs other duties as assigned by the Chief of Police.

WALK AND TALK OFFICER

A. SUMMARY

The Walk and Talk Officer has the responsibility for working with the Brookline Housing Authority in patrolling all Town public housing developments and surrounding areas. A Walk and Talk officer will participate in the juvenile roundtable with members of the community, juvenile probation officer, court psychologist, Brookline High School violence prevention and substance abuse program, and the Brookline Center.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Walk and Talk Officer to:

1. Develop and maintain relationships with the personnel of the Brookline Housing Authority and the residents of their property.

2. Conduct foot and cruiser patrols of all public housing development property.

3. Work with the staff and residents of all public housing concerning public safety issues.

4. Establish and maintain contacts with youths who reside in the Town.

5. Meet with outside agencies and other police departments regarding incidents and individuals that effect the community.

6. Work with the District Court Probation Department concerning probation violators.

7. Conduct periodic patrols of all public school grounds.

8. Perform other duties as assigned by the Chief of Police or the Commanding Officer of the Community Service Division.

COMMUNITY SERVICE OFFICER

A. SUMMARY

The Community Service Officer develops and implements many community based programs with a focus on better living through community involvement. The Community Service Officer will be assigned to the police bicycle patrol to augment the Patrol Division

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Community Service Officer to:

1. Develop anti-drug efforts within the community, particularly among the youth.

2. Conducting education and awareness information through crime watch and other activities so as to make businesses and residents aware of the nature of the danger and the ways in which they can assist the police department and prevent crime in the neighborhood.

3. Coordinating special events with the police department and other Town Departments and outside agencies.

4. Responsible for aggressive and preventative patrol, particularly patrol that targets known problem areas.

5. Responsible for positive community relations and community involvement. Responsible for developing community pride and spirit. This will include planning special events and programs to accomplish this goal.

6. Oversee all aspects of the community service function of the police department by implementing and maintaining programs for the general public; fosters the relationship between the police department and specific segments of the community, such as, businesses, seniors, children and teenagers.

7. Act as liaison between the Brookline Police Department and special populations within the community. Assist persons within the Brookline community who are dealing with mental health related conditions. Provide additional resource information and outside agency contacts. Assist with other related services (i.e. substance abuse service and other so that identified persons can be referred for further supportive services and follow up).

8. Perform any other duties as assigned by the Chief of Police or the Commanding Officer of the Community Service Division.

ANIMAL CONTROL OFFICER

A. SUMMARY

The Animal Control Officer is responsible for the enforcement of the laws of the Commonwealth of Massachusetts and the by-laws of the Town of Brookline pertaining to the licensing and control of dogs and other regulated animals. The Animal Control Officer investigates complaints involving dogs and other animals and patrols the Town as necessary to enforce animal laws and by-laws.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Animal Control Officer to:

1. Report to the Officer-in-Charge for assignment and instructions relative to any pending calls for service or follow up investigations.

2. Investigate calls for service or complaints as assigned and take action appropriate for the circumstances.

3. Patrol within the boundaries of the Town to ensure compliance or take enforcement action relative to animal control laws and regulations.

4. File necessary initial and follow up reports on all incidents and complaints investigated.

5. Enforce dog licensing laws within the Town of Brookline.

6. Issue warnings, citations, tickets, and summonses relative to violation of laws and by-laws controlling animals.

7. Trap or otherwise humanely capture loose, nuisance, rabid or vicious animals either upon investigation or complaint.

8. Prepare court complaints and appear/testify in court as may be necessary.

9. Prepare annual report of activities.

10. Perform other duties as assigned by the Chief of Police or the Commanding Officer of the Patrol Division.

TECHNOLOGY OFFICER
SERVICE DIVISION

A. SUMMARY

Under the general supervision of the Chief of Police, the Technology Officer is responsible for the departments computer systems and related applications.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Technology Officer to:

1. Operate the computer center's equipment that processes all department software applications.

2. Responsible for the maintenance and security for all computer equipment and peripheral devices, including personal and laptop computers.

3. Responsible for the training of all department personnel in all computer related functions and procedures.

4. Ensure all radio communication equipment and accessories are maintained according to FCC standards.

5. Responsible for the operation of all telephone systems and equipment including the "Enhanced" 911.

6. Operation, security and preservation of digital phone and radio communications tapes and print outs. Ensure storage and preservation of logger tapes as mandated by the Commonwealth of Massachusetts.

7. Work in conjunction with the Internal Affairs Officer and court personnel in securing communication and video tapes for use in investigations and court proceedings.

8. Operation, security and preservation of tapes for the in-house surveillance video camera system and booking tape system.

9. Responsible for the operation, maintenance and periodic testing of the breath test equipment. Maintain proper records as required by current laws.

10. Coordinate and maintain the home and business alarm system. Prepare and process all invoices for false alarms as mandated by Town by-law.

11. Perform duties as assigned by the Chief of Police.

TRAFFIC OFFICER
TRAFFIC DIVISION

A. SUMMARY

Police Officers assigned as Traffic Officers shall be generally responsible for the planning, analyzing, inspecting, enforcing and coordinating the department's police traffic services. He/she shall be specifically responsible for investigating accidents, enforcing State and Town motor vehicle laws, parking control and enforcement, and involvement with the school traffic safety programs. Traffic Officers work under the direct supervision of the Traffic Division Sergeants. When working a tour of duty and not under the direct supervision of the Traffic Division Commander, the Traffic Officer shall be supervised by the Patrol shift Supervisor.

B. GENERAL DUTIES AND RESPONSIBILITIES

Officers assigned to the position of Traffic Officer shall be responsible for the essential functions, duties and responsibilities detailed in the job description for Police Officer. In addition, Traffic Officers shall be responsible for the following functions, duties and responsibilities:

1. Maintain an above average knowledge of all Massachusetts General Laws, recent court decisions, as well as Town by-laws and ordinances concerning motor vehicle law.

2 Enforce all State and Town criminal and civil motor vehicle laws by issuing verbal or written warnings; issuing written citations; and arresting violators when appropriate.

3. Utilize a variety of selective traffic enforcement techniques to include visual observation of traffic, "clocking" of vehicles, etc.

4. Utilize a variety of traffic enforcement related equipment to include police motorcycles, police radar instruments, solar mobile traffic monitor, computer terminals, etc.

5. Conduct selective enforcement activities. Monitor specific locations for violations reported by citizens or identified as target areas for selective enforcement. Conduct surveys and/or monitor areas to identify problems which may be brought before the Brookline Traffic Commission or other such boards for action.

6. Conduct complete and thorough investigations of major motor vehicle accidents and other motor vehicle accidents, including hit and run accidents as may be assigned or required. He/she shall interview and record

statements of victims and witnesses; search for and secure any physical evidence; determine the cause of the accident; issue citations when appropriate; arrest violators when appropriate; request additional assistance when needed; and submit appropriately related reports.

7. Conduct other traffic related investigations concerning parking problems, unregistered motor vehicles, etc.

8. Direct traffic at accident scenes and at other situations in order to facilitate the safe movement of vehicles and persons and/or to relieve traffic congestion.

9. Practice good community relations whenever possible, explain the nature of any violation committed as well as any recourse the violator may have; provide street directions; assist stranded or disabled motorists; assist pedestrians; provide escorts, etc.

10. Monitor traffic and road conditions for hazardous conditions, possible accident causing conditions, any roadway defects, malfunctioning traffic signal lights, and/or any other condition(s) which impede police traffic services. Report such conditions to his/her supervisor and/or the appropriate agencies.

11. Submit detailed, complete and accurate police incident reports and motor vehicle accident reports in accordance with established procedures.

12. Prepare, present and prosecute motor vehicle citation appeals before the Clerk Magistrate of the District Court.

13. Perform other duties as may be assigned or required by the Chief of Police or the Commanding Officer of the Traffic Division.

MOTORCYCLE
TRAFFIC OFFICER

A. SUMMARY

A Motorcycle Traffic Officer shall be responsible for the efficient performance of required duties in conformance with the rules, regulations and policies contained in this manual.

Duties shall consist of, but are not necessarily limited to, a number of general police responsibilities necessary to the stability and safety of the community.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of a Motorcycle Traffic Officer to:

1. Monitor and enforce rules, regulations and laws relating to traffic.

2. Issue parking violation tickets, motor vehicle citations, and other forms necessary for the traffic enforcement objectives of the traffic and patrol division and make recordings of such issuance.

3. Perform selective enforcement.

4. Investigate property damage accidents and accidents where personal injury is involved.

5. Assist the hackney department in the issuance of Town of Brookline hackney licenses.

6. Inspect licensed cabs for safety violations. Ensure that all licensed cab operators are in compliance with the Town of Brookline hackney rules.

7. Assist with the security/escort of special events, functions and funerals.

8. Perform such other duties as assigned by the Chief of Police or the Commanding Officer of the Traffic Division.

TRAFFIC METER COLLECTOR
TRAFFIC DIVISION

A. **PRIMARY PURPOSE**: The purpose of this position is to collect revenues from parking meters located throughout the Town; to maintain proper oversight of the collection system by loading, unloading, and preparing for counting all monies received; to record and notify supervisors of missing coin cans, malfunctioning meter mechanisms or damaged meters. This position may also be required to staff traffic posts. The incumbent must also perform other related duties as required.

B. **SUPERVISION:** Works under the general direction of the Commander of the Traffic Division in accordance with established methods and procedures, following department rules, regulations and policies to complete assignments; the supervisor provides general and specific instructions; work is performed independently with minimal supervision.

C. **ESSENTIAL DUTIES AND RESPONSIBILITIES:**
The essential functions or duties listed below are illustrations of the type of work that is performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Traffic Meter Collector is responsible for collecting revenues from parking meters, including but not limited to stand alone and multi-space meters, located throughout the Town. Revenues include coins, cash and credit card receipts.

2. The Traffic Meter Collector is responsible for the following functions, duties and responsibilities:

a. Collection Routes shall be collected separately and shall be completed in their entirety.

b. Collections shall be made in strict accordance with the Police Department's meter collection system, using locked canisters only;

c. Ensure that collections are appropriately and securely transported to Police Headquarters when the route is complete or when all available canisters have been utilized and that the canisters are transferred to the counting room.

d. Perform duties related to processing, counting, bagging of coins, and preparing these for transport to a financial institution.

e. Complete collection receipts, properly reconcile the receipts, and forward them to a Traffic Supervisor for accounting purposes.

f. The collector is responsible to record and notify supervisors of missing coin cans and ensuring multispace meters are properly stocked to function appropriately.

g. Ensure all collection equipment is properly maintained, in good working order, including secondary upkeep to ensure that meter collection equipment remains operational; servicing minor problems, arrange for immediate repair via the DPW, and reporting all such operational issues to the Traffic Supervisor.

h. Traffic Meter Collector is responsible for transporting deposits to the designated depository, once all monies have been reconciled by Traffic, ensure that the monies are deposited, and retrieve and return a receipt to Traffic.

i. Practice good community relations whenever possible, such as providing street directions; general public assistance, and any other public service that may arise.

j. Monitor traffic and road conditions for hazardous conditions, possible accident causing conditions, any roadway defects, malfunctioning traffic signal lights, and/or any other condition(s) which impede police traffic services. Report such conditions to his/her supervisor and/or the appropriate agencies.

k. This position may also be required to staff a traffic post, as required by the Police Chief and or his or her designee.

l. Perform assigned duties or other related duties under the direct supervision and control of the Commanding Officer of the Traffic Division or his or her designee or by the Chief of Police or Superintendent.

D. **WORK ENVIRONMENT:** Work is performed outside in field conditions; with regular exposure to noise and to pedestrian and motor vehicle traffic; work may be performed in adverse weather conditions, with exposure to hazards associated with handling of heavy coin canisters.

1. The employee operates mechanical and non-mechanical equipment, and utilizes various delivery and lift apparatus; employee is required to operate a motor vehicle.

2. The employee has contact with the public and other police department employees.

3. Errors could result in damage to meters and other equipment, loss of revenue or poor public relations. Errors are detected through the system of checks and balances, audit and review.

DETAIL OFFICER
TRAFFIC DIVISION

A. SUMMARY

Under the general supervision of the Chief of Police and the Commanding Officer of the Traffic Division, the Detail Officer is a sergeant responsible for the supervision and coordination of the detail system.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Detail Officer to:

1. Receive all requests for details and enter same in the department computer system.

2. Assign officers to details in accordance with departmental procedures.

3. Enter officers detail hours into the department computer system.

4. Submit and record all invoices to vendors for payment

5. Submit periodic reports to the Chief of Police or his/her designee.

6. Initiate court complaints on delinquent or unpaid bills.

7. Manage the officers assigned to details in a way that enhances public safety.

8. Perform routine inspections of detail assignments to insure that officers are in compliance with detail policies and procedures. Meet with contractors at detail sites.

9. Administer the assignment of officers to Town and State Election details.

10. Perform other duties assigned by the Chief of Police or the Commanding Officer of the Traffic Division.

TRAFFIC SUPERVISOR
TRAFFIC DIVISION

A. SUMMARY

A Traffic Supervisor shall be responsible for the supervision of all traffic officers and shall be directly responsible to the Commanding Officer of the Traffic Division.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Traffic Supervisor to:

1. Keep informed of the quality of traffic law enforcement and the accident investigation duties of department members in order to assure that such duties are properly performed.

2. Ensure that cases for investigation are assigned to subordinates according to department policies and procedures.

3. Maintain a thorough knowledge of all criminal laws, Town By-Laws and traffic rules and regulations.

4. Compile traffic enforcement and accident information to facilitate the department's selective enforcement programs and submit this information periodically to the commanding officer.

5. Supervise the inspection, repair, collection and audit of monies from town parking meters.

6. Maintain the traffic management system.

7. Forward to the Registrar of Motor Vehicles all accident reports and motor vehicle citations.

8. Supervise the issuance of all licenses and permits under the control of the traffic division, and insure that proper records are maintained.

9. Investigate applicants for hackney licenses.

10. Ensure that applicants for hackney licenses are in compliance with Town of Brookline By-Law, Article 8.30 "Fingerprint-Based Criminal Background Checks" by submitting to fingerprinting by the Brookline Police Department within ten days of the date of application.

11. Conduct a thorough background investigation of applicants for hackney licenses, including the utilization of the results from fingerprint based stated and federal criminal background checks.

12. Inspect new and used motor vehicle dealers in the Town and insure that Proper licenses are posted on the premises.

13. Review all traffic reports and cause an investigation to be conducted in cases involving hit and run accidents.

14. Whenever necessary assist in the preparing of the prosecution in court of motor vehicle law violators.

15. Supervise the issuance of parking violation tickets and motor vehicle citations. Ensure the proper recording of all such transactions.

16. Coordinate the repair of police department vehicles with the D.P.W. Maintain title and registration records for such vehicles.

17. Ensure the annual inspection and calibration of the traffic department radar units.

18. Responsible for the duties of the Detail Officer in his/her absence.

19. Maintain lists of all vehicles towed for police matters. Monitor all police motor vehicle towing activity to ensure all proper procedures are adhered to by the private towing contractor.

20. Supervise the motor vehicle fatality re-construction team. Appear at the scene of all motor vehicle fatalities. Assemble the necessary personnel needed for the investigation.

21. Perform other duties as assigned by the Chief of Police or the Commanding Officer of the Traffic Division.

COURT PROSECUTOR
DETECTIVE DIVISION

A. SUMMARY

The Court Prosecutor shall maintain the highest professional standards in relations with the Court, probation and parole officials, the Clerk Magistrate, and personnel attached to the District Attorney's office, and shall ensure that all members perform their duties in accordance with all department regulations, policies and procedures while in court.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Court Prosecutor to:

1. Responsibility for the management and control of all assigned cases.

2. Attend Superior Court, six-man jury sessions and District Court at the prescribed dates and times.

3. Inspect and ensure the accuracy of all department prosecution matters assigned, prior to their submission to the court for disposition.

4. Prosecute all assigned cases in the spirit of the law with the interest of the public good.

5. Use all legal means of presenting evidence based upon the facts of individual cases.

6. Have adequate discretionary powers to make recommendations to the court concerning disposition, and keep the Commanding Officer of the Detective Division and other affected members advised regarding such dispositions.

7. Maintain adequate records of assigned cases to ensure that cases brought before the court are followed through each continuance until final disposition.

8. In cases of default, ensure that every effort is made to determine the address or whereabouts of any defendant who has neglected to appear in court in order that the defendant may be re-summoned or arrested, if warrants are issued, and held for court appearance.

9. Be present in court to assist officers in their preparations for testifying before the court and through appropriate training take necessary actions to enhance future court presentations.

10. Notify department personnel on cases requiring their attendance, assure personnel appear on time wearing uniform of the day and testify in an appropriate manner. Perform recording duties in relation to officers' court appearance.

11. Keep officers abreast of the status of cases. Inform evidence officer when case is deposed of and evidence is no longer needed.

12. Monitor prosecution of all civil motor vehicle hearings and ensure departmental representation at hearings.

13. Complete compliance requests and conduct investigations as directed by the District Attorney's office.

14. Perform duties as assigned by the Chief of Police or Commanding Officer of the Detective Division.

CRIME ANALYST

A. SUMMARY

1. Crime analysis involves the application of analytical methods to crimes and other police-related matters for the purpose of providing information that can enhance the effectiveness and the efficiency of officers in the performance of their duties. Information obtained by analyzing criminal and other data will be used to support management and operational personnel in developing agency tactics, strategies, and long-range plans.

2. The Crime Analyst is responsible for gathering and analyzing data, evaluating patterns and trends, and compiling and disseminating intelligence. The crime analyst will work with the various divisions within the Department, as well as, with neighboring jurisdictions to gather and evaluate this data. Crime mapping and analysis software will be used to identify and analyze patterns, series, trends and hotspots.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of a Crime Analyst to:

1. Gather and analyze data and evaluate patterns and trends. Review and report on findings to the Chief of Police. Data sources may include, but are not limited to, the Department's record management system, incidents, arrests, field interviews, and STAR entries.

2. Compile, publish and distribute a regular bulletin to the Department in an email or bulletin. This email/ bulletin will include a selection of the following items, as appropriate:

   a. Special attentions/crime alerts
   b. Warrants, restraining orders, and no trespass orders
   c. Current trends, patterns and hot spots
   d. Crime updates
   e. Intelligence from other agencies
   f. Arrests with booking photos
   g. Court cases
   h. Photos of most wanted
   i. Police related news and information

3. Produce administrative and special reports, as assigned.

4. Research, compile and disseminate intelligence between divisions and with neighboring jurisdictions.

5. Research funding opportunities and assist with grant applications

6. Prepare incident reports for the media and assist the Department Media Liaison with related activities.

7. Prepare and provide presentations, as assigned, to Department personnel, community groups, etc.

8. All other related duties as assigned by the Chief of Police.

HOUSE OFFICER

A. SUMMARY

1. The House Officer is a patrol officer attached to the Patrol Division and assigned to duty inside the Police Station. His/her duties and responsibilities are varied and many of them require specialized expertise and training.

2. He/she must be knowledgeable and experienced in handling the public and in the overall operations of the Department since he/she will be responsible for attempting to see that all individuals who come to the station for assistance are serviced to their satisfaction.

3. He/she must also know and understand all police dispatching and emergency situation procedures in order to help ensure the safety of officers assigned to the field and of the general public.

B. GENERAL DUTIES AND RESPONSIBILITIES

1. Assist in a courteous and efficient manner all persons who come to the station on business or for service. This assistance shall include: accepting and recording crime complaints; providing copies of reports and records; directing visitors to the person or persons they wish to see and providing information to the public as requested and if possible, according to established procedures, entering towed vehicles into the computer system, releasing towed vehicles.

2. Take down all necessary information and make out all necessary reports on crimes and incidents which are telephoned in to the Department, and which do not require that a patrol officer be dispatched to the location or that the complainant come to the Station.

3. When necessary, in emergencies or periods of high workload, assist dispatch with calls for service and other patrol related functions.

4. Conduct all designated duties relating to the control of persons held in the holding facility in accordance with Department policies and procedures, including monitoring prisoners.

5. Fill all private details, when detail Sergeant is not available and all open shifts, in accordance with established Department procedures and any general or special orders.

6. The House Officer shall advise and update his/her relief of any pending police matters of importance or any other pertinent information before going off duty.

7. Fulfill any other duty or responsibility as assigned by the Chief of Police and / or that is mentioned or outlined in the Brookline Police Department Policies and Procedures manual or Rules and Regulations.

8. From Special Order 2004-10, the House Officer working the last ½ shift will inspect the Medical kits and AED kits located in the Public Safety Building (booking room, fitness room and front desk.

9. The House Officer is responsible for visitors to the Public Safety Building. The House Officer shall verify and identify all visitors. The visitor shall be logged into the visitor log and given a visitor pass which they will display on their persons. The House Officer shall contact the appropriate individual and direct the visitor to their location.

10. The House Officer or designee made by the Commanding Officer shall conduct all designated duties relating to the control of Persons held in the holding facility in accordance with the departmental policies and procedures including monitoring prisoners, which is every half hour unless otherwise directed by the Commanding Officer – Platoon on Duty. When the House Officer makes a physical check of a prisoner(s), the check shall be recorded by the use of a proximity card.

11. At the beginning of each shift, the House Officer shall conduct a security check including a check for weapons and contraband in the prisoner cells and the holding area. These checks shall be conducted regardless of whether or not a prisoner is currently being housed. These checks shall be recorded on the Cell Block Check Form. Any unusual conditions found or observed should be reported immediately in writing to the Commanding Officer – Platoon on Duty.

12. The House Officer shall be responsible for the receiving of packages. A log shall be kept that indicates the date and time the package was received, the House Officer shall sign that he or she received the package and contact the party the package is intended for. The person who picks up the package shall also sign off on when he or she received the package.

13. The House Officer, at the end of each tour of duty, shall print out the CAD activity report for the previous shift. This report should cover all calls with assigned case numbers.

14. The House Officer on the first half shift shall be responsible for assuring the Front door of the Public Safety Building is secured at 2300 hours.

15. Perform other duties as assigned by the Commanding Officer – Platoon on Duty or the Commanding Officer of the Patrol Division.

AUXILIARY POLICE OFFICER

A. SUMMARY

1. The Brookline Auxiliary Police are a trained group of volunteers who give of themselves to make Brookline a better place to live and work. Membership in the auxiliary requires a firm commitment to carry out assignments in a competent, timely, and professional manner. It is the policy of the Brookline Police Department to provide guidance to members of the Brookline Auxiliary Police through various policies, procedures, and regulations, which have been established to direct members in the performance of their duties and responsibilities. The purpose of the auxiliary police is to be prepared to assist the Brookline Police in the event of a civil or natural disaster, or in the event that additional personnel are needed by the Brookline Police to carry out their assigned duties.

B. GENERAL DUTIES AND RESPONSIBILITIES

1. Auxiliary officers are not sworn law enforcement officers and, absent activation under civil defense law, have absolutely no authority to issue citations, effect seizures, serve warrants and other criminal process, or make arrests.

2. Activation under civil defense law, Massachusetts Civil Defense Act, St. 1950, c.639, Section 11(a), is specifically conditioned upon the following statutory provisions.

   The auxiliaries must be on active duty.

   The auxiliaries must display an authorized badge or insignia.

   The situation for which the police chief calls the auxiliaries to duty must be one which, in his opinion, cannot be adequately handled by the regular police force.

3. Non-emergency auxiliary police activities, such as traffic control and assistance in the police station, are justified under the statute as the need for auxiliary police to be trained in police procedures and operations prior to the occurrence of a disaster or other emergency situation. Not being sworn officers, Auxiliary Officers have no authority to issue citations or effect arrests while conducting such training.

4. Auxiliary Officers shall abide by all applicable policies, procedures, rules, and regulations of the Brookline Police Department.

5. Subject to the approval of the Commanding Officer – Platoon on Duty, Auxiliary Officers may accompany Brookline Police Officers on "ride-along" for the purpose of training.

6. Auxiliary Police Officers shall obey, without reservation, the regulations of the department and all lawful commands of a superior officer including those commands relayed from a superior officer by an officer of the same or lesser rank.

7. All Brookline Police officers have a superior rank than any auxiliary police officer, and accordingly, Auxiliary Officers shall obey all lawful orders given by any Brookline Police officer.

8. Subject to the approval of the Chief of Police, qualified Auxiliary Officers may operate Brookline Police vehicles. Such vehicles shall be visible lettered with the words "Auxiliary". No Auxiliary Officer shall initiate, engage in, or participate in a vehicular pursuit. Absent extreme emergencies and exigent circumstances, or activation under civil defense law, emergency response (lights/siren) is not authorized and no Auxiliary Officer shall disregard or disobey any traffic control signal, sign, or device, or the law. Auxiliary Officers shall not initiate or affect a traffic stop.

9. The Police Chief shall appoint a ranking officer to act as a liaison between the Brookline Police Department and the Brookline Auxiliary Police. The liaison officer shall be the Auxiliary's primary conduit for orders, information, instructions, and requests.

10. Auxiliary Officer's may be authorized to carry OC Spray, batons, and other such authorized weapons, at the sole discretion of the Chief of Police, and only upon completion of the probationary period, the Reserve-Intermittent Police Academy, and a course of instruction on such weapons approved by the MPTC.

11. Auxiliary Officers, being non-sworn, are subject to the licensing requirements of state and federal law, and must have in effect a valid Massachusetts Drivers License.

12. Prior to attending uniformed status, Auxiliary Officers shall successfully complete the course of instruction and training as is required by the Massachusetts Police Training Committee (MPTC) for part-time or reserve police officers. This includes the Reserve-Intermittent Police Academy, and CPR, First Responder, and AED certifications.

    At minimum, Auxiliary Officers shall complete such annual in-service training as is required by the MPTC for part-time or reserve police officers.

13. Auxiliary officers shall wear uniforms which are clearly distinguishable from those of sworn Brookline Police Officers. (Light Blue Shirts, discernible auxiliary badges, and patches with a rocker clearly indicating "Auxiliary.")

14. Auxiliary Officers shall not use a badge other than on duty or special assignment. Falsely identifying one self as a police officer and the unauthorized possession of a police badge is a criminal offense.

15. Auxiliary Officer Identification Cards are to be used for official purposes, while on-duty.

CRIME SCENE UNIT SUPERVISOR

A. SUMMARY

The Crime Scene Unit Supervisor is responsible for overseeing the Department's Firearm Licensing, Evidence and Property detectives, latent evidence case management as well as maintaining the Sexual Offender Registry.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the Crime Scene Unit Supervisor

1. Process and interview applicants for licenses to carry firearms and firearms identification cards. This includes advising applicants of required documentation/information needed to complete the application process.

2. Ensure that AFIS checks are conducted on all applicants; fingerprint cards required on new applications.

3. Provide a list of LTC/FIC applicants to the Department of Mental Health on a regular basis.

4. Oversee applicants range qualification tests – one Saturday per month.

5. Conduct background investigation of LTC applicants and make recommendations to the Chief of Police regarding approval or denial of LTC applicants.

6. Approve FIC applications in MIRCS (MA Instant Records Check System) or recommend denials to Chief.

7. Work with Town Counsel's office on appeals of denied/revoked LTC's or FIC's.

8. Check MIRCS system on a daily basis for subsequent activity entries and make notifications when anyone with a LTC or FIC has activity in the WMS, BOP or RO files.

9. Maintain knowledge of firearms licensing laws and attend firearms licensing laws seminars/updates.

10. Investigate violations of firearms licensing laws and request BATFE traces as needed. This includes making notification to the Chief on revocations as needed and direct surrender of firearms when required.

11. Oversee Project Childsafe gun lock giveaway program.

12. Submit tally of LTC's/FIC's issued to DOJ's FIST Project every six months.

13. Contact person for the MA Sex Offender Registry Board and other Police Departments.

- **a.** Maintain knowledge of Sex Offender Registry laws/issues.
- **b.** Maintain SO files and Excel spreadsheet of sex offenders.
- **c.** Update department regularly on changes in sex offenders living or working in Brookline which includes conducting SO address verifications every 90 days.
- **d.** Register and interview sex offenders, create flyers and maintain SX files in LEAPS terminal.
- **e.** Investigate violations of Sexual Offender Registry Laws.
- **f.** Work with Community Service Division on community notification if Level 3 sex offenders living or working in Brookline.
- **g.** Ensure SO flyers are posted in Guard Room and Level 3 sex offenders flyers are posted in the lobby of the Police Station.
- **h.** Educate community on requesting information of Level 2 and 3 offenders living or working in Brookline.

14. Oversee the Evidence and Property detectives which includes:

- **a.** Log in/out and release evidence as needed.
- **b.** Conduct evidence room inspections on a quarterly basis.
- **c.** Assist with yearly drug destruction, under supervision of the Office of Professional Responsibility
- **d.** Ensure evidence rooms are ready for inspections, audits, and evaluations from the Office of Professional Responsibility and Accreditation officials.
- **e.** Monitor and account for the seizure of property or money according to M.G.L. 94c-S47 (property subject to forfeiture under the controlled substances act) and M.G.L. 276-s3 (disposition of property seized under a search warrant)

15. Submit latent case status report on a regular basis and ensure that latent case dispositions are entered into DCMS.

16. Investigate applicants for hawker and peddler licenses and door-to-door solicitor licenses.

17. Ensure that applicants for hawker and peddler licenses and door-to-door licenses are in compliance with Town of Brookline By-Law, Article 8.30 “Fingerprint-Based Criminal Background Checks” by submitting to fingerprinting by the Brookline Police Department within ten days of the date of application.

18. Conduct a thorough background investigation of applicants for hawker and peddler licenses and door-to-door licenses, including the utilization of the results from fingerprint based state and federal background checks.

19. Oversee Northeastern University Intern Program.

20. Administer Medical Kit Inspections on Sundays.

21. Perform other duties as assigned by the Chief of Police or Commanding Officer of the Detective Division.

BUSINESS MANAGER
Public Safety Business Office

SUMMARY

The Business Manager performs complex administrative supervisory and technical work in serving as the Financial Officer for the Public Safety Business Office (PSBO). Manages and directs all financial activities related to the daily business operations of the PSBO. Develops and implements all fiscal policies and procedures for the PSBO to ensure that all procurements, payroll and fiscal obligations are met and conducted in accordance with federal, state and local laws. Ensures the proper record management and maintenance of financial records, oversees all financial payments, controls expenditures of all public safety funds, and audits financial records and transactions. Oversees in a participatory manner duties and responsibilities which include, but are not limited to: Accounts Payable/Receivable; Budgetary Development, Monitoring and Analysis; Payroll; and Purchasing; performs all other related work as required.

SUPERVISION:

Exercises considerable independent judgment and initiative in the planning, administration and execution of the PSBO services, in the interpretation and application of laws, regulations and procedures, and in the direction of personnel. Works independently in formulating decisions regarding functional procedures, operations and plans. Works under the administrative direction of the Chief of Police and Fire Chief.

The Business Manager has direct supervisory responsibility for up to five full-time employees which includes reviewing employee's performance, and counsels and disciplines staff consistent with town polices.

RESPONSIBILITIES:

1. Plans, organizes, directs and manages fiscal activities of the public safety business office (PSBO); plans and organizes finance activities schedules.

2. Develops the police and fire budgets. Prepares budget requests; analyzes budget data for inconsistencies and/or errors; combines and consolidates budget requests on approval budget form for computer entry; enters budget information onto spreadsheets; reviews budgets with Police Chief and Fire Chief. Prepares monthly budget reports. Forecasts expected budget requirements; analyzes past and present expenditures to formulate forecasts for expected expenditures; discusses findings with management; makes suggestions and recommendations accordingly.

3. Monitors budget requests; review payment documents for accuracy and funding in accordance with approved budgets; analyzes financial and accounting reports for problems and advises supervisors and/or provides resolution. Prepares quarterly grant reports; provides oversight on the dissemination of grants via the public safety programs. Anticipates the need for budget transfers as part of the budget monitoring process; begins the process for budget transfer requests.

4. Responsible for adjustment of earning codes and leave records for both police officers officers and firefighters.

5. Responsible for the coordination of the payroll function. Provides guidance and assistance in a participatory manner in all payroll functions for public safety; verification and accuracy of entered data; verification and accuracy of leave records; input of payroll information into payroll system; input of specialty pay information to the computer system. Monitors payroll for compliance with all public safety contracts and all applicable Federal and State laws. Records all employee status changes which affect payroll. Manages the verification of public safety employment. Project public safety obligations required for payroll and monitor balances throughout the fiscal year to ensure that payroll obligations are met.

6. Conducts research and collects information regarding present and past expenditure patterns; utilizes information to forecast and regulate future spending: develops alternate approaches to forecasting and budgeting problems and procedures; discusses actual expenditures versus budget data with departmental supervisors as required.

7. Monitors personnel system as it relates to finance and maintains departmental position status for public safety. Reports overtime hours; inputs employee leave data into computerized databases; ensures accurate balances are maintained; distributes leave reports. Responsible for costing-out and implementing collective bargaining agreements.

8. Coordinates and supervises purchasing activities for public safety, including the creation/approval of requisitions for goods and services. Assists in the preparation of requests for Proposals and Invitations to Bid. Coordinates all purchasing efforts with the Town's Procurement Officer.

9. Manages accounts payable and accounts receivable functions for public safety operations. Oversees the payment of fire and police medical bills, general officer bills, and payment for police and fire details. Prepares insurance reports for injured-on-duty. Administers the burglar alarm billing, fire alarm billing and fire inspections billing. Prepares departmental collection reports, purchase orders, vouchers and other documents as required. Initiates and/or prepares payment documents; approves documents during absence of assigned supervisor; resolves issues and/or problems related to documents. Reviews accounts receivable reports; prepares listings for fiscal year end; performs basic accounts payable/accounts receivable functions as required.

10. Supervises and trains all PSBO staff; ensures that staff are cross-trained. Supervises, directs, and evaluates assigned staff, processing employee concerns and problems, directing work, counseling, disciplining, and reviewing employee performance.

11. Serves as the business finance liaison between public safety departments and other town department including, but not limited to, comptroller, finance director, town administrator, procurement, human resource and payroll.

12. Coordinates all public safety financial records. Develops new databases, spreadsheets, forms and other documents for task specific purposes as required; makes changes as appropriate.

13. Responsible for Enterprise Operations which includes a high degree of pre-audit and consulting responsibilities as well as responsibility for revenue collection and accounting function.

14. Attends meeting, seminars, workshops and other training classes as necessary to keep apprised of changes in legislation and/or current industry trends.

15. Composes, types and/or prepares various correspondence, letters, memoranda and specialized reports and documents for assigned department; reviews for accuracy and completeness; makes copies and files for departmental use and future reference.

16. Prepares a variety of financial reports or other related projects dealing with the fiscal stability of public safety operations.

17. Performs the duties of subordinate employees as required; performs similar or related work as required.

SECTION

III

POLICIES AND PROCEDURES

ORGANIZATION AND ADMINISTRATION

General Order Number: **1.1** ***Effective Date:*** **June 18, 2013**

The Brookline Police Department is structured into a series of organizational components that represent functional groupings of employees performing like activities. The organizational structure of the Department provides management with a means for assigning responsibility for performance of a group of functions to a single Supervisor or Manager, as well as letting employees know to whom they are accountable.

1. **TABLE OF ORGANIZATION:** The structure of the organization reflects management's mechanism for bringing together and coordinating resources to accomplish the Department's goals and objectives. The organizational structure of the Department can be expected to change as increases or decreases in resources occur, or when the priorities of the Department are altered.

The Department will establish a table of organization, which will be updated at least annually to reflect these changes. A copy will be maintained in this manual and will also be posted throughout the Public Safety Building

2. **RANKS.** The various ranks within the Police Department reflect the paramilitary nature of the organization. The overall head of the Department is the Chief of Police. In descending order, the ranks are as follows:

Chief of Police
Superintendent
Captain
Lieutenant
Sergeant
Police Officer/Detective
Probationary Police Officer
Student Officer

3. **DEFINITIONS:** Throughout the policy and procedures manual, a number of terms are used to describe positions and groups in the Department. The following is a list of the common terms used and the definition of those terms.

A. **CAPTAIN:** A Police Officer who has attained the highest supervisory rank.

B. **CHIEF OF POLICE:** The highest rank within the Department.

C. **CIVILIAN MEMBER:** An employee of the Department who is not sworn to perform the duties of a Police Officer.

D. **COMMANDING OFFICER:** A Police Officer assigned to command and direct any functional unit or subdivision of the Department, and responsible for its effective and efficient operation.

E. **DEPARTMENT:** The Brookline Police Department.

F. **SUPERINTENDENT:** A Superintendent of Police, the second highest rank in the Department. A Superintendent holds the statutory rank of Captain.

G. **COMMANDING OFFICER – PLATOON ON DUTY:** The Superior Officer assigned to Headquarters who is responsible for coordinating the activities of patrol personnel during a specific tour of duty.

H. **EMPLOYEE:** A member of the Department.

I. **INCIDENT COMMANDER:** The Police Officer in charge, and responsible for, any police action or operation.

J. **LIEUTENANT:** The first supervisory rank above a first line Supervisor (Sergeant).

K. **MEMBER:** An employee of the Department.

L. **PLATOON:** A group of Police Officers, on a shift, assigned to a particular Supervisor.

M. **POLICE OFFICER:** A sworn Member of the Department having the power and authority of a Police Officer, regardless of rank or assigned duties.

N. **SERGEANT:** The first line Supervisor in the rank structure.

O. **SHIFT:** A group of Police Officers comprising the work force of the Department for a particular tour of duty containing its own supervisory and Command Officers.

P. **SUPERIOR OFFICER:** An Officer above the rank of Police Officer.

4. **ORGANIZATIONAL STRUCTURE.** The executive head of the Department is the Chief of Police who supervises the Office of the Chief of Police as described below and oversees all of the organizational components and functions through his or her command staff. The Captains, each command a Division as listed below:

A. Patrol Division

B. Detective Division

C. Traffic / Service Division

D. Community Service Division

The functional responsibilities of the Office of the Chief of Police and the four (4) Divisions are listed below.

5. **OFFICE OF THE CHIEF OF POLICE.** The Chief of Police is responsible for the management, planning, direction and control of the Department. The Chief of Police shall report to the Selectman through the Town Administrator. Under the direction of the Chief of Police are the following:

A. **SUPERINTENDENT OF POLICE**

B. **BUSINESS OFFICE (CIVILIAN STAFF)**

C. **CRIME ANALYST**

D. **OFFICE OF PROFESSIONAL RESPONSIBILITY**

E. **TOWN COUNSEL LIAISON**

6. **PATROL DIVISION.** The Patrol Division is responsible for the field operations of the Department and allied functions (patrol and mobile operations) including special events, the anti-crime function. This Division is under the direction of a Captain and consists of the following:

A. **PATROL PLATOONS.** The Patrol Platoon consists of Police Officers and Supervisors assigned to staff the patrol sectors of the Department. Each platoon includes Police Officers assigned to the front desk and vehicle patrol and is divided into groups, each commanded by a Superior Officer. These platoons are under the direction of the Patrol Division Captain.

B. **DAY PATROL PLATOON.** This platoon is responsible for developing and implementing patrol plans for routine events on the day shifts. This platoon is also responsible for school coverage development and implementation. This platoon is also responsible for the management of the Department's holding facilities.

C. **FIRST / LAST HALF PLATOON.** This platoon is responsible for developing and implementing patrol plans for routine events on the first half and last half shifts. This platoon is also responsible for the management of the Department's holding facilities.

D. **WALK AND TALK**

E. **PATROL BICYCLE UNIT**

7. **TRAFFIC DIVISION:**

A. **MOBILE OPERATIONS PATROL FUNCTION.** In addition to regular patrol assignments, the Department's Motorcycle Police Officers are responsible for providing strategic patrols to deal with special situations and events.

B. **ACCIDENT RECONSTRUCTION.** The Accident Reconstructionist is responsible for providing accident reconstruction services for serious motor vehicle accidents. Other activities include aspects of accident/crime scene processing.

C. **DETAIL OFFICE.** This Office is responsible for overseeing all paid detail assignments.

8. **COMMUNITY SERVICE DIVISION.** The Community Service Division is responsible for coordinating all community outreach, including targeted programs (juvenile, employee, schools, community, partnerships, etc.). This Division is responsible for developing crime prevention and safety programs for adult and juvenile audiences.

A. **TRAINING DIVISION**

B. **A.W.A.R.E.**

C. **SAFETY OFFICER**

D. **HONOR GUARD**

9. DETECTIVE DIVISION. The Detective Division is responsible for ensuring the efficient management and performance of the Criminal Investigations, Major Cases and Court Case Management. Commanded by a Captain, the Detective Division consists of the following:

A. CRIMINAL INVESTIGATIONS

B. CRIMINAL INTELLIGENCE

C. IDENTIFICATION

D. JUVENILE/DOMESTIC VIOLENCE

E. COURT LIAISON OFFICER

F. PROPERTY/EVIDENCE OFFICER

10. RESPONSIBILITY/AUTHORITY. Members will be accountable to only one Supervisor at any given time. Members will be given commensurate authority to accomplish their responsibilities. Each member will be held accountable for the use of delegated authority. Supervisory personnel are accountable for the activities of members under their immediate supervision and control.

11. ORGANIZATIONAL CHART. (Attached)

12. GENERAL MANAGEMENT: The Brookline Police Department is a paramilitary organization. Its rank structure assigns certain responsibilities to rank and provides for a chain of command for direction, control and communication within the Department. Since not all ranks are on duty at any given time, an order of precedence has been established to allow for communication, direction and responsibility twenty-four (24) hours a day.

POLICY. It is the policy of the Brookline Police Department that the chain of command will be used in all internal communications and that the established order of command precedence will be adhered to.

It is the policy of the Department that employees will be accountable to only one supervisor at any given time, and that supervisors will be accountable for the performance of all employees under their control.

It is the policy of the Department that supervisors and all employees will be delegated authority commensurate with their responsibilities. Supervisors and employees will be responsible and accountable for their use of this delegated authority.

13. **DESIGNATION OF COMMAND DURING THE ABSENCE OF THE CHIEF OF POLICE.** In the event of the absence of the Chief of Police, the Superintendent will act in his/her capacity during the Chief's absence. The Superintendent will have the authority to carry out the day-to-day operations, and will have the authority to approve personnel actions such as appointments, promotions, salaries, etc. In the absence of the Chief of Police and Superintendent, such authority will be delegated to a Division Captain. The appointed individual will have the authority to carry out the day-to-day operations, however the authority is limited, and the appointed individual will not have the authority to approve personnel actions such as appointments, promotions, salaries, etc., unless that authority is specifically authorized in the written directive.

14. **COMMAND PROTOCOL IN ADMINISTRATIVE AND ROUTINE SITUATIONS.** In normal day-to-day agency operations, the following order of command protocol will be adhered to:

Chief of Police
Superintendent
Patrol Captain
Community Service Division Captain
Detective Division Captain
Traffic Division Captain
Lieutenant
Sergeant
Detective
Senior Police Officer

15. **COMMAND PROTOCOL IN FIELD SITUATIONS.** In situations involving field situations and/or personnel of different divisions involved in a single operation, the following order of command protocol will be adhered to:

Chief of Police
Superintendent
Patrol Captain
Community Service Division Captain
Detective Division Captain
Traffic Division Captain
Lieutenant
Sergeant
Detective
Senior Police Officer

In those exceptional situations, such as disasters, disturbances, hostage situations or the like, the highest-ranking officer on scene shall be designated as the incident commander and command protocol shall flow from that level.

16. **SENIORITY LIST.** Police Officers of the same rank will rank vis a vis each other in order of the Department's seniority list. This list will be established in the following order:

A. The date of appointment to the Brookline Police Department; and

B. The grade received from the academy.

In the absence of contrary orders and subject to the rules and procedures set out herein, the senior Police Officer of the highest grade who is present on duty, at any place or occasion, will command.

17. **ACCREDITATION:** A Lieutenant shall be designated by the Chief of Police as the Accreditation Officer for the Brookline Police Department. The Accreditation Officer is responsible for monitoring the Department's compliance with all mandated applicable accreditation standards. This includes a review of all proposed policies and procedures of the Brookline Police Department in terms of the standards. Periodic reports, reviews, and other activities mandated by applicable accreditation standards shall be forwarded to the Accreditation Officer as they come due. The Accreditation officer will provide the necessary instruction to acquaint those responsible for providing standard of proofs with an understanding of how the system works. The Accreditation Officer will identify and correct instances where a requirement was not met. Periodic reports/reviews will be placed in the department's accreditation files under the appropriate accreditation standards for those reports. It is the responsibility of the Accreditation Officer to designate a responsible person for the collection of assigned standards of proofs. The Accreditation Officer shall ensure that reports, reviews and other activities mandated by accreditation standards are accomplished.

The individual assigned to the position of Accreditation Manager shall receive specialized Accreditation Manager training within one year of being appointed.

ABSENTEEISM
SICK / INJURED

General Order Number: **2.1** ***Effective Date:*** **March 9, 2010**

POLICY:

Each member of the Brookline Police Department shall maintain an appropriate level of availability for work during the year. Public safety requires a team effort, and each member is a necessary member of that team. Unless members are available for duty, work cannot go on effectively or efficiently. Excessive absenteeism causes decreases in operational efficiency and unnecessary increases in operating expenses. Members who are excessively unavailable for work (regardless of cause) force others to carry their extra load, as well as tie up job opportunities and positions for more available personnel. Excessive and established absenteeism patterns shall be handled in a progressive disciplinary manner.

The department encourages and welcomes officers who are injured to return to duty on a light duty status. Every effort will be made to accommodate the officer's medical limitations and treatment/rehabilitation schedule while on this status. Officers on light duty status can still provide a valuable service to the department.

It shall be the policy of the Brookline Police Department to grant sick leave for members of the department for personal illness or physical incapacity of such an extent as to be rendered thereby unable to perform the duties of such member's present position.

It shall also be the policy of The Brookline Police Department to grant leave to members of the department who are injured in the line of duty, and they shall also receive compensation as provided in Mass. Gen. Law Chap 41, Sec. 111F.

PROCEDURES:

1. **SICK LEAVE**: Whenever a member of the department is unfit for duty by reason of sickness, sickness in family, or reporting back from either, they shall report the same to the Commanding Officer - Platoon on Duty or designee, as soon as possible preceding such tour of duty. Such notice should be given, if possible, not less than two hours before the starting time of the tour of duty.

A. Should the Commanding Officer - Platoon on Duty or designee not be available, the employee shall make every attempt to notify them.

B. The Commanding Officer - Platoon on Duty will record the same on the department computer system and the daily roll call.

C. The Chief of Police may require a doctor's certificate from an employee who is absent three or more consecutive days or whose pattern of absences of single days reasonably raises a suspicion of an abuse of sick leave. The doctor's certificate shall specifically state the nature of the illness, the time or times of the employee's consultation with the doctor and prognosis for his or her ability to return to work. The Town will reimburse the employee for any medical expenses (such as a co-payment) associated with his or her obtaining the doctor's certificate. If the employee fails to submit the certificate, the Town shall be entitled to refuse payment of sick leave and/or take such other disciplinary action as may reasonable under the circumstances. At all times the Town of Brookline's and/or the Chief of Police's actions shall be reasonable.

2. SUPERVISORY REVIEW – SICK LEAVE: Each supervisor shall consistently monitor the use of sick leave on the part of each officer who is under their direct supervision. This monitoring process shall be as follows:

A. Every month, or more often if necessary, Supervisors are to review the use of sick / sickness in family on the part of each officer who is assigned to them. Discussion are to take place, as necessary, as part of this monthly review.

B. Every four months, during the first week of each month, i.e. May, September, January, each Supervisor is to submit a written report to the next level in their chain of command identifying each officer assigned to them and outlining the officer's use of this type of sick leave. This report is to include officer's actual use of this leave, reasons for using this leave as well as any extenuating circumstances. Included in this report shall be any recommendations concerning the officer. The Supervisor shall keep a record of these reports in order that they be accessible at all times to all Supervisors. In the event that an officer is transferred to another division, the record of these reports would then be turned over to his/her new Supervisor. All written reports are to be forwarded to the respective Captain who is in charge of the division. Included in these reports are recommendations from each level of supervision within the division.

All sick certificates shall be submitted, reviewed and accounted for by the Platoon Lieutenant or the Senior Sergeant on duty if the Lieutenant is not available. These certificates will be forwarded to the Division Captains for their review no later than the first week of every month and then forwarded to the Superintendent for review no later than the second week of each month.

C. Each Captain shall meet with the Chief of Police or Superintendent on three occasions, at a minimum, each year to review the use of sick leave on the part of every police officer and police department civilian employee. These meetings shall take place during the second week of May, September and January to review the written reports of each officer's supervisor. These discussions may lead to one of the following steps:

1. Letter for perfect attendance for the previous one-year period;

2. Letter for excellent attendance (two days or less) for the previous one-year period;

3. Verbal warning;

4. Written warning;

5. Requirement to submit a Doctor's certificate upon return to work after each reported illness;

6. Requirement to continue submission of doctor's certificate;

7. Letter informing the officer they are no longer required to submit a doctor's certificate.

8. No action.

3. **INJURY LEAVE:** All injuries shall be reported immediately when known via a hard copy to the Chief of Police and/or Superintendent. The original of this report and all related reports shall be submitted to the Chief of Police. This shall include, but is not limited to, arrest reports, accident reports, witness statements including those of officers and supervisors, a doctor's diagnosis and relation to injury and, if possible, a medical treatment form filled out and signed by the treating doctor.

All members are advised to keep a copy of this injury report for their own records.

Medical care for members of the department who are injured in the line of duty shall be as follows:

A. Life threatening or severe injury should be handled by activating the EMS system immediately.

B. All other injuries / incidents are to be reported to the Occupational Health injury line at 617-730-2290 in order to receive immediate referral for medical evaluation and treatment of non-life threatening work related injuries. The Occupational health Nurse/Case Manager provides referral for medical evaluation and treatment. This call will also serve as the first report of injury.

C. Medical treatment and evaluation will be provided by the:

New England Baptist Hospital
Occupational Health Unit – Sixth Flr. – Converse Building
Boston, MA

Whenever possible, call 617-730-2118 prior to going to NEB.

D. The Occupational Health Nurse/Case Manager is to be notified of all incidents and injuries as soon as possible. This will ensure that the employee receives prompt and quality medical care, and that all legal reporting obligations are met.

E. All workplace incidents/injuries shall be reported to the injury line immediately. This shall be done by supervisory personnel and noted in their injury report.

F. In addition to the telephone report, the following must be completed:

1. An employees report of injury (special report)
2. A Supervisor's incident investigation (special report)
3. A Retirement Board Notice of Injury (form report)

G. The Commanding Officer or direct Supervisor of the injured employee should notify the Occupational Health Nurse/Case Manager to facilitate the referral, evaluation, treatment and coordination of medial care.

4. TREATMENT OF INJURED EMPLOYEES:

A. Employees injured in the line of duty and who cannot perform full duty because of such injury shall, to the extent possible, be assigned by the Chief of Police to perform duties in the department consistent with their physical condition provided that they are expected to return to full duty within a reasonable time. Although priority must be given to all line of duty injury cases under this section, the Chief of Police may thereafter consider employees injured off the job for assignment on a similar basis as employees injured in the line of duty.

B. For officers injured in the line of duty, medical determinations relative to an officer's return to full duty from injury leave status shall be made by the Town of Brookline Occupational Health Physician who shall consider the opinion of the officer's treating physician, provided the officer's treating physician renders an opinion for review in a timely fashion. If the Occupational Health Physician and the treating physician disagree, then the two physicians shall agree upon a third physician, who shall be board certified in the specialty most appropriate to the officer's injury, to render an opinion which the parties agree to accept. If the officer's treating physician fails to participate in the selection of a third physician within three (3) weeks of such a request, then the Town of Brookline may proceed on the basis of the Occupational Health Physician's selection of a third physician.

C. If an employee is placed on sick leave status and subsequently retires on a disability pension on the basis of a heart disability arising out of the circumstances requiring the use of such sick leave, the employee will then be credited with the amount of sick leave used prior to retirement for purposes of the sick leave reimbursement benefit in Section Nine (9) of Article VI of the labor

5. **RETURN TO WORK FOLLOWING INJURY / ILLNESS:** The Occupational Health Nurse/Case Manager is authorized to approve a return to work. The Occupational Health Nurse will communicate an approval to the Chief of Police or his or her designee, along with an interpretation of medical restriction if necessary.

   A. Prior to a return to work, medical clearance from the employee's treating physician, provided to the Occupational Health Nurse/Case Manager's review, is required in the following cases:

   1. After an absence due to a work related injury or illness.
   2. A change in work status: i.e. from full duty to out of work, modified duty to full duty, etc.
   3. After a prolonged illness or surgery and recuperation.
   4. Chronic illness.

   The Occupational Health Nurse/Case Manager will continue to follow the employee's progress upon return to work to ensure a safe transition.

6. **GENERAL:** Any employee reporting sick or injured shall not engage in any action/function that would tend to bring discredit to the department, or lend itself to public questioning of the apparent abuse of sick or injury leave privileges granted members of the department.

7. **MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH - UNPROTECTED EXPOSURE TRIP FORM DPH 3/89:** Any member who believes they have been exposed to a patient's blood or bodily fluids in the course of their duty should submit an injury report and a Department of Public Health Form 3/89 as outlined by procedures in Brookline Police Department Manual Chapter, **"INFECTIOUS DISEASES."**

ARREST

General Order Number: **3.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It shall be the policy of the Brookline Police Department to comply with all the provisions of the laws, ordinances, and court decisions consistent with arrest and accepted police procedures.

GENERAL CONSIDERATIONS AND GUIDELINES:

The power and authority to arrest and to deprive a person of liberty and freedom is one of the most sensitive duties of a police officer. Under the Fourth Amendment to the U.S. Constitution, all persons are entitled to be secure from arbitrary and unreasonable governmental intrusion. In recent years, the courts have shown an increasing concern for the protection of these personal rights. As an arrest constitutes a critical stage in the criminal process, the courts have indicated that an arrest with a valid warrant is to be preferred and that warrantless arrests are an exception to the general rule. Whenever there is sufficient time and opportunity to do so, a warrant should be obtained in advance of an arrest.

When persons are arrested and taken into police custody, their fundamental rights under the U.S. Constitution, the Massachusetts Declaration of Rights, and the General Laws of Massachusetts are immediately activated. All constitutional and statutory rights to which they are entitled must be provided to all arrested persons at the time of their arrest and immediately thereafter.

ARREST:

Every officer must also recognize that there is no such thing as a "routine arrest." Because of the unpredictability of human behavior, there is a potential element of danger in every arrest, and all officers must guard against this possibility. It has been said that no two arrests are exactly alike. The time of day, the offense involved, and the type of person being arrested accounts for some of these differences. Alcohol and drug use can exacerbate an arrest situation. Taking the mentally disturbed into custody can set up a tragic set of circumstances. Many police officers have been seriously injured in responding to domestic disputes where an arrest was necessary. Life-threatening struggles have resulted from what appeared to be a simple misdemeanor or a routine motor vehicle stop. As a fundamental guideline in making arrests, all officers should always be alert and should always anticipate the unexpected.

PROBABLE CAUSE:

In addition to having lawful authority, it is required under the Fourth Amendment that a police officer must have "probable cause" in order to make a valid arrest. Essentially, probable cause for arrest exists if the arresting officer, at the time of arrest, has reasonably trustworthy knowledge that is sufficient for a person of ordinary or reasonable caution and prudence to believe that a crime is occurring or has occurred, and that the person being arrested is committing or has committed the crime for which the arrest is being made. (Beck v. Ohio, 379 U.S. 89, 85 S.Ct. 223,13L.Ed2d 142 [1964]).

The information upon which an officer relies in making an arrest must be more than just rumor or mere suspicion, but it does not require sufficient evidence to justify a conviction (Comm. v. Stevens, 362 Mass. 24, 283 N.E. 2d 673 [1972]). It does require a reasonable, common sense approach by a police officer and an honest judgment based upon a combination of factors, any of which standing alone might not be enough to justify an arrest but which, if viewed as a whole, does constitute probable cause. The element of probable cause must exist at the time of arrest, and subsequent events or information acquired later cannot be used to justify the arrest.

Probable cause, therefore, is not a complex formula, which is understandable only to those with a legal background. It consists of personal knowledge and reasonable inferences drawn from practical police experience, or reliable information obtained from others, which causes a reasonably cautious police officer to believe that it is more likely than not that a crime has been committed and that the person being arrested has committed the crime. In the case of Brinegar v. U.S., 338 U.S. 160, 69 S.Ct. 1302,93 L.Ed.2d 1879 (1949), the Supreme Court said, "In dealing with probable cause, as the very name implies, we deal with probabilities. These are not technical; they are the factual and practical considerations of every day life on which reasonable and prudent men, not legal technicians, act."

ARRESTS IN GENERAL:

1. **WITH A WARRANT:** An arrest warrant is an order in writing, issued by an authorized court official, directed to officers authorized to serve criminal process and commanding them to arrest the person named or described therein and to bring such person before the court to answer to a charge of crime. An arrest warrant issued pursuant to a complaint must be founded upon probable cause supported by oath or affirmation but is not necessary to recite the facts that constitute probable cause in the complaint (Comm. v. Baldassini, 357 Mass. 670, 260 N.E. 2d 150 [1970]).

   A duly authorized police officer may make a lawful arrest with a warrant if any of the following conditions are met:

   A. **WARRANT IN POSSESSION:** Where the officer possesses a valid arrest warrant (Mass. Gen. Law, Chap 276, Sec. 23).

B. **KNOWLEDGE OF WARRANT:** Where the officer making the arrest and detention has actual knowledge that a warrant then in full force and effect for the arrest of such person has in fact been issued (M.R. Crim. P. 6(b) (3): Mass. Gen. Law, Chap 276, Sec. 23).

When the officer's knowledge of the existence of a warrant is based on a computer query and verification, not in the warrant management system, no arrest shall be made until the Commanding Officer - Platoon on Duty verifies the warrant by telephone with the department holding the warrant. If the warrant is in possession of said department, the Commanding Officer - Platoon on Duty shall request that department to immediately send a copy of the warrant via facsimile.

When this facsimile is received, it shall be attached to the booking slip and remain a part of the arrest report.

NO ARREST BASED ON A COMPUTER RESPONSE NOT IN THE WARRANT MANAGEMENT SYSTEM SHALL BE MADE PRIOR TO THE TELEPHONE VERIFICATION OF ITS EXISTENCE.

C. **WARRANTS ENTERED THROUGH THE WARRANT MANAGEMENT SYSTEM:** All warrants appearing in the warrant management system shall be accessible through the criminal justice information system, maintained by the Criminal History Systems Board. The warrant shall consist of sufficient information electronically appearing in the warrant management system, and a printout of the electronic warrant from the criminal justice information system shall constitute a true copy of the warrant. This applies only to Court Entered warrants in the Warrant Management System. The traditional "paper warrants" shall be handled as in B above (Mass. Gen. Law, Chap. 276 Sec. 23A).

Confirmation of a Warrant Management System warrant shall be made prior to arrest. (For example, A Brookline officer obtains a Warrant Management System Warrant at 4 p.m. At 8 p.m. the officer locates the wanted person. Even though the officer has the Warrant Management System teletype in his or her possession, it is conceivable this person could have been arrested on that same warrant some time between 4 p.m. and 8 p.m.)

2. **WITHOUT A WARRANT:** An officer in their own jurisdiction may make an arrest without a warrant for a felony if the officer has probable cause to believe the person to be arrested committed or is committing a felony. An officer may also, without a warrant, arrest for a misdemeanor, which constitutes a breach of the peace, or for a misdemeanor where warrantless arrest is allowed by statute.

Whenever police effect a warrantless arrest of a subject, it must be followed by a judicial determination of probable cause within twenty-four hours of the arrest, including weekends and holidays, based on explicit oath or affirmation of the arresting officer, or

based on the officer's police report (Jenkins v. Chief Justice of The District Court, 416 Mass. 221 [1993]).

Where it appears an arrested person may be in custody for more than a twenty-four hour period, the Commanding Officer - Platoon on Duty shall contact the "on call" bail commissioner within the twenty-four hour period in an attempt to obtain a judicial determination of probable cause.

A. EXTRA JURISDICTIONAL WARRANTLESS ARREST: A police officer may make an arrest outside their municipal jurisdiction in any of the three following situations:

1. FRESH AND CONTINUED PURSUIT: An officer may "on fresh and continued pursuit" pursue and arrest an offender in any city or town in Massachusetts if:

a. The offense is one for which a warrantless arrest is authorized; and

b. The offense was committed in the officer's jurisdiction (city or town).

2. MUTUAL AID: Pursuant to Chapter 212 of the Acts of 1998:

A duly sworn officer of the Town of Brookline, who is authorized to exercise police powers within said town, may exercise all such police powers within 500 yards into the corporate limits of the City of Boston and the City of Newton, as if such officer were a duly sworn officer of said cities.

A duly sworn officer of the City of Boston, who is authorized to exercise police powers within said city, may exercise all such police powers within 500 yards into the corporate limits of the Town of Brookline and the City of Newton, as if such officer were a duly sworn officer of said cities.

A duly sworn officer of the City of Newton, who is authorized to exercise police powers within said city, may exercise all such police powers within 500 yards into the corporate limits of the Town of Brookline and the City of Boston, as if such officer were a duly sworn officer of said cities.

3. FELONY ARREST: Pursuant to Mass. Gen. Law, Chap. 41, Sec. 98A, an officer may "on fresh pursuit" pursue and arrest a person who has committed a felony in Massachusetts, and may pursue and arrest such person in any other state if that state has in force similar interstate felony fresh pursuit laws.

a. In addition, whenever possible, an officer may make a valid warrantless felony arrest based on probable cause outside their jurisdiction. It, however, shall be the policy of the Brookline Police Department to have the foreign jurisdiction police agency effect the arrest based on the probable cause of the investigating Brookline officer.

b. The foreign jurisdiction police agency shall then formally book the arrested person to properly document the arrest. Subsequent to booking, with the permission of the foreign jurisdiction Commanding Officer - Platoon on Duty, the arrested person shall be transported to the Brookline Police Department, booked, processed, and placed in a holding cell (Mass. Gen. Law, Chap. 276, Sec. 10A-10D [New York and all New England states have such laws]).

B. **TRANSFERRED AUTHORITY:** A Brookline police officer may make a valid motor vehicle stop or a stop of a person outside their jurisdiction upon the request or authorization of that jurisdiction's police department, provided the Brookline officer has reasonable suspicion that the person being stopped is, has, or is about to commit a crime. The Brookline police officer's police power is limited in making the stop in order to search for weapons. It is up to the foreign jurisdiction's police agency to conduct any investigation and make any arrest (Commonwealth v. Morrissey, 422 Mass. 1 [1996], Mass. Gen. Law, Chap. 37 Sec. 13, & Mass. Gen. Law, Chap. 268 Sec. 24).

C. With regard to making a warrantless arrest in a dwelling, police should first determine whether a warrantless entry and arrest is allowed by law. Generally, no arrest warrant (or search warrant) is required to arrest a person who is in public (U.S. v. Watson, 423 U.S. 411, 96 S.Ct. 820 [1976]). However, with regard to making entry into and arrest in a dwelling, the following standards apply:

1. If the arrest pursuit was set in motion in public, the officer may make a hot pursuit warrantless entry into a private dwelling if the suspect runs into the dwelling, (U.S. v. Santana, 427 U.Ss. 38,96 S.Ct. 2406 [1976]).

2. If police seek to arrest a person in that person's own dwelling, they may do so:

a. If lawful consent to enter is granted; or

b. If exigent circumstances are present which excuse the failure to obtain an arrest warrant.

Otherwise, they must obtain an arrest warrant (Peyton v. New York, 445 U.S. 573, 100 S.Ct. 1371 [1980]).

3. If police seek to arrest a person in someone else's dwelling, they may do so:

a. If lawful consent to enter is granted; or
b. If exigent circumstances are present which excuse the failure to obtain a search warrant.

Otherwise, they must obtain a search warrant (Steagald v. U.S. 204, 101 S.Ct. 1642 [1981]).

4. In assessing whether there are sufficient exigent circumstances present to excuse the failure to obtain a warrant before entering a dwelling to make an arrest, police should consider the following factors:

a. Whether the crime was one of violence;

b. Whether the suspect is armed;

c. Whether there is clear demonstration of probable cause to arrest;

d. Whether there is strong reason to believe the suspect is in the dwelling;

e. The likelihood that the suspect would escape if not apprehended immediately;

f. Whether entry can be made peaceably;

g. Whether the entry would be in the nighttime (or could be made in the daytime when clerks and magistrates are more readily available)
(Comm. v. Forde, 367 Mass. 798, 329 N.E.2d 717 [1975]).

In addition to the factors set forth immediately above, police must also consider the seriousness of the crime. Generally, a warrantless entry into and arrest in a dwelling cannot be justified by the exigent circumstances doctrine if the crime is a minor or non-serious one (Welsh v. Wisconsin, 104 S.Ct. 2091[1984]: warrantless nighttime entry into defendant's home held unlawful where offense was a non-bailable offense punishable only by a small monetary fine).

D. For a felony committed in the officer's presence or on probable cause that a felony has been committed (Comm. v. Phelps, 209 Mass. 396, 95 N.E. 868 [1911]; Comm. v. Mitchell, 353 Mass. 426, 233 N.E. 2d 205 [1967]).

E. For a misdemeanor committed in the officer's presence and causing or threatening to cause a breach of the peace which is continuing or only briefly interrupted (Comm. v. Gorman, 288 Mass. 294, 192 N.E. 618 [1934]).

F. For a misdemeanor not amounting to a breach of the peace committed in the officer's presence when such arrest is authorized by statute (Comm. v. Wright, 158 Mass. 149, N.E. 82 [1893]).

G. For certain misdemeanors for which arrest is allowed even though such misdemeanors were not committed in the officer's presence.

NOTE: A felony is any crime punishable by death or imprisonment in the state prison; all other crimes are misdemeanors (Mass. Gen. Law, Chap. 274, Sec. 1). A breach of peace may be defined as "a violation of public order or decorum which disturbs the public peace and tranquility; or any act of disorderly conduct which disrupts the public peace."

3. POLICE DISCRETION TO ARREST:

Although police officers must always be guided by the intent and purpose of the law, there are limited circumstances in the discretion of the officer involved when the public interest could be better served by not making an arrest, even though there is legal justification for such action. Such circumstances could include, but are not limited to, the following:

A. When the arrest could aggravate community conflict or possibly precipitate a serious disorder.

B. When there is greater priority to respond to a more serious crime or to an urgent public emergency.

C. In neighborhood quarrels, noisy parties, landlord-tenant problems, and minor disturbances of the peace where no serious crime has been committed and the officer can successfully act as a mediator.

D. In minor juvenile offenses where a warning and a talk with the parents can avoid a court appearance.

E. In other minor offenses where a summons can effectively accomplish the intended purpose.

4. PROCEDURES:

A. An arrest should never be made to show authority or to vent personal feelings:

1. The attitude of the offender should not be the determining factor in making an arrest;

2. Verbal abuse alone is not justification for an arrest;

3. An arrest should not be used to resolve a problem when other options are available.

4. Whenever practicable, arrests should be made with a warrant.

5. Prior to serving an arrest warrant, an officer should examine it carefully to determine:

a. Whether it has been issued by a court of competent jurisdiction and authority;

b. Whether the officer is authorized to serve it;

c. Whether it clearly names or describes the offense for which the arrest is to be made;

d. What the officer's powers are under it;

e. That it names or describes the party to be arrested;

f. That the seal of the court is either printed or embossed upon the warrant, except Warrant Management System warrants which will not have seals.

5. Other than constitutional safeguards, the other major constraint on the power of arrest is jurisdictional. Generally, the power to arrest ceases at the boundaries of the officer's city or town, although, there are four instances in which an officer may make "extra-territorial" arrests; that is, arrests outside the limits of his or her city or town (these are discussed earlier in this policy and procedure statement). It should also be noted that although an arrest warrant can be executed anywhere in Massachusetts, generally it is to be executed by an officer of the city or town where the arrest is to be made.

6. Elements of an arrest consist of the following:

A. An intention on the part of the police officer to make an arrest;

B. The knowledge and understanding of that intent must be communicated to the person to be arrested;

C. Either a physical seizure or submission to the officer by the arrested person.

7. Probable cause to make an arrest is always an overriding consideration for every police officer. Whether or not an arrest is based on probable cause will depend on a variety of factors, and unless the offense is committed in the officer's presence, usually no single fact alone is controlling.

Of great importance, therefore, is the totality of circumstances surrounding the arrest. Each officer should be aware of the type of circumstances, which have been looked to in establishing probable cause:

A. Direct observations of the police officer;

B. Knowledge of the prior criminal record or activity of the person arrested;

C. Flight accompanied by other factors;

D. Evasive answers and/or conflicting stories;

E. Time of day or night;

F. History of criminal activity in the particular area;

G. Experience of the officer.

8. At the time of arrest, unnecessary conversation should be avoided and any orders or statements to the person(s) arrested should be clear and brief.

9. Arresting officers should not act in a careless or routine manner, but should take all necessary steps to ensure their own personal safety and that of the public, and to secure ***any*** evidence. Such steps shall include, but are not limited to:

A. Obtaining assistance when necessary whether before or after the arrest; this is particularly advisable when:

1. There is more than one person to be arrested;

2. A dangerous crime is involved, usually a felony of a serious nature;

3. Prior experience has shown the need for assistance in particular situations.

B. Searching for and seizing any instruments capable of inflicting serious bodily injury or causing death, and evidence of any crime;

C. Making a search of the area within the immediate reach and control of the person(s) arrested for weapons or destructible evidence (Chimel v. California, 395 U.S. 752, 89 S.Ct. 2034, 23 L. Ed.2d 685 [1969]);

D. Keeping the person(s) arrested in front of the officers at all times. If more than one officer is present, the additional officer shall never pass or position himself between the arresting officer and the person arrested.

10. Force should only be used when there is resistance or reasonable certainty of resistance. The amount of force shall be restricted to that which is reasonable, necessary, and proper for the safe custody of the arrestee, or for overcoming any resistance that may be offered. An arrestee has no right to resist arrest, lawful or unlawful, by a police officer, unless the officer uses excessive force (Comm. v. Moreira, 447 N.E.2d 1224 [1983]).

11. Once an arrest is made, it is the responsibility of the arresting officer or officers to ensure that arrestees do not injure themselves or others, and that they do not escape or dispose of evidence.

12. Persons arrested shall be given the MIRANDA WARNINGS prior to interrogation (Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 2d 694 [1966]).

A. The warnings are as follows:

1. I advise you that you have the right to remain silent;

2. I advise you that if you choose to speak, anything you say may be used against you;

3. I advise you that you have a right to have an attorney present while being questioned;

4. I advise you that if you cannot afford counsel, an attorney will be provided for you at the Commonwealths expense.

B. The warning should be read from a card or other permanent record, to ensure that none are omitted. This procedure is beneficial for other reasons:

1. The card itself can later be introduced into evidence;

2. Officers have tangible proof that they have not relied solely on memory.

C. No questioning of arrested persons shall take place until these warnings have been given. However, officers must note that the Miranda Warnings are aimed at

"custodial interrogation." Custodial interrogation means questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his or her freedom of action in any significant way. Therefore, if suspects freely choose to divulge information without questioning, there is no violation of rights simply because they were not given these warnings. There is no requirement that an officer prevent suspects from continuing to talk and, whenever statements are made voluntarily and without compulsion, such statements shall be noted and incorporated as part of their official report. However, if an officer wishes to gain further information through questioning, the warnings shall be given before pursuing the matter further.

Officers must keep in mind the Rosario Decision (Comm. v Rosario Mass. 422, 48 [1996], which is the six hour "Safe Harbor" rule and effects the questioning of a person in custody.

13. The person(s) arrested shall be handcuffed and promptly and safely transported to the police station in accordance with departmental procedures to include fingerprinting and photographing (see Departmental Policy and Procedures: Transportation of Prisoners).

14. Arresting officers will make a full and complete report of any arrests made, with or without warrants, in accordance with standard department practices and procedures.

15. It shall be the responsibility of the arresting officer to make criminal complaint applications against any person arrested. Complaint applications shall be made out as soon after the arrest as possible, and in any case shall be made out prior to arraignment. In situations where there is no arrest but a summons is to be issued, it shall be the responsibility of the investigating officer to seek such criminal complaint.

16. **MILITARY PERSONNEL:** In the event of the arrest and custody of a member of the Armed Forces, in cases of crimes which carry a jail sentence, or group arrests of military personnel concerned in disturbances, etc., the Commanding Officer - Platoon on Duty shall notify the following:

Hanscom Air Force Base, Security Police Desk Sergeant, twenty-four hours a day.

The above office will handle all arrests for ALL MILITARY PERSONNEL. The above office should be notified of all military personnel arrested as described above, or AWOL, etc., provided; however, such arrest is not for a minor crime or protective custody for incapacitated person, etc. Commanding Officers - Platoon on Duty must follow the normal booking procedures for military persons under arrest.

CIVIL RIGHTS

***General Order Number:* 4.1** ***Effective Date:* June 18, 2013**

POLICY:

It is the policy of the Brookline Police Department to ensure that the civil rights of all persons are protected against interference by acts or threats of violence. This department recognizes the serious impact of such crimes and their intimidating effect on victims, other members of the victim's racial, ethnic, or religious group, and the community as a whole.

The investigation of such crimes is considered a critically important matter. Members of this department are expected to take immediate action to identify the perpetrators, fully report the incident, and request complaints when appropriate. This will enable the department to maintain community stability and confidence in the rule of law and reduce the potential for serious violence.

DEFINITION:

CIVIL RIGHTS VIOLENCE: An incidence of "civil rights violence" will include all incidents where there is a violation of the following:

Mass. Gen. Law, Chap. 265, Sec. 37 (Massachusetts Civil Rights Act);

Mass. Gen. Law, Chap. 265, Sec. 39 (Racial and Ethnic Intimidation Act);

Mass. Gen. Law, Chap. 266, Sec. 127-A (Defacing or Destroying Religious Facility);

OR

Evidence that the incident or injury occurred because of race, color, religion, national origin, ethnic group, ancestry, gender identity or sexual orientation.

PROCEDURES:

1. **RESPONSE:** Responding officers shall take steps to control the situation and, if appropriate, arrest persons who have committed an offense for which an arrest may be made without a warrant. In all cases of arrest, complaint applications shall be made by arresting officers. If a summons is requested, the reporting officer shall make the appropriate complaint applications.

2. **INVESTIGATION:** The investigation by the responding officers shall include taking complete victim and witness statements, documenting as precisely as possible all words spoken by the perpetrator(s) to the victim or others. Phrases such as "racial slurs," etc., are not appropriate; **the exact words spoken must be reported.** Officers shall ascertain whether the victim has been subject to any similar incidents or whether the perpetrator has acted similarly in the past. Any physical evidence of the perpetrator's motivation (such as ethnic graffiti or symbols) should be photographed before removal. The victim should be treated with sensitivity, informed of further investigatory efforts, and assured of prompt police response in the event of further incidents.

3. **REPORTS:** Reports of responding officers shall include a notation that there has been either a possible or determined violation of civil rights. This notation shall be included in the body of the report, plus if an arrest has been made for a civil rights violation. In those cases where an officer is unsure whether or not a civil rights violation has occurred, they shall note the possibility of such in the body of the report and request review by the department's Detective Division. All reports concerning this subject matter shall be kept confidential. Investigative reports shall be forwarded to the Detective Division, for determination of further investigation and/or charges to be sought. A copy of the investigative report shall be forwarded to the District Attorney of Norfolk County, when appropriate, from the Office of the Chief of Police.

4. **FOLLOW-UP INVESTIGATIONS:** Follow-up investigations shall be conducted by the Detective Division. The victim(s) shall be promptly advised of the results of the investigation and the prosecution. If a civil injunction appears to be appropriate in the circumstances, the Chief of Police, or their designee, shall consult with the Civil Rights Division of the Department of the Attorney General of Massachusetts.

5. **PUBLIC INFORMATION:** Public information shall originate from the Chief of Police, or their designee, and they shall be the sole public spokespersons for the department regarding investigation of civil rights violations. As appropriate, civic, community, and religious leaders will also be informed.

6. **TRAINING:** Patrol officers and supervisory personnel shall receive training on the subject of civil rights violations as part of the department's training program.

7. **PROHIBITION AGAINST DISCRIMINATORY PRACTICES:** The Brookline Police Department shall adhere to the highest standards of conduct in the enforcement of applicable laws and strictly prohibits any enforcement action based solely on an individual's race, ethnicity, age, gender, sexual orientation, religion, economic status, cultural group, or any other identifiable group.

PROCEDURE:

A. No officer shall affect the traffic stop, field interview, asset forfeiture, or seizure effort of any person when such action is based solely on race, ethnicity, age,

gender, sexual orientation, religion, economic status, cultural group, or other identifiable group affiliation.

B. All personnel of the Brookline Police Department will afford every citizen the highest level of courtesy and respect during all interactions.

C. All complaints alleging discriminatory practices will be fully investigated pursuant to the Brookline Police Department Citizen Complaint Procedures.

D. Personnel aware of violations of these procedures shall immediately report the inappropriate conduct through the chain of command.

E. All complainants alleging discriminatory practices will be afforded the opportunity to utilize the services of the Board of Selectmen upon conclusion of the investigation.

F. The Office of Professional Responsibility will be notified of any complaint of discriminatory practices and coordinate the investigation in accordance with the Citizen Complaint Procedures.

G. The Brookline Police Department maintains a zero-tolerance stance regarding discrimination in any form, including bias-based profiling, and is committed to the adoption of operating systems that ensure equal treatment for all citizens.

H. An analysis of complaints received alleging discriminatory practices will be conducted and if necessary, affirmative steps will be initiated to address any behavior or perceptions not consistent with this policy including additional training, counseling, or disciplinary action.

CRIMINAL INVESTIGATIONS

General Order Number: **5.1** ***Effective Date:*** **June 18, 2013**

POLICY:

It shall be the policy of the Brookline Police Department to conduct criminal investigations for the purpose of clearing crimes by arrest and/or complaint; to prosecute lawbreakers; and to recover stolen property.

Whenever members of this department conduct an investigation, which requires the interrogation of a suspect, or an interview, connected therewith, all constitutional and statutory rights guaranteed under the law shall be afforded to the individual.

The Brookline Police Department will ensure that there is a screening of all reported offenses to assure adequate follow-up investigation whenever appropriate.

PROCEDURES:

1. UNIFORM PATROL OFFICERS CONDUCT PRELIMINARY INVESTIGATIONS: Most preliminary investigations will be conducted by members of the patrol force since they are usually the first to arrive at the scene and can start the investigation without delay. Patrol Officers should pursue the initial investigation at the scene until such time that it seems unlikely to produce additional benefits.

It may frequently be possible and desirable for patrol officers to conduct limited follow-up investigations of some crimes. Many times the name of a perpetrator may be known and an interrogation, while the incident is still fresh and before evidence of a crime can be destroyed, may be advantageous. Minor larcenies and assaults, and other misdemeanors not requiring specialized expertise, are examples of crimes that may be followed up by preliminary investigating officers.

A. GUIDELINES FOR CONDUCTING PRELIMINARY INVESTIGATIONS: All officers assigned to conduct a preliminary investigation shall make every effort to obtain as much information as possible during this stage of the investigation. It will frequently be possible to bring an investigation to a satisfactory conclusion at this point, thus obviating the need for a follow-up investigation.

The first officer assigned to a preliminary investigation shall:

1. Ascertain if the suspect is still in area and armed;
2. Proceed to the scene promptly and safely;
3. Render assistance to the injured;
4. Effect the arrest of the criminal;
5. Locate and identify witnesses;
6. Interview the complainant and witness;
7. Maintain crime scene and protect the evidence;
8. Interrogate the suspect;
9. Note all conditions, events, and remarks;
10. Arrange for the collection of evidence;
11. Report the incident fully and accurately;
12. Yield the responsibility to the follow-up investigator.

B. **SERIOUS OR COMPLEX INVESTIGATIONS:** Serious or complex preliminary investigations requiring special handling shall be assigned to investigative personnel when delay will not hamper the investigation. On such occasions, the uniformed officers should protect the scene from contamination and request a detective at once. It should be recognized that exceptions should be made when it is advantageous to have detectives respond initially. When determining whether or not to conduct a follow-up investigation, the officer shall consult with a patrol supervisor who shall consider the following circumstances:

1. Seriousness of the crime;

2. Whether delay will make the investigation more difficult;

3. Workload of the shift on duty; and

4. Number of personnel presently on duty.

C. **CRIMINAL INVESTIGATION PROCEDURES:** Whenever practicable, members of the department shall follow the below listed procedures when investigating a crime committed, or an incident which has taken place requiring police action:

1. **INFORMATION DEVELOPMENT:** The primary purpose of a preliminary or follow-up criminal investigation is to identify and arrest the offender, when appropriate and consistent with law. This is usually accomplished by the gathering of information. Information may be obtained from physical evidence as well as from people or testimonial evidence. Both sources should be used. An investigating officer should always conduct an investigation within the bounds of the law and with all

due respect to the persons and the property with whom they come in contact.

Investigating officers shall maintain a notebook and, at a minimum, take the following information:

a. Time of assignment/arrival;
b. Weather conditions, when pertinent to the investigation;
c. Approximate time of crime, and by whom and when it was discovered;
d. Identity of other officers present;
e. Name, address, telephone numbers of the victim(s) and/or witnesses;
f. Hour, date, and location of the interview;
g. Description of the suspect, particularly unusual characteristics;
h. Brief statements as to what a witness saw or heard;
i. Important measurements and a crime scene sketch, when warranted;
j. List of property and valuables taken or destroyed, if known;
k. Any other information the officer believes may be useful in apprehending the criminal.

2. **MAJOR CRIME OCCURRENCES:** Patrol Officers responding to a major crime occurrence shall immediately notify the Patrol Supervisor, who shall inform the Commanding Officer - Platoon on Duty, who shall notify necessary investigative personnel.

In the event that there are no detectives on duty, the Commanding Officer - Platoon on Duty shall contact the Captain of the Detective Division, or their designee, who shall determine what, if any, detectives shall be assigned to the crime scene.

In all circumstances when the detectives are needed, the Captain of the Detective Division, or their designee, shall be notified.

3. **SUDDEN DEATH OR HOMICIDE:** In cases of suspicious sudden death or homicide, the Commanding Officer shall notify the Captain of the Detective Division. The detective division shall make notification to the Office of the District Attorney, and the Office of the Medical Examiner. In some instances a family member may request a member of the clergy or a particular funeral home. Every effort should be made to accommodate this request.

4. **RAPE AND SEX-RELATED CRIMES:** In cases of rape and sex-related crimes, the Captain of the Detective Division, or their designee shall be notified, and shall make the decision what member(s) of the Detective

Division if any shall be notified, and under what circumstances they will be assigned to the case in accordance with established procedures.

5. VICE, DRUGS AND ORGANIZED CRIME COMPLAINTS

a. Receipt:

1. All drug, organized crime and vice complaints received by members of the department shall be documented and submitted to the Detective Division.

b. Processing:

1. The Commanding Officer- Platoon on Duty at the time the complaint is received shall make a determination as to the most effective preliminary action to be taken.

2. Such action could include, but not be limited to, immediate action if appropriate, referral to the Detective Division, or notification of outside law enforcement agencies. When in doubt as to the most appropriate action to take, the Detective Division Supervisor in charge should be consulted prior to action being taken.

c. Recording:

1. A record should be kept of all information conveyed to and received from outside agencies.

2. The Chief of Police, or his or her designee, shall be briefed by the Detective Supervisor in charge of all active investigations.

2. CASE MANAGEMENT AND CONTROLS: Case file management is known as the Detective Case Management System, (DCMS), in the Brookline Police Larimore computer system. A Detective Supervisor with the rank of Sergeant or above shall enter all criminal cases into the DCMS.

Each step in every investigation shall be recorded in the DCMS with a brief explanation of the work performed so that these records can be accessed by other Detectives and Detective Supervisors to assist and monitor a specific crime or to review for methods of operation or patterns of crimes. On rare occasions, access to the DCMS records can be limited if the investigation is confidential and such limited access is approved by the Commanding Officer-Detective Division, Superintendent, or Chief of Police. Detectives should keep the DCMS current so that other investigators can review and share information that is current and accurate and in order to prevent duplication of effort.

All victim and witness contacts and attempts to contact should be noted in the DCMS, as should the collection of evidence and crime scene processing. It is also important to document dates and times of contacts with others involved in the case such as Assistant District Attorneys, the State Crime Lab, and suspects. Attempts to contact the aforementioned people should also be noted in the DCMS.

All cases regardless of status are maintained in the DCMS within the Department's Larimore System and the Technology Division maintain these records.

A. **ASSIGNING OF CASE INVESTIGATIONS:** Cases are assigned to Detectives based on their specialization of certain crimes, similar cases being investigated by a particular Detective, and availability and even distribution of the investigative workload. In some instances, more than one Detective may be assigned to a case depending on their specialization, technical ability, or specific knowledge of a case or suspect. A Detective Supervisor may be assigned as an investigator depending on the number of Detectives assigned, complexity of the case, and the Supervisor's specific knowledge or specialization of a certain crime.

B. **CASE STATUS:** After a review of the DCMS by an assigned Detective and Supervisor, the status of a case can be changed depending on the outcome of an investigation. The status of each case can be chosen from the menu in the DCMS. Menu options including: Cleared Arrest, Cleared Court Action, and Cleared Referral shall include a written explanation in the narrative section to include who was arrested, what court action was taken (i.e. Summons or Clerk's Hearing), and to what agency the referral was made.

The following categories shall be used to classify case status:

1. **OPEN/ ACTIVE:** Shall indicate that the case is assigned to a detective and that investigative efforts are active.

2. **SUSPENDED**: Shall indicate that all available leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed. A case that has been classified as Suspended may be re-classified as Open/ Active if new information is obtained.

3. **CLOSED**: Shall indicate the case has been satisfactorily concluded, and did not the requirements to be classified in any other category.

4. **UNFOUNDED:** A case that is categorized as Unfounded shall include within the narrative section the basis for this classification.

C. CRITERIA FOR SUSPENDING INVESTIGATIVE EFFORTS: A designation of suspended shall not be made without an evaluation by the case officer of the following:

1. Absence of further leads or solvability factors.
2. Unavailability of investigative resources.
3. Negative interviews with victims/witnesses.
4. Inconclusive physical evidence found at the scene of the crime/incident.
5. The exhaustion of all other information sources.
6. The degree of seriousness of the offense/incident.

In all cases, the case officer shall have the approval of a superior officer of the Detective Division, prior to the suspension of investigative efforts.

D. CRIME VICTIM NOTIFICATION OF STATUS: It shall be the responsibility of the assigned investigator to personally notify the victim of a crime of any changes in the status of a case. An official notification shall be made in person, by mail, or by telephone within one week. The notification to the victim shall be made whenever the case changes from OPEN to SUSPENDED or CLOSED. Adequate explanation of the reason for the change shall be made to the victim by the assigned investigator. The investigator making the victim contact shall note this on their report.

E. CASE FILE MAINTENANCE: All investigative case files shall be maintained in the Detective Division by the case officer. The assigned case number shall be the incident number assigned to the file at the time it is originated. The case file shall contain, but not be limited to, copies of preliminary investigation reports; statements of victims/witnesses and perpetrators; examination results; photos; status reports; all other records needed for investigative purposes. These files shall not be made public in accordance with Brookline Police Department Regulations.

Confidential cases involving rape and sexual assaults shall be maintained in a secure location. All other cases, when closed or suspended, shall be periodically consolidated into the central records system.

F. INVESTIGATIVE CASE CONTROL SYSTEM: The Captain of the Detective Division shall maintain, or cause to be maintained, a recorded case status control system. The information contained therein shall include the case number, the subject matter, the investigator assigned, and the administrative designation of the case, as required.

G. CASE-SCREENING SYSTEM/SOLVABILITY FACTORS: Cases to be followed up will be determined by the Captain of the Detective Division, or their designee, who shall base such determination on factors such as past experience and research of our own department, as well as degree of seriousness and solvability factors.

H. **CASE PROGRESS REPORTING:** Investigators will periodically report the progress of investigations assigned to them to the Captain of the Detective Division, or their designee. Such reports shall be made at least once each week, and more frequently if necessary. It shall be the responsibility of such superior officer to determine if additional resources shall be expended in the investigation of such cases.

3. **FOLLOW-UP INVESTIGATIONS:** Follow-up investigations are usually the result of the report review process. The criteria used to determine if a follow-up investigation will be conducted includes, but is not limited to, the nature and seriousness of the offense, solvability factors, and the availability of department resources.

It shall be the responsibility of the Captain of the Detective Division, or their designee, to determine how many investigators are assigned to any particular investigation, and how many hours are expended thereon.

Renewable resources, such as photographic supplies, fingerprint equipment, videotapes, and other equipment and supplies, may be used during the course of the investigation at the discretion of the individual investigator. Such use, however, shall be periodically monitored by the Captain of the Detective Division, or their designee.

A. **PRINCIPAL INVESTIGATOR:** Any superior officer of the Detective Division who assigns a follow-up case for investigation shall designate one particular investigator as the Principal Investigator/Case Officer. The pertinent information on the case, along with the Principal Investigator's name, shall then be entered into the report. This procedure will provide for appropriate accountability for each case.

B. **GUIDELINES FOR CONDUCTING FOLLOW-UP INVESTIGATIONS:** The following listed procedures should be used as a guide when conducting follow-up investigations. Investigators shall conduct as thorough an investigation as possible, including as many of the following steps as appropriate, although all of the steps may not be necessary in every investigation:

1. Review and analyze all previous reports prepared in the preliminary phase;

2. Conduct additional interviews with victims, witnesses, reporting parties, and preliminary investigating officers, if necessary;

3. Conduct interrogations of all suspects;

4. Review departmental records for incidents of a similar nature for the purpose of developing a suspect;

5. Review results from laboratory examinations;

6. Seek additional information from informants, or from officers from this and neighboring police agencies;

7. Plan, organize, and conduct crime scene searches for the purposes of gathering additional physical evidence;

8. Check criminal records of potential suspects;

9. Identify and apprehend suspects;

10. Interview apprehended suspects in order to determine involvement in, and clearance of, other crimes;

11. Arrange for dissemination of pertinent information obtained to other components and agencies, as appropriate;

12. Assist department prosecutors and/or Assistant District Attorneys in preparing cases for court prosecution;

13. Assist in prosecution of cases in District or Superior Court.

C. **SECOND CONTACT/VICTIMS, WITNESSES, COMPLAINANTS:** Investigators shall maintain a policy of a "second contact" with principals involved in a case requiring a follow-up investigation whenever possible. The contact should be timely to ensure the building of public confidence in the department, as well as indicating a genuine concern about the welfare of the victim and others involved in the case. This procedure may result in the receipt of information leading to the clearance in a case.

D. **INVESTIGATIVE TASK FORCES:** Whenever it is necessary to form a task force to deal with a particular crime, type of crime, or series of incidents, The Captain of the Detective Division shall determine, based upon the circumstances, if any task force will be required and notification will be made to the Chief of Police.

These procedures will apply for multi-jurisdiction task forces as well.

An exception to this procedure shall be whenever the assignment of personnel to a task force is of a confidential nature.

E. **INVESTIGATIONS OUTSIDE OF JURISDICTION:** At times, it will be necessary for police officers to conduct investigations outside of their jurisdictional boundaries. When doing so, officers must follow the rules and regulations and policies and procedures of the department. They must also act

in compliance with established case law.

F. BACKGROUND INVESTIGATIONS: Background investigations may be used for either criminal investigations, police or fire applicants or licensing purposes. Investigations of this nature shall be conducted discretely and with special precautions.

The use of information and the purging of records shall be the responsibility of the Chief of Police or their designee, unless the background check was made as a result of the request of another licensing agency, i.e.: Firearms, Traffic, Patrol Division, etc.

The use of information obtained shall be limited to legitimate law enforcement functions, and shall only be disseminated on a need-to-know basis within the department. Approval for dissemination of background investigation information to an agency outside the police department shall be obtained from the Chief of Police, or their designee. Upon conclusion of an investigation, only that information specific to a criminal case shall be kept, and such information will be maintained in a secure fashion.

4. INTERVIEWS/INTERROGATIONS:

A. INTERROGATIONS: All officers shall strictly adhere to the policy of the department prior to any interrogation of suspects. Miranda warnings shall be given in an unhurried manner to assure that the suspect has heard and understood what constitutional and statutory rights he or she is entitled to. Miranda warnings shall be read from an approved Miranda Card or from a Brookline Police Department Miranda Form. A suspect who requests the aid or presence of an attorney shall not be questioned until the attorney is present, regardless of when the request is made. A suspect's right to summon, meet with, or speak to his or her attorney shall not be delayed or denied.

It should be remembered that a waiver of Miranda warnings may be suppressed because of language understanding difficulties, youthful age of the suspect, mental condition, drug or alcohol consumption by the suspect, wounds, shock or other medical impairment, and the lack of a clear, understanding, intelligent, and competent waiver.

No coercion, threats, or promises shall be used under any condition to obtain a confession, statement, or admission from any individual.

Voluntary statements may be taken by the officer after a valid waiver of Miranda warnings, or whenever a voluntary statement is made when the Miranda warnings are not a prerequisite for admissibility in court.

When a suspect voluntarily makes a statement, officers do not have to prevent him or her from continuing to talk. Voluntary statements:

1. Are those not made in response to questioning by an officer;

2. Are statements made by a suspect of his or her own free will;

3. May be taken after a suspect is in custody and before or after actual interrogation, so long as the statements are clearly voluntary.

B. RECORDING INTERVIEWS: The Brookline Police Department is initiating the following procedures to follow the guidance of Commonwealth vs. DiGiambattista to make certain that the details contained within a confession or admission can be verified as accurate. All custodial interrogations will be recorded when practicable, with the suspect's knowledge. This policy covers interrogations which are custodial or may be deemed custodial. The use of the interview room/recorder may be used to document any other interview such as that of a victim, fresh complaint witness or witness, when appropriate to preserve statements to further any investigation.

1. Interrogations outside Brookline Police Station: Interrogations that take place outside of the Brookline Police Station where no recording device is in place, will utilize a portable video recorder. These recorders are available in the Commanding Officer's Office and in the Detective Division. Situations where these recorders may be needed are if the suspect is at the hospital, another police station or House of Correction. The recording should commence with the interviewer stating the date, time and place of the interrogation, advising all parties present the intention to electronically record all conversation and reading the suspect his/her Miranda rights from an approved rights form. Have the suspect also sign the form. You may then commence interrogation. All conversation should be recorded; any break in the interrogation should be explained on the tape. At the conclusion of the interview and your return to the station, submit the video recorder and Miranda form into evidence per departmental evidence policy. This includes initiating a report or supplemental report documenting the interview and accounting for the recorder in the evidence portion of the report and submission into an evidence locker.

The evidence officer will on receipt of the video recorder, have it downloaded by the ID Detective. The recording will be downloaded to a hard drive and burned to a DVD. This DVD will remain in evidence until it is requested for court. Any request for copies will be made to the evidence officer. If the suspect refuses to be recorded while interviewed, please fill out the ELECTRONIC RECORDING-REFUSAL FORM, read

it to the suspect and have the suspect sign the form. Submit the refusal form into evidence per departmental evidence policy.

2. Interrogations at Brookline Police Station: Interrogations that take place at the Brookline Police Station will utilize the third floor interview room which has been equipped with a video/audio recording system. Detectives and Patrol Supervisors are to be trained in the use of the video/audio recording system. Patrol Supervisors will directly supervise and participate in any custodial interrogation conducted by a patrol officer. Detectives shall make every effort to have at least two officers' present in the interview room while interviewing a suspect. The second officer if not involved in the interview/interrogation should be able to observe the interview/interrogation from outside the room and be able to summon further assistance if he/she and the primary officer is not able to control any situation that may arise Assistance may be summoned by activating the "Officer Needs Help" feature on their assigned portable radio. All officers' weapons shall be secured in the evidence lockers prior to the interview. No weapons should be present in the interview room during a custodial interview. This rule of no weapons includes law enforcement personnel from other departments including local, state and federal agencies. No items that can be used as a weapon, other than writing instruments shall be kept in the interview room. Writing material, tables and chairs should be the only items in the interview room.

At the start of any interrogation, the interviewer will place a new DVD into the DVD recorder. The on screen display will show a user name drop down box, the interviewer will select their name and enter their password to log on to the system. Click on the RECORD button to begin the session. The computer will prompt you to start the DVD recorder and click OK. At this time, you will enter the subject's name and a required case number in the box that is titled description. Click OK and when the image of the room appears, the recording has started. The interviewer should then enter the interview room.

The recording should commence with the interviewer stating the date, time and place of the interrogation, advising all parties present the intention to electronically record all conversation, identifying all parties present including the suspect and reading the suspect his or her Miranda rights from an approved rights form. Have the suspect sign the form. You may then commence the interrogation. All conversation should be recorded; any break in the questioning should be explained on the recording. At the conclusion of the interview, click close and the computer will prompt you to stop the DVD recorder. Submit the DVD and Miranda rights form into evidence per departmental evidence policy. This includes initiating a report or supplemental report documenting

the interview and accounting for the DVD in the evidence portion of the report and submission into an evidence locker.

The evidence officer will mark the DVD with the subject's name and case number and finalize the DVD and mark the DVD as such with the date. This finalized DVD will remain in evidence until it is requested by the court. Working copies of an interview or interrogation session will be made from the system's computer file.

If the suspect refuses to be recorded while interviewed, please fill out the ELECTRONIC RECORDING-REFUSAL FORM and read it to the suspect and have the suspect sign the form. Submit refusal form into evidence per departmental policy.

C. INTERVIEW TECHNIQUES: To promote the success of the interview, the investigator should remember that peculiar characteristics of witnesses may affect their statements (for example: hysteria, belligerence, evasiveness, age, etc.), and that the officer's own demeanor - the use of tact, patience, reassurance, etc. - is very important. When conducting an interview or an interrogation, officers shall do so in an area in which distractions are limited or eliminated. Officers of the Detective Division shall utilize an interview room located within the Detective Division, whenever practical. The following minimum standards for interviewing will be maintained:

1. Questions should be simple and in plain language.
2. Only one question at a time should be asked.
3. Avoid questions that imply an answer.
4. Avoid sarcasm, rudeness, or antagonism.
5. Avoid interruptions.

D. COMFORTS: The interview room should have reasonable access to restrooms and water provided upon request. The subject shall be afforded reasonable comfort breaks if the interview is extensive in time. Officers shall take into consideration security risk in granting a comfort break and take precautions during such breaks.

E. RIGHT TO COUNSEL: When a suspect is in custody and is being interviewed or is about to be interviewed, and an attorney calls to inform investigators that he or she represents the suspect and wants to speak with the suspect, the Brookline Police Department has an obligation to transmit that message. The attorney shall be connected immediately with someone who has access to those conducting the interrogation or interview.

This obligation exists even when the suspect has been informed of his or her Miranda rights and agreed to talk to police without an attorney present, and when

the suspect does not know that an attorney has been appointed or retained on his or her behalf.

If the attorney asks that a message be passed on to the suspect, questioning must stop and officers shall comply with the attorney's request. The message need not be transmitted verbatim, but the substance must be transmitted to the suspect.

If, after receiving the message, the suspect invokes his or her right to silence, or to counsel, officers must stop the interrogation. If on the other hand, the suspect chooses to continue the interview, it may proceed.

Officers shall make a record of their communication of an attorney's message to a suspect. Where the interview is being recorded, the officers' relaying of the message and the suspect's decision to continue or terminate the interview shall be captured on the tape.

If the suspect has declined to allow the interview to be recorded, a written record shall be made, reflecting the time the questioning was suspended and what information was relayed to the suspect. It must also show whether the suspect decided to invoke his or her right to silence or to counsel, or whether he or she affirmed that he or she wished to continue the interview without counsel.

5. TECHNICAL AIDS FOR THE DETECTION OF DECEPTION: Technical aids for the detection of deception may be used in an investigation if appropriate. The Brookline Police Department will seek assistance from other law enforcement agencies that have detection of deception devices, and investigators trained and certified for operation of such devices as necessary. No unauthorized personnel shall be allowed to use such technical aids for investigations.

6. INTERVIEWING WITNESSES:

A. Witnesses should be interviewed as soon as possible after the incident under investigation.

1. An officer should not hesitate to instruct a witness to remain at the scene until interviewed.

2. It is important at the onset to obtain the names, addresses, and telephone numbers of all persons present. This will ensure that they can be located during any follow-up investigation. Record the place, time, and date of the interview.

3. As soon as possible, witnesses should be separated to ensure independent statements.

4. It should be carefully noted that eyewitness identification is not considered the most reliable form of evidence and will be closely scrutinized by the court. Mistaken identifications are not uncommon occurrences.

Eyewitness identifications must be made under strict legal requirements and must avoid any suggestiveness by the police on impressionable witnesses.

5. An officer interviewing a victim or witness should immediately identify themselves or show their credentials if they are not in uniform.

6. Considerations should be given to the physical and emotional needs of witnesses.

a. Calm the excited and emotionally upset witness (if necessary, delay the interview until the witness has regained composure).

b. Create a favorable atmosphere for the witness to talk freely.

c. Conduct the interview in a quiet area, if available.

d. Maintain privacy to the greatest degree possible.

e. Do not distract the witness or interrupt his or her story unnecessarily.

f. Only one officer should conduct the interview. Any other officers present should remain inconspicuous and not interfere with the interview.

7. The immediate objective of the interviewing officer should be to establish a cooperative relationship. To this objective, an officer should:

a. Display a sincere interest;

b. Be patient and tactful;

c. Be respectful;

d. Control personal feelings;

e. Provide reassurance; and

f. Encourage an untalkative witness by asking appropriate questions.

8. Encourage witnesses to give a full description of everything that occurred with a minimum of interruption.

a. At times it may be necessary to ask a question or to make a brief comment in order to keep a witness talking or to keep the interview confined to the subject under investigation.

b. When the conversation lags or stops, be patient and wait for the witness to volunteer additional information.

c. Do not take anything for granted and do not jump to conclusions.

d. Listen for and note any obvious omissions or gaps in the statements made by a witness, or for any conflicting or inconsistent statements.

e. Note any extreme nervousness or unusual behavior on the part of a witness, or for any unguarded or spontaneous remarks made by a witness.

f. Do not exhibit surprise or dismay at anything said by a witness.

9. Withhold any direct questioning until after the witnesses have given a complete account; then ask specific questions to clarify earlier statements or to fill in any omissions.

a. Questions should be clear, definite, and in plain language.

b. Ask only one question at a time, and wait for a complete reply.

c. Avoid leading questions that imply or suggest a particular answer.

d. Avoid rapid-fire questions that can confuse or bewilder the witness.

e. Avoid questions that can be answered by "yes" or "no," which limit response.

f. Do not ask questions in a critical or derisive manner, which could deter previously cooperative witnesses.

g. Do not correct the grammar or the language of the witness, which could cause resentment.

h. Do not permit your own emotions, attitude, or opinions to distract the witnesses or to interfere with your evaluation of their response to your questions.

10. It is important to not only listen to what is said but also to know how it is said. Emotional outbursts and inflections of the voice may give a clue to sensitive areas of the interview. Sudden silence, uncertainty or confusion, or the shifting of conversation to an unrelated subject may indicate that information is being withheld. Nervous bodily reaction or facial characteristics may also signal a sensitive area has been reached. By noting these things, an officer will know what portions of the statements may require further probing or clarification.

11. Interviews should be ended in a courteous manner. Do not terminate the interview abruptly or dismiss the witness in a curt manner. This helps to assure further cooperation, particularly if the witnesses may be needed to testify at a later date.

a. Summarize what has been covered. Ask the witnesses if there is anything they wish to add or emphasize.

b. Thank them for their cooperation.

c. Impress upon them the value of their service.

d. Inform the witness that it is very important to contact police if the witness recalls or uncovers additional information about the crime or criminal at a later time.

e. Inform the victim or witness of the phone number and location of any victim/witness assistance program or similar programs available.

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f. Where appropriate, inform the victim or witness of the phone number and location of the District Attorney's Office, especially if the victim or witness has questions of a legal nature.

g. Where appropriate, inform the witness that it is a criminal offense for anyone to threaten or intimidate the witness into altering or changing their testimony or not to testify. If anyone attempts to do so, the witness should be told to contact the police immediately.

7. REPORT WRITING:

1. Notes should be taken, but this should be accomplished in a manner that does not interrupt the interviewing process. Some witnesses are reluctant to talk if they

notice that the officer is taking down every word that they say. Brief notes can be made without deterring or distracting witnesses. However, if a statement appears highly informative due to its nature and content, a verbatim account should be recorded. If possible, have a witness sign these statements. Signatures should also be dated, and the time and place of the statement should be noted.

2. All information obtained from witnesses should be passed on to the follow-up investigator.

3. All pertinent data should be included in the officer's official report and submitted in accordance with departmental practice and procedures.

4. If a tape recorder is available and it is advisable to do so, officers may tape-record. However, before any oral or telephone interview with any witness is tape-recorded, the witness must be told that the conversation will be recorded and their consent elicited. If an interview with a witness. (See section above regarding recording interviews via electronic recording and Special Order 2005-19) any legal or other questions arise pertaining to the tape-recording of an interview with a witness, consult with the District Attorney's Office. The existence of any tape-recorded interview shall be noted in the officer's report, and the prosecutor handling the case should be promptly notified.

8. **COURT PROSECUTION:** The ultimate goal when an investigation is conducted is to identify, arrest, or bring into court by means of a complaint, and assist in the successful prosecution of, the offender in a court of law.

All suspects who are arrested by members of this department shall be arraigned as soon as is reasonably possible following arrest.

A. **COURT DISMISSALS:** In the event that any action is dismissed in court, or the prosecutor declines to prosecute because of alleged mishandling by a Brookline Police Officer, the Court Prosecutor shall review the case and take immediate corrective action by personally speaking to the officer involved and submitting a memo to the officer’s Division Captain . If the Court Prosecutor is satisfied that the officer understands their error and that it will not be repeated, this action will be sufficient.

In the event that the Court Prosecutor feels that further action is necessary, they shall refer the matter to the officer’s Division Captain.

The officer’s Division Captain shall take whatever action they feel is necessary to correct the situation, including but not limited to:

1. Personally speaking to the officer;

2. Having the officer's immediate supervisor speak with them; or

3. Referring the matter to the Training Division for remedial action.

In the event that the particular division captain feels that the error has resulted from a fault in the policies and procedures of the Brookline Police Department, they shall refer the matter to the Chief of Police for appropriate police revisions. **(Intentional, clear inability by the officer to perform the job, shall refer the matter to the Chief of Police).**

B. **HABITUAL/SERIOUS OFFENDERS:** In order to be more effective and efficient in the prosecution of habitual and serious offenders, the Court Prosecutor will use the following criteria:

HABITUAL OFFENDER: For the purpose of this procedure, a habitual offender shall be defined as anyone twice convicted of a crime and sentenced and committed to prison, in this or another state, or once in this state and once in another state, for terms of not less than three years each, and does not show that they have been pardoned for either crime on the grounds that they were innocent, shall, upon conviction of a felony, be considered a habitual offender.

1. Those individuals charged with:

a. Crimes of violence;
b. Serious repeat offenders;
c. Crimes posing the greatest threat to the public;
d. Motor vehicle offenses that pose a threat to the public, and fall under Mass. Gen. Law, Chap. 90, Sec. 22F;

will be identified and designated as habitual or serious offenders.

2. It will be the responsibility of all officers to inform the department Court Prosecutor if they know or have reason to believe an individual is a habitual offender. It will especially be the responsibility of the department Court Prosecutor to check with the probation department on the status of the offender and take appropriate action, such as obtaining complaints and/or having citations written that are warranted, and notifying the District Attorney of the offender's status.

DEPARTMENT VEHICLES

***General Order Number:* 6.0** ***Effective Date:* November 25, 2008**

POLICY:

All Brookline Police Department personnel who operate department motor vehicles will comply with safe driving procedures herein, with particular attention paid to procedures for responding to calls for police service or engaging in pursuits. Emergency warning lights and siren shall be used in a manner consistent with safe performance of the police function and the safety of the public and police personnel.

Police vehicles are conspicuous symbols of authority on the streets, and the actions of police drivers are observed by many. This places the responsibility on each police driver to set a visible example of good driving behavior and habits.

Chapter 89, Section 7-B, of the Massachusetts General Laws:

" The driver of a vehicle of a fire, police, or recognized protective department, and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance, or bylaw relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a police or a recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection."

"The driver of any such approaching emergency vehicle shall comply with the provisions of Mass. Gen. Law, Chap. 90, Sec 14, when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing."

PROCEDURES:

1. **SAFE DRIVING OF POLICE VEHICLES**: The driver of any department vehicle shall operate said vehicle in a reasonable and safe manner, exercising due caution and judgment. They shall operate the department vehicle in compliance with the motor vehicle laws and traffic regulations of the Commonwealth.

WHEN IN AN ACTUAL PURSUIT OR WHEN RESPONDING TO AN EMERGENCY, THEY SHALL STRICTLY ADHERE TO THE DRIVING PROCEDURES ESTABLISHED FOR THE OPERATION OF EMERGENCY VEHICLES, MASSACHUSETTS GENERAL LAW, CHAPTER 89, SECTION 7B.

2. **LICENSE REQUIREMENTS**: No person shall operate a department vehicle of any kind unless they have a valid license to operate such vehicle.

3. **AUTHORITY TO OPERATE**: No person shall operate a department vehicle without receiving orders or permission from a superior officer authorized to give such orders or permission.

4. **PASSENGERS:** No person shall be permitted to be an occupant or to ride as a passenger in a department vehicle, except when necessary for the performance of a proper police duty, unless otherwise authorized by the Chief of Police or their designee.

5. **SEATBELTS - POLICE OFFICERS: All officers are encouraged to wear seatbelts at all times.** The use of seatbelts can have a significant effect in reducing the number of deaths and the severity of injuries resulting from motor vehicle accidents. Seatbelts also assist officers in maintaining proper control of their vehicles during pursuit or emergency high speed operations. In addition, officers using seatbelts during the deployment of the air bag in a collision will be held in a position to receive maximum protection. All officers using department vehicles are encouraged to use occupant safety restraining devices (safety seatbelts) during emergency responses, during pursuits, and when their speed exceeds the normal speed limit, for all but for the briefest of times.

6. **SEATBELTS - CIVILIANS:** In all cases, civilian passengers must wear safety seatbelts when riding and/or a passenger in a department vehicle.

7. **SICK AND INJURED PERSONS:** Sick and injured persons are to be transported by ambulance. Police officers are first responders in many instances, and as such will provide what assistance they can to sick or injured persons until the ambulance arrives.

8. **RESPONSIBILITY FOR VEHICLE**: Any member of the department who is assigned as the operator of a department vehicle, shall be responsible for the instant serviceability of the vehicle assigned to their use.

Officers who operate police vehicles shall at the beginning of their tour of duty inspect the vehicle assigned to them. Failure to inspect the condition of the vehicle upon receipt by the member shall be regarded as neglect of duty. Superior Officers shall periodically spot check vehicles.

Officers who operate vehicles are to search their assigned vehicle at the beginning of the tour of duty for the presence of weapons, contraband, or other items, such as evidence. All officers shall conduct a similar search before and after transporting prisoners.

9. **CLEANLINESS OF VEHICLES**: All members of the department shall keep the interiors of department vehicles clean of litter. Any member who is assigned to a vehicle that they find to be littered shall notify their superior officer.

10. **OXYGEN KITS:** Whenever a member assigned to a department vehicle finds the oxygen cylinder has dropped below 500 pounds of pressure, the officer shall then exchange the empty cylinder for a full one. The empty cylinder shall then be tagged as empty and left in the cylinder cart.

11. **PLACING OF ARTICLES IN TRUNKS**: No member of the department is to place any article in the trunk of a department vehicle that may cause damage to radio equipment, electrical wiring, or other authorized equipment. When in doubt, officers should request permission from a superior officer before transporting items in the trunk. Articles that might cause damage if placed in the trunk should be transported by wagon.

12. **JUMP STARTING ANOTHER VEHICLE**: No department vehicle shall be used for "jump starting" a vehicle.

13. **TOWING OF DEPARTMENT VEHICLES**: Towing of department vehicles shall be done only by towing facilities provided by the department, unless otherwise decided by the Commanding Officer - Platoon on Duty.

14. **OPERATING DEPARTMENT VEHICLE WITH A FLAT TIRE OR MECHANICAL DEFECT**: No member shall operate a department vehicle with a flat tire or an apparent mechanical defect. In the event a department vehicle sustains a flat tire, the operator of the vehicle shall notify the proper personnel. If necessary, the spare from another vehicle may be used. Officers shall note that a flat has been sustained on the Patrol Activity Card, and shall also note the vehicle from which a spare was taken. Any mechanical defects shall be noted on the “cruiser problem sheet” form and submitted to the Traffic Division.

15. **OPERATING DEPARTMENT VEHICLE WITH SERIOUS MECHANICAL DEFECT**. Officers shall immediately notify a superior officer upon discovery of a mechanical defect which would affect the safe operation of the vehicle or could lead to vehicle damage. A superior officer, upon receipt of such notification, shall remove the vehicle from service for evaluation and repair, if necessary.

16. **UNATTENDED POLICE VEHICLES**:

    A. The operator of a department vehicle shall lock the ignition and remove the keys from their vehicle upon leaving the vehicle.

    B. When leaving a department vehicle unattended for more than a brief period, the doors of such vehicle shall be locked.

C. In responding to a call where the reasonable potential for arrest exists, the rear doors of marked cruisers may be left unlocked.

17. **SECURING VEHICLE AT END OF TOUR OF DUTY**: At the end of their tour of duty, officers are to make certain that their vehicles are locked, windows rolled up, and lights, radio and ignition are turned off.

18. **ACCIDENTS INVOLVING DEPARTMENT VEHICLES**: All accidents involving department vehicles shall be investigated by a superior officer. The following procedures shall be followed by all officers.

A. Immediately contact the Dispatcher, who shall assign a superior officer to the accident scene.

B. Do not move vehicles prior to the arrival of the superior officer if personal injury or substantial property damage has occurred.

C. Request appropriate assistance (Ambulance, Fire, etc.).

D. Assist the injured.

E. Cooperate and assist in the investigation as requested by a superior officer.

F. The investigating officer shall conduct a thorough investigation of the accident and shall:

1. Obtain photographs of the vehicles involved and the scene.
2. Issue citations.

G. The officer operating the department vehicle shall submit a complete report to their Commanding Officer, who shall forward this report to the Chief of Police.

H. The superior officer assigned shall submit a report to their Commanding Officer. They shall set forth their findings and recommendations relative to the responsibility or negligence on the part of the operator(s).

I. The department vehicle shall be removed from service and taken to the DPW fleet maintenance facility to be checked out by the DPW. Fleet Maintenance personnel must clear the vehicle in order for it to be placed back into service.

19. **USE OF SIRENS AND BLUE LIGHTS**: Officers operating department vehicles are to activate sirens and blue lights as necessary and appropriate. Officers are to exercise good judgment in the use of sirens when approaching nursing facilities and hospitals, having regard for established quiet zones.

20. **PUBLIC ADDRESS SYSTEMS**: All vehicles have a public address system capability which may be used to broadcast emergency messages or to hear radio transmissions while out of the vehicle for an extended period. Care must be taken that appropriate volume levels are maintained.

21. **ALLEY LIGHTS AND SPOT LIGHTS**: All marked cruisers are equipped with spot lights and alley lights. Officers are to use these lights as appropriate, but in doing so must make certain that their use does not create a hazard by blinding or interfering with the vision of operators of approaching vehicles.

22. **HAZARDOUS WARNING LIGHTS (EMERGENCY FLASHERS)**: When stopping a cruiser in a potentially hazardous location, operators are to activate their emergency flashers and any other lights necessary to maximize the vehicle's visibility.

23. **RESPONSE TO CALLS FOR SERVICE**: **A response level is inappropriate when the response itself creates a greater danger to the safety of the community than the situation being responded to.** The purpose of the following procedures is to provide guidelines for the evaluation of the urgency of a police response to a given situation. While these policies and procedures are designed to guide an officer in the manner in which they will respond to a call, it also serves as a guide for the dispatcher when assigning calls and response priorities. For the purpose of this policy, consistent with the law, the prioritization levels shall be defined as follows:

A. **LEVEL ONE RESPONSES**: Involves the use of both emergency blue lights and siren. This response should be made as quickly as possible, and should be made by the closest units in a quick but safe manner, taking into consideration the traffic conditions, the safety of the officers and the general public. Units responding to Level One calls should be attentive to their radio, as the situation may quickly change to a more or less serious incident.

A Level One Response is indicated when an officer is needed at the scene and an immediate response is essential. Conditions that will warrant a Level One Response are:

1. Any apparent threat to life or danger of serious physical injury or major property damage.

2. Any on-going felony or misdemeanor that involves violence and may result in injury.

3. Any felony or violent misdemeanor that has just occurred, and there is reason to believe the suspect is still in the area.

4. Any incident that involves exigent or unique circumstances that demand an immediate police response.

5. An "Officer in Trouble" call.

6. **EXCEPTIONS TO THESE PROCEDURES MAY BE APPROPRIATE WHEN THE SAFETY OF THE OFFICERS AND THE PUBLIC WARRANTS A SILENT RESPONSE**. Example: To avoid precipitating a hostage-taking situation.

7. **THIS EMERGENCY RESPONSE DOES NOT RELIEVE THE OFFICER FROM THE RESPONSIBILITY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS, NOR DOES IT AFFORD PROTECTION FROM THE CONSEQUENCES OF RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.**

B. **LEVEL TWO RESPONSES**: The response should be made by the closest units in a quick but safe manner. Units responding to Level Two calls should be attentive to their radio, as the situation may quickly change to a more or less serious incident which may or may not require the use of lights and/or sirens.

A Level Two Response is indicated when an officer's presence is needed at the scene but the need is not immediate. Situations that will warrant a Level Two Response are:

1. Any incident that does not represent a significant threat to life and property (such as disorderly groups) or a felony that has occurred without injury and the suspect has fled the area.

2. Any in-progress incident that could be classified as a possible crime (a suspicious person, vehicle, etc.).

3. Any incident that represents a significant obstacle to the flow of traffic.

4. Any incident that requires a prompt, non-emergency response.

5. Officers calling for non-emergency assistance (a backup unit, potential but not a present problem).

6. Officers holding a prisoner and requesting transport would receive a Level Two Response unless special circumstances dictate otherwise.

7. **THIS EMERGENCY RESPONSE DOES NOT RELIEVE THE OFFICER FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS, NOR DOES IT AFFORD PROTECTION FROM THE CONSEQUENCES OF RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.**

C. **LEVEL THREE RESPONSE**: Involves no emergency lights or siren. It is a normal traffic speed response, such as:

1. A call for service.

2. To take a report.

3. Transport of prisoners.

24. **SPECIAL PURPOSE VEHICLES**: The special purpose vehicles utilized by the department are the Patrol Wagon, Accident Investigation Vehicles, Motorcycles and Bicycles.

A. **AUTHORIZATION FOR USE**: Special purpose vehicles shall be used only by authorized members who have received the necessary training in their use.

If a member wants to utilize a special purpose vehicle for a function other than authorized in these procedures, they must first obtain the permission of a commanding officer.

B. **PATROL WAGON**: The Patrol Wagon is a box-type vehicle that serves many functions.

NOTE: MGL c119 s34 states that children will not be transported in a patrol wagon. You must use a suitable vehicle.

1. **Purposes**: The Patrol Wagon serves the following purposes:

a. Prisoner Transport: The Patrol Wagon is most frequently used to transport groups of prisoners or individual prisoners who, due to their physical condition or behavior, should not be transported by cruiser.

b. Mobile Command Post: The Patrol Wagon may serve as a mobile command post when necessary in times of disaster or other emergency.

c. Property Evidence Transport: The Patrol Wagon may be used to transport bulky items of evidence or property that would be difficult or impossible to transport by cruiser.

d. Emergency Communications Center: The Patrol Wagon may be utilized as the emergency communications center in the event that the communications console fails.

2. **Equipment**: The Patrol Wagon shall be equipped with blue lights, siren, radio, and the following:

   a. First aid kit;
   b. Slim jim;
   c. Fire Extinguisher;
   d. Extra large handcuffs.

C. ACCIDENT INVESTIGATION VEHICLE(S): The Commanding Officer - Traffic Division shall ensure that officers assigned to the accident investigation vehicles have the training and ability necessary to perform often complex accident investigations.

1. **Purposes**: The accident investigation vehicle(s) serves the following purposes:

   a. Accident Investigation
   b. Traffic Safety and Enforcement
   c. Parking Enforcement
   d. Fatality Investigation

2. **Equipment**: The Accident Investigation Vehicle(s) shall be equipped with blue lights, siren, radio, the same emergency equipment stored in all cruiser trunks, and the following:

   a. Portable hand-held radar or laser gun, or mounted radar;
   b. 100 foot measuring tape;
   c. 25 foot measuring tape;
   d. A portable wheeled measuring unit;
   e. Marking crayons;
   f. Accident investigation template kit;
   g. Camera.

D. MOTORCYCLE: Motorcycles offer considerably more maneuverability in traffic than automobiles, and as such constitute an important part of the department's fleet. Officers assigned to a motorcycle must have a valid motorcycle license, and have successfully completed a Massachusetts Criminal Justice Training Council (or equivalent) course on the safe operation of the motorcycle.

The Commanding Officer – Traffic Division shall not allow motorcycle patrol during any weather condition that would adversely affect the safe operation of the motorcycle.

1. **Purpose**: Motorcycles serve the following purposes:

   a. Patrol
   b. Traffic safety and enforcement
   c. Accident investigations
   d. Parking enforcement
   e. Traffic control
   f. Escorts

2. **Equipment:** Motorcycles shall be equipped with the following:

   a. Emergency lights and siren;
   b. First aid kit;
   c. Radar unit.

E. **BICYCLE:** The Commanding Officer – Community Service Division shall ensure that officers assigned to bicycle patrol have the training and ability necessary to perform the required functions assigned to these units.

1. **Purpose**: The bicycle patrol unit serves the following purposes:

   a. Traffic safety and enforcement;
   b. Parking enforcement;
   c. Investigation of routine calls for service, patrolling business districts, ponds and river ways, parks, and elderly and other housing developments in the town.

2. **Equipment**: The bicycle shall be equipped with lights (front and rear), first aid kit, lock, pump, cyclometer, horn, water bottle and any equipment authorized by the Chief of Police.

26. **EMERGENCY/ACCIDENT POLICE VEHICLE EQUIPMENT:** The following emergency equipment shall be carried in all marked police vehicles:

A. Complete first aid kit;
B. Fire extinguisher;
C. Spare tire, jack and wrench;
D. Oxygen kit;
E. Water rescue equipment (certain designated marked units);
F. Slim Jim

27. **UNMARKED POLICE VEHICLE EQUIPMENT:** The following equipment will be included in every unmarked car:

A. First aid kit;
B. Evidence bags;

C. Crime scene tape;
D. Fire extinguisher

EVIDENCE

***General Order Number:* 7.2** ***Effective Date:* June 18, 2013**

POLICY:

The success of any criminal investigation and subsequent prosecution relies upon the availability and admissibility of physical evidence. Physical evidence includes evidence that is likely to be found at the scene of a crime, on or about a suspect, or related to a particular crime, which can be collected and preserved by the police for later presentation in court. The admissibility of physical evidence will often depend upon the manner in which it was collected, and the procedures used to ensure its integrity. Testimony may need to be given that the evidence presented in court was not altered or tampered with in any unauthorized way. A "chain of custody" may be established by recording all personnel who possessed such evidence from the time of its discovery to its presentation in court.

It is the policy of the Brookline Police Department to ensure that all evidence is identified, collected, and preserved in such manner that facilitates this objective.

PROCEDURES:

1. GENERAL SECURITY CONSIDERATIONS:
Only the Supervisor assigned to the Identification Unit, assigned Identification Unit Detective and the Computer Division will have access to the evidence storage rooms.

A. EXTRA SECURITY MEASURES: Cameras were installed into the general evidence room and the armory and drug evidence area. Additionally, a safe is within the evidence room to secure exceptional valuable items or property.

2. RESPONSIBILITIES OF FIRST OFFICER / DETECTIVE ON A CRIME SCENE:
Normally, the first officer on the scene will be the patrol officer. The following steps should be taken until additional assistance arrives:

A. Take necessary action(s) to deal with immediate danger to the officer or others.

B. Provide medical assistance when necessary.

C. Determine the nature of the crime committed.

D. Apprehend the criminal offender if possible (when the right of arrest exists).

E. Protect the scene to prevent the destruction or contamination of evidence. No unauthorized persons shall be permitted to enter the crime scene.

F. Request the assistance of a Superior Officer, the Detective Division, and/ or Identification Unit Detective.

G. Locate items of evidence.

H. Locate and identify witnesses.

I. Photograph and sketch the scene when appropriate.

J. Collect physical evidence.

K. Preservation and packaging of physical evidence.

L. Submit evidence for processing (fingerprint, chemical, film, etc.) to the Identification Unit. This will ensure a proper continuity of evidence.

3. RESPONSIBILITIES OF PATROL OFFICER / DETECTIVE COLLECTING EVIDENCE:

A. GENERAL EVIDENCE:

1. At the discretion of the patrol supervisor, consideration should be given to photographing evidence discovered at crime scenes before collection.

2. Once collected, and if its size permits, evidence should be placed in a paper evidence bag.

3. Multiple pieces of evidence should be placed into separate paper bags.

4. Each evidence bag should be marked with:

a. The identity of the evidence
b. The name of the officer collecting the evidence
c. Date and time of collection
d. Where the evidence was discovered
e. Case number and type of crime

B. CONTROLLED SUBSTANCES:

1. All controlled substances shall be sealed in tamper-resistant bags of appropriate size. These bags will be available in the Patrol Supervisor's office and the report writing room.

2. All countable items shall be counted before being placed into tamper-resistant bags.

3. Drug paraphernalia related to the seizure shall be placed in separate evidence bags. Hypodermic syringes shall be placed in a syringe tube.

4. Controlled substances seized from different individuals shall be packaged separately.

5. All controlled substances shall be marked in the same manner as general evidence.

6. All controlled substances submitted to the evidence control section shall be processed by an Identification Unit Detective. The Detective will retrieve the sample, weigh the sample, examine it visually and will conduct a presumptive test (field test) of the sample. A supplemental report will be generated by the detective indicating the results of this test, as well as his/her conclusions.

C. FIREARMS:

1. Attempts should be made to make all firearms safe before submission.

2. If for evidentiary purposes, or other reasons a firearm cannot be made safe, a warning shall be placed in clear view of the officer opening the evidence locker.

D. SEIZURE OF COMPUTER EQUIPMENT:

Technology is often employed by criminals as a means of communication, a toll of theft, and a safe hiding place for incriminating evidence and/ or contraband. As criminal use of technology increases, it is necessary for law enforcement officers to acquaint themselves with procedures that promote safety and the preservation of evidence necessary for successful prosecutions.

The seizure of computer equipment and intellectual property is an emerging area of the law. It is recommended that if there is any doubt about the legality of a seizure that officers seek legal advice and secure appropriate warrants or court orders.

In almost all cases of seizures of computer equipment and intellectual property, evidence is obtained via forensic examination by personnel with computer forensics training. There are almost no circumstances in which a computer should be examined by seizing officers. This policy provides direction on seizure, **not** examination.

Definitions:

1. **Computer Processing Unit (CPU):** The "box" or vertical tower containing the hard drive and processing chip.

2. **Forensic Examination:** Scientific examination conducted by a qualified examiner, usually through the Mass State Police or other outside agency resource.

3. **Internet Service Provider (ISP):** Provides subscribers access to the Internet. America Online and Verizon are examples of an ISP.

4. **Passwords:** Any special codes or encryption keys designed to secure computer drives, programs, operating systems, or individual files.

5. **Peripheral Devices:** Include zip drives, CD-writers, and external drives.

6. **Storage Mediums:** Include floppy disks, CD-ROMs, DVD ROMs, magnetic tapes, and external hard drives.

Procedure:

1. **Probable Cause:** Officers should obtain sufficient information to determine the existence of probable cause for search/ seizure. Search warrants should be obtained for all seizures leading to forensic examination. Consent to search is permissible if the lawful ownership of the computer can be accurately determined. Written consent via a departmental Consent to Search form is preferred.

2. Once it is determined that computer equipment will be seized and secured for subsequent forensic examination, the scene shall be secured as other crime scenes. Depending on the nature of the call, the Detective Division Supervisor on duty should be notified. If a Detective Division Supervisor is unavailable, the following procedure shall be followed:

    a. Photograph the equipment before touching it, including all wiring connections. Do not operate the computer in any way.

    b. Determine if the computer is part of a network. If so, call a Department designee with specific training in the seizure of electronic equipment.

c. If the computer is off, leave it off. If it is on (stand alone computers), photograph the monitor screen and, **without** turning the computer on, unplug the power cord from the back of the CPU, **not** from the wall outlet.

d. Place tape over all drive slots to protect from foreign objects or substances from being introduced.

e. Label connectors/ cable ends to facilitate re-assembly for forensic examination.

f. Transport as fragile cargo. Seat belted in the back seat of a police vehicle is recommended.

g. Keep equipment away from magnets, radio transmitters (such as the trunk of a police vehicle), and otherwise hostile environments.

3. If possible, obtain passwords for all programs, operating systems, and files. If encryption is used, attempt to obtain encryption key information. Include all obtained information in information report.

4. If possible, obtain any computer or program handbooks. Collect all storage medium.

5. Other electronic storage devices include wireless phones, electronic paging devices, facsimile devices, caller ID devices, smart cards, and handheld computers. These devices are also capable of storing electronic information useful to criminal investigations. The same procedures regarding probable cause and seizure are applicable to these devices.

4. SUBMISSION OF EVIDENCE:

A. Once property is collected and packaged, all evidence is to be placed in a general evidence locker. All fingerprint evidence shall be placed in fingerprint evidence lockers.

B. “In-wall” lockers adjacent to the evidence preparation room should be utilized first.

C. When these lockers are occupied, evidence is to be submitted to the general evidence lockers at the rear of the third floor hallway.

D. Any piece of evidence/property that is submitted to an Identification Unit Detective must have a case number assigned, and the property documented in the report writing system.

E. I f a motor vehicle is recovered and is to be processed for fingerprints, notification shall be sent to the Identification Division requesting processing. If possible, the garage bay, OH # 3, should be used to store the motor vehicle.

F. If an item needs to be further examined/tested, (i.e. drugs, firearms, DNA, etc), this shall be noted in the property section of the report.

F. Officers / Detectives submitting evidence will be held responsible for adhering to these procedures.

G. Under no circumstances will evidence be stored in personal lockers, desks or other areas.

H. All evidence must be submitted before an officer(s) end of tour duty.

5. NON – EVIDENCE ITEMS:

A. Whenever any item(s), including contraband and illegal objects, are seized by an officer(s) they shall be turned into the Identification Unit.

B. If the item(s) seized is contraband or an illegal object and no charges are being sought in relation to the item(s) the submitting officer / detective should direct the Identification Unit to properly destroy the item(s)

C. All seized items including contraband and illegal objects must be submitted to the Identification Unit before an officer(s) / detective(s) end of tour of duty.

D. Any piece of property that is submitted to an Identification Unit must have a case number assigned, and the property documented in the report writing system.

6. SERIOUS CRIMES - DETECTIVE DIVISION RESPONSE: The following offenses are of a nature requiring the immediate assignment of a detective to assume the responsibility for the completion of the preliminary investigation, begin the follow-up investigation, and take control of the crime scene. An identification detective should also be assigned to evaluate, collect, and process evidence at the scene.

A. Death of a violent or suspicious nature.

B. Rapes or suspected rapes.

C. Assaults resulting in serious injury or death to the victim.

D. Armed robberies of commercial institutions.

E. Burglaries where there is excessive or unusual loss (high dollar value, negotiables, cash, jewelry, silver, etc.).

F. Any major disaster (where detectives can assist in identification of victims).

G. Kidnapping, extortion.

H. Bombings.

I. Fires of suspicious origin where arson is suspected.

7. PROCESSING AND COLLECTION OF PHYSICAL EVIDENCE IN THE FIELD: To ensure that methods used by all members in the department are those that will preserve the condition of the evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical, officers shall familiarize themselves with the current procedures regarding crime scene investigation.

8. CRIME SCENE EQUIPMENT: The Detective Division shall keep the necessary equipment, such as fingerprint kits, photographic equipment, sketch and note pad, DNA Collection Kit and evidence bags, readily accessible to them for transport to allow effective and timely processing of a crime scene. Normal response time should average less than one hour.

9. CRIME SCENE EQUIPMENT – DETECTIVE NOT ON DUTY: In the event that there are no detectives on duty when a need for their services arises, the Commanding Officer - Platoon on Duty shall contact the Commanding Officer- Detective Division or any lieutenant of the Detective Division by telephone. It shall then be their responsibility to determine what, if any, detective personnel shall be summoned to the crime scene.

10. REASONS CRIME SCENE NOT PHOTOGRAPHED OR EVIDENCE COLLECTED: Whenever photographs are not taken or where physical evidence is not recovered from the scene of a serious crime, the investigator assigned shall prepare a report stating the reasons why.

11. RESPONSIBILITIES OF THE IDENTIFICATION UNIT:

A. Detectives assigned to the Identification Unit will remove the evidence from the lockers.

B. If the evidence came from a general evidence locker in the rear hallway, the evidence will be brought to the evidence preparation room.

C. The evidence will be photographed, if applicable.

D. Each item of evidence will be entered into the department's evidence tracking system as soon as possible.

E. Items of evidence requiring further examination/testing will be brought to the appropriate agency, and shall be documented in the evidence tracking system.

F. All monies submitted as evidence shall be counted by an Identification Unit Detective and a supervisor, after removing the item from the locker and noting it in the evidence tracking system. Monies will be sealed in a tamper-resistant bag for proper storage.

G. All recovered firearms will be submitted for analysis to the Boston Police or State Police Ballistics Unit.

H. General evidence will be assigned to a shelf in the general evidence room. The shelf number will be entered in the evidence tracking system.

I. Controlled substances and firearms evidence will be stored in the drug evidence room.

12. EVIDENCE CONTAMINATED WITH BLOOD AND OTHER BODY FLUIDS:

A. All blood and bodily fluids should be treated as potentially infectious for HIV, hepatitis or other potentially infectious diseases. All officers should exercise body substance isolation when encountering evidence that may contain these substances.

B. If possible, evidence contaminated with blood or bodily fluids should be allowed to dry before being submitted as evidence.

C. Such evidence should be placed into paper bags (double bagging may be necessary), and not sealed in plastic or other closed containers.

D. Sexual Assault Evidence Collection Kits shall be stored in the secured refrigerator in the third floor hallway next to the evidence lockers.

13. INSPECTION AND INVENTORY OF EVIDENCE ROOMS:

A. Whenever an evidence officer is assigned to the Identification Unit, an inventory and audit of evidence shall be conducted. This inventory shall be conducted jointly by the new detective assigned to the Identification Unit and the outgoing officer under the supervision of the Commanding Officer – Detective Division. If there are any discrepancies, a special report shall be submitted to the Chief of Police for review.

B. The supervisor of the Identification Unit shall inspect the evidence rooms on a quarterly basis to ensure adherence to appropriate policies and procedures. If there are any discrepancies, a special report shall be submitted to the Chief of

Police for review.

C. The Office of Professional Responsibility, or other designee of the Chief of Police, shall conduct an annual audit and inventory of the evidence rooms. If there are any discrepancies, a special report shall be submitted to the Chief of Police for review.

D. The Office of Professional Responsibility, or other designee of the Chief of Police, shall conduct unannounced semi-annual inspections of the evidence area. These inspections shall verify that proper accountability and security procedures are being followed. These inspections shall consist primarily of random spot checks matching evidence and records.

E. All inspection reports shall be filed with the Office of Professional Responsibility.

14. TRANSFER OF CUSTODY:

A. Identification Unit detectives will document all changes in custody of evidence in the evidence tracking system. This documentation shall include the individual or agency maintaining the custody of the evidence transferred to them.

B. Officers/Detectives who assume custody of evidence are responsible for ensuring it' security, proper storage and maintenance, and the ready retrieval of such evidence upon demand.

C. Sealed bags of evidence are not to be opened unless ordered by the court. If a sealed bag is opened, the officer having custody of the evidence will submit a report to the supervisor of the Identification Unit explaining the circumstances.

D. Upon completion of the case, the officer will return the evidence to an Identification Unit detective, and the evidence tracking system will be updated.

15. RETURN/DISPOSAL/DESTRUCTION OF EVIDENCE/PROPERTY:

A. Final disposition of found, recovered or evidentiary property shall be accomplished within six months after all legal requirements have been satisfied.

B. When no longer needed, evidence shall be returned to its lawful owner. An Identification Unit Detective will ensure a letter is sent to the owner advising them to pick up their property. This letter will advise the owner that if they do not pick up their property within one month, it will be considered abandoned and may be destroyed.

C. Whenever property is returned to an owner, the Identification Unit Detective will complete a property receipt, and make an entry into the evidence tracking system. The property receipt shall then be submitted to the supervisor of the Identification Unit.

D. When monies or other items of value are returned to an owner, a second police officer shall witness the transfer.

E. Destruction of general evidence:

1. Once a determination is made that property has been abandoned, it may be disposed of.

2. The evidence tracking system shall be updated to reflect the destruction.

F. DESTRUCTION OF CONTROLLED SUBSTANCES:

1. Any destruction of controlled substances shall be in accordance with applicable laws and the procedures of the State Laboratory.

2. All destruction of controlled substances shall be witnessed by an Identification Unit Detective and one other police officer.

3. After completion of the destruction, the Identification Unit Detective shall submit a report to the supervisor of the Identification Unit detailing the date, time and location of the destruction, and a list of all individuals present for the destruction.

4. The evidence tracking system shall be updated to reflect the destruction.

G. DESTRUCTION OF FIREARMS:

1. Firearms and other weapons to be destroyed shall be transported to the appropriate State Police facility for destruction. An Identification Unit Detective and one other police officer shall transport the weapons to this facility, and shall submit a report detailing the destruction.

2. The evidence tracking system shall be updated to reflect the destruction.

16. PRESERVATION AND SUBMISSION OF EVIDENCE TO THE STATE POLICE LABORATORY;

A. RESPONSIBILITY FOR REQUESTING CRIME LABORATORY EXAMINATIONS:

1. Under normal circumstances, the responsibility for the request for laboratory examination will lie with the officer or detective who actually processed the scene and took custody of the evidence.

2. In those cases where there may be more than one officer processing the scene, the senior officer present shall designate one officer to take custody of all evidence collected.

3. In those cases where the detective division has been called to assist the officers, the assigned case detective shall take custody of all evidence collected.

B. SUBMISSION OF EVIDENCE FOR CRIME LABORATORY ANALYSIS:

1. NON-PERISHABLE EVIDENCE: Shall be turned over directly to the Identification Unit Detective. In their absence, all evidence shall be placed in an evidence locker, the locker shall be locked, and a complete report, including requests for analysis, shall also be placed in the evidence locker. The Identification Unit Detective, upon receipt of evidence, shall submit the evidence for analysis as soon as is practicable. All submissions of non perishable evidence shall be submitted to the State Crime Laboratory with the corresponding report. All non-perishable evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All non-perishable evidence shall be transported to the State Crime Laboratory by an Identification Unit Detective. A receipt will be requested by the Identification Unit Detective at the time of submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory receipts received from the State Crime Laboratory will be submitted with it's corresponding evidence by case number and evidence control number. When a doubt exists as to the proper disposition of evidence, the Identification Unit Detective shall consult with a Department Identification Supervisor and be guided by his/her advice.

2. SUBMISSION OF PERISHABLE EVIDENCE:

a. When an item of evidence has been collected that by its very nature may deteriorate (for example, a liquid sample of semen, etc.), it should be transported to the police station as soon as possible and secured in the evidence refrigerator. In no case should transportation be delayed for more than several hours.

b. Any time that a perishable item is to be transported to the crime laboratory for analysis, the laboratory should be called first so that they will be prepared to receive the item.

c. Officers shall submit all documentation and a copy of their report to an Identification Unit Detective. All submissions of perishable evidence shall be submitted to the State Crime Laboratory with the corresponding report. All perishable evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All perishable evidence shall be transported to the State Crime Laboratory by the Identification Unit Detective. A receipt will be requested by the Identification Unit Detective at the time of the submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory reports received from the Crime Laboratory will be submitted with it's corresponding evidence by case number and evidence control number.

3. SUBMISSION OF HAZARDOUS, FLAMMABLE EVIDENCE:

a. An evidence locker shall be maintained for hazardous and/or flammable evidence.

b. Officers placing items in this locker must submit a complete report to the Identification Unit Detective.

c. The Identification Unit Detective shall consult with Fire Department officials and the Commanding Officer - Detective Division to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.

d. All submissions of hazardous or flammable evidence shall be submitted to the State Crime Laboratory with the corresponding report. All hazardous or flammable evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All hazardous or flammable evidence shall be transported to the State Crime Laboratory by the Identification Unit Detective. A receipt will be requested by the Identification Unit Detective at the time of the submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory reports from the State Crime Laboratory will be submitted with its

corresponding evidence by case number and evidence control number.

4. SUBMISSION OF EVIDENCE TO BE FINGERPRINTED:

a. Officers submitting evidence that they believe may contain fingerprints of evidentiary value must note this on their report.

b. An incident report or special report shall be placed inside of any locker containing fingerprint evidence.

5. SUBMITTTING ITEMS WITH POTENTIAL DNA EVIDENCE FOR ANALYSIS: Because extremely small samples can yield DNA evidence, officers and detectives should pay great attention to contamination issues when collecting possible DNA evidence. DNA evidence may be contaminated when DNA from another source gets mixed with DNA relevant to the crime scene. This could happen when someone sneezes or coughs over the evidence or touches his/her mouth, nose or other parts of the face, and then touches the area that may contain the DNA to be tested. To avoid contamination, officers/detectives collecting potential DNA evidence should take the following precautions:

a. Wear double gloves, and change the outer pair of gloves in-between evidence collections.

b. Collect evidence using disposable instruments such as disposable tweezers.

c. Avoid touching the area where DNA evidence may exist.

d. Avoid talking, sneezing and coughing over evidence.

e. Avoid touching your nose, face, or mouth when collecting and packaging evidence.

f. Put evidence into paper bags or envelopes. DO NOT use plastic bags.

g. Evidence bags or envelopes should be sealed with evidence tape (available in the Patrol Supervisor's Office or the Detective Division). DO NOT use staples to seal bags or envelopes. Do not use saliva or water to seal bags and envelopes.

h. Evidence must stay dry and at room temperature.

i. DO NOT expose potential DNA evidence to direct sunlight or warm conditions.

j. DO NOT attempt to dry evidence containing potential DNA evidence in the form of blood or body fluids. Evidence with wet blood or body fluids should be carefully placed into paper bags. If possible, keep the wet portions of the evidence facing up inside the bag. The bag should then be taped using evidence tape.

k. When encountering significant amounts of blood or body fluids, a Detective Supervisor should be notified.

l. When appropriate, officers/detectives who have received training in the collection of potential DNA evidence will collect the evidence using a body fluid collection kit.

m. Evidence with lesser amounts of blood or body fluid should be placed into a paper bag and sealed with evidence tape.

n. Evidence with blood or body fluids that is to be submitted to an Identification Unit Detective should be locked in the refrigerator next to the evidence lockers. If the refrigerator is not available it may be stored at room temperature in a general evidence locker.

o. Officers should refer to Special Order #2007-07, Handling and Preservation of Evidence/Property, and Special Order #2005-10, Collection and Preservation of Potential DNA Evidence, to ensure proper submission of evidence to the Identification Unit.

p. All items containing possible DNA evidence shall be transported to the Massachusetts State Police Laboratory by an Identification Unit Detective. All items containing possible DNA evidence shall be packaged in a manner consistent with the requirements of the receiving laboratory. All items containing possible DNA evidence shall be submitted with a copy of the corresponding report. A receipt will be requested by the Identification Unit Detective at the time of submission in order to ensure the maintenance of the chain of custody. The Identification Unit Detective will be responsible for maintaining a "Laboratory Receipt File" for all laboratory submissions. All laboratory receipts received from the Crime Laboratory will be submitted with its corresponding evidence by case number and evidence control number.

C. COLLECTION AND SUBMISSION OF KNOWN SPECIMEN FOR COMPARISON: Many items submitted to the laboratory must be accompanied by a known specimen so that a comparison can be made. The investigating officer on the case will be responsible for obtaining any required known

specimens, when such specimens can be legally obtained, and sending them, along with the items of evidence, to the laboratory for analysis and comparison.

D. **DOCUMENTATION**: Officers submitting evidence for analysis shall specify in their report what is to be analyzed and what analysis is requested.

17. **CRIME SCENE SKETCHES**: Detailed crime scene sketches normally are prepared in major crimes only. The detail to be included in a crime scene sketch should include, but not be limited to, the following:

A. Dimensions.

B. Relation of scene to other buildings, geographical features, or roads.

C. Address, floor, or room number as appropriate.

D. Location of significant features of the scene, including victim.

E. Date and time of preparation.

F. Name of person preparing sketch.

G. Direction of north.

H. Location of items of physical evidence recovered.

I. Disclaimer as to scale.

18. **PHOTOGRAPHING THE CRIME SCENE/EVIDENCE**: Photographs of the crime scene or evidence shall be taken by Department personnel. All items of evidence to be collected shall, when practicable, be photographed before being moved. A Department "Photographic Board" shall be maintained and shall be complete as to:

A. Case Number

B. Officers name taking photographs
C. Date and time

D. Description

E. Photographs of crime scenes and/or evidence shall be maintained in the appropriate case files. All negatives / discs are to be maintained in the Identification Unit.

19. EVIDENCE/ PROPERTY RECORDS:

A. EVIDENCE REPORT: Officers recovering evidence shall complete a report. The case number shall be included with the property when submitted. The report shall include the circumstances by which the evidence/property came into the departments possession and include a description of each item of evidence/property.

B. CRIME/ACCIDENT SCENE REPORT: Officers who process a crime or accident scene shall submit a report that includes, but is not limited to, the following information:

1. Date and time of arrival

2. Location of crime

3. Name of victim, if known

4. Name of suspect, if known

5. Action taken at the scene, including number of photographs taken, measurements taken (yes or no), and a listing of physical evidence recovered.

6. Case number

C. PHOTOGRAPHIC LOG: Whenever evidentiary photographs are taken at a crime or accident scene, the officer shall complete a "Photographic Board" in its entirety.

20. MARKING AND/OR LABELING OF PHYSICAL EVIDENCE: For physical evidence to be accepted by the court at the time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling physical evidence at the time that it first comes into custody.

21. RESULTS OF LABORATORY ANALYSIS: The results of all laboratory analysis shall be in writing, signed by the analyst, and notarized when possible.

22. TRAINING:

A. RECRUIT TRAINING: All officers shall receive training in crime scene search techniques and accident scene processing during their basic recruit academy training. The standards for this training are established by the Municipal Police Training Committee.

B. **SPECIALIZED TRAINING**: Shall be provided to develop expertise by certain members of the Department in the following areas:

1. Recovery of latent fingerprints and palm prints.

2. Recovery of foot, tool, and tire impressions.

3. Photographing crime and accident scenes.

4. Preparing crime scene sketches.

5. Preparing accident scene sketches.

6. Identifying, collecting, preserving, and transmitting physical evidence, Including perishable and or biological materials.

7. Only officers and detectives who have completed a Massachusetts State Police DNA Standard Collection Course are able to collect swabs of blood and other bodily fluids.

8. Only officers and detectives who have been certified by the Massachusetts State Police as having completed the Buccal DNA Collection Training are allowed to collect Buccal DNA samples from potential suspects.

D. **REFRESHER TRAINING/UPDATED TRAINING**: Because the state of the art in crime scene processing is constantly changing, officers involved in the process shall be provided with in-service training as needed to maintain their skills at the highest possible level. This training shall consist of "in-house training" and training provided by the Municipal Police Training Committee, or other appropriate agency.

23. **COORDINATION WITH COURTS**: It is essential to ensure that the Judges of the Court are informed of the latest information concerning the abilities of the Department and crime laboratories to develop evidence for prosecution. It is of equal importance that the Department be advised of all investigative and procedural concerns of the District Attorney's Office and the Courts. In order to ensure that lines of communication regarding these matters are maintained, the Commanding Officer of the Detective Division or designee shall attempt to meet with the Judges of the Brookline District Court, the Assistant District Attorneys assigned to the Brookline District Court, and the Department Identification Detectives.

24. **CUSTODY OF RECORDINGS FOR OPERATING UNDER INFLUENCE:** The department shall record the booking process of all operating under influence arrests.

A. The evidence and property officer will retain all recordings from the booking process.

B. All recordings shall be clearly labeled.

C. The arresting officer shall be responsible for obtaining the DVD for presentation in court on the trial date.

D. The Evidence and Property Officer will maintain custody of the DVD's and tapes as evidence and, when approved by the prosecutors or the Assistant District Attorney, arrange for the viewing of the DVD's and tapes by defense attorneys, defendants, and other approved parties during normal business hours.

25. LOST / FOUND PROPERTY:

A. When recovering lost / found property, the patrol officer will make every attempt to identify and notify the owner and return the property. If the property is returned, the officer shall obtain a property receipt and make an entry into the computer-aided dispatch system. The property receipt shall be submitted to the Evidence and Property Officer.

B. If the patrol officer is not able to identify or notify the owner of the property, the officer will submit the found property to a general evidence locker with the case number assigned from the report generated in the report writing system.

C. An Identification Unit Detective will enter the property into the evidence tracking system and will conduct a follow-up investigation in an effort to determine the identity of the owner. An Identification Unit Detective will cause a call to be made and a letter to be sent to the owner advising them to pick up their property. This letter will advise the owner that if they do not pick up their property within one month, it will be considered unclaimed and may be destroyed.

D. If the property is returned, the Identification Unit Detective shall obtain a property receipt, and update the evidence tracking system.

E. In accordance with M.G.L. Chapter 134, if the owner of lost money or goods does not appear within one year after its discovery, the item may be returned to the finder.

F. If the property cannot be returned to its rightful owner, it will be disposed of in accordance with M.G.L. Chapter 135 as follows:

1. Public auction.
2. If monies, submitted to the town's treasury.
3. Destruction.

EMPLOYEE INITIAL BRIEFING AND EXIT INTERVIEW

General Order Number: **8.1** ***Effective Date:*** **June 18, 2013**

POLICY:

It shall be the policy of the Brookline Police Department to maintain control, accountability, and uniformity in the issuance, maintenance, and retrieval of all department owned property and equipment. All Department issued equipment shall be documented in the Larimore Department Property Section.

The Captain of the Patrol Division will be responsible for coordinating this procedure. This will facilitate the orderly issuance of property and equipment to the new employee, and the retrieval of the property and equipment from the employee who is leaving the police department.

PROCEDURES:

1. **ENTRY BRIEFING**: The Lieutenant of the Training Division will brief each new employee of the Brookline Police Department. The purpose of this briefing is:

A. To make the employee aware of all services provided by the Brookline Police Department.

B. To coordinate the issuance of property and equipment, some of which will come from other divisions in the department. This property will include, but is not limited to:

1. Brookline Police Department Manual
2. Brookline Police Department identification card
3. Brookline Police Department hat badge
4. Brookline Police Department breast badge
5. Locker combination lock
6. Bulletproof Vest
7. Firearm and magazines
8. Traffic citation book
9. Parking violation book
10. Expandable Baton
11. OC/ Pepper spray
12. Ammunition

2. **EMPLOYEE RESPONSIBILITY:** The employee is the custodian of, and is responsible for, the safekeeping and proper use of the property and equipment

3. **EXIT INTERVIEW:** An exit interview will be conducted by the Chief of Police or designee on or before the employee's last day on duty. The purpose of the exit interview is to:

   A. Discuss the reason for the officer's leaving, if other than retirement;

   B. To learn if department morale is satisfactory;

   C. To find out if morale-damaging influences are at work;

   D. To learn if training is sufficient;

   E. To find ways to better address the needs of the employees of the department and the residents of Brookline.

4. If misconduct of the employee results in dismissal, the employee shall be provided the following documentation;

   A. A written statement citing the reason for dismissal;

   B. The effective date of the dismissal; and

   C. A letter from the Human Resource Director for the Town of Brookline outlining any external or fringe benefits available to the dismissed employee, and directing the dismissed employee to the Director of the Retirement Board for the Town of Brookline for any accrued retirement benefits.

5. **RETURNING OF DEPARTMENT PROPERTY AND EQUIPMENT:** At the time of the exit interview, the interviewer will take custody of the above listed items and return them to their appropriate source. Returned Department equipment may be inspected, documented and re-issued if it is in good condition / good working order.

BARRICADED PERSONS
HOSTAGE SITUATIONS
SPECIAL OPERATIONS

General Order Number: **9.1** ***Effective Date:*** **June 18, 2013**

POLICY:

The first fifteen to forty-five minutes of a hostage/barricaded person situation (excluding a rescue attempt) are the most dangerous. The actions taken by the first responding officer may affect the eventual outcome of the incident. Safety and control must always be the prime consideration in the decision making process. Disciplined communication, coordination, and control, are paramount to a successful resolution. This is truly a team effort incident. Normally there is NO NEED TO RUSH to a tactical solution. Studies show they can resolve most of these incidents through negotiations. The passage of time may reduce levels of stress, facilitate intelligence gathering, and foster sound communications and coordination. It is the policy of the Brookline Police Department to use the following tested guidelines in response to a hostage barricaded person incident.

PROCEDURES:

1. CONSIDERATIONS:

A. The primary goals of the first responding officers should be:

1. The safe release of the hostages/barricaded person;
2. Public Safety;
3. Officer Safety.

B. The first tactical considerations are officer safety, care and evacuation of the injured. Next is containment of the suspect. Officers should establish inner and outer perimeters of safety. Once the situation is confirmed, the Patrol Supervisor should notify the Commanding Officer – Platoon on Duty. They should next immediately notify the Commanding Officer – Patrol Division, who may request hostage negotiators, available officers and any outside assistance if deemed necessary. Officers located in the inner perimeter should maintain a position of cover. Efforts should be directed to contain and to negotiate.

C. Fire suppression equipment, ambulance service, and surveillance equipment should be requested and directed to a staging area. The staging area should be located near the scene and out of view of the suspect. Additional assistance and

the media should also be directed to this area. The use of blue lights and sirens should be discouraged.

D. When dealing with firearms or explosives, consideration should be given to the evacuation of all innocent persons and bystanders from the inner and outer perimeter areas. All evacuations should be conducted in an organized, preplanned manner. Any innocent bystanders who cannot be immediately evacuated should be instructed to seek protection where they are.

E. Once containment is secured, a **SLOW DOWN** process should begin. Speed is usually not a factor. Time is on your side. Attempt to calm the suspect and talk him or her out of their barricaded position.

F. Every effort should be made to keep a hostage/barricaded person situation from becoming mobile. Any mobility on the part of the suspect(s)/hostage(s) increase(s) the difficulty of containing and managing the situation and substantially increases the element of danger. Should a situation become mobile in spite of efforts to the contrary, the Incident Commander shall immediately notify the Dispatcher, and assign an unmarked unit to follow and maintain surveillance of the situation.

G. Maintain a low profile. Keep all marked police cars and uniform personnel out of sight of the suspect if possible. Do not overwhelm the suspect with an excessive show of force.

H. No law enforcement officer shall willingly become a captive or hostage of the suspect.

I. It will be the responsibility of the Commanding Officer - Platoon on duty to designate the on scene supervisor. The on scene supervisor shall be in command of all police operations and make all decisions regarding police action taken. They shall be the liaison between the officers and negotiation teams and all assisting outside agencies. The supervisor shall have the final say relative to the use of force, chemical agents and tactical assault.

J. The on scene supervisor or their designee may be authorized to address the media. All dealings with the press or television shall be in compliance with Brookline Police Department media policy.

K. If it becomes apparent that a timely resolution is not imminent, a central command post should be considered. The central command post is that location from which all organized and controlled police activities originate. It should be located inside the outer perimeter but outside the inner perimeter. It should be located near the staging area where arriving personnel can report and remain until given specific assignments. If a fixed structure is not available, a police cruiser or patrol wagon equipped with cellular telephone communication may suffice.

L. Use of a trained negotiator is preferred. However prior to the arrival of a hostage negotiator, or if one is not available, the first responding officers should attempt to begin a dialogue with the suspect. Communication should be established utilizing the best means possible. The following suggestions may help the first responding officers during negotiations:

1. Ask them to come out;
2. Ask suspects why they are doing what they are doing;
3. Make no suggestions;
4. Keep suspect in a decision-making mode;
5. Never negotiate weapons;
6. Say you are working for them but you have to get higher approval;
7. Never give them something without getting something;
8. Stall for time;
9. Gather as much intelligence about the suspect as possible.

M. First responding officers should not take aggressive action unless they have attempted all reasonable negotiations and. there is immediate danger to others or themselves.

N. When an assault alternative is selected proper planning must be conducted. Sufficient personnel must be assigned, timing must be carefully chosen, and proper equipment must be utilized. The successful execution of an assault is a direct consequence of the attention given to its preparation.

O. All responding officers will submit a report relative to their incident involvement. Copies of the report will be forwarded to the on scene supervisor. The on scene supervisor will review the submitted reports and write an after action report. The after action report will be completed and submitted to the Patrol Division Captain for review. A debriefing meeting will be scheduled for all participants to discuss possible future operational improvements.

2. ACTIVE SHOOTER:

There may be situations that require an immediate police response in order to preserve lives and eliminate threats. When officers respond to a scene where an active shooter is present, it is imperative that the active shooter be located, engaged, and neutralized as quickly as possible. In these situations officers should proceed quickly, utilizing the tactics and techniques in which they have been trained.

3. V.I.P. SECURITY:

A. The Commanding Officer – Detective Division shall be responsible for coordinating the security of a V.I.P. visiting the Town of Brookline. The Detective Lieutenant – Intelligence shall complete a written operational plan to include, but not limited to: information about the V.I.P., individual post assignments, uniform to be worn, radio frequency, and extra equipment to have available, motorcade routes, the itinerary and other expectations. Copies should be given out on a need-to-know basis. The operational plan should be considered confidential.

B. Equipment considerations are, but not limited to, vehicles for transportation and surveillance, body armor for the assigned officers, radios compatible with assisting agencies, special weapons and other police equipment.

C. All travel routes used by the motorcade shall be selected after being inspected, evaluated, and approved for safe and unobstructed travel. An alternate route will be selected in case of an emergency or for other reasons. All security personnel should be aware of the primary and alternate routes.

D. The coordinator will conduct a thorough assessment of the security level necessary for the visit. Considerations should be given as to the popularity of the V.I.P., controversial issues surrounding the V.I.P., the number of officers and other outside resources requested. Efforts should be made to identify persons or groups that pose a threat to the protectorate. Individual profiles should be compiled which include the physical descriptions, photographs, group characteristics, and a general appraisal of the threat that the person or group poses. One detective shall be assigned as the Intelligence Officer. All sites and facilities to be visited shall be inspected and evaluated looking for intelligence that might cause a security breach. As a result of the site inspection, an emergency extraction plan should be formulated. As the situation dictates, special explosive-device-trained personnel from the FBI or Mass State Police may be requested to inspect the site for explosives.

C. Should the visit require the assistance of outside agencies, the Commanding Officer-Detective Division or his/her designee should have prior meetings with those agencies to discuss logistics, available personnel, and that agency's role in the operation. Supervisors within the Department should have assigned to them the amount of officers necessary to perform specified tasks. All officers involved should be fully briefed as to the operational plan prior to the event.

D. The Brookline Fire Department and an ambulance should be notified, if necessary, to stand by for medical emergencies.

E. The supervising officer should ensure that all officers involved have radio communications on the same frequency. The working condition of the radios should be tested well in advance of the event.

F. The operational plan is to be supplied to members of the command staff and to be maintained by the Chief of Police for future reference.

4. SPECIAL EVENTS:

A. The Commanding Officer-Traffic Division will be responsible for the planning and coordinating of all planned special events occurring within the Town of Brookline, unless otherwise directed by the Chief of Police.

B. The Commanding Officer-Traffic Division is responsible for a special event and shall prepare a written operation plan to include:

1. An estimate of any traffic, crowd, or crime problems expected;

2. A contingency plan for traffic direction and control, if needed, to include:

a. Ingress and egress of vehicles and pedestrians,

b. Parking space,

c. Spectator control,

d. Public transportation,

e. Relief of assigned officers,

f. News media,

g. Alternate or temporary traffic routes and controls and emergency vehicle access.

C. Use of any specialized division personnel if needed to include, but not limited to, the use of the Community Service Division, Detective Division, and emergency medical personnel.

D. Logistical requirements of the event such as:

1. Street closings,

2. Detours,

3. Staging areas if necessary.

E. Coordination inside and outside the agency; such as coordinating with the DPW, Fire, Emergency Medical Services and other law enforcement agencies if needed.

F. Preparation of an after-action report to be supplied to members of the organization that will benefit from the critique and to be maintained by the Chief of Police for future reference. The Report should include, but not limited to:

1. Estimate of the crowd,

2. Any traffic congestion,

3. Personnel and resources required,

4. Any disorderly conduct problems, any protesters, etc.,

5. Recommendations for future events of a similar nature.

Responding to Individuals with Mental Illness

General Order Number: **10.1** ***Effective Date:*** **June 18, 2013**

POLICY:

Reaction to situations involving the mentally ill covers a wide range of human response. People afflicted with mental illness are ignored, laughed at, feared, pitied and often mistreated. Unlike the general public, however, a police officer cannot permit personal feelings to dictate their reaction to the mentally ill. Their conduct must reflect a professional attitude and be guided by the fact that mental illness, standing alone, does not permit nor require any particular police activity. Individual rights are not lost or diminished merely by virtue of a person's mental condition. It shall be the policy of the Brookline Police Department that these principles as well as the following procedures be followed when dealing with the mentally ill.

PROCEDURES:

1. AMERICANS WITH DISABILITIES ACT:

The Americans with Disabilities Act (ADA) entitles people with mental illness to the same services and protection that law enforcement agencies provide to anyone else.

2. TREATMENT OF PERSONS:

All Brookline Police Department employees shall treat persons suspected of suffering from mental illness with dignity and respect. Non-sworn employees who are unable to effectively serve the person's needs shall contact the communications center and request a Police Officer's assistance.

3. HEALTH RECORDS:

Any mental health records received by the Department shall be treated as a non-public record.

4. RECOGNITION AND HANDLING:

A. An officer must be able to recognize a mentally ill individual if they are to handle a situation properly.

1. Factors that may aid in determining if a person is disturbed are:

a. Severe changes in behavioral patterns and attitudes;

b. Unusual or bizarre mannerisms;

c. Loss of memory;

d. Hallucinations or delusions;

e. Hostility towards and distrust of others;

f. Marked increase or decrease in efficiency;

g. Lack of cooperation and tendency to argue;

h. One-sided conversations.

2. These factors are not necessarily, and should not be treated as, conclusive. They are intended only as a framework for proper police response. It should be noted that a person exhibiting signs of an excessive intake of alcohol or drugs may also be mentally ill.

B. If an officer believes they are faced with a situation involving a mentally ill person, they should not proceed in haste unless circumstances require otherwise.

1. An officer should be deliberate and take the time for an overall look at the situation;

2. An officer should ask questions of persons available to learn as much as possible about the individual. It is especially important to learn whether any person, agency or institution presently has lawful custody of the individual, and whether the individual has a history of criminal, violent or self-destructive behavior;

3. An officer should call for and await assistance. It is advisable to seek the assistance of professionals such as doctors, psychologists, psychiatric nurses and clergy, if available.

4. It is not necessarily true that mentally ill persons will be armed or resort to violence. However, this possibility should not be ruled out and because of the potential dangers, the officer shall take all precautions to protect everyone involved.

C. It is not unusual for such persons to employ abusive language against others. An officer must ignore verbal abuse when handling such a situation.

D. Avoid excitement. Crowds may excite or frighten the mentally ill person. Groups of people should not be permitted to gather or should be dispersed as quickly as possible.

E. Reassurance is essential. An officer should attempt to keep the person calm and quiet. They should attempt to show that they are a friend and that they will protect and help. It is best to avoid lies and not to resort to trickery.

F. An officer should at all times act with respect towards the individual with mental illness. Do not "talk down to" such a person, or treat such a person as "child-like." Mental illness, because of human attitudes, carries with it a serious stigma. An officer's response should not increase the likelihood that a disturbed person will be subject to offensive or improper treatment.

5. TAKING MENTALLY ILL PERSON INTO CUSTODY:

A. An individual with mental illness may be taken into custody if:

1. They have committed a crime;

2. They pose a substantial danger of physical harm to other persons by exhibition of homicidal or other violent behavior, or they pose a very substantial risk of physical impairment or injury to themselves (for example, by threats or attempts at suicide) or they are unable to protect themselves in the community. Threats or attempts at suicide should never be treated lightly;

3. They have escaped or eluded the custody of those lawfully required to care for them.

B. Upon receipt of a commitment order (M.G.L. c. 123, s.12 (e)) from a physician or qualified psychologist the communications center will dispatch EMS and two Patrol Officers with a copy of the commitment order. The person who is the subject of the commitment order will be transported by the Town of Brookline's contract ambulance provider. Upon request by the ambulance crew and with the permission of the patrol supervisor, the responding officers may escort the ambulance to a local medical facility.

C. In an emergency situation, if a physician or qualified psychologist is not available, a police officer, who believes that a failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness, may restrain such person and apply for the hospitalization of such person for a ten day period at a public facility, or a private facility authorized for such purpose by the Massachusetts Department of Mental Health (M.G.L. c. 123, s. 12 (a)).

D. Although "any person" including a police officer, may petition a district court to commit a mentally ill person to a facility for a ten day period if failure to confine that person would cause a likelihood of serious harm (M.G.L. c. 123, s. 12 (e)), generally, a police officer should be the last person to initiate such proceedings. Ten-day commitment proceedings under section 12 (e) of Chapter 123 should be initiated by a police officer only if all of the following procedures have been observed:

1. Determination has been made that there are no outstanding commitment orders pertaining to the individual; and

2. Every effort has been made to enlist an appropriate physician, psychiatrist, psychologist, social worker or family member to initiate the commitment proceedings; and

3. The officer has received approval from a ranking officer.

E. If a patient or resident of a facility of the Massachusetts Department of Mental Health is absent without authorization, the superintendent at the facility is required to notify the state and local police, the local district attorney and the next of kin of such patient or resident. Such persons who are absent for less than six months may be returned by the police. This six-month limitation does not apply to persons who have been found not guilty of a criminal charge by reason of insanity nor to persons who have been found incompetent to stand trial on a criminal charge (M.G.L. c. 123, s. 30).

F. Whenever police take a mentally ill person into custody, the appropriate mental health officials should be contacted. They should be informed of the individual's condition and their instructions sought on how to properly handle and, if necessary, restrain the individual and to what facility they should be taken. Police officers are immune from civil suits for damages for restraining, transporting, applying for the admission of or admitting any person to a facility if the officer acts pursuant to the provisions of M.G.L. c.123, s. 22.

G. If an officer makes application to a hospital or facility and is refused, or if they transport a person with a commitment paper (section 12 paper) signed by a physician, and that person is refused admission, they should ask to see the administrative officer on duty to have them evaluate the patient. If refusal to accept the mentally ill person continues, the officer shall not abandon the individual, but shall take measures in the best interest of that person and, if necessary, take the mentally ill person to the station. Notifications of such action shall immediately be given to the Commanding Officer - Platoon on Duty, who can notify the Department of Mental Health.

H. At all times, an officer should attempt to gain voluntary cooperation from the individual.

I. Any officer having contact with a mentally ill person shall keep such matter confidential, except to the extent that revelation is necessary for conformance with departmental procedures regarding reports or is necessary during the course of official proceedings.

J. Whenever an individual with mental illness is a suspect and is taken into custody for questioning, police officers must do the following:

1. Be particularly careful in advising the subject of their Miranda rights and eliciting any decision as to whether they will exercise or waive those rights;

2. Consult the Juvenile Operations policy and procedure on "Custodial Interrogation of Juveniles," Section 2-E. It may be useful to incorporate the procedures established for interrogating juveniles when an officer seeks to interrogate a suspect who is mentally ill.

3. Before interrogating a suspect who has a known or apparent mental condition or disability, the officer should make every effort to determine the nature and severity of that condition or disability, and the extent to which it impairs the subject's capacity to understand basic rights and legal concepts such as those contained in the Miranda warnings;

4. Determine whether there is an appropriate "interested adult," such as a legal guardian or legal custodian of the subject, who could act on behalf of the subject and assist the subject in understanding his or her Miranda rights and in deciding whether or not to waive any of those rights in a knowing, intelligent and voluntary manner.

K. If a mentally ill person is reported lost or missing, police should consult and comply with the departmental policy and procedure on "Missing Persons."

L. An officer who receives a complaint from a family member of an allegedly mentally ill person who is not an immediate threat, or is not likely to cause harm to themselves or others, should advise such family member to consult a physician or mental health professional. Officers may also make referrals to the Brookline Community Mental Health Center, through the Community Service Division.

M. Once an officer takes custody of a mentally ill person who is likely to cause serious harm to themselves or others, they should only release the person to a proper mental health facility. Occasionally, the facility to which an officer transports a mentally ill person will either refuse to admit them entirely, or will direct the officers to another mental health facility. Officers should contact the Commanding Officer - Platoon on Duty for specific instructions in such cases.

6. TRAINING:

Enforcement personnel and civilians who deal directly with the public shall receive entry level training on the recognition and handling of the mentally ill. This training shall include a briefing on this general order. These personnel shall also receive refresher training on the recognition and handling of the mentally ill every three years. This shall also include a review of this general order.

INFECTIOUS DISEASES

General Order Number: **11.0** ***Effective Date:*** **November 25, 2008**

POLICY:

Members of the Brookline Police Department frequently respond to calls for service that involve the handling, transportation, and care of sick or injured persons. Associated with the care of the sick and injured is the possibility of exposure to infectious diseases.

It shall be the policy of the Brookline Police Department to follow the regulations promulgated by the Commonwealth of Massachusetts, Department of Public Health (105 Commonwealth of Massachusetts Regulations 171.000 and 172.000 et seq) and the Federally mandated Ryan White Act, to provide and promote a safe and healthful work environment for our employees.

These regulations were developed to protect pre-hospital care providers by providing them with certain information vital to their self-protection, without compromising the right to privacy of patients, and to provide procedures to protect, advise, and treat those officers exposed.

DEFINITIONS:

Care Provider shall mean any person including, without limitation, a police officer, who, while acting in his or her professional capacity, attends, assists, or transports a person to a health care facility.

Designated Infection Control Officer: For the purpose of receiving notifications and responses from health care facilities regarding exposures to infectious diseases dangerous to the public health, as defined in 105 CMR 172.001, reporting said exposures to first responders; and making requests on behalf of first responders, the Chief of Police shall appoint one police officer to act as a designated infection control officer. The designated infection control officer shall:

1. Ensure that all employees are informed of the requirements relating to the reporting of exposures to the infectious diseases as set forth in 105 CMR 172.001: Definitions – *Infectious Diseases Dangerous to the Public Health.*

2. Develop and coordinate procedures with the local hospitals, The Brookline Fire Department, and the ambulance service contracted by the town regarding infectious disease control.

3. Assist the training division with an on-going program of health maintenance, infection control training, station environment, personal protection equipment, scene operation,

4. Coordinate the distribution and completion of the Unprotected Exposure Trip Forms with officers and medical facilities. They shall also assure the confidentiality of those records and how they are maintained. They shall advise officers and/or refer officers to those who may provide answers to pertinent questions regarding possible exposures and risks.

5. Be a liaison with local healthcare facilities and their Infection Control Practitioners and Specialist teams. Through this liaison they shall develop training and garner new information.

Engineering and Work Practice Controls

Engineering controls (controls that isolate or remove the hazard from the workplace) and work practice controls will be utilized to eliminate or minimize exposure to members of the department. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used.

Infectious Diseases Dangerous to the Public Health or the purpose of this policy shall mean, but are not limited to the following:

1. AIRBORNE DISEASES:
- **A.** Infectious tuberculosis (Mycobacterium – pulmonary, laryngeal or others)
- **B.** Measles, Mumps, Rubella and Chickenpox

2. BLOODBORNE DISEASES:
- **A.** Hepatitis B
- **B.** Human immunodeficiency virus infection (including acquired immunodeficiency syndrome (AIDS))
- **C.** Hepatitis C

3. UNCOMMON OR RARE DISEASE:
- **A.** Diphtheria (Corynebacterium diphtheria)
- **B.** Meningococcal disease (Neisseria meningitidis)
- **C.** Plague (Yersinia pestis)
- **D.** Hemorrhagic fevers (Lassa, Marburg, Ebola, Crimean-Congo, and other viruses yet to be identified)
- **E.** Rabies

Diagnosis for the purposes of this policy shall mean a determination by a physician that a person is currently suffering from an infectious disease dangerous to the public health and is capable of transmitting said infectious disease or demonstrates laboratory evidence of exposure to such a disease.

Health Care Facility shall mean any hospital, clinic or institution that is licensed by the Department of Public Health under M.G.L. c. 111, § 51.

Other Potentially Infectious Materials (OPIM). OPIM include the following body substances: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. Potential exposure to human bites also constitutes an exposure.

Patient shall mean any individual attended to or assisted by a care provider and who is transported to any health care facility.

Transporting Care Provider shall mean the care provider (i.e., ambulance service) who transports the patient to a health care facility.

Trip Record means a report or other written record, such as a dispatch record, generated to document every response to an EMS call, including each time an police unit is dispatched, whether or not a patient is encountered or ultimately transported by an ambulance service.

Universal Precautions: Regardless of the perceived or known health status of the person(s) employees are dealing with, universal precautions will be observed. All blood or OPIM will be considered potentially infectious and steps will be taken to avoid direct contact with blood or OPIM. Alternatively, body substance isolation may be used; this is when all body fluids or substances are considered to be potentially infectious regardless of whether there is visible blood mixed in or not. This may also be referred to as "standard precautions".

Unprotected exposure shall mean an exposure capable of transmitting a blood borne infectious disease dangerous to the public health as defined in 105 CMR 172.001 and is limited to the following:

1. Puncture wounds - including punctures resulting from:
- **A.** used needles
- **B.** glass and other sharp objects contaminated with blood, or
- **C.** human bites.

2. Blood to blood contact through open wounds, which includes: open cuts, sores, rashes, abrasions, or conditions that interrupt skin integrity.

3. Mucous membrane contact - including such contact as would occur with mouth-to-mouth resuscitation, being spit upon or eye splashing with infected fluids. Such fluids would include: blood, sputum, oral, and nasal secretions.

Unprotected Exposure Form shall mean a standardized form, developed and distributed by the Department of Public Health, which shall contain, but need not be limited to, the following:

1. Identifying information about the patient, including his/her name, address and incident location;

2. Identifying information about the ambulance service and first responder agencies (police, fire, etc) that responded to the call;

3. Identifying information about the police officer/care provider who may have sustained an unprotected exposure; and

4. Name of the designated infection control officer for the service completing the report.

PROCEDURES:

PREVENTION OF EXPOSURES:

Universal Precautions:

Regardless of the perceived or known health status of the person(s) employees are dealing with, universal precautions will be observed. All blood or OPIM will be considered potentially infectious and steps will be taken to avoid direct contact with blood or OPIM. Alternatively, body substance isolation may be used; this is when all body fluids or substances are considered to be potentially infectious regardless of whether there is visible blood mixed in or not. This may also be referred to as "standard precautions".

Engineering and Work Practice Controls

Engineering controls (controls that isolate or remove the hazard from the workplace) and work practice controls will be utilized to eliminate or minimize exposure to members of the department. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used.

The following engineering controls will be utilized as appropriate:

1. Contaminated sharps (e.g., broken glassware or other sharp object) will not be picked up by hand. For example, a dustpan and broom will be used instead.

2. Sharps containers will be kept in first responder kits and in the booking room if there is the potential for dealing with needles and/or other sharps.

3. Disposable airway equipment or resuscitation bags and mechanical respiratory assist devices will be kept in first responder kits and in AED cabinets in the public safety building. Officers for situations in which other equipment may not be readily available will also carry a pocket mask with a one-way valve.

The following work practices will be followed:

1. Washing with soap and water immediately after skin contact with blood or OPIM or immediately after removal of gloves.

2. If soap and water are not immediately available, then waterless antiseptic hand cleanser will be used. Soap and running water will be used as soon as feasible.

3. Mucous membranes will be flushed with water immediately or as soon as feasible after contact with blood or OPIM. Flushing facilities are located in the booking room.

4. No eating, drinking or smoking is allowed in areas where blood or OPIM could be present.

5. Gloves will be inspected for holes/tears when put on. They will be replaced if holes or tears are present.

6. Gloves will be replaced as soon as possible if they become ripped or soiled. Employees should wash their hands as soon as possible after removing gloves.

7. An extra set of gloves will be carried on individuals if they deem the need for this.

8. Any non-disposable equipment or surface that becomes contaminated with blood or OPIM shall be decontaminated with an approved disinfecting agent and air dried unless the employer determines that this is not feasible. (This includes seats on the vehicles, etc). If not feasible, the equipment must be labeled with a biohazard label that indicates where the contamination is prior to shipping or servicing.

9. Clothing (uniforms) contaminated with blood or OPIM shall be removed as soon as feasible and placed in a biohazard bag. A change of uniform is to be kept at the station.

10. Contaminated items (other than sharps) should be placed in biohazard bags.

11. Contaminated needles and other contaminated sharps will not be bent, recapped removed, sheared or purposely broken.

12. Contaminated sharps shall be placed in the puncture resistant, leak proof, "sharps shuttles"

13. When searching for evidence and contents cannot be determined easily, the contents should be emptied by turning the container or bag upside down (rather than reaching inside the container). Officers should never reach into an area they cannot visualize. Booking officers should consider having prisoners empty their own pockets.

Personal protective equipment

All personal protective equipment (PPE) will be provided to officers. PPE will be chosen based on the anticipated exposure to blood or OPIM. The PPE will be considered appropriate only if it does not permit blood or OPIM to pass through or reach the employees' clothing, skin, eyes, mouth, or other mucous membranes for the duration of time that the PPE will be used.

The evidence/property officer is responsible for seeing that the PPE is available in the cabinets in the booking room. PPE consists of:

1. Gloves for exposure to blood and OPIM: available in different sizes and different materials (e.g., nitrile or vinyl) if individuals are sensitive to latex.

2. Surgical masks with face shields to protect the mucous membranes.

3. Pocket-face masks for resuscitations.

4. Disposable, fluid resistant clothing (e.g., one-piece disposable coveralls; disposable sleeves; disposable gowns, disposable booties).

5. Contaminated PPE should be placed in biohazard bags.

6. Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shields, are required to be worn whenever splashes of blood or OPIM can be reasonably anticipated. Examples of situations would include emergency childbirth, etc

Disinfection

1. Decontamination of surfaces and equipment will be done as soon as possible after contact with blood or OPIM. Decontamination will be completed by utilizing a commercial disinfectant.

Note: A commercial disinfectant must be an EPA approved tuberculocidal and should be used in accordance with the manufacturer's directions.

2. Police Cruisers requiring disinfection should be brought to the car wash.

Hepatitis B Vaccine

1. All employees who have been identified as having exposure to blood or OPIM will be offered the Hepatitis B vaccine. The Town of Brookline's Occupational Health case manager will coordinate the administration of the vaccines.

POST EXPOSURE PROCEDURES:

1. The Unprotected Exposure Form shall be submitted to and maintained by the health care facility to which the patient was transported. This form will be completed if/when departmental personnel assist in the direct handling of patients suspected of the particularized infectious diseases.

2. In those cases where a person is transported to the police station or elsewhere and officers subsequently discover that the individual has one of the aforementioned diseases, an Unprotected Exposure Form shall be completed by the transporting officers from the health care facility.

ROLE OF EXPOSED EMPLOYEE:

1. Employees who believe they have sustained an unprotected exposure to blood or OPIM, should **immediately** report to a healthcare facility for examination, evaluation and possible treatment of the exposure according to the following:

A. Monday through Friday from 8:00 am to 4:00 pm:
New England Baptist Hospital Occupation Medicine Center,
6th Floor of the Converse Building, NEBH, 125 Parker Hill Ave, Boston

B. All other times:
Beth Israel Deaconess Medical Center Emergency Room

NOTE: **It is critical that certain types of treatment be initiated as soon as possible after the exposure.**

2. The Commanding Officer – Platoon on Duty will ensure that the department's designated infection control officer is notified for follow-up with both the employee and the source patient.

ROLE OF DESIGNATED INFECTION CONTROL OFFICER:

1. The designated infection control officer will conduct a follow-up of the exposure including:

A. Documenting the route of exposure and the circumstances related to the incident.

B. If possible, the identification of the source individual will be obtained. If consent from the source individual is obtained, his/her blood may be tested for infectivity and results of any testing will be made available to the exposed employee.

C. **Note:** The employer does not obtain the source individual's blood test results. It is the employer's responsibility to ensure that steps are in place to try to obtain consent and to make arrangements for the blood results to be available to the exposed employee.

D. If consent is not obtained from the source of the exposure, the employer or the designated infection control officer shall document that consent cannot be obtained.

E. The employee will be given appropriate counseling concerning precautions to take during the period after the exposure incident. The employee will also be given information on what potential illnesses to be alert for.

2. TRAINING:

A. Training for all employees who are reasonably anticipated to have occupational exposure to blood and OPIM will be conducted prior to the initial assignment and annually.

ROLE OF HEALTHCARE FACILITY:

1. NOTICE TO *POLICE OFFICERS/CARE PROVIDERS WHO MAY* HAVE SUSTAINED AN UNPROTECTED EXPOSURE:

A. Any health care facility which diagnosis a patient as having a bloodborne infectious disease dangerous to the public health, as defined in 105 CMR 172.001, shall notify orally and in writing, the designated infection control officer for the police officer/care provider(s) submitting the Unprotected Exposure Form who has sustained an unprotected exposure which, in the opinion of the health care facility, is capable of transmitting such disease. Oral notification shall occur within forty-eight (48) hours of diagnosis. Written notice of such exposure shall occur within seventy-two (72) hours of diagnosis. Upon notification, the designated infection control officer shall notify the exposed police officer/care provider.

B. Any health care facility which diagnoses a patient as having an airborne or uncommon or rare infectious disease dangerous to the public health, as defined in 105 CMR 172.001, shall notify the designated infection control officer for the police department as soon as practicable, but not later than 48 hours after diagnosis. Upon notification, the designated infection control officer shall notify the exposed police officer/care provider.

C. The notice shall include, but need not be limited to: the appropriate precautions and actions which should be taken by the care provider who has sustained the unprotected exposure, the identity of the disease to which the individual has been exposed, instructions to the care provider to contact his or her personal physician

for medical follow-up, and information regarding immediate precautions necessary to prevent transmission of the disease to others. The notice shall clearly indicate that such unprotected exposure does not constitute a diagnosis of an infectious disease dangerous to the public health.

D. Notice to the officer(s) who has sustained an unprotected exposure shall be made in a manner so as to assure that such notice is conveyed only to the designated infection control officer for the individual(s). Delivery of the written notice by common carrier such as first class mail to the designated infection control officer shall satisfy these terms. Upon notification, the designated infection control officer shall notify the exposed care provider.

E. The identity of the patient diagnosed as having an infectious disease dangerous to the public health as defined in 105 CMR 172.001 shall not be released either orally or in writing by the health care facility to the designated infection control officer for the care provider or to the care provider who has sustained the unprotected exposure, and the patient's name shall be kept confidential in accordance with Mass. Gen. Law, Chap. 111, Sec. 70.

F. The health care facility shall notify only those designated infection control officers for the care provider(s) who has sustained an exposure to an infectious disease dangerous to the public health, which in the opinion of the facility, is capable of transmitting the disease.

2. **RECORD OF THE NOTICE:** The health care facility shall clearly document notice to the designated infection control officer for the care providers and patients as required by 105 CMR 172.000. The Designated Infection Control Officer shall maintain a copy of the Unprotected Exposure Form.

EXPOSURE TO ANIMALS:

1. **HUMAN CONTACT SITUATIONS INVOLVING SUSPECTED DISEASED ANIMALS:** (ALSO REFER TO BROOKLINE POLICE DEPARTMENT MANUAL "INJURED DOMESTIC ANIMALS/WILDLIFE")

DEFINITION:

HUMAN CONTACT SITUATIONS: Defined as bites, scratches, including blood or saliva on skin or mucous membranes, or if a pet is bitten by a wild animal, and a person has contact with open wound.

A. **CONTACT AREA:** Contact area should be washed immediately with soap and water, then flushed with clean water for several minutes. Apply disinfectant, if available, and seek medical attention in accordance with Brookline Police Department procedures.

B. **HUMAN CONTACT:** All animal contact will require an injury report by the officer and follow-up procedures outlined in paragraph 2 of page 3, this policy. The following information MUST be in the report:

1. Names

2. Addresses

3. Telephone Numbers

4. Location of contact with animal

5. Types of animals involved, and

6. Name of doctor caring for individual.

Procedures for isolating suspected animal carriers are outlined in the Brookline Police Department Manual, "Injured Domestic Animals/Wildlife."

INFORMATION SYSTEMS
COMPUTER DIVISION

General Order Number: **12.1** ***Effective Date:*** **June 18, 2013**

POLICY:

It is the policy of the Brookline Police Department to maintain an information system in order to provide reliable information to be used in management decision-making.

This is important in predicting workload, determining manpower needs, budget preparation and other resource needs. Access to data contained in the system must be controlled in a manner that will ensure only authorized access. It is also necessary to permit dissemination of public data to interested individuals, in conformance with the standards of the Massachusetts Criminal Systems History Board, and to the extent that the rights of any individual are not infringed. All information will be carefully reviewed prior to dissemination to ensure that it is not restricted.

PROCEDURES:

1. **ADMINISTRATION**: The Information System provides a comprehensive picture of the department's operations at any given point in time, as well as providing information for projecting future trends from current and past data.

A. The Records Division is responsible for developing, establishing and maintaining a management information system.

B. Responsibility for recording and/or providing specific types of data is assigned to and/or shared by various Divisions or Units as follows:

1. Patrol Division - Calls for service, trespass notices, attendance, arrest bookings, stolen property, names, incident report narratives, vehicles and tows.

2. Records Division - Criminal history, stolen property, names, Uniform Crime Report coding, warrants, evidence/property, summons, subpoenas, personnel, department inventory, emergency notification list.

3. Detective Division - Stolen Property, case narratives, case management, firearm permits/licenses, pawnshop activity, domestic violence abuse orders, juveniles, field interviews, and drug files.

4. Traffic Division – Parking fines, motor vehicle citations, traffic accidents and police details.

5. Training Division – In-Service training records, training bulletins, Brookline Police Department manuals.

6. The Technology Division will share responsibilities for recording calls for service, and any other recording deemed appropriate.

C. The responsibility for reviewing, correcting and reporting of collected data is assigned to the Service Division, and the respective units/users who entered the data.

2. **REPORTS:** Reports reflecting comparative data and trends on activities shall be created daily, monthly and annually.

A. The Daily Journal shall summarize department activities during the previous 24 hours. Specific dates can be summarized upon request.

B. The monthly report shall contain information relative to activities of various units for the previous month. This report may also contain year-to-date data, NIBRS reports, arrests, trends and other monthly reports required of subordinates. This report shall be prepared by the Crime Analyst.

C. The Annual Report shall summarize the monthly reports. This report shall provide comparative data and statistics, and account for the activities of the entire department.

D. **DISSEMINATION:** Monthly and annual reports shall be disseminated to affected organizational units as directed by the Chief of Police.

E. **NIBERS CRIME REPORTS:** The National Incident Based Reporting System (NIBERS) shall be prepared utilizing the UCR/NIBRS application in the CAD System and the F.B.I. NIBERS Reporting Handbook.

F. **REPORTING CRIME STATISTICS TO THE STATE:** The Brookline Police Department reports statistics to the National Incident Reporting System (NIBRS) and to the Crime Reporting Unit of the Massachusetts State Police. The Records Clerk is responsible for generating the report each month and forwarding it to the Technology Division. The Technology Officer will submit the data to the Massachusetts State Police on a monthly basis.

3. **POLICE ALL FOLDER:** In an effort to promote the dissemination of information within the department a folder has been installed in our in-house email system under the heading "Police All". This folder will be implemented and maintained in the following manner:

A. INFORMATION INPUT:

1. All Brookline Police Department personnel will be given an outline explaining how to use this program.

2. Each division of the police department is responsible for putting their own items in the Police All folder.

3. Each item must be accompanied by a starting date.

4. Each item must be approved by a sergeant or above.

B. INFORMATION DISSEMINATION:

1. It is the responsibility of the Commanding Officer – Platoon on Duty to ensure that patrol officers are aware of any new items that have been placed in the Police All folder.

C. PURGING OF INFORMATION:

1. The Technology Division is responsible for purging the out of date information from the Police All Folder.

4. FINGERPRINTS/PHOTOGRAPHS:

A. Fingerprints shall be taken of all persons arrested, or applicants for employment or licensing purposes.

B. Two cards shall be taken of all arrests and employment applicant's. One card shall be sent to the Massachusetts State Police, one card retained by the Brookline Police.

C. Fingerprints of suspects, applicants and other persons will be maintained in the fingerprint file, located in the Detective Division. Cards will be maintained using the modified Henry system of classification.

1. All officers assigned as photographers and/or evidence officers shall have access to the fingerprint system. Request for cards shall be submitted through the Prosecutor/Investigator, any Sergeant or Lieutenant.

2. Fingerprints shall only be disseminated to legitimate law enforcement agencies for lawful purposes.

3. Juvenile fingerprint cards are stamped JUVENILE and are filed separately in the fingerprint card storage cabinet.

4. If fingerprint cards are removed and subsequently turned over to another department or entity, an incident report will be made indicating the officer in charge, the agency and person requesting the cards, reason, time, date, etc. Upon return, another incident report will be made indicating that information.

5. Photographs will be taken of all arrested persons, job and license applicants and will become a permanent record of the department.

6. Juvenile photographs, like other photographs of individuals, are stored under their master card in the central computer system. The cards should be stamped "JUVENILE".

5. RECORDS:

A. RECORD CARDS/Offender History Application: The use of Record Cards was discontinued in 1986 when our criminal history records were computerized. These cards are still available for reference and are available in the Records Department archive.

The Offender History System serves as a permanent record of the police department and may follow a defendant's criminal history through their career. Records Division personnel are to keep information contained in the Offender History System in utmost confidence. Information contained on record cards are to be divulged only by designated personnel in methods that have been approved by the Brookline Police Department.

1. An Offender History shall be initiated for the following reasons; when a crime is committed (felony or misdemeanor), when a criminal motor vehicle offense is committed or when a summons is issued from the court for any reason.

2. An Offender History shall contain the following information; name, address, occupation, social security number, alias, place of birth, date of birth, mother, father, height, weight, complexion, color of eyes, color of hair, date of issue, case number, date of offense, offense, arresting officer, PHC number.

3. Upon order of the court, records shall be expunged by records personnel as directed by that court.

4. Juvenile Records shall be maintained as such after an individual has become an adult. Juvenile records are **separated** from adults in the central records system. These records include but are not limited to: fingerprints, photographs, and other forms of identification pertaining to juveniles.

5. Access to these records shall be on a "need to know" basis. If access is needed, it shall be authorized by Commanding Officer – Records Division or their designee.

B. REPORT FILING SYSTEM: The following procedures shall be adhered to when filing or retrieving reports:

1. All reports shall be originally filed by the records clerk.

2. If a person needs a report for any reason they shall request it from the records clerk. They shall **NOT** return the report to the file drawer, they shall instead return the file to the records clerk.

3. The Records clerk shall file the reports in the proper place.

C. RECORDS DISTRIBUTION AND SECURITY

1. All department records maintained under the overall control of the Chief Police and shall not be open to any public view. The Records clerk shall secure these records in a secure room or locked cabinet.

2. All access to criminal history records that are maintained in the in-house computer system are accessible 24 hours and shall be subject to the same procedures as stored copies in the file system. Any release of computerized records shall be held to the conditions of M.G.L., Chapter 6, Section 172.

3. No information shall be released, given or issued to the news media or to any members of the press concerning the evidentiary aspects of any criminal investigation without the prior approval of the Chief of Police.

4. No record shall be released to the public without the prior approval of a supervisor. Law enforcement agencies must submit a written request on department letterhead

5. File security is accomplished through username and password protection. The rules and conventions for usernames and passwords differ slightly by system. It is the user's responsibility **not** to share passwords. The user is responsible for any security violations tied to a password.

6. The Technology Officer will perform a quarterly audit to verify password and security access. A system security log will be signed/ initialed by the Technology Officer and kept on file.

7. Once a member of the department's employment has ended, the Technology Officer will delete their passwords and ensure that they no longer have access to the department's computer systems.

6. DATA BACK UP:

A. Data on the department's computer system is recorded by two "mirror image" hard drives.

B. Every thirty minutes, the data is downloaded onto the "mirrored" hard drive.

C. The hard drives are stored in the secured Technology Division Office.

D. The Technology Officer is responsible for the maintenance and security of all computer files.

INJURED DOMESTIC ANIMALS AND WILDLIFE

General Order Number: **13.0** ***Effective Date:*** **November 25, 2008**

POLICY:

Members of the department frequently encounter calls for service regarding sick, injured, or dangerous animals.

It is the policy of the Brookline Police Department that all such situations shall be handled in the most humane manner possible under the circumstances. The safety of the public shall be the first priority in dealing with such matters.

In dealing with injured animals, members should try to remain in an advisory capacity if the owner of the animal is present. When the owner of the animal is not present or is unknown to the officer, the officer shall follow the procedures as set forth below.

PROCEDURES:

1. **SICK OR INJURED ANIMALS:** With the incidence of rabies spreading, officer safety is paramount. ALWAYS remember that stray dogs, cats, raccoons, foxes, skunks, and bats carry a special danger of rabies infection. Rabid animals can be aggressive, vicious, and can attack blindly and without warning. **NEVER** pick up or handle any wildlife or suspicious dog or cat even if they appear tame.

A. In all cases of sick or injured animals investigated by a member of the department, no action with respect to destruction and/or disposal of the animal shall be taken, without first attempting to contact an Animal Control Officer. If an Animal Control Officer is able to respond, they shall assume responsibility, and officers shall assist as appropriate. In all cases, a report shall be submitted.

B. If an Animal Control Officer is not available, the following procedures shall apply:

1. Domestic Animals:

a. The officer shall attempt to identify and contact the owner of the animal and, if this is done, the question of treatment or disposal of the animal shall be left to the discretion of the owner. **If the animal is suspected of being in contact with a rabid animal or**

exhibits any signs, the owner should be cautioned against exposure, and the animal should be tested at the State Lab. Animal Control Officers should be notified to take appropriate action, which will include the destruction or transportation of the animal.

b. If the department is unable to contact the owner, the officer shall contact the Veterinarian authorized by the Town to advise and act in such matters. If the vet requests that the animal be transported to the clinic for treatment, their request shall be honored. The Animal Control Officer shall be contacted for appropriate transportation. **Under no circumstances shall a sick, injured, or dead animal be transported by cruiser or patrol wagon. These vehicles are for transportation of humans ONLY**.

c. If a sick or injured domestic animal requires transportation and Animal Control is not available, call the MSPCA. This phone number can be obtained from the dispatcher.

d. If neither the owner nor the veterinarian can be contacted, the officer shall advise the Patrol Supervisor of all the circumstances and be guided by their instructions.

2. Wild Animals: If an officer is dealing with a wild animal and the Animal Control Officer is not available, the following procedures shall be followed:

a. If the animal is uninjured and is not creating a threat or danger, it should be allowed to return to its natural habitat. The decision to destroy an animal should be based on whether the animal is sick or poses a danger.

b. If the decision is made not to destroy an animal in a residence or business and a problem exists, a property owner, with the assistance of the patrol officer, should be referred to one of the following:

1. Animal Control Officer
2. Massachusetts Division of Fisheries and Wildlife
3. Licensed Trapper or Nuisance Control Specialist
(Numbers available through dispatcher)

c. If the animal is sick or injured or has been in contact with humans or pets to the extent that humanity requires it be removed from further suffering, the officer shall take appropriate action under department procedures outlined below.

2. **DANGEROUS ANIMALS**: Officers dealing with dangerous animals shall contact the Animal Control Officer if time and circumstances permit. If the Animal Control Officer responds, the officer shall assist as appropriate in a manner consistent with these regulations and law.

3. **BATS:** If a bat is in a room occupied by anyone, the bat must be captured and transported to the state lab, if possible. The Animal Control Officer shall be notified to accomplish this. If the Animal Control Officer is not available and the bat cannot be captured, all persons potentially exposed to the bat should be advised to seek immediate medical evaluation. The parents or guardians of any minors potentially exposed to the bat should be contacted and advised to seek medical evaluation for the minor.

4. **DESTROYING AND SECURING OF INJURED, SICK, OR DANGEROUS ANIMALS:** When any animal must be destroyed, and after all previously mentioned procedures have been complied with, officers shall comply with the following:

   A. The Patrol Supervisor must be notified and have given permission prior to the destruction of the animal, unless this is not possible due to emergency circumstances. The Commanding Officer - Platoon on Duty shall have final discretion regarding the destruction of animals.

   B. The killing of the animal shall be done in such a manner that the public is not endangered by a ricocheting bullet. The use of a Remington 12 gauge shotgun by qualified officers is the preferred method of destruction. In situations where it is not safe to destroy an animal due to its location, an animal control pole will be kept in the Animal Control Van. It should be used to remove the animal to a location that minimizes the threat of bullet ricochet.

   C. If possible, the killing of the animal in the presence of the public, and particularly the presence of children, will be avoided.

   D. A full report shall be submitted. If the animal, is a domestic animal the report shall include a full description of the animal, its collar if any, and all information contained on the collar if present. Such report shall be in accordance with Brookline Police Department Manual, Use of Force, which states necessity and content of report required when discharging a weapon or other means of force.

   E. In the event the Animal Control Officer is not available, the responding officer will be responsible for securing and destroying the animal in accordance with the following procedures:

      1. After the animal is destroyed, the Public Works Department shall be notified for removal. At **NO** time should a destroyed animal be placed in the cruiser trunk.

2. The officer will stand by until Public Works Department Personnel arrive with proper equipment to remove the animal. The animal will be removed and the area of disposal disinfected by the Public Works Department.

3. The officer is to ensure the animal is transported to the proper location.

a. If the animal is to be tested for rabies:

During normal working hours, the animal shall be taken to the State Labs.

After Hours/Weekends/Holidays, if the State lab is not open then the animal should be placed in the animal control refrigerator (**NOT THE FREEZER**). All bags should be marked with: type of animal, location, and incident number.

b. If the animal need not be tested, the Public Works Department shall dispose and no further action required.

4. **HUMAN CONTACT SITUATIONS:** (ALSO REFER TO BROOKLINE POLICE DEPARTMENT MANUAL "INFECTIOUS DISEASES")

DEFINITION:

HUMAN CONTACT SITUATIONS: Defined as bites, scratches, including blood or saliva on skin or mucous membranes, or if a pet is bitten by a wild animal and a person has contact with the pet's open wound.

A. **CONTACT AREA:** The contact area should be washed immediately with soap and water, then flushed with clean water for several minutes. Apply disinfectant, if available, and seek medical attention in accordance with Brookline Police Department procedures. (See Infectious Diseases, of the Brookline Police Department Manual.)

B. **HUMAN CONTACT:** All animal contact will require a report by the officer. The following information **MUST** be in the report:

1. Names
2. Addresses
3. Telephone Numbers
4. Location of contact with animal
5. Types of animals involved, and
6. Name of doctor caring for individual

C. **ANIMAL CONTACT:** Bites or scratches to animals from an unknown source must be reported to the Animal Control Officer, and the animal should be treated by a Veterinarian. Humans should take precautionary measures with these animals also.

JUVENILE OPERATIONS

General Order Number: **14.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It shall be the policy of the Brookline Police Department to assign a high priority to the prevention of juvenile crime. To further that end, it shall be the policy of the Brookline Police Department to engage in activities, and design programs geared toward preventing and controlling juvenile delinquency.

Further, it shall be the policy of the Brookline Police Department to assist in the strengthening and encouragement of family life for the protection and care of children; to assist and encourage the use by any family of all available resources to this end. To assist those agencies committed to the provision of substitute care of our children to ensure their protection against the harmful effects resulting from the absence, inability, inadequacy or destructive behavior of parents or parental substitutes.

It shall be the policy of the Brookline Police Department to actively cooperate with all other agencies, public or private that can be of assistance in deterring and controlling juvenile delinquency, including those that are able to accept referrals from the Juvenile Unit of the department.

It shall be the policy of the Brookline Police Department to actively seek review and comment by other elements of the juvenile justice system, in the development of the department's policies and procedures pertaining to juveniles.

It shall be the policy of the Brookline Police Department that when dealing with juvenile offenders, the least coercive methods shall be used, consistent with preserving public safety, the good of the community, and individual constitutional and statutory rights afforded to a juvenile offender.

DEFINITION: ***For the purpose of criminal law, a juvenile is a person who has reached the age of 7, but has not yet attained his or her 17th birthday.***

1. SPECIAL TERMS:

A. Child in Need of Services (CHINS): Any child below the age of seventeen who persistently runs away from home or his/her parents or legal guardian, or who persistently refuses to obey the lawful and reasonable commands of his/her parents or legal guardian. Under an alternative definition, a "child in need of services" also covers any child between the ages of six and sixteen whom persistently and willfully fails to attend school or who persistently violates the lawful and reasonable regulations of his/her school.

B. Delinquent Child: A juvenile who violates any city ordinance or town by-law or who commits any offense against the Commonwealth.

C. Juvenile: A juvenile, for purposes of Massachusetts criminal law, is anyone who has reached the age of 7 years, but has not yet attained his or her 17th birthday.

D. Non-Offenses: Children held in protective custody because they were found present where controlled substances are kept pursuant to G.L. c 94C,s, 36 or are incapacitated due to intoxication pursuant to M.G.L. c. 111B, s. 8. **note:** A 17 year old is considered a juvenile in protective custody situations involving alcohol intoxication.

E. Non-Secure Custody: A condition under which a juvenile's freedom of movement is controlled by members of the department during such time the juvenile:

1. Is held in an unlocked, multi-purpose room that is in no way designed for residential use;

2. Is not handcuffed to any stationary object;

3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility of the court; and

4. Is under continuous supervision until released.

F. Secure Custody: A condition under which a juvenile's freedom of movement is controlled by being placed in a cell or locked room) (or set of rooms) or being handcuffed to a stationary object.

G. Status Offender: A juvenile who has committed an offense that would not be a crime if committed by an adult. This includes: runaways, truants, youth curfew violations, and minors in possession of or transporting alcohol.

2. LEGAL MANDATES:

A. SELECTED LAWS REGARDING JUVENILES: All officers are responsible for knowing and complying with the law. The following Massachusetts General Laws regarding juveniles are by no means all-inclusive but are put forth as an aide.

B. **MASS. GEN. LAW, Chapter 94C SEC 36:** A police officer may take into protective custody for not more than four hours any persons whom the officer reasonably believes is under seventeen years of age if that person is found present where controlled substances in Class A, B, or C are kept or possessed, and the child knows of the presence or possession of the controlled substance. Under these circumstances, every effort shall be made to notify the child's parents or guardian, or other person having lawful custody.

C. **MASS. GEN. LAW, CHAP 111-B:** Whenever a juvenile is taken into protective custody as an "Incapacitated Person" under the provisions of MASS. GEN. LAW, CHAP 111-B, the policy and procedures outlined under this subject matter shall be strictly adhered to.

D. **MASS. GEN. LAW, CHAP 119, SEC 24:** Deals with child neglect or abuse. In cases of serious child neglect or abuse, "any person" may apply to an appropriate juvenile court to have custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred on an emergency basis, to the Department of Public Welfare, or a licensed child care agency or individual, under the provisions of MASS. GEN. LAW, CHAP 119, SEC 24, (Care and Protection Order).

Officers requested to assist Department of Social Services personnel in serving a "Care and Protection Order" shall, after inspecting the document to ensure that it is in order, render all appropriate assistance. ***WHEN IN DOUBT REGARDING THE APPROPRIATENESS OF SUCH ASSISTANCE THE JUVENILE UNIT SHOULD BE CONTACTED FOR ADVICE.***

E. **MASS. GEN. LAW, CHAP 119, SEC 39E-39J:** Deals with Children in Need of Services (CHINS).

1. "A child in need of services" is any child below the age of seventeen who (a) persistently runs away from the home of his parents or legal guardian, or (b) persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian; under an alternative definition, a "child in need of services" also covers any child between the ages of six and sixteen who (a) persistently violates the lawful and reasonable regulations of his school.

2. MASS. GEN. LAW, CHAP 119, SEC 39E-39J, governs CHINS proceedings. A parent, legal guardian or a police officer may file a petition in the district or juvenile court to have a child declared a "child in need of services." If the court so finds, the court may make orders pertaining to custody, counseling, educational, occupational, or other services. However, a child may not be arrested for engaging in behavior which constitutes being a child in need of services unless the child has failed to obey a summons or if the arresting officer has probable cause to believe the child has run away from home and will not respond to a summons.

F. **MASS. GEN. LAW, CHAP 119, SEC 51A:** States in part "Any policeman, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering serious physical or emotional injury resulting from abuse afflicted upon him including sexual abuse, or from neglect, including malnutrition, or who is determined to be dependent upon an addictive drug at birth, shall immediately report such condition to the department of social services by oral communication and by making a written report within forty-eight hours. Officers should file reports even if other mandated reporters are filing, i.e. schools and hospitals.

Officers who have occasion to make a report as required above shall notify the juvenile unit. Immediately contact the juvenile unit if assistance is necessary in filing a report.

G. **MASS. GEN. LAW, CHAP 119, SEC 74:** States in part: "No criminal proceeding shall be begun against any person who prior to their seventeenth (17th) birthday commits an offense against the laws of the Commonwealth or who violates any city ordinance or town by-law regulating the operation of motor vehicles, which Is not capable of being judicially heard and determined as a civil motor vehicle infraction pursuant to the provisions of Chapter #90C may issue against a child between sixteen (16) and seventeen (17) years of age without first proceeding against them as a delinquent child".

PROCEDURES:

1. ORGANIZATION AND ADMINISTRATION:

A. **ELEMENT OF THE DETECTIVE DIVISION**: The Juvenile Unit shall be an element of the Detective Division. Members will be assigned as deemed appropriate by the Chief of Police. The Captain of the Detective division shall be in command of the Juvenile Unit.

B. **JUVENILE OPERATIONS/SHARED RESPONSIBILITY**: Although the Brookline Police Department has a Juvenile Unit, all personnel shall be familiar with dealing with juvenile problems. All department personnel must share the responsibility for participating in and supporting programs relating to juveniles.

C. **COLLABORATION AND COOPERATION WITH OTHER SERVICE AGENCIES**: Many service agencies both in the public and private sector offer services to juveniles. The Juvenile Officers shall maintain a list of all such social service agencies available. They shall be knowledgeable of the different services that these agencies provide, and shall collaborate and cooperate with and assist personnel from these agencies. In order to prevent and control juvenile delinquency, and to assist juveniles in need of assistance.

2. OPERATIONS:

A. TECHNIQUES FOR DEALING WITH JUVENILES: All members of the Brookline Police Department should be aware that constitutional rights are not lost by virtue of one's age. Rather, juveniles merit greater protection, particularly in the area of questioning and waiver of rights. The combination of legal safeguards and practical response is aimed at beneficial results for the child, the department, and the community.

When handling juveniles the following procedures should be followed:

1. Be flexible. Do not flaunt authority as this will only lead to resentment.

2. A juvenile's reaction to police presence may be distasteful to the individual officer. However, officers should not take personal offense and should ignore abuse.

3. Remember that a juvenile is entitled to the same respect and restraint as an adult, and any other treatment would be counter-productive. Avoid situations which humiliate or embarrass.

4. While an officer should recognize the unique and often sensitive nature of juvenile contact, he or she should not be deterred from properly enforcing the law when required to do so. A decision to arrest should be based on the same legal considerations as the arrest of an adult.

5. Police officers play a very important part in the Juvenile Justice System, patience, understanding and firmness, together with close cooperation with Court officials in the processing of juvenile cases, are necessary for the system to operate most effectively.

B. COURT ACTION: Formal complaint applications for referral to the Juvenile Court should be restricted to those cases involving serious criminal conduct or repeated criminal violations. Delinquent acts which should require referral to the Juvenile Justice System include:

1. All acts which if committed by an adult would be felonies;

2. acts involving dangerous weapons;

3. serious gang-related acts;

4. aggravated assaults and batteries;

5. acts committed by juveniles on probation, on parole or by those with cases pending;

6. repeated acts within a twelve (12) month period;

7. offenders who have been selected for a diversion program but have refused to participate.

8. cases where it is apparent that parental supervision necessary for diversion is lacking.

C. **WRITTEN SUMMONSES/CITATIONS JUVENILE OFFENDERS**: The use of summonses rather than physical arrest is the preferred method for referring a juvenile to the court system. When a question exists as to whether to arrest or summons a juvenile, officers should consider the safety of the community, the safety and well being of the juvenile, their own safety and the totality of the circumstances. The issuance of the summons shall be in accordance with the provisions of MASS. GEN. LAW, CHAP 119.

1. **CITATION**: For M.V. violations or violations of town by-laws.

2. **HEARING**: A probable cause hearing to determine if a complaint will issue. Often at this stage the court can mandate an alternative treatment or action. This preserves the juvenile's record and mandates a particular course of action. This course should be taken for first time offenders or for less serious crimes.

3. **SUMMONS**: The use of summonses rather than physical arrest is the preferred method for referring a juvenile to the court system. When a question exists as to whether to arrest or summons juvenile, officers should consider the safety of the community, the safety and well being of the juvenile, their own safety and the totality of the circumstances. The issuance of the summons shall be in accordance with the provisions of MASS. GEN. LAW, CHAP 119.

4. **ARREST**: This action should be used for the most serious and/or dangerous crimes committed by juveniles. Arrest should be used when other actions have been utilized in the past with negative results.

D. **SERVICE OF ARREST WARRANTS:** Prior to service of any arrest warrant for a student attending a Brookline School, the Juvenile Officer(s) shall be contacted to determine how service is to be made. If it is safe and timely, the Headmaster/Principal or their administrators should be notified prior to the arrest being made. In the event the Headmaster/Principal cannot be notified prior to arrest, they should be notified as soon as possible after arrest.

In all cases wherein an arrest has not been made in the above instances, the juvenile officers should be notified of the intended actions of the investigating officer. Written reports will be made on all incidents and a copy forwarded to the Juvenile Officer.

E. **CUSTODIAL INTERROGATION OF JUVENILES**: The following procedures shall be adhered to when conducting a custodial interrogation of a juvenile.

Before initiating an interrogation, both the juvenile and the "interested adult" if present, shall be advised of the general procedures that are followed by the department and the courts in matters regarding juvenile offenders.

The interrogating officer should be particularly careful to read each "Miranda" right distinctly, clearly, and in a manner designed to insure that the juvenile, and any adult present on his or her behalf follows the words being spoken and comprehends their meaning. It is preferable to use the written form containing the Miranda warnings. The form should be handed over to the juvenile, and to any adult acting on his or her behalf, so that it can be read slowly, and re-read if necessary. Some inquiries should be made as to the minor's age, their most recent level of education and schooling; whether they have any reading or understanding disabilities, and whether they understand the words contained in the warnings.

The juvenile should be allowed to discuss the meaning of the Miranda warnings, the consequences of waiving them, and the advisability of waiving them with the adult who is present on their behalf.

Both the juvenile and adult shall be given every reasonable opportunity to discuss the rights and the waiver.

In all instances of custodial interrogation of juveniles, officers shall follow the "interested adult" rule mandated by Comm. v. A Juvenile, 389 Mass. 128, 449 N.E. 2d 654, 1983.

1. An "interested adult" is, most often, a parent of the juvenile. When a parent is unavailable, another interested adult may be called upon, such as, a legal guardian, an adult brother or sister, another adult relative, an attorney or a probation officer.

2. <u>If the juvenile being interrogated is under the age of fourteen, an interested adult MUST be present; MUST be advised of the Miranda warnings, and MUST be given an opportunity to discuss them with the juvenile.</u>

3. <u>If the juvenile is over the age of fourteen, an interested adult should be present if at all possible.</u> If an interested adult is present, that person shall be advised of the Miranda warnings and shall be given an opportunity to discuss them with the minor. If there are valid substantial reasons why an interested adult is not present, officers should insure, **BEFORE INTERROGATING THE JUVENILE**, that they understand the warnings and the consequences of waiving them and further, that any waiver of their rights is made intelligently, knowingly and voluntarily.

If an interested adult cannot be obtained, officers must be aware that the admissibility of statements obtained may be suppressed.

4. No more than two officers shall interrogate a juvenile at the same time.

NOTE: Massachusetts courts have not ruled on how long the interrogation session of a juvenile may continue before it becomes unduly coercive. Whether an interrogation is unduly coercive such that a valid wavier of rights cannot be made, is a facts and circumstances inquiry and will be dependent on the age, intelligence and sophistication of the juvenile, as well as the circumstances of the interrogation.

F. HOLDING JUVENILES/ARRESTING JUVENILE OFFENDERS: Whenever practical and reasonable juveniles should be transported in a patrol car with a protective screen. Patrol Wagons should be avoided and only used as a last resort.

1. Custody of Juveniles: Whenever a juvenile is arrested by members of the department, the Commanding Officer - Platoon on Duty or the juvenile officers if available shall:

a. Inquire into the situation to ensure that proper cause for the arrest existed, and that the juvenile was and is being treated in accordance with law.

b. Advise the juvenile of all applicable constitutional and legally mandated rights

c. Notify the probation officer of the district court. Probation officer will determine release or transfer to a secure facility. If the juvenile is transferred to another facility, it shall be done without delay, unless the juvenile is in need of emergency medical treatment.

d. Notify the parent, guardian, or the person with whom the juvenile resides.

e. Detain the juvenile pending such notice and inquiry.

2. Status offenders <u>cannot</u> be securely detained for any amount of time.

a. Status offender = CHINS (runaways, stubborn child, habitual school offenders) and youth curfew violations. A minor under age 17 in possession of/transporting alcohol is considered a status offender under federal regulations. A child in protective custody, a non-offense, shall be accorded the same treatment as a status offender.

b. Secure detained is defined as physically detained or confined in a locked-room, set of rooms, or a cell that is designated, set aside or used for the purpose of securely detaining persons who are in law

3. **Delinquent Child:**

a. No juvenile under the age of 14 may be held in a police lock-up.

b. Juveniles charged with delinquency offenses **shall not be held** in police lock-up or otherwise securely detained for **any longer than six hours**. (the six hours are for the purpose of booking, processing, identifying the juvenile, notifying probation, parents and transporting to court or an appropriate approved alternative lock-up program.

c. Juveniles must be sight and sound separate from adults in custody.

G. NON-CRIMINAL CUSTODY OF JUVENILES:

1. Juveniles may be taken into custody for non-criminal behavior, (status offense, such as runaway) under the authority of Mass. Gen. Law, Chap. 119, Sec. 39E-39J. (Children in need of services - CHINS). However, a child may not be arrested for engaging in behavior which constitutes being a child in need of services, unless the child has failed to obey a summons or if the arresting officer has probab1e cause to believe the child has run away from home, and will not respond to a summons.

2. Juveniles may be taken into custody in situations, where the officer believes that the life or the health of such child is in immediate danger. ln such cases the officer should have someone at the station contact the Department of Children and Families (DCF) immediately, and relay the circumstances of the situation. If a representative of DCF does not respond to the scene within a reasonable period of time, the officer may transport the juvenile to the police station.

3. The Commanding Officer - Platoon on Duty or the juvenile officer if available shall make every reasonable effort to notify the parent, guardian, or the person with whom the juvenile resides.

H. ALTERNATIVES TO COURT ACTION

1. **DECISIONS RELATING TO JUVENILES:** When dealing with juveniles, members of the department shall use the least coercive and most reasonable alternative, consistent with preserving public safety, order and individual liberty.

2. Juvenile offenders may be dealt with in a number of ways.

a. Outright release with no further action; provided, however, that no arrest has been made, turn juvenile over to the parent if possible.

b. Simple treatment by the department with a notification to the parent or guardian. In most cases turning the juvenile over to the parent or guardian.

c. Prolonged treatment, on a voluntary basis, by social service agencies, with the permission of the parent or guardian.

d. Referral to the juvenile officer for placement in the Diversionary program, if it involves a first time offense involving the use or possession of substances including alcohol. (See Special Order # 96-5)

e. Referral to the Juvenile Court.

3. In considering a course of action, officers should consider the nature of the alleged offense, the age and circumstances of the alleged offender, the offender's past record, the advice of the department juvenile officers, the availability of community based rehabilitation programs, and in some cases, the recommendation of complainant or victim.

4. Apart from diverting juveniles to social service agencies or to court, officers may for minor offenses employ remedies such as diversionary programs, warnings, informal referrals, follow-up by juvenile officers and consulting with and arranging for corrective actions by parents.

I. PROGRAMS AND PARTNERSHIPS:

1. ENFORCEMENT AND PREVENTION PROGRAMS /EVALUATION: All enforcement and prevention programs relating to juveniles shall be subject to a quantitative and qualitative evaluation annually by the Chief of Police or their designee, to determine whether such programs should be continued, be modified, or should be discontinued.

2. JUVENILE ROUNDTABLE: The Juvenile Officer will participate in the Juvenile Roundtable with members of the community, Juvenile Probation Officer, Court Psychologist, Brookline High School Violence Prevention and Substance Abuse Program, Brookline Center. The Juvenile Roundtable meets on a weekly basis to review juvenile delinquent cases and high-risk juveniles

3. CURFEW CHECKS: In collaboration with the Brookline Court, Brookline Probation Department, and the Diversionary Program the Juvenile Officer will maintain a list of juvenile curfews. This list will be forwarded to the

Patrol Division and the Walk and Talk Officers so the curfews can be checked. The Juvenile Officers will forward the results of the curfew checks to the appropriate agency or program. The Juvenile Officer and/or the Walk and Talk Officers should arrange to periodically make the curfew checks together with the Juvenile Probation Officer.

4. **SCHOOL LIAISON PROGRAMS**: The Juvenile Officer(s) and the AWARE Officers shall coordinate their efforts in providing support to local schools in the following areas.

   a. Acting as resources with respect to delinquency prevention;

   b. Providing guidance on ethical issues in a classroom setting as requested;

   c. Providing and/or arranging for individual counseling to students;

   d. Explaining the law enforcement role , particularly the role of the Brookline Police Department in society.

5. **PARTICIPATION IN COMMUNITY RECREATIONAL YOUTH PROGRAMS**: The Brookline Police Department shall lend all appropriate support to the developing and maintaining community recreational programs for juveniles. Juvenile Officer(s) and the AWARE Officers shall act as catalysts in the forming of such programs when necessary. They shall encourage and enlist the support and participation by members of the department in such endeavors.

6. **LIAISON WITH DIVISION OF SOCIAL SERVICES**: The members of the Juvenile Unit shall act as liaison with the Division of Social Services. Copies of all 51A's shall be forwarded to the Juvenile Unit.

7. **JUVENILE UNIT TO ASSIST OTHER COMPONENTS OF THE DEPARTMENT**: The members of the Juvenile Unit shall act in the capacity of consultants with other units of the department in juvenile related matters.

8. **USE OF ALCOHOL BY MINORS:** Any time an officer has a dealing with a juvenile, or minor who is or has been involved in the illegal use of alcohol the following steps are to be taken.

   a. If first time offense, referral to the juvenile officers for the Diversionary Program. If not, then summons or arrest the offender.

b. If an arrest is not made, or a summons is not sought, at a minimum a special report shall be filed and the parent or guardian shall be notified by the officers responsible for reporting the incident. In the event that the officer is unable to contact the parents or guardian, the officer shall request the assistance of the Juvenile Unit.

c. Insure that all evidence is confiscated.

d. If the incident is at a private residence and there are adults present, seek criminal complaints against the adult responsible for providing or furnishing the alcohol, in addition to any other pertinent charges.

e. If the incident takes place at a residence without parental knowledge, the parents or guardians of all minors present are to be contacted by the Juvenile Unit as soon as possible informing them of the incident and of the outcome. Special Reports from officers responding must be complete and accurate in order to allow follow-up by the Juvenile Unit without additional research. This includes the names, DOB of all minors present and their parents' names, addresses, and phone numbers. Contact should be made to the owner/occupant of the residence and advise them of the incident

f. For purposes of this policy, a minor child has been determined to be someone not having been declared emancipated and who has not reached the age of eighteen (18).

g. All Commanding Officers are to ensure that copies of all pertinent reports are forwarded to the Juvenile Unit.

h. Juvenile Officer will follow-up on these matters when officers cannot make the above notifications.

LEGAL PROCESS

General Order Number: **15.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department to give strict attention to the documenting and serving of legal processes. An important function of law enforcement is the execution of legal process in support of the judicial function. Legal processes consist of summonses, subpoenas, arrest warrants, search warrant, and abuse orders relating to a Criminal case which are issued by any Court of Law within the Commonwealth; and which are sent, delivered, carried, or otherwise conveyed to our department for the purpose of being served or executed upon the person or place named within.

Since the functioning of the courts is affected by the prompt service of these documents, and since the department has certain legal responsibilities regarding such service, it is necessary that Records Division personnel maintain precise and appropriate record keeping procedures to minimize potential litigation and liability.

The procedures outlined in this section are designed to ensure sufficiency of information, accuracy, timeliness, accessibility, and accountability in the service of legal processes. Any arrests made on a warrant must be backed up by documentation that some agency has that warrant in their possession, and that to the best of their knowledge it is still in effect or that the warrant is active in the Warrant Management System (WMS).

PROCEDURES:

1. **TRAFFIC/RECORDS DIVISION PERSONNEL:** Are responsible and accountable for the processing and recording of all legal processes for the department as described below. Unless otherwise noted, all records/logs are now computerized using Criminal History, Warrant, and Document Service Applications:

A. Legal processes for which we have the document in our possession, and service is to be executed on persons or places within the Town of Brookline;

B. Legal processes in the possession of another agency (local, state, or federal);

C. Processes to be served outside of our normal jurisdiction;

D. Service of civil process under Mass. Gen. Law, Chap. 209A (Abuse Law) and under Mass. Gen. Law, Chap. 273A (orders of notice).

2. **ACCESS TO RECORDS**: Members of the department shall have access to department criminal records twenty-four hours a day through computer access. Members shall comply with CORI laws.

3. **RECORDING**: The receipt of the following documents shall be recorded in the appropriate computer application by records division personnel:

A. SUMMONSES - DOCUMENT SERVICE APPLICATION
B. ABUSE PREVENTION RESTRAINING ORDERS – 209A

4. **INFORMATION TO BE RECORDED**: Computer records and notebooks shall contain the following information, if appropriate:

A. Date issued
B. Nature of document (summons or 209A)
C. Source of document (issuing court, etc.)
D. Name of defendant
E. Officer assigned for return of service
F. Date of service
G. Court docket number (warrant number, etc.)
H. Disposition (mailed, served, recalled, returned, or unserviceable)

5. **RECORD ON THE EXECUTION OR ATTEMPTED SERVICE:** Computer records shall contain the following information for the execution or attempted service of legal process documents:

A. The date and time service was executed or attempted.
B. The name of the officer executing or attempting service.
C. The name of the person on whom the legal process was served or executed.
D. The method of service or reason for non-service.
E. The address of service or attempted service if not otherwise listed on the document.

6. **WARRANTS:**

A. **DESCRIPTION:** Massachusetts Warrants are issued in two mediums, Paper and Electronic. Paper Warrants are prepared on paper. Electronic Warrants are entered into the Warrant Management System (WMS) of the Massachusetts Trial Courts, which exchanges data with the Massachusetts Criminal Justice Information System (CJIS). Statute (M.G.L. Chapter 276, sections 23A, 29, 30, 31, and 32). District courts may issue paper warrants during non-business hours and/or for special circumstances. For the purpose of this section, the term "warrant" shall include "paper" warrants and "WMS warrant printouts."

B. **PRIORITIZING OF WARRANTS**: Warrants that are received by the department shall be categorized according to the priority in which they shall be processed. Warrants that are issued for violent crimes, sex offenses, OUI, or violations of the Abuse Law shall have priority for service over warrants of a non-violent nature. Attempts to serve priority warrants should be made as soon as possible.

C. **RENDITION**: The determination of whether the department will rendite an individual shall be the responsibility of the Commanding Officer of the Detective Division. (All decisions of this nature shall have the approval of the Chief of Police and consultation with the District Attorney's Office.)

D. **ARREST WARRANTS:**

1. Warrants shall be served as follows:

a. The Commanding Officer - Platoon on Duty shall check the warrant to assure that it is fair on its face and that the necessary information was placed on the warrant.

b. Officers are to attempt service on warrants on no less than three different occasions and are to adhere to the Policy and Procedures entitled "ARREST," in the Brookline Police Department Manual. At a minimum, attempts to serve warrants shall be made on three different shifts (day, first, last) unless information received by the officers attempting service indicates that further attempts would be fruitless or that another time may be more appropriate.

c. No attempt of service of a WMS warrant shall be made without verification of the warrant in the Warrant Management System immediately prior to the attempt of service.

d. Officers attempting to serve arrest warrants are to make a concerted effort to serve such. If it is found that the subject of the warrant no longer lives at the given address, officers are to check with neighbors, landlords, Registry of Motor Vehicles, etc., to determine a new address. All pertinent information is to be documented on the arrest warrant service report, and followed up if applicable.

e. If officers are successful in serving an arrest warrant, they shall make the proper "return" and submit the warrant to the Commanding Officer - Platoon on Duty. The Commanding Officer - Platoon on Duty shall ensure that the Dispatch Operations

Computer Operator cancels or locates the warrant in the CJIS Computer. Records Division personnel shall record the date of the arrest and the names of the arresting officers in the computerized warrant application.

f. When an arrest warrant is issued to a member of the Detective Division, the detective who obtains the warrant shall immediately notify the Records Division of the warrant's existence. If, due to the sensitive nature of an investigation or emergency circumstances, such notification is deemed inappropriate, the Commanding Officer - Detective Division shall be so advised and shall make the decision on when such notification shall be made.

g. Prior to service of any arrest warrant for a student attending a Brookline School, the Juvenile Officer(s) shall be contacted to determine how service is to be made.

E. **ARREST WARRANTS FOR NON-BROOKLINE RESIDENTS:** Warrants for Non-Brookline residents shall be processed in accordance with the procedures set forth in this policy and in addition:

1. Warrants described in 6B above shall be served as follows:

a. The Commanding Officer - Platoon on Duty, or their designee, shall contact the police department having jurisdiction where the defendant resides and request service be attempted on the warrant.

b. Brookline police officers who service a warrant outside the Town limits shall notify the police department having jurisdiction and request assistance.

F. **PROCESSING OF SUMMONSES:** All summonses received from court shall be processed in the following manner.

1. When a summons is received by our department for service in Brookline on a Brookline resident the following procedure shall be followed:

a. An entry shall be made in the notebook including: date of issue, docket number, name, address, issuing department, and date of court appearance.

b. If the summons is to be mailed to the defendant, an entry in the notebook shall be made as such.

c. If the summons is to be served in hand or to be left at the last and usual place of residence, the Traffic/Records Division shall place it with the Commanding Officer – Platoon on Duty for service.

d. When the summons is served, the officer making service shall make the return on the summons and return the summons to the Traffic/Records Division. Traffic/Records Division personnel shall note in the notebook the date of service and the officer making service. They shall then return the summons to court.

e. If a summons cannot be served for any reason (no longer at address, no such person, etc.), the officer attempting service shall complete the Return of Service form and return it to the Traffic/Records Division. The summons shall be returned to court by Traffic/ Records Division personnel.

f. In situations involving juvenile matters, both the juvenile and the parent or guardian shall receive a summons.

G. When a summons is to be served on a person residing outside the Town of Brookline, the following procedure shall be followed:

1. It shall be processed in accordance with the procedures set forth in this policy.

2. The summons may be mailed to the defendant's last and usual place of residence.

3. If circumstances require the summons to be delivered in hand, the Traffic/Records Division personnel shall mail / fax the summons to the police department where the defendant resides (and be served by them in the appropriate manner). If the summons has not been returned in a prescribed period of time, a follow-up letter shall be mailed to that department.

4. When the summons is returned to our department from other police jurisdictions, the following information shall be recorded in the notebook: the date of service and the department making service on the summons. Traffic/Records Division personnel shall then return the summons to court.

H. ABUSE ORDERS

1. When an abuse order is received by this department, the Commanding Officer – Platoon on Duty shall record the following information in the Restraining Order log sheet:

a. Name and address of the defendant;

b. Department or court issuing the order;
c. Violation;

2. A copy of the abuse order shall be placed in the abuse order file cabinet located in dispatch

3. **If the abuse order is to be served on a Brookline resident:**

a. The Commanding Officer - Platoon on Duty, shall see that they are served without delay.

b. Officers shall make a concerted effort to serve the abuse order and obtain a new address if necessary for service. Officers who are successful in serving the abuse order shall make the return on the back of the original abuse order. The Commanding Officer - Platoon on Duty or their designee shall place a copy of the abuse order in the abuse order file cabinet in the Dispatch Area. Abuse Orders shall be filed alphabetically, by the **DEFENDANT'S LAST NAME**. The entry in the Restraining Order Application will be completed with the name of the officer making service and the date of service.

The Original Abuse Order will then be returned to the originating agency or court.

c. Officers that are unsuccessful in serving the abuse order shall, prior to the end of their shift, turn the abuse order into the Commanding Officer - Platoon on Duty for further attempts at service. After a reasonable number of attempts or after determining that the defendant has vacated the premises, the abuse order shall be returned to the Detective Division-Domestic Violence Unit. Domestic Violence unit personnel shall make diligent efforts to obtain necessary information for service of the order. In any case the abuse order shall be returned to the Commanding Officer – Platoon on Duty for further attempts of service.

MISSING PERSONS

General Order Number: **16.1** ***Effective Date:*** **June 18, 2013**

POLICY:

Cases involving missing persons are serious and must be handled professionally, expeditiously and with sensitivity. It is the policy of the Brookline Police Department to ensure that reports of missing persons are promptly recorded, assessed, and investigated, in accordance with the following procedures. This department recognizes that the initial police response to the report of a missing person is critical to the effective collection of evidence and tracing of leads, as crucial evidence may be lost if it is subsequently discovered that the person was abducted. In particular, great care must be exercised in investigating any missing child case, as all missing children are at risk.

PROCEDURES:

1. TELEPHONE REPORT

A. If a report of a missing person is received over the telephone, the officer receiving the report should explain that the procedures of the department require personal submission of a missing person report, unless an immediate emergency exists, and that an officer shall be dispatched to the reporting party's residence. If the reporting party resides out of state the report may be taken over the telephone and every effort must be made to verify the legitimacy of a report taken over the telephone. Contact with the police department in the community of the reporting person should be made if possible for verification.

A MISSING PERSON REPORT FORM IS TO BE COMPLETED WHENEVER A PERSON IS REPORTED MISSING.

B. In addition, an officer receiving a report of a missing person shall take and record the following information on the departmental form (see attached).

1. A description of the missing person, including name, age, sex, physical description, and description of clothing;

2. Whether the person is mentally or physically impaired, whether they require any medications; if medications are required, the type, frequency, and last administration should be ascertained, if possible:

3. The time and place at which the missing person was last seen, anyone who may be accompanying the missing person, and any likely destination to which the missing person may be going;

4. The name and address of the caller, and;

5. The relationship between the caller and the person reported missing.

C. If the telephone report concerns a missing child, the officer also shall inquire:

1. Whether the child's absence is a significant deviation from established patterns of behavior and cannot be explained; has the child ever run away from home before etc. **GREAT CAUTION MUST BE EXERCISED BEFORE CLASSIFYING A CHILD AS VOLUNTARILY MISSING.**

2. Whether the child is believed to be with adults, including parents and other relatives, who may endanger the welfare of the child.

D. Upon receipt of a report of a missing child, the officer dispatched to the residence or other location where the report originated, shall as soon as possible, begin the follow-up investigation. If the reporting party is not the child's parent, an attempt shall be made to notify the parents as soon as possible.

A missing person report form shall be completed. Copies shall be made:

1. The original shall be submitted in the same manner as other investigative reports.

2. A copy is to be placed in the Active Missing Person CJIS file.

3. A copy shall be forwarded to the Detective Division / Juvenile Unit

2. **EMERGENCY CASES:** Upon receipt of the necessary information in emergency cases over the telephone, or in the form of a completed report filed by a patrol officer, the Dispatcher shall prepare the missing person report for data entry. Enter the necessary information into the CJIS computer system **forthwith**, (refer to NCIC and CJIS manuals for entry format and procedure), and record the NCIC, CJIS and OCA numbers in the missing person report, signing the same.

IN THE CASE OF A MISSING CHILD, WHENEVER A PARENT, GUARDIAN, OR GOVERNMENTAL UNIT RESPONSIBLE FOR A CHILD REPORTS THE CHILD MISSING, POLICE OFFICERS ARE REQUIRED BY LAW IMMEDIATELY TO:

1. ENTER RELEVANT INFORMATION INTO THE CENTRAL REGISTER FOR MISSING PERSONS AND;

2. IMMEDIATELY TO UNDERTAKE TO LOCATE THE MISSING CHILD IN ACCORDANCE WITH MASS. GEN. LAW, CHAP. 22A, SEC. 4.

In the event that the computer is "down" the appropriate entries shall be made as soon as possible.

E. Officers receiving the report are to determine if the missing person is court committed or a voluntary patient and shall inquire if the person is considered to be dangerous to themselves or others.

F. The Dispatcher shall broadcast to all personnel on duty that information necessary for the recognition and identification of the missing person as well as any immediate medical or hazardous conditions.

3. PRELIMINARY INVESTIGATION:

A. The preliminary investigation of cases involving missing persons shall be the responsibility of the patrol division.

B. If the preliminary investigation fails to locate the missing person, the supervisor and Detective Division are to be notified forthwith regardless of the age of the missing person.

The investigating officer should whenever possible interview the person who initiated the report to verify information already available and to obtain further facts which may be helpful, including the following information.

1. Whether the person is drug dependent (prescribed medication, or user's habit);

2. The reason for any delay in reporting the person missing;

3. In the case of a child, school attending and, if relevant, person who was supposed to pick up the child;

4. The extent of any search already performed by the caller or other parties, including a list of friends, co-workers and associates who have been contacted and a list of any who have not been reached;

5. Details regarding any known mental, emotional or physical impairment of the missing person whether he or she requires any medications; if medications are required, the type, frequency and last administration should be ascertained, if possible;

6. A fully detailed description of the missing person;

7. Whether the person has ever been reported missing on previous occasions; if so the circumstances and where found;

8. Other information that may be useful in locating the person (for example, particular habits or personal interests, places frequented, location of out-of-town relatives or friends, etc.) and determining whether the person is a potential victim of foul play.

9. In the case of a missing child, a check should be made of the last place the child was reportedly seen, including interviews of individuals who were present at the actual scene of the disappearance, as well as friends' houses, playgrounds, place of employment, and other places frequented by the child, as well as local hospitals.

10. Where appropriate, department records should be consulted for any further information about the missing person.

C. In the case of a missing child, parental consent to a search of the house for the child should be obtained and such a search should be conducted immediately.

D. A photograph of the missing person always should be obtained, if available. Such photograph, with an accompanying description, should be attached to the missing person's report where it may be viewed by any officer. Written permission should be obtained from the family prior to disseminating such information to agencies or individuals, other than law enforcement, outside of the department.

E. A detailed description of the missing person shall be broadcast to all patrol cars by the investigating officer.

F. The officers assigned should conduct a preliminary investigation as described above in an attempt to locate the individual. When it becomes apparent that the person cannot be located, a more detailed investigation and/or search should be conducted.

G. In any case where it appears that the missing person may not be found locally or when the preliminary investigation is unsuccessful, the investigating officer shall order notification of the following agencies and data bases, if not previously notified: local police departments, Boston Police Missing Persons Unit, CJIS, NCIC. In cases of apparent stranger abductions, the FBI should be contacted.

H. **NOTIFICATION TO SCHOOL DEPARTMENT:** Upon the receipt of a report of a missing child, the Detective Division / Juvenile Unit shall contact the last known elementary or secondary school, whether public or private of which child had been enrolled. This notification will act as a flag to the school department to notify the police department of any requests for school records from other schools to which the child may enroll. If child has been located, the school will be notified of the return by the Detective Division / Juvenile Unit. (Mass. Gen. Law, Chap.22A, Sec. 9).

In addition to the school department, the Town Clerk will also be notified as to flag any requests for the child's birth certificate or other pertinent records.

4. CONTINUED INVESTIGATION:

A. The second phase of the investigation of a missing person case is the intensive investigation and is the responsibility of the Detective Division. As the case is new and the trail is as fresh as it can ever be, investigators need to pursue actively whatever leads are available.

B. In all cases of a missing person, regardless of the age, the investigating officer should request from the parent, legal guardian or reporting entity:

1. Written authorization for the release of medical and dental records (required by law in the case of a missing child, (Mass. Gen Law, Chap. 22A, Sec. 6), as well as a copy of such records; and

2. A copy of the missing person's fingerprints, if available.

C. Each kind of missing child case requires a suitable follow-up by police. Whenever a child is reported missing by a parent, guardian, or governmental unit responsible for the child, the law requires that police immediately undertake to locate the child (Mass. Gen. Law, Chap. 22A, Sec. 4).

D. GREAT CAUTION MUST BE EXERCISED BEFORE CLASSIFYING A CHILD AS VOLUNTARILY MISSING.

5. MISSING CHILD:

A. A VOLUNTARY (RUN AWAY) MISSING CASE: Investigation focuses on the family, friends, school, and lifestyle of the missing youth. Survival resources that the youth may have should be considered. In determining whether a child is voluntarily missing, officers should consider whether the child took any items to which he or she has a particular sentimental attachment. Other units in the department and nearby jurisdictions should be informed of the case and provided with pictures of the missing youth. The officer should instruct the parent to secure a Child in Need of Services (CHINS) warrant from the juvenile court as soon as possible to aid in recovery of the child. Any indication of neglect or abuse in the family should be considered and, upon recovery of the missing child, appropriate follow-up action should be taken by the investigating officer, including filing a report with the Department of Children and Families (DCF) under Mass. Gen. Law, Chap. 119, Sec. 5lA.

B. A PARENTAL KIDNAPING CASE: Requires a thorough investigation as the abducting parent is in violation of the law (Mass. Gen Law, Chap. 265, Sec. 26A),

and the child abducted by a parent may be in serious danger. The investigation focuses on the abductor parent, his or her friends and relatives, and on the needs of the child for public services, such as education, health care, and childcare. A thorough check of bank records, employment, labor unions, credit bureaus, and the Federal Parent Locator Service should be made in an attempt to locate the abductor. If friends or relatives are thought to be in contact with the abductor through the mail, the postal inspector's office may be asked to place a "cover" on that individual's mail. When sufficient supporting data is provided, criminal charges should be filed against the abductor parent and an arrest warrant obtained. The District Attorney's office should be notified in parental kidnapping cases to expedite court procedures. In certain cases, the District Attorney's office may seek a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant through the United States Attorney's office.

C. **ABDUCTION CASES:** require that the child be considered in extreme danger and are therefore subject to mobilization of every available resource of the investigating agency. A command post (CP) may be established away from the child's house. An officer may be stationed at the house to maintain communication between the CP and the parents in the event that the child is found or returns home. If the child is found seriously hurt or dead, the officer at the home should be informed discreetly. The search for an abducted child has two purposes: (1) primarily, to find the child and ensure his or her safety, and (2) secondarily, to identify, locate, and apprehend the perpetrator and build a case that will result in his or her conviction in a criminal court. The District Attorney's office and the State Police Missing Person Unit should be notified in all abduction cases. The FBI also should be informed of the abduction.

D. **UNKNOWN MISSING CASES:** should be investigated using all of the techniques discussed in the other three cases categories. A child who is missing due to unknown causes should be assumed to be in extreme danger until facts emerge that indicate otherwise. An immediate investigation should be conducted and is required by law in the case of a missing child (Mass. Gen. Law, Chap. 22A, Sec. 4). There should be no waiting period established before taking action. If any unusual circumstances are present, a command post may be set up and an extensive search and investigation conducted.

1. The District Attorney's office and the State Police Missing Persons Unit should be notified in any case in which their resources may be helpful.

2. If the investigating officer determines that the aid of outside agencies or special equipment will be helpful, a request for these services shall be made after consultation with the officer-in-charge.

3. Notification of the general public through any of the news media can be valuable in locating a missing person. A decision to use such facilities shall be made after approval by the Chief of Police and consultation with the family of the missing person.

4. Officers assigned to a missing person case should maintain contact with family members and frequently report the status of the investigation.

6. Special Populations:

A. Alzheimer's Disease

1. When a person with Alzheimer's is reported missing, an investigation shall be initiated immediately as such persons are considered at risk. A rapid and escalating search strategy is required as 50 percent of those not located within 24 hours will be found dead.

2. Deficits in memory, executive function, and judgment in people with AD can result in an inability to be aware of their surroundings or find their way in even familiar places or to remember their names or address. They may have a tendency to make judgment errors that cause them to enter unsafe situations that may lead to injury or death. The previously recognizable uniform of a police officer may now be unrecognizable, and individuals may not seek their help or recognize an officer as a helpful individual.

3. Individuals with AD may behave very differently after becoming lost. The most striking differences are:

- They do not ask for help, often not even realizing that they are lost;
- They do not respond to searchers, even those who are in close proximity and calling their names;
- Some will seclude or hide themselves and remain secluded until they are found or die of exposure;
- There is an inability to problem solve even in the most familiar environments; and
- When found, they will often act as if nothing is wrong and will attempt to hide the fact that they are lost or confused.

4. Almost 90 percent of individuals with AD will be found within a 5 mile radius of the place last seen. 40 percent are found within a one mile radius of the place last seen.

5. The locations where individuals with AD are most often found are:

- Their own neighborhoods
- Standing, sitting, or walking down streets or highways
- In businesses; and
- In health-care institutions

6. There is a tendency for some individuals with AD to seclude themselves in unpredictable and dangerous ways, and in areas that would be unusual for an older adult to go. These areas may include:

- Woods
- Fields
- Ditches
- Ravines
- Parks
- Abandoned structures
- Roofs
- Closets

Once in these locations, individuals may further conceal themselves by crawling into tight spaces of cover such as bushes in natural areas or vents in building structures. It is critical to include these areas in a comprehensive search strategy.

7. The most effective search strategy by far is searching on foot: research has demonstrated that the large majority of these individuals are found by a walking Good Samaritan or searcher.

8. The initial search should extend one mile from the place last seen. In particular, all accessible areas within a one mile radius should be searched, with most areas requiring a rapid foot search. This includes around nearby houses: inside easily accessible buildings; and a quick search of streets, highways, and footpaths.

9. Officers should ensure that a familiar person will be in the residence in the event of a successful find or return and that the primary caregiver can be reached by phone during the search.

10. A community notification should be considered early in the search.

11. Some individuals will become lost while driving. Unlike those who walk away, these individuals can be found quite far from home. Fewer than one-third of these individuals are found within 25 miles of the place last seen. As much information regarding the vehicle, last known destination, and areas frequented should be obtained. Surrounding communities should be notified immediately and all relevant information broadcast via BAPERN.

12. The dispatcher shall telephone ***Safe Return*** at 1-800-572-1122.

Safe Return is a national Alzheimer registry available to law enforcement to help resolve lost elder cases. The Alzheimer's Association operates ***Safe Return*** twenty-four hours per day. It will issue a Fax alert to area police departments, hospitals, shelters, and elder service agencies and will follow up with the missing person's caregivers. The Dispatcher shall notify ***Safe Return*** when the person is located.

13. Upon notification of a missing individual, officers on the scene or the dispatcher taking the call should inquire if the missing individual is enrolled in the **SafetyNet by Lojack** Program. Dispatch will enter the person's name and six digit frequency ID number (if available) into the **SafetyNet by Lojack** Client Management System. Dispatch should inquire as to the last place the individual was seen, when they were last seen and a call back number for the caller. Officers who have been trained in the use of the equipment will then utilize the digital **SafetyNet** Search and Rescue Receivers to track the radio signal emitted from the client's **SafetyNet** bracelet. Assistance from the Norfolk County Sheriff's Department may be requested by calling **1-866-837-3488.** A fifteen person search and rescue team can be activated 24 hours a day. Although this team is a component of the **SafetyNet Program**, they can also be called to assist in search and rescue efforts for missing persons not enrolled in the program. Both the Boston Police and the MBTA Police posses the **SafetyNet** equipment and have officers trained in it's use. They should be contacted immediately if their assistance is needed. The **SafetyNet** Database can be accessed to obtain a recent photo of the missing person and pertinent information on past wandering episodes.

B. Autism and Developmental Disorders

1. A leading cause for concern is children or adults who are autistic or have developmental disorders who run away or wander from parents and caregivers. Due to the challenges facing individuals with autism or developmental disorders, these should be considered true emergencies and search efforts should be initiated immediately.

2. If a an autistic individual or person suffering from developmental disorders is reported missing, the officer on scene or dispatcher taking the call should obtain the following information from the parent or caregiver:

- Name, date of birth, physical description, clothing etc.
- Recent photograph
- Sensory ,medical, or dietary issues and requirements, if any
- Method of communication: Verbal, uses sign language, picture boards, or written words
- Likes and dislikes – approach and de-escalation techniques

- Any atypical behaviors or characteristics that may attract attention
- Favorite attractions and locations where they may be found
- ID tags, jewelry, or printed handout cards that may on the person

3. Considerations when conducting a search:

- Children and adults with autism or developmental disorders are often attracted to water sources such as pools, ponds, and lakes. This should be taken into consideration when formulating a search plan. Inquire from the parents or caregivers if there are nearby pools or natural bodies of water that may attract the missing person.
- People with autism or developmental disorders may lack an awareness of danger and may inadvertently place themselves in high risk situations.
- People with autism or developmental disorders may not respond to their name being called.
- People with autism or developmental disorders may not recognize or respond to a uniform, badge, or emergency response symbol.

4. Officer should be familiar with some common attributes of people with autism or developmental disorders. The following should be taken into consideration upon making contact with an autistic person or person with a developmental disorders. These individuals may:

- **Avoid eye contact**. Do not insist on eye contact or take it as a sign of disrespect.
- **Make repetitive motion or sounds**. Making repeated sounds or motion may be a sign of distress, but may also be a means of providing securing comfort. Questions you ask may be repeated back to and the individual may hum to themselves. Motions may include spinning, rocking, and hand flapping.
- **Personal space**. Some individuals may have a diminished sense of personal space and may stand closer to you than is typically acceptable.
- **Unusual tone of voice**. Some individuals may speak in a monotone voice that may not demonstrate the appropriate level of fear or anger for the situation. They may also be inappropriately loud or soft-spoken for the situation and may interrupt or talk over others.
- **Become upset when touched**. Avoid touching if possible. If you need to have physical contact, explain what you are doing and why in simple, direct language.
- **Not provide ID when asked**. Be patient and speak slowly and calmly. Keep questions simple and allow time for answers. The

person may not be able to speak. Check for ID jewelry or an ID card, possibly sewn onto the person's clothing.

- **Continue to do something after being told to stop**. Demonstrative, non-threatening gestures may communicate more effectively than verbal commands. Use a sign board if possible. Demonstrate what you want the person to do. Repeat the behaviors and instructions.
- **Appear to be under the influence of drugs or alcohol**. These individual's actions can appear to be odd or inappropriate. Avoid making assumptions about alcohol or drug use.
- **Become self-injurious.** Under stress, an individual may become self-injurious. Use the least invasive technique possible to ensure the individual's safety.
- **Become aggressive**. Restraints should only be used if the individual's or others safety is at risk. These individuals may have poorly developed upper trunk area. Positional asphyxia could occur so it is critical to ensure that a prone position is not used and the person is moved to a secure and quiet place away from distractions, as soon as possible. De-escalation techniques to calm or distract the person are safer and more effective.

5. As with missing persons who are suffering from Alzheimer's Disease, officers on scene or dispatchers taking the call should inquire if the missing individual is enrolled in the **SafetyNet by Lojack** Program. If they are enrolled in the program, the same protocol for activating the system should be followed as is listed for missing persons who have Alzheimer's Disease.

7. RECOVERY OF MISSING PERSON:

A. Whenever a missing person is located, officers shall ensure that medical attention is provided, if required.

B. When officers locate an adult missing person, the party originating the report shall be immediately notified of the status of the missing person, bearing in mind the missing person's right to privacy.

C. When a missing child is found, the parent or legal guardian shall be notified at once and arrangements made to return the child to their home. If the parent or guardian is unavailable DSS shall be notified in an effort to provide temporary custody for the child.

D. Whenever a missing person has been located, the Commanding Officer shall order notification of all of the agencies and data bases which had been contacted previously (Detective Division, Local Departments, State Police, CJIS, NCIC and FBI). In addition, the Missing Person Form shall;

1. be noted as to date and time located,
2. officer making report,

3. person reporting return or location,

4. place located,

5. shall be removed from the active file in the Active Missing Persons folder and placed in the records drawer with the NCIC locate attached to it .

6. A photocopy shall then be submitted to the Detective Division.

E. All missing persons, when found, shall be questioned, if possible, as to their whereabouts and activities. Police should determine whether the missing person was the victim of any crime during the period of absence. Eliciting a full account of the missing person's whereabouts is essential to future corroboration of the missing person's story.

F. Officers locating a missing person shall file a report detailing the circumstances surrounding the finding of the person and any particular difficulties encountered (for example, reluctance or refusal to return home) should be noted, as this may signal neglect or abuse in the family. If there is any indication of neglect or abuse of a child, the Juvenile Unit shall be contacted and a Mass. Gen. Law, Chap. 119, Sec. 5lA report shall be filed with DSS. Any other appropriate follow-up action, including the filing of criminal charges, should be taken under the guidance of the Juvenile Unit.

G. If a missing person is found deceased, the procedures outlined in Mass. Gen. Law, Chap. 38 Sec. 6, requiring notification of the Medical Examiner and the District Attorney or their representative should be followed. If the deceased is not identified, police also should act to ensure that the Medical Examiner notifies the Department of Public Safety (Missing Persons Unit) and furnishes other identifying data, in compliance with the requirements of Mass. Gen. Law, Chap. 22A, Sec. 5. A search of the NCIC unidentified Missing Person’s file should also be undertaken.

MOTOR VEHICLE INVENTORY

General Order Number: **17.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department that all vehicles ordered towed, or in the custody of the Department, shall be inventoried and properly documented in order to protect the vehicle and its contents, the Brookline Police Department, and authorized tow companies against false claims of lost, stolen or vandalized property and the officers and the public from dangerous items that might be in the vehicle.

PROCEDURE:

1. WHEN TO INVENTORY A VEHICLE

A detailed inventory shall be made whenever a vehicle is ordered towed, removed, or impounded, and under the following conditions:

A. When involved in an accident, and the owner is unable to care for it;

B. Pursuant to a lawful stop of the vehicle and arrest of the driver, when the vehicle would be left unattended;

C. As a seizure – the vehicle is subject to statutory forfeiture or lawful seizure pursuant to a governmental interest, such as:

1. A seizure pending forfeiture;

2. The vehicle was used in the commission of a crime, as an instrument of a crime, or is stolen;

D. Any other impending public safety issue, e.g. disabled, auto fire, abandoned, tow zone, snow emergency, etc.

E. The inventory process should be conducted at the scene before towing the vehicle. If the scene is not safe or practical, the process may be done at another location, but should be done as soon as is safe, practical, and satisfactory.

2. INVENTORY PROCEDURE

The standard inventory procedure consists of a detailed inspection of the interior and exterior of the vehicle for damaged and missing parts, as well as to locate and record the contents of the vehicle. The following areas should be inventoried:

A. The interior of the vehicle;

B. The glove compartment and trunk (unless they are locked and there is no key available), and;

C. The exterior of the vehicle for missing or damaged parts.

D. The inventory listing of personal items and valuables will extend to all storage areas and compartments that are accessible to the operator or occupants. This encompasses the following:

1. All open areas, including the floor areas, the surfaces of the instrument panel and rear deck above the passenger seat, the open area under the seats, the glove compartment and trunk, and other places where personal property is likely to be stored.

2. All closed but unlocked containers should be opened, and each article inventoried individually.

3. If any closed container is locked it shall be opened if possible without damage to the lock (e.g. key present, combination known, tape removal). Locked containers that are unable to be opened should be inventoried as a single unit.

4. If an owner and / or operator requests to remove or entrust their possessions to another person without it impeding the towing or impoundment process, such request may be granted unless the officer has probable cause to seize the items.

3. PROPERTY SAFEKEEPING

A. The Brookline Police Department has a responsibility when towing a motor vehicle to secure for safekeeping any property of value when the owner or operator is unable to do so.

B. The officer, before the vehicle is towed, shall remove any property of value and/or of evidentiary value and submit it to the Evidence/Property Officer as outlined in the Department's General Evidence and Property policies and procedures.

C. If any property is too large to remove, it should be inventoried and noted on the tow slip.

D. The officer shall complete the vehicle tow slip and affix his or her signature and badge number and then have the tow truck operator acknowledge with their signature on the slip.

E. The officer shall then turn over the tow slip to the Communications Dispatcher who shall see that the stolen check, RMV listing, and the tow information are entered into the department computer and then submit to the Commanding Officer – Platoon on Duty in order to sign the slip as complete.

F. The tow slip will then be submitted to the Records Division.

G. Keys to the vehicle, if available, are to be considered valuable property and are not to be left in the vehicle. They shall be submitted to the Evidence/Property Officer as outlined in the Department's General Evidence and Property Policies and Procedures.

4. RESPONSIBILITIES

A. Any officer conducting an inventory shall:

1. Locate any monies or articles of value and secure and submit to the Evidence/Property Officer as outlined in the Department's General Evidence and Property Policies and Procedures any such monies or articles of value that are not secured by the tow company .

2. Accurately record on the motor vehicle tow slip a complete listing of the general condition of the vehicle and its contents.

3. Submit the completed tow slip to the dispatch center at the police station.

4. A copy of this slip may be filed with any report of investigation.

5. Ensure that all articles taken for safekeeping are noted on the tow slip and are stored in an appropriate container and secured in a property locker at the police station. License or registration plates removed from a towed vehicle should be noted on the tow slip and submitted to the Evidence/Property Officer as outlined in the Department's General Evidence and Property Policies and Procedures.

6. An article of value may be left with the vehicle, if the owner so requests, by storing it in the trunk. This request shall be noted and affirmed on the tow slip

7. In addition to property taken for safekeeping, any items or contraband taken from a towed motor vehicle to be used as evidence, will be listed on the tow slip. The evidence should be secured as evidence following the Department's Evidence and Property, Policy Procedures and Guidelines.

B. Commanding Officers – Platoon on Duty shall review all tow slips for compliance with this policy and ensure that any property taken during the inventory procedure is properly recorded and secured.

PATROL

General Order Number: **18.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department to provide 24-hour, continuous service to the community. The patrol function is primarily a law enforcement function that embraces the philosophy of community policing. The Brookline Police Department is a proactive, problem-solving agency that recognizes the value of community involvement when identifying and solving problems. Under the philosophy of community policing, officers engage in a wide variety of activities to include, but not limited to: working with citizens to identify and solve problems, conducting security surveys, engaging in code 10's, conducting neighborhood watch meetings, implementing crime prevention tactics, responding to calls for service, enforcing traffic and criminal laws, answering complaints, conducting follow-up investigations of crimes, identifying and arresting offenders, directing and controlling traffic, regulating certain business activities as required by law, maintaining public order by enforcing all laws and by-laws, providing emergency services, reporting information to appropriate divisions within the department, engaging in community relations and transporting prisoners.

Patrol officers should conduct preliminary investigations into crimes to the point at which postponement of further investigation does not jeopardize its successful completion.

PROCEDURES:

All members of the department are involved in public relations and reflect the public image of the department. They should strive to develop a positive atmosphere in public relations between citizens and the police. Services that the department provides to the public are to be rendered fully and professionally. Training for our members shall be provided to ensure consistent attitude in the delivery of these services.

1. CRIME REDUCTION, INVESTIGATION, AND APPREHENSION: Crime reduction, investigation, and apprehension of offenders can be achieved through:

A. Decreasing response time to crimes in progress, while at the same time responding in a manner that ensures the safety of the officer and the public.

B. Preliminary investigation directed toward identifying and arresting offenders or summonsing them into court.

C. Initiating crime prevention strategies, alternate youth programs, implementing drug demand reduction programs, and by conducting security surveys.

2. MAINTENANCE OF PUBLIC ORDER:

A. Officers should be prepared to handle civil disorders, disasters, and special events, which may cause large crowds.

B. Officers are to be aware of the laws and by-laws that regulate the operation of businesses and establishments within the city, such as bar rooms, liquor stores, and second-hand dealers. Officers should take appropriate enforcement action when violations are encountered.

3. PROVISION OF PUBLIC EMERGENCY SERVICES:

A. MEDICAL ASSISTANCE/MEDICAL ALERT: In cases where medical assistance is required, officers shall respond in a manner consistent with training received in C.P.R. and First Responder Certification. Officers shall also notify the Dispatcher, who shall activate emergency medical services.

If an officer observes or learns of a "Medic Alert" bracelet, necklace, or medallion, they shall make the information known to the health care personnel who respond/care for the sick or injured person.

Medic Alert is an internationally recognized system of emergency medical identification. Medic Alert's three-part system is comprised of:

1. An alerting emblem worn on the wrist or around the neck;

2. A wallet card, which is updated annually by the member;

3. A 24-hour emergency answering service which can be called collect in emergency situations from anywhere in the world.

Officers are advised that they should search for the Medic Alert emblem in order to be sure that persons who appear to be inebriated are not suffering instead from an unrecognized medical problem such as diabetes.

Inscribed on this emblem is the person's medical problem, their serial number, and phone number of the Medic Alert central file. The central file can provide additional medical information, **as well as the identity of the person if no other information is available.**

4. CALLS FOR SERVICE BY PHONE:

All calls for service do not require on-scene response by an officer. In an effort to improve the use of patrol time, some crime calls do not require the dispatch of a patrol officer to the scene and can be effectively handled by receiving the information in an alternative manner. Other procedures for reporting crime information can be by telephone or by the person coming to the police station.

Such calls that can be handled effectively in these manners are:

A. Lost property.

B. Areas requiring extra attention for short periods of time to address a specific problem.

C. General information that can be provided to the public over the telephone.

5. **PRIORITY RESPONSE POLICY:** The purpose of this policy and the following procedures is to provide guidelines for the evaluation of the urgency of a police response to a given situation. While the policy and procedures are designed to guide an Officer in the manner in which he/she will respond to a call, it also serves as a guide for the dispatcher when assigning calls and response priorities. For the purpose of this policy, the priority codes shall be defined as follows:

1. A Priority One response involves the use of both emergency blue lights and siren. This response should be made as quickly as possible taking into consideration the traffic conditions and the safety of the Officers and the general public.

A priority one response is indicated when an Officer is needed at the scene and immediate response is critical. Conditions that will define a priority one response are:

A. Any apparent threat to life or danger of serious physical injury or major property damage;

B. Any ongoing felony or misdemeanor that involves violence and may result in injury;

C. Any felony or violent misdemeanor that has just occurred and reason exists to believe the suspect is still in the area;

D. Any incident that involved exigent or unique circumstances that demand an immediate police response.

E. An "OT" (Officer in Trouble) call or any request from an Officer for a priority one response.

2. A Priority Two response involves the use of emergency blue lights only. The response should be made by the closest units in a quick but safe manner. Units responding to priority two calls should be attentive to their radio as the situation may quickly change to a more or to a less serious incident.

A priority two response is indicated when an Officer's presence is needed at the scene but the need is not immediate. Conditions that will define a priority two response are:

A. Any incident that does not represent a significant threat to life and property (such as disorderly groups) or a felony that has occurred without injury and the suspect has fled the area;

B. Any in-progress incident that could be classified as a possible crime (suspicious person, vehicle, etc.);

C. Any incident that represents a significant hazard to the flow of traffic (either vehicular or within the transit system);

D. Any incident that requires a prompt, non-emergency response;

E. Officers calling for non-emergency assistance (backup unit, potential but not present problem) or any officer requesting a priority two response;

F. Officer holding a prisoner and requesting transport will receive a priority two response unless special circumstances dictate otherwise.

3. A Priority Three response involves no emergency lights or siren. It is a normal traffic speed response.

A. A call for service;

B. To take a report;

C. Transport of prisoners.

6. **FOOT PATROLS:** Foot patrols and park and walk patrols may be deployed when manpower is sufficient, in areas where the public and businesses are best served by an officer on foot, or when utilized to address specific problems best rectified by foot patrol. Before deploying foot patrol beats, the Captain of the Patrol Division will confer with the platoon commanders to determine the need. Criteria to be considered for deploying foot patrols shall include, but is not limited to:

A. The need for frequent inspections such as in business and commercial areas.

B. A high concentration of calls for service to a specific area of which is best patrolled by an officer on foot on the street.

C. Areas that are inaccessible to cruiser patrols.

D. Neighborhood groups requesting park and walk patrols because of an increase in neighborhood crimes.

7. **MOTORCYCLE PATROL:** Motorcycle patrol is a high visibility presence that shall be used for traffic safety and enforcement, investigating motor vehicle accidents, parking enforcement, escort services, and patrolling other locations that are not suitable to cruiser, bicycle, or foot patrol. These units may respond to any call for service that the Dispatcher feels appropriate.

A. Motorcycles will patrol parks, muddy river walkways, playgrounds, housing developments, and other areas inaccessible to cruiser patrol.

B. All motorcycle officers shall have a valid Mass. Motorcycle license and have passed a training class approved by the Mass. Criminal Justice Training Council or other certified motorcycle training prescribed by the Chief of Police.

C. All motorcycle officers are responsible for the proper condition of their vehicle. They shall arrange proper maintenance of their motorcycles with the Sergeant – Traffic Division.

D. Motorcycle equipment:

a. First Aid Kit
b. Radar

8. BICYCLE PATROL:

POLICY:

The use of the Community Service Division - Bicycle Patrol in combination with cruiser patrol is being employed successfully in many departments today. Despite the many obvious advantages of cruiser patrol, it inhibits the ability of officers to detect subtle signs of criminal activity. These are much easier to detect by an officer who is patrolling on a bicycle and whose senses are alert to such telltale indicators. Bicycle Patrol can also be more effective in areas where cruiser patrol is not possible, such as housing complexes, business areas, parks, and playgrounds.

The Community Service Division - Bicycle Patrol shall be a year round unit limited only by severe weather conditions or road hazards. The Bicycle Patrol Officer will assume routine patrol responsibilities for the purpose of integrating its operation with the overall patrol function of the Department in responding to calls for service and in follow-up complaints. Because Bicycle Patrol is ideally suited to patrol parades, special community events, and demonstrations, the Bicycle Patrol Unit Officer must be flexible to shift changes and assignments.

PROCEDURES:

1. **DUTIES AND RESPONSIBILITIES:** The duties and responsibilities of the Bicycle Patrol Officer shall be as follows:

   A. To perform the same duties and responsibilities as officers assigned to the Patrol Division, while showing a high visible police presence;

   B. To comprehend the primary purpose of the Bicycle Patrol and understand its advantages and limitations;

   C. To primarily patrol the following areas:

   1. AREAS NOT ACCESSIBLE TO CRUISER PATROL:

   a. Muddy River walkway

   b. Parks

   c. Alleys

   d. Playgrounds

   e. Pathways

   f. Parking lots

   2. AREAS OF HIGH VOLUME PEDESTRIAN TRAFFIC:

   a. MBTA Train Stops

   b. Bus stops

   c. Retail parking lots

   d. Municipal parking lots

   3. AREAS OF SPECIAL ATTENTION:

   a. Shopping Districts

   b. Business districts

   c. Housing complexes

   d. Residential neighborhoods

D. Maintain a positive working relationship with the community;

E. To perform other such duties as may be assigned by appropriate authority.

2. ASSIGNMENTS:

A. The Captain – Community Service Division, or the Captain – Patrol Division shall determine what calls or types of calls shall be given to the Bicycle Patrol Officer.

B. In making these decisions, they shall consider the value of the Bicycle Patrol assignment as it weighs against the need for assigning the officer to a different call or location.

3. TRAINING: The Bicycle Patrol Officer shall not begin bicycle patrol prior to successfully completing an approved bicycle patrol-training program.

4. EQUIPMENT:

A. Officers shall be issued a department-approved bicycle, helmet, uniforms, equipment, and accessories.

B. Officers shall be responsible for proper care and maintenance of department-owned/issued equipment, in accordance with training provided and manufacturers' recommendations.

9. FIELD INTERVIEWS/INTERROGATIONS:

POLICY:

The police activity of inquiring into a person's identity and the reason for their presence at an unusual time and/or place or under suspicious circumstances plays an important role in the prevention of crime and the apprehension of criminals.

The quality and the frequency with which they are conducted will contribute materially to the success of the department in repressing and preventing crime. It is the policy of the Brookline Police Department to encourage its members to actively engage in this process.

Officers conducting field interviews must understand the legal basis and authority for these actions. Such documented interviews can contribute greatly to crime analysis/solution if the information obtained is properly collected, recorded, and analyzed. In addition, the field interview program may deprive actual and potential offenders of some of their initiative in selecting the time, place, and circumstances for the commission of crimes.

PROCEDURES:

1. **PURPOSE OF FIELD INTERVIEWS:**

   A. **SOURCE OF INFORMATION**: The field inquiry is based on the principle that the opportunity to apprehend criminals and to prevent crime increases with the number and frequency of persons interviewed. One way a police officer can increase their effectiveness is to obtain information from persons frequenting their patrol area.

   B. **MEANS OF IDENTIFYING SUSPECTS:** An on-view arrest is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by a police officer who stops and questions a person who has aroused their suspicion. Information obtained during a field contact may also be used at a later date to identify a criminal.

   C. **MEANS OF OBTAINING SUSPECTS OR WITNESSES:** The value of reported field inquiries becomes very pronounced when a crime is committed and there are but a few investigative leads. The investigator must then rely on the field interview reports to sift out any information. A review of these reports will show if anyone had been questioned in the vicinity and at the approximate time of the crime.

   D. **CRIME PREVENTION:** The aggressiveness of the patrol activity may be brought to the attention of the criminal and of his or her friends. The criminal can also observe the activities of the police and conclude that the possibility of escaping detection and apprehension is not favorable.

2. **APPROACHING THE SUBJECT:**

   A. As many field inquiries result in an arrest, the field contact location must be selected with care. Officers should give consideration to possible escape routes, lighting conditions, and to the safety of bystanders and themselves. Furthermore, the approach must afford the greatest element of surprise. On foot or in a vehicle, the approach is usually made from the rear. This technique provides a tactical advantage. At night, the headlights of the police vehicle can be used to provide added illumination. It is imperative to have decided upon a plan of action before attempting to stop a suspect. Vigilance must be maintained to guard against any violent or evasive action.

B. The purpose of the field inquiry will determine the method of contacting the subject. It may vary from an authoritative command of "Stop, Police!" to a diplomatic request of "Good evening, may I speak to you for a moment?" Officers working in civilian dress have the added responsibility of identifying themselves as police officers before stopping a person for questioning.

3. CONDUCTING THE FIELD INTERVIEW:

A. There is a fine line drawn between a field interview and a lawful detainment. Reasonable suspicion is the key element on which the officer should base their action. Mass. Gen. Law, Chap 41, Sec. 98, gives police officers the authority to stop and question a person whom they have reason to suspect has committed, is committing, or is about to commit a crime. If an officer stops a person for questioning pursuant to Mass. Gen. Law, Chap. 41, Sec. 98, and reasonably suspects that they are in danger of life or limb, they may conduct a "pat down search" of such person for a dangerous weapon. If they find such weapon or any other thing the possession of which may constitute a crime, they may take and keep it until the completion of the questioning, at which time they shall return it, if lawfully possessed, or they shall arrest such person.

B. The field interview may not meet the above requirements, but the officer may still seek to talk to the individual while realizing that the person is under no obligation to answer their questions or remain with the officer. The officer should recognize that some citizens are sensitive to any police contact and an overly aggressive approach may result in the loss of important support from the person being stopped.

C. The unusual or suspicious actions of people should trigger a field interview. Felony arrests are made consistently by officers who are quick to recognize something unusual in the actions or the appearance of a person or of a vehicle.

D. The person not fitting the place or time should be questioned. Personal appearances, the area, the time of day, the information being sought, and other factors will determine who is to be questioned.

E. Officers will frequently develop probable cause to arrest an individual as a result of conducting a field interview. At this point, to ensure the admissibility of statements, "Miranda" warnings should be given.

4. WHEN TO USE FIELD INTERVIEW/OBSERVATION FORMS:

A. A "Field Interview Form" shall be completed for individuals whom an officer stops for a field interview.

B. A field interview form may be completed on a subject who is charged with a traffic violation or who is stopped on a routine traffic stop if the situation appears to warrant such a form. This will be largely a matter of the officer's judgment.

C. A field interview form may also be used as a field observation form. In these instances, the officer should fill out the form as completely as possible, using prior knowledge of the individual or vehicle and the current observation of the individual or vehicle.

Examples of instances when the field observation form should be used include, but are not limited to, the following:

1. An officer stops an individual for the purpose of conducting a field interview, but the individual refuses to give the officer any information and the officer has no reasonable cause to pursue the matter further.

2. An officer wishes to make note of a subject in a specific place at a certain time, and the officer has completed a field interview form on the same subject on another occasion.

3. An officer observes a vehicle which arouses their suspicions, but the owner of the vehicle cannot be interviewed (e.g., a "strange" vehicle parked near a business after business hours).

4. An officer observes a known criminal in or out of a suspicious place or time, but is not able to stop to talk with the individual.

5. FIELD INTERVIEW FORM/FILES:

A. Field interview forms will be submitted to the Computer Division.

B. Field interview forms files will be entered into the computer system by the Computer Division.

C. Files will be maintained by Computer Division.

10. INCIDENTS REQUIRING THE STREET PATROL SUPERVISOR ON THE SCENE: Street Patrol Supervisors are required at the scene of any emergency or incident of serious or unusual nature.

11. INFORMANTS USED BY PATROL: Patrol personnel should deal with informants in accordance with Brookline Police Department policies and procedures. Development of contacts or a confidential informant file may occur during the course of his or her calls for service and in doing so may cultivate a relationship for the future. An officer must remember:

A. To treat these contacts with consideration regardless of background.

B. To be truthful and fulfill to the best of their abilities all agreements made.

C. To always have control over their informant and not allow the individual to control an investigation.

D. To continually evaluate their informants and form estimates of their reliability.

E. The informant belongs to the organization and not to them.

12. POTENTIAL/ACTUAL POLICE HAZARDS: A police hazard is any situation, person, property, or place that may induce an incident calling for some law enforcement action.

A. ROLL CALL BRIEFING: At each roll call briefing, police officers will be apprised verbally of any actual or potential police hazards they may face during their tour of duty. A knowledge of police hazards helps the officers perform more effectively. Hazards may be permanent or temporary and may vary hourly, daily, or seasonally. Officers should be apprised of these changes and the Commanding Officer - Platoon on Duty should make assignment adjustments accordingly.

B. Although hazards change frequently, certain hazards are more permanent and can be identified more readily.

13. BULLET RESISTANT VEST/JACKET: Each police officer has been issued with one body armor vest. When not being used, the body armor vest must be immediately available to the officer by storing in his or her department locker or other area of immediate access. All police officers are strongly urged to wear vests at all times and will be required to wear issued vests at the firearms range, and during high risk tactical situations, including, but not limited to, planned warrant execution, drug raids, hostage or barricaded persons. Police Officers hired on or after October 4, 2002 are required to wear a bullet-proof vest whenever they are on duty, including private details, outside of the public safety building. Vests should be used when an officer faces bodily harm from a

firearm, knife, or other deadly weapon. When it is known that a deadly weapon is present, officers must wear the body armor if time and circumstances allow.

Body armor must be inspected every six months for wear and/or deterioration and should be replaced as necessary.

14. EMERGENCY NOTIFICATIONS TO MEDICAL EXAMINER AND OTHER AGENCIES:

A. MEDICAL EXAMINER: In compliance with Mass. Gen. Law, Chap. 38, Sec. 4, it shall be the duty of any officer who finds a dead person to notify the Medical Examiner immediately. With this in mind the following procedure shall be adhered to. Preliminary investigating officer(s) at the scene of any death, shall notify the Patrol Supervisor to respond to the scene, and provide them with all available information on the Sudden Death. It will be the responsibility of the Patrol Supervisor, or their designee, to contact the Medical Examiner and notify them regarding the death and all pertinent information.

B. EMERGENCY/ACCIDENT SCENE NOTIFICATION: Officers assigned to the scene of an accident or incident where debris could cause a hazard or hindrance to the public or where disruption of a public utility is caused, shall notify the proper agency needed. Immediate notifications shall be made to correct a hazard or potentially hazardous situation. Typical situations that require prompt notifications include, but are not limited to, the following:

1. Essential traffic light in need of repair.
2. Large potholes or other road defects.
3. Electrical power lines down.
4. Electrical power outages.
5. Breaks in water, gas, or other utility mains.
6. Tree limbs or other hazardous debris in the road.
7. Snow and ice conditions that are hazardous to commuters.
8. Fire hazards needing immediate attention.
9. Dead animals in road.
10. Street lights in need of repair.
11. Telephone/video cables down.
12. Town by-law/code violations that are safety hazards.

Emergency telephone numbers for NSTAR, National Grid, Comcast, RCN, Verizon, Fallon Ambulance, and any other emergency agency shall be listed in the Dispatch Center.

15. PATROL RESPONSES TO SEXUAL OFFENSES: Whenever a member of the Patrol Division is the first respondent to a complaint of rape, attempted rape, assault with intent to rape, or indecent assault and battery, the following procedures, shall be followed:

A. Determine as quickly as possible if it appears that one of the above listed crimes may have been committed. This will necessarily involve a brief interview with the victim.

B. Once it has been determined that a crime may have been committed, attempt to obtain suspect information for possible immediate apprehension.

C. Notify the Detective Division if necessary.

D. If any of the designated members of the Patrol Division who have been authorized and trained in rape investigations is working, they shall be assigned to accompany the victim to the hospital unless the Patrol Supervisor directs otherwise. Advise the victim not to bathe or to wash or destroy clothing worn during the assault. Transport the victim to the hospital and have them brought directly to an examination room. DO NOT LEAVE THE VICTIM IN A PUBLIC LOBBY.

E. Additional investigative personnel shall be assigned by the Commanding Officer – Platoon on Duty, or their designee, as appropriate.

16. POLICE RESPONSE TO HOUSE/STRUCTURE FIRES: The role of the police officer at a fire scene is to furnish close cooperation to the fire department and to assist in the preservation of life, the protection of property, the prevention of crime, the establishment of fire lines, the control of crowds, and the direction of vehicular traffic.

Although the fire department is the agency directly responsible for the handling of fires, the police also have an important part to play. Because of the nature of their primary patrol function, especially during the nighttime and early morning hours, the police are often the first to discover a fire, the first on the scene, and the first to alert and assist the occupants of a burning building.

Police officers must also be aware of the possibility of arson and be observant for any person acting suspiciously at a fire scene. It should be noted, however, that the basic responsibility for the investigation of fires of incendiary or suspicious origin is with the local fire department officials, who may call the State Fire Marshall's Office at the State Department of Public Safety or the Brookline Police Department – Detective Division for assistance.

Police officers, as part of their regular patrol duties, should also note and report upon any conditions which could constitute a potential fire hazard for transmission to the fire department for necessary action.

17. **REPORTING:** Fires discovered by police officers shall be reported immediately to the fire department through the Dispatch Center, by radio, or by fire alarm.

18. **DISPATCHER, UPON NOTIFICATION OF FIRE:** Upon notification of a fire by any means, the Dispatcher shall notify the fire department, then dispatch officers to the scene of the fire.

A. Officers shall assist fire personnel at the scene.

B. Only police units dispatched to the scene shall respond.

NOTE: If police vehicles follow fire apparatus to a scene, the officer must keep a safe distance behind the apparatus to avoid collision should a firefighter or piece of equipment fall from the apparatus.

19. **POLICE RESPONSE TO A FIRE SCENE:** If a police officer is present at the scene of a fire prior to the arrival of fire department personnel, they shall:

A. Warn inhabitants of any buildings involved by fire and adjacent areas and seek refuge. This may be accomplished by use of siren and public address system in the officer's cruiser.

B. Not attempt to enter a fire involved building, unless doing so is necessary to save human lives and the risk to his or her own life is not unreasonable. **An officer entering a fire-involved building shall notify the dispatcher that they have entered the building, and also notify the dispatcher when they exit the building.**

C. If the officer decides entry of the building is necessary, they should not open any door which is hot to the touch, as this indicates the presence of fire inside.

D. Along with evacuees keep their heads low, possibly by crawling on hands and knees until they are outside the building, in order to avoid inhalation of smoke and toxic gasses.

E. Prevent any person who has exited a fire involved building from re-entering the building.

F. Take reasonable emergency measures to inhibit the spread of fire, if possible, but to do so without unnecessary risk to themselves, especially if human life is not presently endangered by the fire.

G. To the extent possible, any officers on the scene before the arrival of fire department personnel should make note of such things as:

1. The part of the structure that is on fire and where flames are visible;

2. The amount, color, and location of the heaviest smoke;

3. The direction of the wind, if any;

4. The presence of any odors which suggest gasoline, kerosene, paint thinner, or other accelerant may be burning in the fire; and

5. Whether any signs of forced entry into the structure are present and whether any windows are broken or left open.

Such evidence may be crucial to a subsequent arson investigation and may disappear as the fire progresses.

20. **POLICE RESPONSE - CRUISER PLACEMENT:** Upon arrival, cruisers shall be positioned outside the fire lines in such a manner that they do not obstruct passage or response of fire and other emergency vehicles. Care should be taken not to block in other vehicles.

21. **ON-SCENE OBSERVATIONS AND NOTATIONS:** After officers have done as much as is reasonably possible to preserve life and to secure the scene for firefighting personnel, the officer's attention should be directed toward the detection of any suspicious persons or circumstances which might suggest that the fire is the result of a criminal act. Officers should identify and interview anyone who arrived at the scene before the first police and fire units or who make mention of having observed any suspicious people in the vicinity.

22. **ON-SCENE AFTER ARRIVAL OF FIRE DEPARTMENT:** After the arrival of the fire department personnel, police officers shall not enter a burning building unless:

A. It is absolutely necessary to do so to save a life; or

B. A request to do so is made by a superior officer of the fire department for the performance of a proper police function.

23. Additional units dispatched or arriving at the scene shall cover the most appropriate positions for performing all necessary police services.

24. The first police officer or unit arriving on the scene of the fire shall be in command of other police officers until the arrival of a higher-ranking officer.

25. **COMMAND POST, IF NECESSARY:** The Commanding Officer shall designate a location that will serve as a possible command post if it appears police involvement will continue for a longtime. The officer in command will appoint another to take charge pending his or her return if they are called away. Officers arriving at the scene shall report to the command post for orders.

26. POLICE/FIRE COOPERATION: Cooperation with the fire department is essential. To this end, the police at the scene shall:

A. Establish fire lines and maintain, extend, or contract the lines as requested by the fire department, including the closing off of streets whenever necessary;

B. Remove any vehicles within the lines that interfere with the movement of fire fighters;

C. Ensure that access to hydrants is unobstructed at all times;

D. Prevent vehicles from passing over fire hoses unless directed otherwise by a member of the fire department; and

E. Provide other forms of assistance as requested.

F. Police should remain at the building or dwelling until it is secured against looting and until the fire is extinguished, and the area should be secured consistent with police responsibilities to the rest of the community.

27. CROWD CONTROL:

A. Crowds, an inevitable element of fires, shall be kept a safe distance from the fire. This will ensure the safety of the persons gathered and prevent interference with the fire department.

B. Police officers shall not permit any person through the fire lines except members of the fire and police departments, clergymen whose service are needed within the lines, or authorized members of the news media who provide proper identification.

C. Police officers shall take steps to safeguard fire and police apparatus at the scene.

D. Persons interfering with apparatus or the extinction efforts shall be arrested if necessary.

28. REPORTING REQUIREMENTS:

A. The officer assigned the call shall have responsibility for filing a special report on the fire.

B. Police investigating a fire scene must comply with all legal standards pertaining to when searches may be made without a criminal or administrative search warrant and when a criminal or administrative search warrant must be obtained.

29. **FIGHTING FIRES:** The following has been taken from the Massachusetts Firefighting Academy, Impact Series, "IT'S ONLY A CAR FIRE," published through the Commonwealth of Massachusetts Executive Office of Public Safety:

A. **FIRE EXTINGUISHER LIMITATIONS:** Officers are to be aware of the limitations of the portable fire extinguishers kept in the trunk compartment of each vehicle. Portable extinguishers are only effective against small incipient fires (just starting); examples: carburetor blowback, small engine compartment fire, small electrical dashboard fire, small passenger compartment fire.

B. **FAILURE OF CLOSED CONTAINERS:** Officers should be aware of the most serious problem at motor vehicle fires: the failure or explosion of closed containers, or "container rupture."

1. **Gasoline Tanks:** Hazards of gasoline and container itself.

2. **Hydraulic Systems:** (Brakes, power steering, bumpers, shock absorbers) the hazard of oil under pressure, and location and number of systems that could explode.

3. **Air Conditioning:** Dangerous gases.

4. **Engine Coolant System:** Liquid expansion.

5. **Battery Cases:** Explosion with acid involved.

6. **Bursting Tires:** Hot particles thrown great distances.

7. **Drive Shaft:** The hollow shaft allows for expansion of air, the ends are the weakest points. Overturned vehicles involved in fires are most dangerous, as are shafts in storage.

8. **Other Pressurized Containers:** These are usually carried for convenience (de-icing fluids, touch-up paint, windshield cleaner, spare brake or transmission fluid, oil, power steering fluid, etc.).

9. **Split Rims:** May cause problems in exploding, as metal is propelled a great distance. These are not only found in large trucks, but also on pickups and recreational vehicles.

C. **PNEUMATIC SPRING DEVICES:** These are the devices used in station wagons and hatchbacks that lift the tailgate section, usually located on each side of the door or gate. This spring is extremely high pressure (approximately 900 P.S.I.). These devices should under no circumstance be disassembled. If the lock

ring is removed, the high pressure will result in components being ejected with extreme force.

D. VEHICLE FIRE:

1. Patrol officers will conduct the preliminary investigation.

2. Officers shall, if possible, obtain at a minimum the following information:

a. Name and address of vehicle owner.

b. Telephone numbers (home and work) of owner.

c. Make, model, year, and color of vehicle.

d. V.I.N., registration number, and whether plate is on vehicle.

e. Inspection sticker information, if visible.

f. Whether vehicle has been stolen, etc.

g. Ignition popped, etc.; car driven or towed to location.

h. Name of tow company used to remove vehicle.

3. Officers shall also include any other information that is pertinent in the narrative section of their call back.

If officers are unable to obtain any of the above information due to the condition of the vehicle or for any other reason, they shall so state in their call back.

E. VEHICLE ARSON-REPORTING: In accordance with the Norfolk County District Attorney's Office and the office of the State Fire Marshall, under the authority of Mass. Gen. Law, Chap. 148, Sec. 33, there is a need for more detailed information in police reports relative to suspicious vehicle fires. A follow-up investigation will be required in each case of an arsoned vehicle, which will be conducted by a member of the Detective Division.

POLICE VEHICLE EQUIPMENT

General Order Number: **19.0** ***Effective Date:*** **November 25, 2008**

POLICY

Due to the increase in the equipment placed in the police cruisers, it is imperative that all officers prior to the start of their shift inspect both the assigned vehicle and equipment. Any damaged or missing equipment shall reported immediately to their supervisor.

The Department Rules and Regulations, Section G, No. 20 states:

" In the event that departmental property is lost or found bearing evidence of damage which has not been reported, the last person using the property may be charged with failure to report and may be held responsible for damages".

PROCEDURES:

1. EQUIPMENT: The following procedures shall be followed for reporting damaged or missing equipment:

A. Officers assigned a police car for their tour of duty shall inspect the assigned cruiser for any visible damage to both the exterior and interior of the motor vehicle.

B. The contents of the trunk compartment shall be inspected. Each cruiser shall have a complete medical bag with a full oxygen cylinder. Cylinders shall be pressurized in order to verify the amount of oxygen. Cylinders with less than 500 PSI shall be replaced.

C. A fully charged AED unit with all necessary attachments.

D. A Slim Jim Lockout tool shall be assigned to each sector car.

E. A fully charged fire extinguisher shall be mounted in each trunk of the sector car.

F. A complete set of Stop Sticks.

G. No Patrol Cars assigned to a sector shall be permitted to be used without a complete medical bag unless authorized by the Commanding Officer – Platoon on Duty.

H. Any extra equipment that is permanently assigned to that particular vehicle shall also be checked and inspected to be in working order.

2. REPORTING PROCEDURE

A. Upon discovery of any piece of equipment that is missing or damaged, the officer shall immediately notify their supervisor and inform them.

B. The officers shall contact the dispatcher and inform them to initiate a call code 9011, Vehicle Equipment Check. Dispatchers shall enter all information into the CAD system

C. Damaged equipment shall be photographed, assigned a case or event number, and a special report shall be submitted to the Chief of Police.

D. When a cruiser is out of service, the first responder kit assigned to the vehicle will be removed and placed in the trunk of the replacement vehicle. The dispatcher must be informed of the switch and will make a computer record entry of the current location of the first responder kit.

3. First Responder Kit Inspection Procedure:

A. Each officer assigned a vehicle will inspect the assigned first responder kit at the commencement of each shift. No marked patrol car shall be assigned to a sector without a first responder kit on board.

B. Each first responder kit has an inventory slip included in each kit that lists the required minimum contents of each kit. This slip should be compared with the contents of the first responder kit to ensure adequate supplies.

C. If an officer finds that the assigned first responder kit is incomplete, he/she will restock the kit with medical supplies that are available.

4. Supervisor's Responsibility:

Each supervisor shall make random periodic inspections of the first responder kits in the motor vehicles assigned to their division.

5. Patrol Division:

Every Sunday, the day north side patrol supervisor will inventory, inspect and account for the patrol divisions assigned first responder kits including the booking room kit. The supervisor will submit an inter-departmental memorandum to the Captain – Patrol Division detailing their findings.

Patrol Division Supervisors will complete a first responder equipment check sheet for each item that is replaced in the kit.

6. Traffic, Detective, and Community Service Division:

Supervisors will inventory, inspect and account for the first responder kits assigned to vehicles in their division on a weekly basis. The supervisor will submit an inter-departmental memorandum to the Division's Commander detailing their findings.

7. Dispatcher's Responsibility:

At the start of each shift, the dispatcher will track the location of each first responder kit assigned to the sector cars and record this information on the shift equipment log.

Any discrepancy in the inventory or a missing first responder kit will be entered into the computer system immediately and notification made to the Commanding Officer Platoon on Duty.

The computer call code for the first responder kits is # 9009.

8. Infection Control Officer's Responsibility:

The designated infection control officer will maintain a complete inventory of medical supplies.

The contract ambulance can replace some of our medical supplies when possible.

PROMOTIONS

General Order Number: **20.1** ***Effective Date:*** **June 18, 2013**

POLICY:

Promotion in rank within the Brookline Police Department is governed by Mass. Gen. Law, Chap. 31 (Civil Service Law), the rules and regulations of the Massachusetts Executive Office for Administration and Finance, Human Resources Division, and the policies and procedures of the department.

It is the policy of the Brookline Police Department to conduct the promotion process in a manner that meets both the letter and the spirit of all applicable laws, regulations and procedures. The Department shall request inclusion in promotional examinations for police captain, lieutenant, and sergeant every two years. Examinations will take place in the even number years. (Subject to HRD examination schedule)

PROCEDURES:

1. THE CIVIL SERVICE AND HUMAN RESOURCES DIVISION PROCESS:

(THE FOLLOWING IS AN OVERVIEW OF THE CIVIL SERVICE AND DIVISION OF HUMAN RESOURCES PROCESS. MEMBERS WITH SPECIFIC QUESTIONS ARE ADVISED TO REFER TO THE APPROPRIATE LAWS OR CONTACT THE DIVISION OF HUMAN RESOURCES.)

The promotion process is initiated by the Department when the Chief of Police requests from the Selectmen, who are the appointing authority, notification be made to the Division of Human Resources that a position is vacant and requests a list of eligible candidates.

The Division of Human Resources will then follow one of the following courses of action:

A. CERTIFIED LIST: The Division of Human Resources will supply the Chief of Police with a written list of personnel certified as eligible for promotion based upon a previous competitive examination.

B. PROMOTIONAL EXAMINATION: If no current certified list exists, the Division of Human Resources will schedule an examination to test for and certify those personnel who meet the legal standards, which have been established under Mass. Gen. Law, Chap. 31.

C. **NOTICE OF EXAMINATION:** Prior to any promotional examination, the Division of Human Resources will deliver public notices to the department. Such notices will be posted in locations throughout the police station. The department shall be responsible for notifying all eligible officers who may be on an extended absence due to sick or injured leave, vacation or other reasons. Officers are advised to fully acquaint themselves with the requirements of an examination as stated on the public notice, as it includes information on training and experience materials which must accompany the exam for grading purposes. The notice shall contain the following information:

1. The title of the vacant position;
2. A description of the duties of the position;
3. Where to inquire about the salary of the position;
4. The eligibility requirements;
5. A reading list of resource material upon which the test will be based;
6. The date of the examination; and
7. The location of the examination.

D. **ELIGIBILITY:** In order to be eligible to take the examination for the position of Sergeant a patrolman must have at least three years of experience. In order to take an examination for the position of Lieutenant or above, an officer must have at least twelve months of experience in the next lowest rank. An exception to this rule exists when less than four officers of this next lowest rank sign up for or take the examination. In this case, the examination is opened up to members of the next lowest rank with twelve months or more of experience.

E. **WRITTEN EXAMINATION/TRAINING AND EXPERIENCE:** A Civil Service Police Promotional Examination is scored in two areas:

1. The written test which pertains to material that is outlined in the reading list on the public notice; and

2. The training and experience information provided by the candidate.

F. **MINIMUM SCORES:** Each person who takes the test must score a minimum of 70% on the written portion to become eligible for the training and experience documentation to count towards a final grade. Officers who fail to attain the 70% will be so notified of their failure by the Division of Human Resources. For those who attain the minimum 70%, their final grade will be determined as follows:

G. **WEIGHTS:** The weights attributed to the written examination and training and experience are determined by:

1. Multiplying the written grade by a factor of 4;

2. Multiplying the adjudged grade on training and experience by a factor of 1;

3. Adding the two resulting figures together; and

4. Dividing the final figure by a factor of 5.

H. **APPEAL PROCESS:** Individuals desiring to appeal their grade may do so by notifying the Division of Human Resources within seventeen days of their receipt of their grade. Mass. Civil Service Law absolutely prohibits a candidate's right to review the answer key to written examinations; to review the written results of scored elements of selection process; contesting promotional potential reports used in the selection decision; and/ or reapplication, re-testing, and revaluation following the results of an examination or selection. However, there is an appeal process that allows candidates to contest results and scores, as well as the selection if a "bypass" has occurred. This process is contained in Mass. General Laws Chapter 31 sections 2b (Duties of the Civil Service Commission to hear appeals); section 22 (Requesting the Civil Service Commission to review examinations, etc.) Section 23 (Commanding the Administrator to conduct reviews, etc., within six weeks); section 24 (Appealing the Administrator's, etc.). Section 70 prohibits inspection of examination papers. All officers should review and be familiar with these and other sections of Chapter 31 that may relate to the promotional process if they intend to take promotional exams.

I. **DURATION OF LIST:** A promotional list, once established, is valid for a period of not less than two years. The Chief of Police may not select any candidate for promotion whose name does not appear.

J. **NOTIFICATION TO THE DIVISION OF HUMAN RESOURCES:** Following the selection of an eligible candidate, the Chief of Police must report back to the Division of Human Resources on appropriate forms stating who was chosen. If the individual selected did not have the highest score, the Chief of Police must notify the Division of Human Resources of the reason(s) for their selection. The Division of Human Resources will review the material submitted and will certify the promotion(s) if appropriate standards have been adhered to. The appeal process remains open for those who would contest the reasons for which they were not chosen.

2. **THE DEPARTMENT PROCESS:** The Board of Selectman as the appointing authority has the responsibility of administering the department's selection process for all superior officers subordinate to the Chief of Police.

A. **INFORMATION CONSIDERED:** Once an eligibility list for promotion has been established, the Chief of Police will begin compiling information on potential candidates. This information is intended to assist the Chief of Police in his or her final decision on the appointment(s). It is the responsibility of the Chief

of Police to coordinate the entire process and to make a recommendation to the Board of Selectman, based on a thorough review of a candidate's record and whom he or she feels is the best candidate. It is the sole intent of this department to promote the best-qualified person for a job without personal animosity, prejudice or other unsubstantiated opinions being a part of the process. The information required for a fair, impartial and non-discriminatory evaluation shall consist of:

1. Performance in prior position(s);
2. Supervisory evaluation of employee performance in his or her present position;
3. Supervisory evaluation of the employee's promotion potential;
4. Sick leave record; and
5. The disciplinary record of the employee.

B. **LATERAL ENTRY:** The Brookline Police Department does not promote by lateral entry.

C. **ORAL INTERVIEW:** If the Chief of Police deems it necessary to conduct oral interviews pursuant to the promotional process, the interviews will include a list of uniform questions, which shall be asked of all candidates. Some candidates may be asked questions which are exclusive to that candidate depending upon personal history, work performance, sick record, answers to uniform questions, or for any other reason considered appropriate by the Chief of Police.

D. **ACTIVITY REVIEW FOLLOWING PROMOTION:** Massachusetts Civil Service law does not provide for a formal probationary period following promotion. The department has adjusted to this situation by designing a promotional process and policy that is intended to choose the most qualified certified candidate.

However, this will not eliminate the need for assisting and guiding the newly appointed individual as much as possible in adjusting to a command position and its commensurate responsibilities.

Therefore, during the first six months following promotion, the superior officer is encouraged to meet with their immediate superior no less than once every other week. The purpose of these meetings will be to discuss and review any situations, which may be causing the newly appointed superior any concern or problems. The immediate superior shall be responsible for proving guidance and direction regarding these matters, and to assist with any problems of mutual concern or interest.

E. The Chief of Police shall maintain security of all promotional materials utilized by this department.

COMMUNICATIONS

General Order: **21.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department to maintain an efficient flow of information essential to the functions of the department and the community it serves. The communications component must insure that the communications system facilitates the operations of all other components of the department. Officers and employees of the Brookline Police Department shall conduct radio operations in accordance with Federal Communications Commission (FCC) procedures and requirements. The communications procedures of the Brookline Police Department are an important part of the support mechanisms necessary for the effective and safe conduct of department business. Department communications involve the use of telephone, computer terminals and radios. The department has established a number of communications procedures so that communications will be orderly, documented and effective.

PROCEDURES:

These procedures cover three areas of communication within the department: **STARS, Manifold/Bulletin and town e-mail.** These procedures are intended to be comprehensive and includes computers, computer programs, printers, facsimiles, machines, telephones, voice mail, and E-Mail. All officers will have the ability to access these systems from the in-house computers and the cruiser laptops. The Town of Brookline Policy on the Use of Information Technology Resources is still in effect as well as this departmental policy.

1. All personnel will be responsible for the laptop in their assigned cruiser during their assigned shift. These laptops are wireless and can be removed from the cars; however, it is the policy that LAPTOPS SHALL REMAIN IN THE CRUISERS AT ALL TIMES. In an effort to protect sensitive information from being viewed by a passerby, as well as, preventing theft of the laptop, officers should close the laptop cover and lock the doors when exiting the cruiser, when possible.

Due to the timeliness and availability of incident data in the Department's report writing system, it is no longer necessary to print shift briefings or manifolds for each roll call. Officers are encouraged to review the CAD and Incident System during their tour of duty to ensure they are aware of recent calls and incidents. ***Officers are to check the STARS, bulletin and e-mail system as part of their regular duties – at the start of their tour of duty and throughout the shift as needed.***

2. STARS (Situational Analysis & Response System):

The STARS System is a Brookline Police Department tracking system for handling reoccurring problems. The system is designed as a multi-divisional approach to problem solving throughout the department. Communication thru this system should be both vertically through the chain of command and horizontally from Division to Division. Proper use of the STARS system requires entry of a problem into the system, analysis and assigning to the proper division, unit, or persons, review of actions taken and assessment of the work performed. All officers are to make use of the system in the following manner:

A. ENTRY INTO SYSTEM:

Entries into the system will be made by Department supervisors, the Crime Analysis Unit, and any other officers designated by the Chief of Police. Problems identified by line officers should be brought to the attention of their direct supervisor. Supervisors, after fully discussing the problem with the officer, will make the actual entry into the system. Dispatchers are to bring situations to the attention of the Commanding Officer – Platoon on Duty for submission into the STARS system. The Crime Analysis Unit will make entries based on the results of a specific completed analysis which identifies problems and issues throughout the Town.

Some examples of problems that should be entered are:

1. Location-based complaints (loud parties, youths disturbing, drug areas, etc.

2. Location-based crimes (a cluster of crimes in a specific area, i.e. north side car breaks)

3. On-going traffic concerns (MV crash hot spots, Red Sox game parking control strategy)

4. Grant Programs (Traffic Enforcement Program, Domestic Violence, etc.

5. Domestic Preparedness (vulnerable locations, persons and institutions.)

**The STARS system will not be used for regular parking complaints. The proper communication avenue for these types of complaints is the Daily Bulletin/Manifold.

B. ASSIGNMENT:

Assignments should be made by the Division Commanders or their designees. When the assigning supervisor believes additional or other divisions, outside his/her chain of command, should be assigned, the entering supervisor should outline their thought in the narrative section. The assignments will be reviewed by the identified Division Commander and made, if deemed appropriate. As a 24-hour-a-day, 7-days-a-week service to the community, the Department must manage situations using a multi-divisional approach. For instance, a complaint may initiate as a traffic problem, but may fall to the Patrol Division to handle because the problem occurs during last halves when traffic officers are not available.

C. REVIEW:

All personnel will check the STARS program at the beginning of their tour of duty, each and every day, while taking any and all appropriate action.

D. ACTION:

Assigned officers shall make the required reports in the "Work Record" section within the STARS Program.

E. SUPERVISION:

1. STARS ASSIGNMENTS FOR IMMEDIATE SUBORDINATES:

A. Commanding Officers will be responsible for their sergeants making sure that their subordinates are aware of the STARS assignments in their sectors during their tour of duty.

B. Sergeants are responsible for assuring that their officers are aware of the STARS assignments in their sectors or divisions, and that the officers are doing the work and making the appropriate "work record" entries.

2. STARS ASSIGNMENTS DURING TOUR OF DUTY, BUT NOT ASSIGNED TO IMMEDIATE SUBORDINATES:

A. Commanding Officers will be responsible for making sure that one of his/her supervisors is overseeing the STARS assignment(s) that are assigned during their tour of duty, but are performed by officers outside of their immediate subordinates.

B. Sergeants are responsible for overseeing the STARS assignment during his/her tour of duty that is being carried out by officers other than his/her immediate subordinates. Sergeants are too assure that the officers know the assignment and complete the "work record" at the end of their assignment.

F. ASSESSMENT:

Assessments shall be made by the assigning supervisors and shall be reviewed by the Division Commanders and Superintendent of Police on a weekly basis or more often as is needed. Assigning supervisors are to make recommendations to their Division Commander when they feel the closure of a record is appropriate or additional response tactics are needed. Division Commanders shall determine the appropriate course of action. When it is determined that a STARS entry will be closed, the reason for the closure is to be identified in the assessment and/or notes field of the record, indicating the effectiveness of the actions taken and status of the situation (i.e. the problem has been resolved, a suspect has been apprehended.

3. DAILY BULLETIN/MANIFOLD:

The Daily Bulletin/Manifold will be accessible from the laptops. The bulletin will be used for training information, general department correspondence and parking complaints. The duration of entries in the bulletin will be limited to fourteen (14) days. After the entry expires, if it is determined that a manifold item needs additional time for distribution, it may be re-entered for an additional fourteen days. All officers will have access to enter items in the manifold.

4. ELECTRONIC DOCUMENTS & E-MAIL:

All officers have a Department e-mail account. The e-mail will be accessible from the cruiser laptop or in-house computers. The e-mails using First Class are set up based on name. The format will be first name, period, last name (example scott.wilder). This system will provide intranet e-mail access from cruiser laptops.

5. USER RESPONSIBILITIES:

It is the responsibility of all users to read and understand the terms of this policy. Users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of electronic documents and E-mail.

A. Use of the department's computer, electronic mail, Internet access and voice mail systems used at the Brookline Police Department facilities are intended for business purposes only.

B. Personal use of the department computer and electronic mail systems is strongly discouraged.

1. Any personal electronic files or e-mail on the department's computers systems are police department property and subject to the Public Records Law and to supervisor review.

2. Personal use of the department's computers and e-mail systems including the Internet is prohibited.

3. The Department reserves the right to audit adherence to this policy at any time.

6. PROHIBITED USES:

Intentional use of the Brookline Police Department electronic documents and E-Mail for any of the following activities is strictly prohibited.

A. Sending, receiving, downloading, displaying, forwarding, printing or otherwise disseminating material that is profane, obscene, harassing, fraudulent, offensive or defamatory other than for legitimate work related matters.

B. Disseminating or storing destructive programs (viruses) or other unauthorized material.

C. Wasteful use of the system such as sending mass mailings or chain letters, spending excessive amount of time on the Internet, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

D. Using or copying software in violation of a license agreement or copyright.

E. Intercepting communications intended for other persons.

F. Gaining or attempting to gain unauthorized access to any computer or network.

G. Violating any international, federal, state or local law.

H. Installing any type of software without permission of the Technology Division and approval of the Chief or Superintendent.

7. DATA CONFIDENTIALITY:

E-mail messages dealing with official Police business are generally considered to be public record information. E-mail messages can be stored, copied, printed or forwarded by any intended or unintended recipient; therefore users should not expect their e-mail messages to be either private or confidential.

8. E-MAIL AND PUBLIC RECORDS LAW:

E-mail messages concerning official Police business are generally considered public record information that is subject to disclosure under the Massachusetts Public Record Law. (G.L. c. 66, S 10; G.L. c. 4 7(26).

The Supervisors will read all e-mails each shift. All e-mails can be and will be tracked; therefore it is especially important for supervisor's to check every shift.

9. LISTING OF GROUPS FOR E-MAIL'S:

The E-mail system will also be set up similar to the electronic paging system for group e-mails to be sent. The Groups shall be divided as follows:

Administrators
Police All
Officers, Brookline
Police Civilian Staff
Police Command Staff
Police Community Service
Police Detective Division
Police Lt/Sgt
Police Patrol/1st Platoon
Police Patrol/2nd Platoon
Police Patrol/3rd Platoon
Police Patrol Division
Police Staff
Police Technology Division
Police Traffic Division
Police Union E-Board
Police Dispatch

10. E-MAIL ETIQUETTE:

E-mail, like other forms of communication, reflects upon the Brookline Police Department. Users shall communicate in a professional manner with proper spelling and grammar.

11. SUPERVISORY STAFF RESPONSIBILITIES:

A. Sergeants are also responsible for checking for general broadcast information and relaying such information as necessary.

B. Supervisors shall be responsible for periodically monitoring and checking the E-mail system to ensure that guidelines for proper use of the system are being complied with.

12. DISCIPLINARY ACTION:

A. It is the responsibility of the Supervisors to ensure that all employees under their supervision receive a copy of this policy and that officers adhere to the procedures set out herein.

B. Failure to observe this policy may subject officers to disciplinary action ranging from curtailment of the use of electronic documents and e-mail up to and including termination of employment.

13. MAINTENANCE AND OPERATIONS OF POLICE COMMUNICATIONS EQUIPMENT:

A. Only Dispatchers, Supervisors, and personnel authorized by the Computer Division or the Commanding Officer- Platoon on Duty, will have access to the dispatcher center.

B. All telephone calls received on the Brookline Police Department's business and emergency lines and all police radio communications will be recorded. The recorder is secured in the Computer Division. These recordings are saved to a hard drive and will be backed up to DVD media. This media will be saved for at a minimum of two years provided no litigation is pending.

C. The Computer Division will keep the DVD media in a safe and secure place. Only the Chief of Police, Superintendent, or their designee will have the authority to play back recorded conversations. These recordings will be available only for investigative purposes or when requested by a court order.

D. Digital playback recorders are affixed to the dispatchers' phones, and the Brookline Police radio system. The digital playback recorders enable the dispatchers to instantly playback a message received over the radio or phone for clarification.

E. All Brookline Police radio and telephone equipment (telephone switching equipment, radio base station, etc) shall be located in a secure area. Access to the equipment shall be limited to authorized personnel only. No items shall be stored in these rooms without prior approval of the Computer Division.

F. The Computer Division will have back up emergency power (UPS-unlimited power supply) that will provide power to the communications area and the computer room. This UPS is designed to maintain power until the buildings generator starts up, which is within 20 seconds of a power failure. The generator will provide power to the entire building.

G. In the event of a power outage or computer malfunction the Commanding Officer – Platoon on Duty is to promptly notify Computer Division personnel.

14. RADIO COMMUNICATIONS

POLICY

The efficiency of the Brookline Police Department's daily business as well as its emergency services depends upon the capabilities of its radio communications system. The speed and reliability with which communications can be established between and among dispatch points and mobile units are of tremendous importance in carrying out police activities. Many lives have been saved, including those of police officers, through the use of mobile radio.

PROCEDURE:

A. All assignments by the dispatcher shall be considered an authoritative order. Any discrepancy regarding an assignment (other than simple clarification) should be reported by the officer to their supervisor **after** responding to the call.

B. Officers are responsible for all calls until completion of their tour of duty or until relieved. Officers shall not cancel or "pass on" an assignment at the shift change without supervisory approval. The dispatcher will then be notified by the supervisor to reassign the call to an officer on the next shift.

C. Personnel may be directed to perform police tasks without regard to sector, division, or assignment as needs dictate.

D. Personnel shall maintain radio contact with the dispatcher at all times while in-service unless they otherwise specify to the dispatcher.

E. All radio transmissions shall be conducted in such a manner as to reflect a professional image and to make efficient use of airtime. No personal conversations, non-essential discussions, or interference with communication are allowed.

15. OPERATING PROCEDURES GENERAL CONSIDERATIONS:

A. Courtesy is most essential for the efficient and effective operation of the police radio system. Stress courtesy by setting the example.

B. Transmissions on the police frequencies are for the essential communication only. Unnecessary conversations will not be tolerated.

C. Transmissions shall be clear, concise and accurate.

D. Profane and obscene language is a violation of this policy and FCC rules and regulations.

16. MICROPHONE PROCEDURES:

A. Plan the message before transmitting.

B. Listen to make sure another message is not being interrupted.

C. Speak clearly.

D. Use an even tone of voice.

E. Avoid emotion such as nervous excitement, loss of temper, impatience.

17. TRANSMISSION PROCEDURE:

A. From Base:

1. Control-when calling any Unit (Examples: Control to 541)

B. From Motorized Unit:

1. Officer shall call by the number assigned. (Examples: 541 to Control).

C. From Foot Officer:

1. Officer shall call by radio number, or assignment

D. Acknowledgement:

1. The dispatcher, when radioed by an outside agency unit shall respond "Brookline Control".

E. Upon arrival at the assigned location officers shall report the same. (Example: 541 off at 350 Washington St).

F. Report back in service after clearing a call. (Example: 541, clear from 350 Washington Street).

G. Officer communicating between field units shall use unit assignment when calling. (Example: 541 to 542).

H. Officers will use the new Metro Homeland Security Region radio identifiers engraved on the portable radio. Officers calling on their radios while on a police detail or off-duty should give their call sign (Example: Portable 1A## to Control"). Please see Special Order #2006-6 on Use of New Portable Radio Guidelines).

I. Any field wishing to communicate with any other BAPERN agency shall first request permission through the Dispatcher.

18. SUPERVISORY RESPONSIBILITIES:

A. Patrol Supervisors will:

1. Monitor radio communications and correct deficiencies within their own command.

2. Receive and investigate reports of radio communication violations by officers coming to their attention

19. FIELD STOPS:

A. When making car stops or stopping an individual, use the following procedure:

1. Radio in your location.

2. Plate number (specify passenger/commercial/etc.)

3. Activity of the vehicle or the individual stopped.

4. Request for backup officer (if needed).

20. RADIO ASSIGNMENT:

A. All officers shall have access to a portable radio during their tour of duty. Officers who have not been issued a radio as part of his or her issued equipment shall receive one from their respective Divisions. All radios, which are unassigned, will be accounted for by the Commanding Officer – Platoon on Duty.

B. Officers are responsible for the proper care of both portable and mobile radios.

C. All officers shall safeguard their assigned radio from damage, theft or loss and safeguard the radio from use by unauthorized people

D. Officers shall report for duty and paid details with a fully charged radio.

E. Officers shall not alter or remove any accessories from the radio.

F. All officers shall immediately notify their Commanding Officer that their radio is lost or stolen

21. COMMUNICATIONS EQUIPMENT

POLICY:

The basic function of the Police Communications system is to serve as the link between the parties in need of service and the patrol officer in the street. The speed and accuracy with which the information flows through the system is a measure of the agency's ability to respond to the needs of the citizens of the community. The agency has 24 hour two way radio capability providing continuous communication between the communications center and officers on duty. Therefore, this directive shall establish procedures for the maintenance and operation of police communications equipment.

22. MAINTENANCE AND OPERATIONS OF POLICE COMMUNICATIONS EQUIPMENT:

A. Only Dispatchers, Supervisors, and personnel authorized by the Computer Division or the Commanding Officer- Platoon on Duty, will have access to the dispatcher center.

B. All telephone calls received on the Brookline Police Department's business and emergency lines and all police radio communications will be recorded. The recorder is secured in the Computer Division. These recordings are saved to a hard drive and will be backed up to DVD media. This media will be saved for at a minimum of two years provided no litigation is pending.

C. The Computer Division will keep the DVD media in a safe and secure place. Only the Chief of Police, Superintendent, or their designee will have the authority to play back recorded conversations. These recordings will be available only for investigative purposes or when requested by a court order.

D. Digital playback recorders are affixed to the dispatchers' phones, and the Brookline Police radio system. The digital playback recorders enable the dispatchers to instantly playback a message received over the radio or phone for clarification.

E. All Brookline Police radio and telephone equipment (telephone switching equipment, radio base station, etc) shall be located in a secure area. Access to the equipment shall be limited to authorized personnel only. No items shall be stored in these rooms with prior approval of the Computer Division.

H. The Computer Division will have back up emergency power (UPS-unlimited power supply) that will provide power to the communications area and the computer room. This UPS is designed to maintain power until the buildings generator starts up, which is within 20 seconds of a power failure. The generator will provide power to the entire building.

I. In the event of a power outage or computer malfunction the Commanding Officer – Platoon on Duty is to promptly notify Computer Division personnel.

RECRUITMENT AND SELECTION OF PERSONNEL

General Order Number: **22.1** ***Effective Date:*** **June 18, 2013**

POLICY:

The process of recruitment and selection of personnel for the department is largely determined by Massachusetts Law as administered by the Executive Office of Finance, Division of Human Resources. However, the department does accept the responsibility for processing applicants, overseeing recruitment efforts, and managing other aspects of the personnel process.

The department, in conforming with the procedures set forth by the Division of Human Resources, is responsible for recruitment activities and for selecting personnel from a list of eligible applicants provided by the Division of Human Resources. In this sense, the recruitment and selection of personnel is part of a statewide civil service system, for the selection of personnel for participating cities, towns, and agencies of the Commonwealth.

It is the policy of the Brookline Police Department to conduct the process of recruitment and selection in full compliance with the law and the highest level of ethical standards.

PROCEDURES:

1. RECRUITMENT OF PERSONNEL: The department's overall responsibilities are limited concerning recruitment due to the Division of Human Resource's rules. However, the department is committed to making area residents aware of the desirability of a law enforcement career in the Brookline Police Department. The department also encourages applications from minority group members in an effort to ensure that the ethnic and racial composition of the force is reflective of Brookline residents. Recruitment activity will be conducted prior to the holding of the statewide entrance examinations.

The objective of the department's participation in the recruitment process is to attempt to ensure that we can continue to hire individuals who will become the type of police officers that are a credit to the community and the profession.

A. RECRUITMENT COORDINATOR: The Chief of Police shall designate an officer, who will assume the responsibilities of Recruitment Coordinator. This officer shall be encouraged to gain knowledge in personnel matters, especially as they relate to Equal Employment Opportunity and Affirmative Action.

During the recruitment process this officer shall report directly to the Chief of Police regarding recruiting activities and shall conduct their duties according to the following criteria:

1. Coordinate recruitment efforts with the Town of Brookline Human Resources Department;

2. Keep and maintain a file of all relevant recruiting and selection materials provided the department by the Division of Human Resources;

3. Make appearances at local functions, upon request or invitation, promoting employment as a member of the Brookline Police Department;

4. Apprise members of the department regarding the current need for recruitment, and request their participation by suggesting they actively seek qualified individuals, and to encourage those persons to take the entrance examination;

5. Keep and maintain a file of the department's and the Town's affirmative action and equal opportunity employment plans;

6. Prepare and disseminate to interested parties recruitment material listing the benefits of a career in the Brookline Police Department. Seek input from all department members regarding the content of this brochure;

7. Contact community organizations through written or verbal communication to encourage them to actively seek qualified applicants to take the entrance exam. Provide these organizations with recruitment material for dissemination purposes;

8. Become a liaison between the Brookline Police Department and the Commonwealth of MA - Division of Human Resources. Develop familiarity with resources available through the Division of Human Resources that assist in accomplishing our Affirmative Action goals, both through recruitment and hiring.

2. **SELECTION OF PERSONNEL:** The Chief of Police shall seek authorization to fill all positions, sworn and non-sworn, within the Police Department from the Board of Selectman. Once this authorization is given, the position is posted and advertised by the Town of Brookline Human Resources Division. The resumes of applicants are then collected by the Human Resources Department and sent to the Chief of Police for review and final selection.

The selection of Civil Service sworn, non-sworn, and civilian personnel is done under the rules and procedures established and approved by the Division of Human Resources. Once a person has been certified as eligible by the Division of Human Resources, and has been placed on an eligibility list, the department conducts a series of screening activities prior to determining if that individual qualifies for employment.

The screening standards will apply to individuals certified as eligible by the Division of Human Resources, and to those seeking lateral transfers from other departments.

A. **COORDINATION OF SELECTION ACTIVITIES:** The coordination of selection activities shall be the responsibility of the Commanding Officer - Detective Division. All results of the process shall be turned over to the Chief of Police for his or her review. The Chief of Police shall recommend to the Board of Selectman, as the appointing authority, for the final choice(s).

B. **RECORDS:** The Commanding Officer - Detective Division shall ensure that all selection materials and records are kept secure and confidential. Records of individuals hired will be permanently retained in their personnel folders. Records of unsuccessful applicants shall be retained for a period not less than five years, or until all rights of appeal have been exhausted and then destroyed in a manner that prevents disclosure of the information therein. In no case will records of unsuccessful applicants be destroyed for at least five years.

The oral review board shall have access to all records of candidates to be interviewed. Full access to all other recruitment and selection records shall be limited to the Chief of Police and the Commanding Officer - Detective Division. Other individuals involved in the selection process shall have limited access on an as-needed basis. All results of psychological testing and review boards are **STRICTLY CONFIDENTIAL**.

C. **SCREENING PROCESS:** The screening process shall be conducted according to the following criteria under the direction of the Commanding Officer - Detective Division. The process shall include but is not limited to the following:

1. All applicants shall be notified in writing of the content and procedures involved in the screening process. Notification shall include the dates, times, and locations where each component will take place, and also the policy on retesting, reapplication, and reevaluation of applicants that are not appointed.

2. The initial interview will be conducted by the Chief of Police or his or her designee. This interview will include any clarifications of the process for the applicant. The applicant will file an Application for Employment Form and sign an Authority for Release of Information Form at this time.

3. A thorough background check is to be conducted by officers trained in background investigation techniques, which includes: verification of qualifying credentials; review of any criminal record; interviews with neighbors; interviews with past and present employers; checking on three personal references provided by the applicant; and a check of the applicant's credit.

4. An oral interview of the applicant, using valid, useful, and non-discriminatory procedures, shall be conducted by a Police Candidate Selection Board comprised of members designated by the Chief of Police.

5. An initial medical examination, consisting of a through and job-related medical examination, will be conducted by a physician selected by the department in accordance with the Division of Human Resources' requirements.

6. A battery of psychological screening tests will be conducted by an approved psychologist. Such examinations are to be provided at no cost to the applicant.

7. Or any other test deemed necessary by the Chief of Police.

8. A physical fitness/physical abilities test examination, using a "job simulation-type" test, will be conducted by the Division of Human Resources.

9. An applicant who fails the initial medical examination will be notified by the Health Department of the Town of Brookline. An applicant who passes/fails the physical agility test will be notified at the test site. In order for an applicant to be considered for student officer status, they must successfully pass all physical, psychological, and medical examinations.

D. **HIRING STANDARDS:** Sworn police officers of the Brookline Police Department are accountable to the citizens they serve. The public has the right to expect that such authority and trust be placed in only those individuals of the highest caliber who have demonstrated by their conduct that they can uphold and enforce the law fairly and impartially within the scope of their authority.

In an effort to maintain an equitable standard for hiring applicants for the position of police officer minimum guidelines should include the below:

1. No person who has been convicted of a felony shall be appointed as a police officer.

2. Other areas of concern include, but are not limited to, the categories listed below:

a. Employment history
b. Criminal history/involvement
c. Military history
d. Truthfulness/character issues
e. Driving history
f. Financial history

g. Visible tattoos, branding/jewelry which are exposed or visible while on duty

h. Tattoos or brands that can be perceived or considered obscene, advocate sexual racial, ethnic or religious discrimination.

E. TOTALITY OF THE CIRCUMSTANCES: The Town of Brookline will strive to consider the "totality of the circumstances" when reviewing an applicants background and suitability for public service. A candidate may be disqualified for evidence of character clearly unsuited for police services. The final decision for employment or disqualification rests with the Chief of Police.

F. NOTIFICATIONS: Civil Service applicants who are not chosen shall be notified by the Brookline Police Department. Non-Civil Service applicants who are not chosen shall be notified by Town of Brookline Human Resources Department. Copies of all such correspondence shall be maintained in the applicant's file.

G. COLLECTIVE BARGAINING AND CONTRACT MANAGEMENT: The Brookline Police Department shall abide by all applicable laws and rules governing the collective bargaining process.

1. The Brookline Police Department will negotiate in good faith with the representatives of public employee bargaining units and abide by the ground rules for collective bargaining that arise out of the collective bargaining process or labor arbitration.

2. The Brookline Police Department commits to abide, in both letter and spirit, by the negotiated labor agreement that has been by the authorized representatives of the Town and the bargaining units, and ratified by Town Meeting.

H. CONTRACT MANAGEMENT: The Chief of Police or his or her designee will:

1. Obtain a written, signed labor agreement.

2. Review and amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreements.

3. Disseminate information relative to a new labor agreement, including modifications to existing agreements, to commanding officers and managers of bargaining unit employees.

I. GRIEVANCES: All employees shall be treated fairly in matters arising from their employment and they shall have the opportunity to be heard fully any time they believe they have been treated unfairly. Formal grievance procedures usually evolve from informal attempts to resolve differences between employees and the Department. The grievance procedures shall be defined in the collective

bargaining agreements, Civil Service Rules, and the Town of Brookline Personnel Rules.

1. Employees who are members of a bargaining unit having a labor agreement with the Town shall process their grievances according to the applicable grievance procedure provided by their assignment or Civil Service Rules.

2. The Chief of Police shall be responsible for the maintenance and control of grievance records.

SEARCH AND SEIZURE

General Order Number: **23.1** ***Effective Date:*** **June 18, 2013**

POLICY:

The term searches and seizures includes examination of persons or places for the discovery of property stolen or otherwise unlawfully obtained or held, or of evidence of the commission of crime, and the taking into legal custody of such property or evidence for presentation to the court. Failure to comply with the legal technicalities, which govern these procedures, results in more failures to obtain convictions than any other source. The Fourth Amendment to the United States Constitution has been interpreted by the United States Supreme Court to require that, whenever possible and practicable, with certain limited exceptions, a police officer should always obtain a valid search warrant in advance. Mincey v. Arizona, 437 U.S. 385, 89 S. Ct. 2408 (1978).

The Fourth Amendment of the United States Constitution declares:

> The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

Article XIV of the Massachusetts Constitution provides as follows:

> Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his house, his papers, and all of his possessions. All warrants, therefore, are contrary to this right if the cause or foundation of them not previously supported by oath or affirmation; and if the order in the warrant to civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or object of search, arrest, or seizure; and no warrant ought be issued but in cases, and with the formalities prescribed by the laws.

There is nothing more frustrating to a police officer than to learn that evidence which would most certainly lead to a finding of guilty has been ruled inadmissible and excluded because of the manner in which it was obtained. In order to ensure that their efforts will not become lost in the maze of legal technicalities, it is imperative that all police officers thoroughly understand the basic constitutional and statutory requirements involved in searching for and seizing criminal evidence.

The following procedures have been prepared to provide basic guidelines that are both legal and practical in their technical area of searches and seizures. In their implementation, all related department policies such as Arrest, Investigation, Detention, the Use of Informants, and the Handling and Preservation of Evidence should also be considered.

PROCEDURES:

1. SEARCHES WITH A WARRANT:

A. The general rule to be followed is that searches and seizures are reasonable and proper if they are based upon a valid search warrant, the issuance of which indicates that the police can demonstrate that probable cause exists that the evidence of criminal activity will be uncovered by the search.

B. With certain limited exceptions, therefore, a search shall always be conducted with a search warrant issued by a court of competent jurisdiction after the presentation of a properly executed affidavit:

1. This affidavit must contain the facts, information, and circumstances which have led a police officer to have probable cause to believe that a crime has been, is being, or is about to be committed, and that seizable evidence relating to that crime is present in the place or on the person to be searched;

2. "Probable Cause" is a phrase which describes the facts observed, information obtained from others, and personal knowledge and experience that is sufficient to lead a reasonable and prudent person to believe that seizable evidence of crime exists and that it will be found in a specific location or on the specific person, and which would justify a judge or magistrate to issue a search warrant;

3. Many cases have been lost because an officer had sufficient basis for probable cause but did not furnish enough information in his or her affidavit;

4. Any fact that is not set out in the affidavit cannot be inserted or used later for the purpose of establishing probable cause for a search;

5. It is most important that an affidavit describe with particularity the objects to be seized, as the search warrant must be sufficiently definite that the officer serving the warrant will not seize the wrong property and it must be sufficiently descriptive that an officer will identify the property to be seized with reasonable certainty.

C. The legal procedure specified by Massachusetts Statute for the issuance of a search warrant is as follows:

1. A court or justice authorized to issue warrants in criminal cases may, upon complaint on oath that the complainant believes that any of the property or articles hereinafter named are concealed in a house , place, vessel, or vehicle or in the possession of a person anywhere within the commonwealth and territorial waters thereof, if satisfied that there is probable cause for such belief, issue a warrant identifying the property and naming or describing the person or place to be searched, and commanding the person seeking such warrant to search for the following property or articles:

a. Property or articles stolen, embezzled, or obtained by false pretenses, or otherwise obtained in the commission of a crime;

b. Property or articles which are intended for use, or which are or have been used, as a means or instrumentality of committing a crime, including, but not in limitation of the foregoing, any property or article worn, carried, or otherwise used, changed, or marked in the preparation for or perpetration of or concealment of a crime;

c. Property or articles the possession or control of which is unlawful, or which are possessed or controlled for an unlawful purpose; except property subject to search and seizure under sections 42 through 56, inclusive of chapter 138;

d. The dead body of a human being;

e. The body of a living person for whom a current arrest warrant is outstanding.

NOTE: The word "property" as used in this section shall include books, papers, documents, records, and any other tangible objects.

D. A search warrant may also authorize the seizure of evidence.

E. A search warrant shall designate and describe the building, house, place, vessel, or vehicle to be searched and shall particularly describe the property or articles to be searched for; the warrant shall be substantially in the form prescribed in section 2A of chapter 276 and shall be directed to the sheriff or his or her deputy or to a constable or police officer, commanding them to search in the daytime, or if the warrant so directs, in the nighttime, the building, house, place, vessel, or vehicle where the property or articles for which they are required to search are believed to be concealed, and to bring

such property or articles when found, and the persons in whose possession they are found, before a court having jurisdiction.

F. An officer requiring a search warrant shall consult with the Commanding Officer - Platoon on Duty, or officer in charge of their unit, and obtain their advice, guidance and approval before proceeding to court. If the court is not in session, the officer should communicate with an authorized court official to make the necessary arrangements to secure a search warrant.

1. If legal assistance is required for the preparation of the search warrant affidavit, the District Attorney's Office should be contacted.

2. Every search warrant issued and any action taken on such warrant should be recorded by issuing an incident number, logging it in the CAD system, and subsequently by submission of a written report.

G. After a search warrant is obtained, a police officer shall:

1. Check the warrant to ensure that it is signed and it clearly describes the place to be searched and the articles to be seized;

2. Execute the warrant immediately, or within a reasonable time, but in any case, within seven days from date of issuance (Mass. Gen. Law, Chap. 276, Sec. 3 A);

3. Execute the warrant in the daytime unless it specifically provides for nighttime search - nighttime for this purpose is defined by State law as 10:00 PM – 6:00 AM;

4. In executing a search warrant in the nighttime, all due care shall be taken to avoid any possibility of error;

5. A search begun in the daytime may continue into the nighttime if such activity is reasonable and not for the purpose of harassment;

6. Upon arrival, again check to make certain that the premises are in fact those described in the warrant;

7. Officers shall first knock, identify themselves as police officers, announce that they have a warrant to search the premises, and demand entrance Comm. v. Gondola, 28 Mass. App. Ct. 286, 287 (1990). The knock and announce rule serves three vital purposes:

a. It decreases the potential for violent reactions by surprised occupants;

b. It protects the privacy of those in their own homes;

and

c. It prevents unnecessary damage to homes caused by forceful police entry. Comm. v. Gomes, 408 Mass. 43 (1990).

The failure of the police to knock and announce their identity in the absence of a "No-Knock" warrant, on scene emergency, or consensual entry, will INVALIDATE the entry and result in the exclusion of any evidence found during the ensuing search of the premises. Comm. v. Goggin, 412 Mass. 200, 202 (1992).

8. Upon entering, show a copy of the warrant to the person(s) lawfully on that premises unless the circumstances are such that this is not practical.

9. Officers shall always seek entry as peacefully as possible, but forcible entry is authorized if, after waiting a reasonable time, it becomes apparent:

a. That the officers will not be admitted voluntarily;

b. That the officers or any other persons are in danger of physical harm;

c. That the occupants are escaping; or

d. That evidence is being, or is in danger of being, destroyed.

NOTE: What constitutes "a reasonable time" before making a forcible entry depends upon the circumstances of each case and the best judgment of the searching officers.

10. It is always a good police practice to gain entry without force, if possible, by deception or by means of a ruse, if this will result in a safe, practical, and successful execution of the search warrant with less destruction of property.

11. An immediate, forcible entry (or one gained by a ruse or trick) is authorized - and the usual knock and announce procedure may be disregarded - if the searching officers are in possession of reliable information that, to follow the knock and announce procedure:

a. Would be likely to endanger their safety or the safety of others;

b. Would be likely to enable the wanted person or persons to escape; or

c. Would be likely to result in the evidence being destroyed during the period between their announcement of purpose and subsequent forcible entry. Comm. v. Cundriff, 382 Mass. 137, 415 N.E. 2d 172 (1980), Comm. v. Scalise, 387 Mass. 413 (1982).

12. If, at the time the officers apply for the search warrant, they have reason to believe the knock and announce rule should not be observed when the warrant will be executed, they shall request that the Magistrate mark the Warrant "No Knock and Announce" or words to that effect. A no-knock warrant is permitted when the police inform the magistrate of circumstances providing probable cause to believe that the object of the search may be destroyed or violence may occur if officers knock and announce their presence. Comm. v. Rodriguez, 415 Mass. 447 (1993). However, if the circumstances which would justify disregarding the knock and announce rule are no longer present when the warrant is executed, the knock and announce rule must be followed. Upon gaining entry in such cases, the searching officers should immediately identify themselves as police officers and should state that it is their purpose to serve a valid search warrant issued by the court.

H. The number of officers assigned to execute a search warrant should be dependent upon the particular circumstances, and it is a good practice for at least one of the searching officers to be in police uniform, unless this would jeopardize the success of the search.

I. A search warrant should not be executed in or on any premise in the absence of the owners, or occupants, unless there is good reason to believe that the occupants do not intend to return for an extended period of time (or that they do not intend to return at all); or that the property or articles designated in the search warrant will be removed or destroyed if the premises are not searched immediately. In all such cases, the manner of entry shall be made with the least possible destruction of property and a copy of the warrant left in a conspicuous place on the premises.

J. Although not specified in the search warrant, the following articles may be lawfully seized by an officer who observes them in plain view while serving a search warrant:

1. Instrumentalities or means by which any crime was committed (such as weapons, masks, tools, etc.);

2. Contraband (articles which may not be legally possessed, such as counterfeit money or controlled substances, etc.);

3. Fruits of any crime (such as stolen property);

4. Other evidence of any crime (such as clothing or other items fitting the description of the criminal offender); and

5. Property which bears a reasonable relationship to the purpose of the search (such as documents establishing who owns the premises searched if ownership is an element of the crime).

NOTE: Any item not named in the search warrant may be seized only if the police have probable cause to believe it is contraband, stolen property, or evidence of a known crime.

K. In order to ensure an orderly and safe search, all persons present on the premises when the police arrive may be detained and prevented from moving about. The police may secure the premises prior to obtaining a search warrant, but must NOT begin their search until the warrant is issued and a copy presented to the owner/occupier, Comm. v. Yesilcman, 406 Mass. 736 (1990). In the execution of a search warrant, any person found on the premises may be frisked for weapons by a police officer, for his or her own protection and safety, if the officer believes that such person is armed. Terry v. Ohio, 392 U.S. 1 (1968). It should be noted, however, that the Supreme Court ruled that this "does not permit a frisk for weapons on less than reasonable belief or suspicion directed at the person to be frisked, even though such person happens to be on premises where an authorized search is taking place." Ybarra v. Illinois, 444 U.S. 85, 100 S. Ct. 338 (1979).

L. If a police officer suspects that any person present during an authorized search would interfere with such search, the officer may direct such person to restrict his or her movements on the premises; however, at least one of the occupants should be permitted to witness all aspects of the search, if this is practical under particular circumstances.

M. If during the execution of a search warrant it appears that there is probable cause to believe that seizable property is located in an area of the premises outside the scope of the present warrant, a new warrant should be obtained immediately, unless consent is granted or exigent circumstances are present. While the new warrant is being sought, any occupants of the premises may

have their activities restricted. A warrant authorizing the search of a residence also gives police the right to search automobiles owned or controlled by the owner of such residence, which are located within the curtilage at the time the warrant is executed. Comm. v. Signorine, 404 Mass. 400 (1989).

N. A police officer responsible for the execution of a search warrant:

1. Shall not exceed the authority granted by this warrant;

2. Shall make diligent effort to find all the property listed in the warrant;

3. Shall not search beyond the area described in the warrant unless consent has been obtained or exigent circumstances exist (if the warrant authorizes a search of the first floor of a building, a search of the second floor is unlawful). Kremar V. U.S. 353 U.S. 346, 77 S. Ct. 828 (1957), Comm. v. Wills 398 Mass. 768 (1986).

4. Shall search only those areas capable of containing the property listed in the warrant (if the warrant authorizes a search for a large TV set, do not search in a small bureau drawer);

5. Shall carry out the search with the least possible damage to the premises;

6. Shall remain on the premises only for the time reasonably necessary to thoroughly search for and seize the property listed in the warrant;

7. Shall terminate the search when the listed property has been found or when it reasonably appears that such property is not on the premises;

8. Shall make adequate provisions for the security of the searched premises before leaving unless the person in control of such premises refuses or rejects such police protection;

9. Shall immediately and directly transport to the police station all seized property and ensure that it is properly marked, recorded, and safeguarded in accordance with departmental procedures for the care, handling, and security of evidence;

10. Shall complete the return section of the warrant and deliver it to the court as soon as reasonably possible after the completion of the search, and should be no later than seven days unless other

circumstances exist. Comm. v. Cromer, 365 Mass. 579, 313 N.E2d 557 (1974).

11. Shall note on the warrant the action taken with an inventory of all property seized by authority of the warrant (if evidence not described in the warrant is seized, attach a separate sheet to the return listing all such property and state that it was seized during the execution of that warrant); failure to list some items will result in the suppression of the items left out, but not the items listed. Comm. V. Aldrich, 23 Mass. App. Ct 157 (1986); and

12. Shall make a full departmental report of all action taken on a search warrant, to be submitted to the Commanding Officer - Platoon on Duty, or officer in charge of that officer's unit, before returning the warrant to the court.

2. SEARCHES WITHOUT A WARRANT:

A. The Fourth Amendment to the United States Constitution prohibits "unreasonable" searches and seizures, and the Supreme Court has consistently held that unless they come within one of the few carefully limited exceptions to the search warrant requirement, warrantless searches and seizures are considered unreasonable. Searches with prior judicial approval and a valid search warrant are preferred. Stoner v. Calif., 376 U.S. 483, 484, 84 S. Ct. 889, 890 (1964). The burden of showing that a valid exception exists rests upon the government when the circumstances of a warrantless search are challenged in the courts.

B. The following are the major exceptions to the search warrant requirement that have been recognized as constitutionally permissible by the court:

1. Warrantless stopping, questioning, and frisking (investigative detention);

2. Search incident to arrest (including protective sweep);

3. Exigent or emergency circumstances search (including "hot pursuit");

4. Consent searches;

5. Motor vehicle searches;

6. Plain view observations, scene of crime;

7. Pre-incarceration and inventory searches;

8. Protective custody searches; and

9. Administrative searches.

C. The following are not considered invasions of any privacy interest and do not come under the search warrant requirement of the Fourth Amendment:

1. The "plain view" doctrine;

2. Abandoned property.

D. It should be carefully noted, however, that a police officer should never rely on one of these exceptions when it is possible, under the particular circumstances, to obtain a search warrant in advance. If a police officer is acting under the authority of a valid search warrant, he or she is acting on secure legal grounds.

E. In every case where a search is conducted without a warrant, the police officers involved shall make a written report of the circumstances to include all-important facts relative to the incident and an inventory of any evidence seized.

3. WARRANTLESS STOPPING, QUESTIONING, AND FRISKING (INVESTIGATIVE DETENTION): Both the Fourth Amendment and Mass. Gen. Law, Chap. 41, Sec. 98, authorize police officers to briefly detain suspicious persons, to question such persons and, if the officer reasonably believes the person may be armed or dangerous, to frisk that person for weapons. These procedures are sometimes referred to as a "threshold inquiry."

4. SEARCH INCIDENT TO LAWFUL ARREST:

A. It is well accepted that a search incident to a lawful arrest is a traditional exception to the warrant requirement of the Fourth Amendment. Chimel v. California, 395 U.S. 752, 89 S. Ct. 2034 (1969).

B. A police officer is authorized to conduct a warrantless search of an arrested person under the following conditions:

1. The arrest is lawful and the search is reasonably related to the circumstances of the arrest;

2. The search is conducted only for the purpose of seizing fruits, instrumentalities, contraband, and other evidence of the crime for which the arrest was made, in order to prevent its destruction or concealment or to remove any weapons that the arrested person

might use to resist arrest or to effect his or her escape; any evidence seized in violation of this statutory requirement will not be admissible in evidence in a criminal proceeding (**Mass. Gen. Law, Chap. 276, Sec. 1**);

3. The search is limited in scope to the person of the arrestee and the immediate surrounding area. Immediate surrounding area means that area from which an arrestee can either obtain a weapon or destroy evidence. Chimel v. Calif. 395 U.S. 752, 89 S.Ct. 2034 (1969).

4. The search is substantially contemporaneous with the arrest and conducted in the immediate vicinity of the arrest. Shipley v. Calif. 395 U.S. 818, 89 S. Ct 2053 (1969). However, if safety requires, the officer may delay the search and conduct it at a safe location.

5. Also, there is a separate exception to the search warrant requirement which allows police to conduct a warrantless search of a person who is about to be incarcerated in a police lockup.

6. An officer conducting a search incident to an arrest (or by search warrant) may use the degree of force reasonably necessary to:

a. Protect himself and others present;

b. Prevent escape;

c. Prevent the destruction of evidence; and

7. A search may also be made of articles actually in possession of the arrested person and clothing worn at the time of arrest, if such search is related to the offense for which the arrest was made.

C. It has been recognized that in addition to a careful search of the area within the arrested person's immediate control, an examination of the entire premise may also be justified at the time of or immediately following a valid arrest if there is a reasonable belief that it was imperative for the officer’s safety because of the presence of others in the house or apartment. Comm. v. Flowers, 1 Mass. App. Ct. 415, 298 N.E. 2d 898 (1973) This search, often termed a "protective sweep," is limited to areas where an accomplice or other person who might come to the aid of the arrestee might reasonably be hiding. Any item or object recognizable as criminal evidence discovered in plain view during a justifiable "protective sweep" may be properly seized. United States v. Bowdach, 561 F. 2d 1160 (5th Cir) (1977), (Comm. v. Bowden, 379 Mass. 472 (1980).

D. It should be understood that an arrest must not be used as a pretext in order to make a search. South Dakota v. Opperman 428 U.S. 364 (1976). If the arrest is unlawful, the search is also unlawful. The courts have also ruled that a lawful arrest must not be used as a pretext to search a suspect to uncover evidence of a totally unrelated crime. Any search made under a false or fictitious warrant, or under any pretended legal authority, is unlawful, even if as a result, consent for the search is obtained. Any evidence seized under these circumstances would be declared invalid.

5. SEARCH IN EMERGENCY OR EXIGENT CIRCUMSTANCES (INCLUDING HOT PURSUIT):

A. A police officer is authorized to conduct a search without a warrant when faced with an emergency situation where delay would endanger their or the public's safety or might result in the escape of the offender or the destruction of evidence.

B. Many emergencies justifying a warrantless entry and search do not necessarily involve criminal acts; for example, when a police officer hears a call for assistance, when they observe smoke or flame, or when they learn of an actual or potential natural or man-made calamity or disaster, they have the duty and obligation to respond immediately.

1. The authority of the police to make warrantless entries in emergency situations, whether criminal or non-criminal, is based upon their fundamental responsibility to preserve the peace and to protect the public safety. Thurlow v. Crossman, 336 Mass. 248, 143 N.E. 2d 812 (1957), (Comm. v. Bates 28 Mass. App. Ct. 217 (1990).

2. The doctrine that permits warrantless entries and searches because of exigent circumstances requires justification by the police that it was impracticable for them to obtain a search warrant in advance and that the warrantless search was truly necessitated by the emergency circumstances which could not have been anticipated. Comm v. Collaza, 29, 34 Mass. App. Ct. 79 (1993).

3. While conducting a lawful search justified by emergency circumstances, a police officer may seize any incriminating evidence inadvertently discovered in plain view.

4. A warrantless entry into a burning building is permissible in an emergency, and officials may remain for a reasonable time to investigate the cause of the fire and any evidence of arson discovered is admissible at trial; but any re-entry after the fire has been extinguished and officials have left the scene should be made pursuant to a search warrant, unless re-entry is justified by a recognized exception to the warrant requirement,

such as consent, emergency, or abandonment. Michigan v. Tyler, 436 U.S. 499, 98 S. Ct. 1942 (1978), Michigan v. Clifford, 464 U.S. 287, 104 S. Ct. 641 (1984).

5. It has been said that an officer who has reasonable cause to believe premises contain things imminently likely to burn, explode, or substantial destruction of property may, without a search warrant, enter and search such premises to the extent reasonable necessary for the prevention of such death, bodily harm, or destruction. Comm. v. Marchione, 384 Mass. 8, 422 N.E. 2d 1361 (1981).

C. The Supreme Court addressed the issue of immediate need to protect public safety by supporting the "hot pursuit" exception to the search warrant requirement. The Court ruled that when the police are in hot pursuit of a criminal suspect, they may make reasonable warrantless entries to apprehend the suspect, to seize weapons, and to secure evidence of that crime. Warden v. Hayden, 387 U.S. 294, 87 S. Ct.1642 (1967). The Court stated that "the exigencies" of the case made that course imperative... and the Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others. McDonald v. United States, 335 U.S. 451, 69 S. Ct. 191 (1948)

D. Justification for a warrantless search under the "hot pursuit" doctrine exists when there is a definite need for immediate police action. The test to be applied is whether the safety of the police and the public is immediately threatened or that evidence is in the immediate process of being destroyed. U.S. v. Santana, 427 U.S. 38, 96 S. Ct. 2406 (1976) If there is an indication that there was no emergency involved and that the search warrant could have been obtained, the "hot pursuit" doctrine will not justify a warrantless search.

E. The Supreme Judicial Court outlined some factors that would support justification of exigent circumstances under "hot pursuit" doctrine, as follows: Comm. v. Moran, 370 Mass. 10, 345 N.E. 2d 380 (1976):

1. The officers were on fresh and continued pursuit of the suspect;

2. A crime of violence was involved;

3. There was a strong possibility that the suspect was armed;

4. The suspect was known or reasonably believed to be in the building;

5. There was the likelihood that the suspect might escape unless immediately apprehended; and

6. There was sufficient justification for failure to obtain a search warrant.

F. Where the above or other emergency factors are not present, police may stake out the building or premises until a warrant is obtained. U.S. v. Adams, 621 F. 2d 41 1st Cir. (1980).

6. SEARCH BY LAWFUL CONSENT:

A. In many cases this recognized exception to the search warrant requirement may be the quickest and easiest way for the police to gain lawful access to premises in the investigation of crime. A "consent search," however, is based on a voluntary relinquishment of a fundamental constitutional protection and will be carefully scrutinized by the court.

B. Because such issues as who may give lawful consent to a police entry and search or whether the consent was given voluntarily may arise at trial, police should not unduly rely on such consent. On the other hand, when properly elicited, consent to a search may expedite a criminal investigation. In fact, police may engage in a warrantless search after obtaining consent even in circumstances where they do not have probable cause. The Supreme Court summarized this police procedure as follows Schneckloth v. Bustamonte, 421 U.S. 218, 93 S.Ct 2041,(1973):

In situations where the police may have some evidence of illicit activity, but lack probable cause to arrest, a search authorized by valid consent may be the only means of obtaining important and reliable evidence. A search pursuant to consent may result in considerably less inconvenience for the subject of the search, and properly conducted, is a constitutionally permissible and wholly legitimate aspect of effective police activity.

C. Consent is a question of fact to be determined by the circumstances in each case.

1. In a consent search there are two vital elements. First, the consenting party must have sufficient lawful authority over the premises or property to be able to give consent to a search of that premise or property. (For example, a landlord may give consent to searches of common areas such as hallways, stairwells, etc., but, generally, has no legal right to give consent to a police search of a tenant's apartment.) Second, consent must be freely and voluntarily given.

2. Although there is no legal requirement that a person be advised of their right to refuse to give consent to a police search, this is one of the factors that the court will consider in determining whether the consent was voluntarily given. Officers shall, therefore, so notify the person from whom consent is sought.

D. A consent to search may be given orally, but preferably, it should be in writing.

1. Consent cannot be presumed from silence.

2. Consent is to be specifically and intelligently given.

3. Consent is to be voluntary, free of any coercion, intimidation, or threat (officers must avoid even the appearance of intimidation or duress).

4. Consent may be obtained from any person who has the right of ownership, possession, or control of the premise or property. If there is serious doubt, a search warrant should be obtained. Generally, if property, such as a house, apartment, or business, is owned jointly by two or more persons, any one of them may consent to a search of the common areas of the premises. For example, a spouse may give consent to a police search of a jointly owned home. However, if police receive consent from a suspect's roommate, that roommate may be able to give consent to a police search of common areas of the apartment, but the roommate probably cannot give consent to a search of areas exclusively reserved for the suspect, such as his or her bedroom or his or her luggage or closet. Generally, a landlord cannot give consent to a search of a tenant’s apartment; nor can a hotel or motel owner or manager give consent to a search of a guest's lodgings.

5. Consent is to be free of misrepresentation or fraud.

6. Consent is to be obtained prior to search and after the police officers have identified themselves.

7. A consent search is limited to the area specified. Consent may be revoked at any time and the search should cease upon revocation, unless additional factors or information have come to light which justify a continued warrantless, non-consensual search. For example, evidence found prior to revocation of consent may be retained and used as a basis for an immediate arrest or as probable cause for a further search (if exigent circumstances exist) or for obtaining a search warrant.

7. MOTOR VEHICLE SEARCHES:

A. Although motor vehicles are considered "effects" within the meaning of intent of the Fourth Amendment, the courts have not considered motor vehicles in the same category as other property and have upheld searches of motor vehicles where searches of a dwelling house or other structure would have been prohibited. The Supreme Court has observed that "the inherent mobility of automobiles often makes it impracticable to obtain a warrant and, in addition, the configuration, use, and regulation of automobiles often may dilute the reasonable expectation of

privacy that exists with respect to differently situated property." (Arkansas v. Sanders, 442 U.S. 753, 99 S. Ct. 2586, (1979)

B. If it is at all possible and practicable, a search warrant should always be obtained in the prescribed manner in advance of a motor vehicle search, as this procedure is always preferred by the courts.

C. The practical considerations of police work, however, often require that a warrantless search of a motor vehicle be conducted under the following circumstances:

1. **WARRANTLESS STOPPING, QUESTIONING, AND FRISKING OF MOTOR VEHICLE OPERATOR OR OCCUPANTS:** A "stop and frisk" type of protective search is to determine whether a suspect is armed, with the search confined to the area of the motor vehicle from which a suspect might gain possession of a weapon.

2. **SEARCH OF MOTOR VEHICLE INCIDENT TO ARREST OF OCCUPANT OR OPERATOR:** A search incident to a lawful arrest limited to the area from which the person could obtain a weapon or reach destructible evidence. If it is impractical to conduct the search immediately at the scene, the vehicle should be towed to a police facility to be searched later.

3. **EXIGENT CIRCUMSTANCE SEARCH:** A search on probable cause to believe that there is incriminating evidence in the vehicle and that exigent circumstances exist which justify a warrantless search.

4. **CONSENT:** A search conducted with the voluntary consent of the person in lawful control of the vehicle.

5. **PLAIN VIEW OBSERVATIONS:** If a police officer has lawfully stopped a motor vehicle and is questioning the operator, any incriminating item in or on the vehicle observed in plain view, including anything observed with the use of a flashlight, may furnish probable cause to search the vehicle and seize the items observed without a warrant.

6. **MOTOR VEHICLE EXCEPTION TO THE WARRANT:** The automobile exception to the warrant requirement allows law enforcement to search motor vehicles without a warrant when there is a probable cause to believe that it contains contraband, weapons, or fruits or evidence of a crime.

7. **INVENTORY:** Inventory searches shall be conducted in accordance with Department procedures outlined in the Brookline Police Department Manual.

8. **ADMINISTRATIVE SEARCHES:** Motor vehicles are subject to various types of administrative searches which do not require search warrants. One type of search might include the search of a motor vehicle for the purpose of identifying the vehicle when an officer moves or removes an object in a car that is obstructing the view of the VIN.

D. It should be noted that "random" stops of motor vehicles in the absence of reasonable suspicion of criminal activity or motor vehicle violations constitutes an unreasonable seizure in violation of the Fourth Amendment, and any evidence obtained as a result of such impermissible stops is subject to exclusion in court.

E. All police officers should be especially watchful and alert when stopping and searching a motor vehicle or its occupants, as many officers have been seriously injured, or killed, in taking this police action which should never be considered "routine."

1. In stopping and searching motor vehicles, all officers shall take all reasonable precautions for their personal safety, such as directing the occupants to alight from the vehicle and frisking them for weapons when justification for that frisk exists.

2. Even after frisking the occupants, if the officers reasonably believe that there is still a possible danger, they shall inspect those areas of the motor vehicle readily accessible to an occupant that may contain a dangerous weapon. Officers frisking the interior compartment of a motor vehicle are subject to the same conditions that exist for frisking a person.

8. THE "PLAIN VIEW" DOCTRINE:

A. The so called "plain view" doctrine has often been relied upon by both state and federal courts to uphold seizures of evidence observed by police officers legitimately carrying out their duties. This "plain view" exception of the warrant requirement is permissible if the following conditions are met:

1. The officer is lawfully on the premises;

2. The item is in plain view;

3. The discovery of the item is inadvertent;

4. The item seized must be "immediately apparent" as contraband or evidence of a crime. Comm. v. Laplante, 416 Mass. 433 (1993).

B. The term "inadvertent" has been interpreted to mean that a police officer did not have probable cause to believe or suspect that such evidence would be found on

the premises. To satisfy the condition of being "immediately apparent" as seizable evidence, the officer must have probable cause to believe that the evidence observed in plain view was incriminating.

1. **Example:** An officer lawfully enters private premises to execute a valid search warrant for designated property or articles; while conducting this lawful search, he or she inadvertently discovers within plain view other evidence which he or she immediately recognizes as incriminating. These items may be properly seized.

2. The courts have also upheld the seizure of incriminating evidence, inadvertently found in plain view, when a police officer entered the premises to make a lawful warrantless arrest; or entered as a result of lawful consent; or entered in an emergency to render necessary aid or assistance.

C. When police officers lawfully enter a dwelling, they may seize objects in plain view if such seizure was not anticipated and if they have reasonable cause to believe that there is a connection between the objects seized and criminal behavior. Items discovered by a police officer "inadvertently and without particular design" and reasonably believed by him to be connected with criminal activity may be seized if in plain view even though not mentioned in the search warrant. Comm. v. Bond, 375 Mass. 201, 375 N.E. 2d, 1214, (1978)

D. Whenever an officer, in good faith, enters upon private premises as authorized or required by his or her duties, he or she is not a trespasser and, therefore, anything that he or she inadvertently observes in plain view that is subject to seizure may be seized without a warrant. In such cases the usual requirements for search and seizure are not necessary because no "search" is conducted. A "search" implies a prying into hidden places for concealed items, but it is not a "search" to observe articles that are open to plain view. It is also permissible for an officer to use a flashlight to make such observations. An observant officer, utilizing this "plain view" doctrine, can often be successful in recovering stolen property, and seizing contraband or weapons used, or intended to be used, in the commission of a crime.

9. **PRE-INCARCERATION AND INVENTORY SEARCHES:** Refer to Brookline Police Department Manual:

A. Transportation of Prisoners;
B. Holding Facility/Prisoner Processing; and
C. Motor vehicle inventory searches.

10. **PROTECTIVE CUSTODY SEARCHES:** Refer to Brookline Police Department Manual:

A. Transportation of Prisoners;
B. Holding Facility/Prisoner Processing;
C. Motor vehicle inventory searches; and
D. Mass. Gen. Law, Chap. 111b, Sec. 8.

11. ADMINISTRATIVE SEARCHES: Police may under certain circumstances engage in warrantless searches or inspections as part of their administrative functions. For example, it is proper to search a person who is about to visit an arrestee in a cell if the visitor would otherwise be able to smuggle a weapon or contraband to the arrestee.

12. ABANDONED PROPERTY:

A. Experienced police investigators are fully aware that highly incriminating evidence may often be found in wastebaskets, trash receptacles, garbage barrels, etc. Garbage or trash that has been left in an area particularly suited for public view and inspection, for the express purpose of having strangers take it and dispose of it, is property which no longer enjoys the protection associated with the property that individuals associate with a reasonable expectation of privacy.

B. The United States Supreme Court observed that once Abel had vacated the premises (a hotel room) (Abel v. United States, 362 U.S. 217, 80 S.Ct, 683, (1960):

> ...that it was not unlawful to seize (without a warrant) the entire contents of a wastebasket, even though some of the contents had no connection with the crime. So far as the records show, the petitioner (Abel) had abandoned these articles. He had thrown them away. So far as he was concerned they were abandoned goods. There can be nothing unlawful in the Government's appropriation of such abandoned property.

Pursuant to Comm. v. Pratt 407 Mass. 647 (1990), a person has no privacy interest is his trash under Article 14 of the Massachusetts Declaration of Rights once the trash has been placed at the curbside to await collection.

In Calif. v. Greenwood 108 S. Ct. 1625 (1988), the U.S.S.C. held that the 4th Amendment to the United States Constitution does not prohibit the warrantless search or seizure of garbage left for collection outside the curtilage of a home. The court ruled there is no 4th Amendment protection once one exposes his garbage to the public.

C. With regard to abandonment of premises such as an apartment or hotel room, the courts have noted that abandonment consists of the act of leaving coupled with an intention not to return. Comm. v. Lanigan, 12 Mass. App. Ct. 913, 423 N.E.2d 800, (1981).

13. **OPEN FIELDS:** Open fields may be searched without a warrant even though the terrain in question is not easily accessible to the public and even though the owner may have posted "No Trespassing" signs and may even have locked a gate, Oliver v. U.S. 466 U.S. 170 (1984).

14. **SEARCHES BY PERSONS OTHER THAN LAW ENFORCEMENT OFFICERS:** Generally, a private individual may deliver to the police items or evidence which that person obtained by searching someone else's property. For example, in one case, the mother of a 16-year old girl (who was the suspect's girlfriend) opened a letter from the suspect to the daughter, read it, and handed it over to the police. Comm. v. Richmond, 379 Mass. 557, 399 N.E. 2d 1069, (1980). The Fourth Amendment did not apply to this search by a private individual. A search of the defendant's basement by city gas company inspectors was held to be outside the scope of the Fourth Amendment (that search revealed gas used via unmetered pipes.) Comm. v. Cote, 15 Mass. App. Ct. 229, 444 N.E. 2d 1281, (1983)

However, the Fourth Amendment does apply to searches conducted by a police officer acting as a private security guard if he or she acts beyond the scope of the private employer's business. However, a private security guard acting within the scope of his or her employer's business activity is not governed by the Fourth Amendment. Comm. v. Leone, 386 Mass. 329, 435 N.E. 2d 1036, (1982).

15. **SEIZURE OF COMPUTER EQUIPMENT:** Technology is often employed by criminals as a means of communication, a toll of theft, and a safe hiding place for incriminating evidence and/ or contraband. As criminal use of technology increases, it is necessary for law enforcement officers to acquaint themselves with procedures that promote safety and the preservation of evidence necessary for successful prosecutions.

The seizure of computer equipment and intellectual property is an emerging area of the law. It is recommended that if there is any doubt about the legality of a seizure that officers seek legal advice and secure appropriate warrants or court orders.

In almost all cases of seizures of computer equipment and intellectual property, evidence is obtained via forensic examination by personnel with computer forensics training. There are almost no circumstances in which a computer should be examined by seizing officers. This policy provides direction on seizure, **not** examination.

Definitions:

1. **Computer Processing Unit (CPU):** The “box” or vertical tower , containing the hard drive and processing chip.

2. **Forensic Examination:** Scientific examination conducted by a qualified examiner, usually through the Mass State Police or other outside agency resource.

3. **Internet Service Provider (ISP):** Provides subscribers access to the Internet. America Online and Verizon are examples of an ISP.

4. **Passwords:** Any special codes or encryption keys designed to secure computer drives, programs, operating systems, or individual files.

5. **Peripheral Devices:** Include zip drives, CD-writers, and external drives.

6. **Storage Mediums:** Include floppy disks, CD-ROMs, DVD ROMs, magnetic tapes, and external hard drives.

Procedure:

1. **Probable Cause:** Officers should obtain sufficient information to determine the existence of probable cause for search/ seizure. Search warrants should be obtained for all seizures leading to forensic examination. Consent to search is permissible if the lawful ownership of the computer can be accurately determined. Written consent via a departmental Consent to Search form is preferred.

2. Once it is determined that computer equipment will be seized and secured for subsequent forensic examination, the scene shall be secured as other crime scenes. Depending on the nature of the call, the Detective Division Supervisor on duty should be notified. If a Detective Division Supervisor is unavailable, the following procedure shall be followed:

   a. Photograph the equipment before touching it, including all wiring connections. Do not operate the computer in any way.

   b. Determine if the computer is part of a network. If so, call a Department designee with specific training in the seizure of electronic equipment.

   c. If the computer is off, leave it off. If it is on (stand alone computers), photograph the monitor screen and, **without** turning the computer on, unplug the power cord from the back of the CPU, **not** from the wall outlet.

   d. Place tape over all drive slots to protect from foreign objects or substances from being introduced.

   e. Label connectors/ cable ends to facilitate re-assembly for forensic examination.

   f. Transport as fragile cargo. Seat belted in the back seat of a police vehicle is recommended.

g. Keep equipment away from magnets, radio transmitters (such as the trunk of a police vehicle), and otherwise hostile environments.

3. If possible, obtain passwords for all programs, operating systems, and files. If encryption is used, attempt to obtain encryption key information. Include all obtained information in information report.

4. If possible, obtain any computer or program handbooks. Collect all storage medium.

5. Other electronic storage devices include wireless phones, electronic paging devices, facsimile devices, caller ID devices, smart cards, and handheld computers. These devices are also capable of storing electronic information useful to criminal investigations. The same procedures regarding probable cause and seizure are applicable to these devices.

STOP AND FRISK
AND
THRESHOLD INQUIRY

General Order Number: **24.0** ***Effective Date:*** **November 25, 2008**

POLICY:

A police officer, in appropriate circumstances and in an appropriate manner, may temporarily stop and briefly detain a person for the purpose of inquiring into possible criminal behavior even though the officer does not have probable cause to make a lawful arrest at that time. In addition, an officer may frisk such a person for weapons as a matter of self-protection when they reasonably believe that their own safety, or that of others nearby, is endangered. The purpose of this temporary detention for questioning is to enable the police officer to determine whether to make an arrest, whether to further investigate, or whether to take no police action at that time.

The term "investigative detention," as used in this policy and procedure statement, includes what is commonly referred to as "stop and frisk" and also the very similar procedure often referred to as "threshold inquiry." Although, as noted, "stop and frisk" procedures and "threshold inquiry" procedures refer to the same type of police activity (the warrantless stopping, questioning and frisking of suspicious persons), those phrases refer to different sources of law which justify such police actions. The term "stop and frisk" is derived from the case of Terry v. Ohio (Terry v. Ohio, 392 U.S. 1, 88 S.Ct. [1968]) in which the United States Supreme Court recognized the authority of police to engage in warrantless stopping, questioning, and frisking of suspicious persons. The court based that authority on the Fourth Amendment to the United States Constitution. By contrast, the term "threshold inquiry" refers to the same type of police action but is based on a Massachusetts statute, Mass. Gen. Law, Chap. 41, Sec. 98.

A search for weapons is permissible where a police officer has reason to believe that they are dealing with an armed and dangerous individual, regardless of whether the officer has probable cause to arrest for a crime, and the officer need not be absolutely certain that the individual is armed, but the issue is whether a reasonably prudent man in that circumstances would be warranted in his belief that his safety, or that of others, was in danger. Comm. v. Matthews, 355 Mass. 378, 244 N.E. 2d 908 (1969).

Investigatory "stops" by the police are essentially considered to be "forcible" in contrast to "voluntary," and are, therefore, held to be "seizures" under the Fourth Amendment. The degree of force appropriate to enforce a "stop" in a particular case is dependent upon the surrounding facts and circumstances.

If an officer fails to adequately enforce a "stop," it could result in the escape of a dangerous criminal or pose a serious threat to the lives and safety of other persons. Conversely, the use, display, or threatened use of actual force to carry out an investigatory "stop," when such force was not justified under the circumstances, could result in a finding by the court that an arrest had occurred without the necessary element of probable cause and any evidence obtained as a result might be excluded. It should also be noted that a premature or unnecessary "stop" can sometimes destroy a good investigation, which could have resulted in a subsequent valid arrest and a successful conviction.

Although police officers should never hesitate to make an investigatory stop and a necessary frisk under appropriate circumstances in order to meet the practical needs of effective law enforcement, they should avoid the indiscriminate or unjustified use of this authority. Such police action is not only frowned upon by the courts, but it also detracts from the professional image of the police among the citizens of the community in which they serve.

PROCEDURES:

1. GROUNDS FOR MAKING A STOP:

A. It is a basic police duty to check on suspicious persons or circumstances, particularly in the nighttime and in criminal prone areas.

1. A brief investigative stop and inquiry is warranted under the following circumstances:

a. When a police officer knows that a crime has been committed;

b. When a police officer reasonably believes that a crime has been or is being committed; and

c. When a police officer seeks to prevent a crime, which he or she reasonably believes, is about to be committed.

2. A police officer has the authority to stop a person for an investigative inquiry in any place where the officer has a right to be, including:

a. Any public place;
b. Any place or area open to the public;
c. Any private premises entered with valid warrant, by consent, or under emergency circumstances.

B. There is no precise formula for determining the legality of an investigatory stop, but it must be based upon a reasonable belief or suspicion on the part of the officer that some activity out of the ordinary is taking place, that such activity is

crime-related, and that the person under suspicion is connected with or involved in that criminal activity.

C. An investigatory stop does not require probable cause for arrest. It may be based upon the officer's own observations or information supplied by others. The information on which the officer acts should be well founded and reasonable. Lastly, a hunch or pure guesswork, or an officer's unsupported intuition, is **NOT** a sufficient basis.

D. If the information provided to the police is based upon an anonymous caller, the police must satisfy the Aguillar-Spinelli two-prong test. The police need to establish the anonymous caller's (1) reliability and (2) basis of knowledge. An anonymous caller's basis of knowledge may be satisfied by obtaining information on how the anonymous tipster knows the information that is being provided (e.g., the anonymous tipster is witnessing the reported crime). The reliability prong may be satisfied when the responding officers are able to corroborate the anonymous caller's information (e.g., confirm description of clothing or vehicle as provided by anonymous tipster).

E. No single factor alone is normally sufficient but the following are some of the factors, which may be considered in determining the reasonableness of an investigative stop by a police officer in the field:

1. The personal observations of the officer and his or her police training and experience;

2. Their knowledge of criminal activity in the area;

3. The time of day or night and the place of observation;

4. The general appearance and demeanor of the suspect and any furtive behavior, which indicates possible criminal conduct;

5. The suspect's proximity to the scene of recently reported crime;

6. The knowledge of the suspect's prior criminal record or of their association with known criminals;

7. Visible objects in the suspect's possession or obvious bulges in their clothing;

8. Resemblance of the suspect to a person wanted for a known crime;

9. Information received from police sources or from other reasonably reliable sources of information.

F. The fact that the individual has aroused the police officer's suspicion should cause the officer to make their approach with vigilance and to be alert for any possibility of danger.

1. A routine police check of suspicious circumstances may uncover the commission of a serious crime or the presence of a dangerous criminal.

2. If the stopped suspect has just committed a major crime, they may be an immediate threat to the officer's safety or he or she may suddenly attempt to flee from the scene.

G. No hard and fast rule can be formulated to determine the period of time required for an investigative detention, but it should be reasonably brief under the particular circumstances.

1. Generally, it should be no longer than the period of time necessary to check the suspect's identity and the reliability of his or her story, unless information is obtained which establishes probable cause to make an arrest.

2. If the answers given by the suspect are unsatisfactory because they are false, contradictory, or incredible, they may serve as elements or factors to establish probable cause. Comm. v. Wilson, 360 Mass. 557, 276 N.E. 2d 283 (1971).

3. The period of investigative detention should be sufficiently brief so that the "stop" cannot be construed as an "arrest," which would require probable cause.

2. PAT DOWN FRISKS:

A. If a police officer reasonably believes that their own safety or that of others is in danger, they may frisk or pat-down the person stopped and they may also search the area within that person's immediate control in order to discover and take control of any weapon that may be used to inflict injury.

1. It is not necessary that the officer be absolutely certain that such person is armed, but they must perceive danger to themselves or others because of events leading to the stop or which occurred after or during the stop.

2. If the officer has reasonable belief or suspicion, based upon reliable information or personal observation, that a weapon is being carried or concealed in some specific place on the person of the suspect, they should immediately check that area before performing a general pat down.

3. A frisk should not be a pretext to search for evidence of a crime; it must be of a protective nature.

4. The frisk must initially be limited to an external pat down of the suspect's outer clothing, but if such outer clothing is bulky, such as a heavy overcoat, these garments may be opened to permit a pat down of inner clothing.

5. If the officer feels an object, which could reasonably be a weapon, they may conduct a further search for that particular object and remove it.

6. If, after completing their pat down of the suspect, the officer does not feel any object, which could reasonably be a weapon, they should discontinue their search.

7. If, while frisking a stopped person, the officer discovers an illegal firearm, contraband, stolen property, or evidence of a crime, and probable cause to arrest develops, an arrest should be made and a full scale search incident to that arrest should be made.

B. When a police officer makes a decision to stop a person for an investigative purpose, unless they are in uniform, they should identify themselves as a police officer as soon as it is safe and practical to do so and also announce the purpose of their inquiry unless such information is obvious.

1. An investigatory or threshold inquiry should begin with exploratory questions regarding the suspect's identity and their purpose.

2. Every officer should acquire the ability to initiate an investigatory inquiry in a calm, conversational manner in order to gain as much information as possible without placing the suspect on the defensive.

3. Even in a brief conversation with a suspect, an alert and perceptive officer can often detect or sense that something is wrong and that further police investigation is required.

4. An officer should always bear in mind, however, that they must have a firm foundation for their initial suspicions in order to justify an investigative detention or inquiry. They must be able to articulate and be able to commit their reasons to writing.

3. USE OF FORCE:

A. If the suspected person fails or refuses to stop when so directed by a police officer, reasonable force and physical restraint may be necessary depending upon the circumstances.

B. When combined with the observations and information which led the officer to reasonably suspect criminal activity may be afoot, if the suspect runs or tries to evade the officer, that additional factor may give rise to probable cause to arrest. Comm. v. Ling, 370 Mass. 238, 346 N.E. 2d 703 (1976).

C. Reasonable force in such cases is the minimal amount of physical force required to overcome resistance offered.

D. If an officer is attacked, however, they may use sufficient force to defend themselves and to ensure their personal safety.

4. QUESTIONING SUSPECTS:

A. Once a stop is made, any questioning of the suspect should be conducted at the location of the stop.

1. Investigative stops are intended to be on-the-spot inquiries.

2. To verify the information obtained from the suspect, it may be necessary to move a short distance to a radio or telephone.

3. Under special circumstances, such as the gathering of a hostile crowd, heavy traffic, or the necessity to use the police radio, the suspect may be placed in the rear seat of a police vehicle.

4. As part of a threshold inquiry, police may detain a suspect for a short time so that an eyewitness may be brought to the scene to make an in-person identification. Comm. v. Salerno, 356 Mass. 238, 346 N.E. 2d 318, 1970. Commonwealth v. Pandolfino, 33 Mass. App. Ct. 96, 1992, and Commonwealth v. Andrews, 34 Mass. App. Ct. 324 (1993).

5. Officers may also bring a suspect back to the scene for a one on one identification. Commonwealth v. Crowley, 29, Mass. App. Ct. 1, 1990. "One on one confrontations conducted promptly after the commission of a crime are not violative of due process rights despite the absence of exigent circumstances." Commonwealth v. Leonardi, 413 Mass. 757 (1992).

6. If a stopped person is told to move to another location or if they try to leave but the officer orders them to stay where they are, the person may, at that point, be considered "in custody" (although not under arrest). Once a person is in custody, additional questioning by police must be preceded by giving the Miranda warnings and eliciting a waiver.

5. MOTOR VEHICLE STOPS:

A. When an investigative stop involves a motor vehicle, the vehicle may be stopped and its occupants may be briefly detained and questioned by the police if there is reasonable suspicion of criminal activity based upon specific and particularly facts, which justify the need for immediate police action.

1. All police officers must be especially alert and watchful when making an investigative stop of a motor vehicle, as many officers have been seriously injured, some fatally, in taking this police action.

2. Police officers, in making such stops, should take reasonable protective precautions for their own safety, such as directing the occupants to alight from the vehicle and frisking them for weapons when justification for such frisks exists. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977).

The Supreme Judicial Court has expressly stated that under Article 14 of the Massachusetts Declaration of Rights, removing passengers from a motor vehicle during a routine traffic stop, absent articulated and individual suspicion to believe the operator and/or passenger(s) is/are engaged in criminal activity separate and apart from the civil infraction is illegal. Commonwealth v. Torres, 424 Mass. 153 (1997). Officers, however, should take all reasonable precautions for their personal safety.

3. Even after frisking the occupants, if the officers have reason to believe that there is still a possible danger, they should inspect those areas of the motor vehicle readily accessible to an occupant that may contain a dangerous weapon.

4. The occupants of a stopped vehicle may be frisked if there is a reasonable belief that they may be armed and dangerous and that the police officers or others nearby may be endangered. Comm. v. Hawkes, 362 Mass. 786, 291 N.E. 2d 411 (1973).

a. A protective search of the interior of a motor vehicle must be limited to what is minimally necessary to determine whether the suspect is armed and to remove any weapon discovered. Comm. v. Silva, 366 Mass. 402, 318 N.E. 2d 895 (1974).

b. A protective search for weapons in a motor vehicle must be confined to the area from which the occupant might gain possession of a weapon. Comm. v. Almeida, 373 Mass. 266 366 N.E. 2d 756 (1977).

5. It should be noted that "random" stops of motor vehicles in the absence of reasonable suspicion of motor vehicle violations or criminal activity constitutes an unreasonable seizure in violation of the Fourth Amendment and any evidence obtained as a result of such impermissible stops are excludable in court. Delaware v. Prouse, 440 U.S. 648, 99 S.Ct. 1391 (1979).

6. **REPORT WRITING:** In every case of investigative detention (stop, question, and/or frisk), the police officer involved shall make a computerized F.I. entry at a minimum, and/or a report if warranted by circumstances to include the identity of the person stopped and all important facts relative to the incident, even in cases where no weapon, contraband, or other evidence of crime was discovered or where the person was released after being questioned.

A. Officers shall be specific when completing a report or making an F.I. entry into the system.

1. The officer shall specify the type of crime suspected if he/she detains, or interrogates a person suspected of unlawful design.

2. Whenever an officer completes a report or F.I. entry, he/she shall also identify the reason for the original stop (i.e. radio call, citizen assist, investigative, criminal or motor vehicle law violation or other)

3. The officer shall be specific with regard to the race of the individual (i.e. (W) White, (B) Black, (H) Hispanic, (A) Asian or Pacific Islander, (M) Middle Eastern or East Indian, (I) American Indian or Alaskan Native.

4. Officers must enter a race, even when it is based solely on the officers perception, and shall not use any race designation other than those provided.

B. Whenever an officer stops a motor vehicle for a motor vehicle law violation or other inquiry they shall issue a citation and/or document the stop with a report or entry in the F.I. system.

SUDDEN DEATH

General Order Number: **25.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It shall be the policy of the Brookline Police Department to make all appropriate notifications promptly and to conduct preliminary investigations in a thorough and professional manner when the police have knowledge that a person has died.

PROCEDURES:

1. **NOTIFICATION OF MEDICAL EXAMINER:** The Medical Examiner/District Attorney shall be notified by the Detective Division when a death occurs by any of the following circumstances:

A. By violence;
B. By the action of chemical, thermal, or electrical agents;
C. Following abortion;
D. From diseases, which result from occupational injury or infection;
E. Suddenly when not disabled by recognizable disease;
F. From malnutrition;
G. From sexual abuse;
H. A child who is determined to be physically dependent upon an addictive drug at birth;
I. When any person is found dead.

2. **NOTIFICATION:** Such notification shall include, but is not limited to, the known facts concerning the time, manner, circumstances, and cause of such death.

3. **SPECIAL REPORT:** A Special Report shall be made in all such cases.

4. **PRELIMINARY INVESTIGATIONS OF SUDDEN DEATHS:**

A. **PRELIMINARY INVESTIGATION:** Preliminary investigating officer(s) at the scene of any death which is unattended by a physician shall document all facts relevant to appearance, condition, and position of the body, and all facts as to the cause and circumstances of death. The Officer shall contact the Patrol Supervisor from the scene and provide him with the information.

B. The Patrol Supervisor shall make notification to the Commanding Officer – Platoon on Duty.

The Commanding Officer - Platoon on Duty shall also notify the Detective Division, who will notify the State Police Unit when the Medical Examiner and District Attorney are notified.

C. In situations where the death is either accidental, unnatural, violent, or suspicious, the Commanding Officer - Platoon on Duty shall also, in addition to the foregoing notifications, notify:

1. IN CASES OF INDUSTRIAL FATALITIES - MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH – OCCUPATIONAL HEALTH;

2. IN CASES OF MOTOR VEHICLE FATALITIES - THE DISTRICT ATTORNEY'S OFFICE.

D. Upon responding to the scene of a death as outlined in above Section C, the Patrol Supervisor shall ensure that the body is not moved and the scene is not disturbed, until the medical examiner or the representative of the district attorney's office either arrives at the scene or gives directions as to what shall be done at the scene and for the removal of the body.

E. When the Patrol Supervisor is unable to contact the medical examiner, they shall notify the Chief Medical Examiner and seek telephone removal authority as above. If neither the medical examiner nor the headquarters office can be contacted, the Officer in Charge - Platoon on Duty or the representative of the district attorney may authorize transfer of the body to the regional medical examiner's office or to a funeral home. Copies of all documents, including names and addresses of all known witnesses, will be sent to the medical examiner.

In situations where the body is transferred to a funeral home, the funeral home director shall be notified of the possibility of an autopsy.

F. In situations where the Medical Examiner is unable to respond, the assigned Patrol Supervisor shall, per Mass. Gen. Law, Chap. 38, Sec. 6:

1. Ensure that all facts are documented relevant to appearance, condition, and position of the body, and every fact and circumstance tending to show the cause and circumstances of death;

2. Seek telephone authority for removal of the body from the Medical Examiner or the Chief Medical Examiner;

3. Notify next of kin, if known, or cause them to be notified, that this department is taking jurisdiction of the body and of the next location to which the deceased person will be taken.

5. NOTIFICATION TO FAMILIES RE: DEATH OR EMERGENCIES:

A. During the course of duty, officers are required to make notifications of death and emergency situations to family members. Officers making these notifications must be aware of the impact these notifications have on family members.

B. Officers may use the services of clergy, a relative, or close family friend. The help of these individuals may lessen the impact such news may have on the part of the recipient. Officers should convey these notifications in a prompt, compassionate and considerate manner, and be prepared to render appropriate assistance such as transporting family members to the hospital.

C. There will be times that other agencies will request the services of our department to make death/emergency notifications. All such notifications/requests made by other agencies will be acted upon promptly and in a professional manner. Notifications should be made in person and not over the telephone whenever possible. If the victim is still alive and in the hospital, the family should be told the extent of the injuries or emergency situation. The family should be taken to any local hospital upon request. If the hospital is not local, officers should be prepared to provide necessary assistance and information.

TRAFFIC ENFORCEMENT/ INVESTIGATION/ DIRECTION/ CONTROL

General Order Number: **26.1** ***Effective Date:*** **June 18, 2013**

POLICY:

It is the policy of the Brookline Police Department to attain safety goals through traffic law enforcement, investigation, direction, and control. Among these goals is the reduction of traffic collisions, fatalities, and injuries. Another goal is to facilitate the safe and expeditious movement of vehicular and pedestrian traffic, accomplished through the public's voluntary compliance with traffic regulations. It is the policy of this department to meet this goal through a combination of education, enforcement, engineering, and public support.

With the ever-increasing number of vehicles and operators on the roadways, traffic accidents will continue to occur. In an effort to limit the likelihood of accidents, it is essential to understand the importance of accident investigation and reporting. Data from such are the prime source of information for accident prevention programs. It is therefore imperative that proper information be gathered for use in planning, evaluating, and implementing efforts to achieve highway safety goals. Officers of this department shall familiarize themselves with the correct procedures for both reporting and investigating traffic accidents.

PROCEDURES:

1. ENFORCEMENT: The Brookline Police Department is definitely and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official, or person.

The ultimate objective of enforcement is to favorably alter the violator's future driving behavior, thus fostering a climate of safe driving throughout the community.

A. SELECTIVE ENFORCEMENT/ASSIGNMENT OF PERSONNEL:

1. SELECTIVE ENFORCEMENT: To ensure maximum reduction of accidents, enforcement pressure should be applied in proportion to the needs of the locations, and at the hours of greatest accident expectancy. Traffic laws will be enforced at a level sufficient to ensure the safe and expeditious movement of traffic. Enforcement activities will be conducted in a consistent and uniform manner, and will not give preference to either local residents or non-residents.

It should be directed against the violations, which cause the largest number of accidents and against the group of drivers who are responsible for the majority of the violations and constitute the greatest hazard to the community.

2. **DEPLOYMENT:** The deployment of patrol and traffic unit personnel will be based on an analysis of traffic accidents and traffic-related services.

3. **ASSIGNMENT:** Assignment of traffic enforcement personnel will be based on principles of selective enforcement. Resources will be directed toward specific violations, in specific locations. Enforcement efforts shall be evaluated to ensure that enforcement action is reducing accidents.

B. **MOTOR VEHICLE STOPS:** If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously injured, even fatally, in making vehicle stops. Every precaution should be taken in stopping a motor vehicle as described below:

1. Notify the dispatcher of the following:

a. Location of the stop.
b. Registration of the vehicle.
c. If possible, a description of its occupants.

2. Select a suitable location for making the stop, preferably a well-lit area.

3. In stopping the suspect vehicle guard against any evasive action by its operator.

4. Approach the vehicle with extreme caution after signaling the driver to stop.

5. Leave the emergency lights of the police vehicle flashing to warn traffic and to assist any back-up officers responding to the scene.

C. **UNKNOWN-RISK STOPS:**
Unknown-Risk vehicle stops involve the action of police officers contacting a vehicle during the normal course of duties under circumstances, which do not immediately indicate an immediate threat to the officer. All vehicle stops should be considered to have some type of risk. Officers should use heightened awareness when approaching all vehicles, and should also keep in mind the dangers that are posed by other vehicles in the area.

D. HIGH-RISK VEHICLE STOPS:

Officers shall use high-risk vehicle stop procedures when it is necessary to apprehend a suspect, who is an actual or potential danger. High-risk vehicle stops are vehicle contacts that, by their nature, increase the probability of violence usually associated with armed suspects or violent criminal activity. Any officer conducting a high-risk stop should consider the following:

1. Known Violator:

a. In cases where the violator is known and it is determined ahead of time that the stop will be conducted "felony stop" style, the initiating officer will be the control officer. He/she will dictate where other units will be positioned and the location of the stop. The control officer will also be responsible for communicating orders to the violators within the vehicle.

b. The control officer should request radio silence from dispatch, so that the only radio traffic will relate to the stop.

c. The control officer should maintain radio communications with his/her cover officer(s), and coordinate the stop. The control officer should decide the place of the stop based upon terrain, lighting, traffic volume, weather conditions, etc.

d. Once the location has been decided, the control officer will position him/herself behind the violator vehicle and activate his/her overhead lights. The control officer will use his/her public address system to direct the driver to the best location for the stop.

e. When the vehicle is stopped, the control officer should position his/her patrol vehicle approximately two-car lengths behind the violator vehicle, and slightly offset to the left. The first cover vehicle should position his/her patrol vehicle to the right of the control officer's vehicle, leaving enough room between the vehicles to allow the cover officer to open his/her patrol vehicle door. The cover unit patrol vehicle should be even with the control officer's vehicle. All available emergency lighting should be activated during the stop.

f. If available, a third cover unit may be positioned directly behind the first two (2) units.

g. If other cover units are available, they may be used to divert traffic.

h. Once all units are in place, the control officer will then order the occupants from the vehicle, one at a time, in accordance with their training.

2. Unknown Violator:

In those situations where the violator is not known to the officer, and where the dispatcher or some other person advised the officer of the violator's status (such as a known felon, stolen vehicle, etc.) after the stop has been made, the officer should attempt to freeze the action and request enough cover units to deal with the situation.

E. PROCEDURES FOR DEALING WITH VIOLATORS: All sworn officers shall exercise their good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported to them. Officers should keep in mind that once they have stopped the violator and are about to communicate with them, officer/violator relations are activated. Officers should conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability. Officers should be certain of their observations of the alleged violation, have the necessary forms and equipment to deal with the situation, greet the violator with the appropriate title in a courteous manner when requesting driver and vehicle identification, and explain to the violator the reason for their being stopped. Officers must keep in mind that some violators encountered will show signs of emotional distress. Officers must deal with these individuals in a calm, courteous manner to relieve them of any anxiety. Traffic enforcement action will be taken without regard for such factors as attitude, intent, or frivolous excuse. Upon completion of the required forms, officers must ensure that the violator safely re-enters the flow of traffic. All enforcement actions will be accomplished by using one of the following four methods:

1. VERBAL WARNINGS: A verbal warning is appropriate when the violator commits an act, which may be due to ignorance of a particular law. Examples of this type could be where the operator approaches a stop sign and, instead of coming to a complete stop, slows to a speed slower than walking. If such movement is made with reasonable safety and the driver is accustomed to driving in those jurisdictions where this action is permissible, a verbal warning may be feasible. Similarly, a verbal warning is appropriate for equipment failure (i.e., license plates not illuminated) of which the driver was unaware. HOWEVER, A WRITTEN WARNING SHOULD USUALLY BE USED INSTEAD OF A VERBAL WARNING BECAUSE IT EXERTS A MORE EFFECTIVE INFLUENCE ON THE DRIVER.

2. **WRITTEN WARNINGS:** A written warning is a proper alternative by officers in response to a minor traffic infraction. It is also appropriate for those violations, which occur within the tolerances generally allowed by the courts. These tolerances would include speeds in excess of the legal limit, but less than a speed for which a citation or arrest would result. If used properly, warnings can effectively be used as a means of educating the public because they involve less emotional stress, and are also considered to be an effective public relations tool. <u>However, the excessive use of warnings should be avoided; otherwise, it could create a feeling of lack of commitment by the police department to enforce motor vehicle safety within the community.</u>

3. **CITATIONS:** Citations are the backbone of the police traffic enforcement effort. An officer's discretion plays a big part in the decision to take punitive action against a violator. However, this discretion should be based on a combination of experience, training, and common sense. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), violations of new laws and/or regulations, and operating unsafe and/or improperly equipped vehicles.

4. **ARREST:** Officers may effect the physical arrest of any person in violation of those traffic laws allowing an arrest, and shall effect an arrest of any law mandating such.

   Whenever an arrest results from the issuance of a motor vehicle citation, the "Arrest" box on the citation shall be checked.

   The arrestee’s vehicle shall be inventoried and secured in the towns designated tow company lots when circumstances warrant that the vehicle be towed.

F. ISSUANCE OF CITATIONS: Whenever legally and practically possible, officers of this department shall issue citations where circumstances dictate the creation of deterrents to unsafe conduct by users of the roadway. Before releasing the traffic violator, the officer should make them aware of the correct procedures, administrative action, payment of fines, and court appearances, etc. It is essential officers fully explain the motorist’s rights and requirements upon arrest or issuance of a citation.

G. CATEGORIES OF DRIVERS:

1. **NON-RESIDENTS:** Enforcement activities shall be consistent and in a uniform manner that does not give preference to local residents or non-residents.

2. **JUVENILES:** There are no special procedures dealing with juvenile offenders of the traffic laws and in the issuance of citations. Special procedures only come into play if there is an arrest of a juvenile. When this occurs, officers are to be guided by the departmental policy on handling juveniles.

3. **STATE LEGISLATORS:** The Massachusetts Constitution (Part 2, Chap. 1, Sec. 3, and Article 10) stipulates that state legislators, while attending, going to, or returning from a session of their respective houses shall be exempt from physical arrest. However, citations may be issued as appropriate.

4. **U.S. SENATORS AND REPRESENTATIVES:** United States Senators and Members of the House of Representatives are immune from physical arrest while attending, going to, or returning from a session of their respective houses.

5. **DIPLOMATIC AND CONSULAR OFFICERS:** These officials shall be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials shall be treated with the courtesy and respect that befit their distinguished positions.

   a. Diplomatic officers, their families, official staff and servants, and consular officers are protected by unlimited immunity from arrest (except for the commission of a felonious crime where public safety is endangered), detention, or prosecution with respect to any civil or criminal offense.

   b. Traffic citations may be issued, however, the subject may not be compelled to sign the citation.

   c. Any citations issued shall be reported to the U.S. Department of State. The State Department maintains driver histories and assesses points for moving violations. Drivers who demonstrate a pattern of driving infractions are subject to having their license suspended or revoked.

   d. **OUI:** When such a person with full immunity from arrest is, in the officer's opinion, too impaired to drive safely, the officer may:

i. With the individual's permission, take him/her to the police station or other location until he/she recovers sufficiently to drive;

ii. Summon, or allow the individual to summon a friend or relative to drive; or

iii. Call a taxi.

6. **MILITARY PERSONNEL:** When dealing with military personnel and a physical arrest is made, the investigating officer's supervisor shall cause the liaison officer of the nearest armed forces investigative headquarters division to be notified.

H. **OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - ENFORCEMENT PROCEDURES:** Many traffic accidents, particularly those involving a fatality or personal injury, are directly attributable to persons driving under the influence of alcohol and/or drugs. In all contacts with violators, the officer should be aware of the possibility the driver may be under the influence alcohol or drugs. If the officer determines that the operator is under the influence of alcohol or drugs, appropriate enforcement action shall be taken. Appropriate enforcement action consists of immediate arrest or, if circumstances do not allow for an arrest, issuance of a citation; for example, if an operator is admitted to a hospital and the officer has no means to effect an arrest. **Officers should be aware, though, that arrest is a priority for this offense.** The department will ensure that sworn officers are trained in all aspects of driving under the influence of alcohol or drug enforcement procedures, and will cooperate fully with other agencies and community groups to reduce and control this problem. The following conditions shall also be met in regards to those arrested for driving under the influence of alcohol or drugs:

1. **BREATHALYZER OPERATION:** Breathalyzer operation shall be administered by a trained and certified operator. Examinations shall be according to departmental procedure and Massachusetts's law on persons arrested for operating a motor vehicle under the influence of intoxicating liquor. A blood alcohol reading of .05% or below mandates that the arrestee shall be released from custody forthwith. If the reading is above .05% but less than .08% there shall be no permissible inference, and if the reading is .08% or above there shall be a presumption that the person is under the influence of intoxicating liquor.

When dealing with a person under 21 years of age, the breathalyzer operation remains the same regarding the percentages of alcohol. If a person under the age of 21 has a reading of at least .02%, their driver's license shall be taken by the arresting officer and said person shall be processed according to law.

When dealing with a person who has a CDL (Commercial Driving License) operating a CDL vehicle, and has said person a reading of .04%, this shall be sufficient to establish a violation of operating under the influence of alcohol. Said person's license shall be taken by the arresting officer, and said person shall be processed according to law.

2. **BLOOD ALCOHOL TESTS:** Blood alcohol tests shall conform to Mass. Gen. Law, Chap. 263, Sec. 5A, as well as departmental guidelines.

3. **MELANIE'S LAW:** Melanie's Law has eliminated the fifteen day temporary driver's license. The operator's license is therefore immediately suspended upon written notification from a police officer. An arrestee's vehicle shall be impounded for 12 hours following an arrest. A 12 hour hold will be placed on the vehicle in the Towed Vehicle System.

I. OTHER ENFORCEMENT VIOLATIONS:

1. **SPEED VIOLATIONS:** Speed is one of the main causes of accidents. Officers shall take appropriate enforcement action for speeding violations. Officers shall use the verbal warning, written warning, and citation to have motorists voluntarily comply with traffic laws and regulations to ensure maximum reduction of accidents. Speeding citations should reflect a clearly convictable speed in court, and may to some extent depend on location of violation (congested area, school zone, etc.).

2. **EQUIPMENT VIOLATIONS:** Equipment required on motor vehicles is covered under Mass. Gen. Law, Chap. 90, Sec. 7. When a vehicle is found to be in violation, officers should consider issuance of a citation for any essential equipment defects. Whenever a fixture is missing and it is obvious that the owner is aware of the defective equipment, a citation should generally be issued even though this may be the only violation on the vehicle. Example of this would be horn removal, parking brake disconnected, light fixture removed, etc.

3. **PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATION:** Particularly in the business areas, consider the congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited.

4. **OTHER NON-HAZARDOUS VIOLATIONS:** With other non-hazardous violations of law, by-laws, or regulations affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians, consider warnings unless repetitive or flagrant**.**

5. **MULTIPLE VIOLATIONS:** Generally one citation will be issued in the case of related multiple, non-hazardous violations stemming from the same operation.

6. **NEWLY ENACTED LAWS AND/OR REGULATIONS:** These cases should be treated on a case-by-case basis depending on the severity and nature of the offense**.**

7. **OTHER HAZARDOUS MOVING VIOLATIONS:** A hazardous moving violation shall mean violation of any law, by-law, or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two general types:

   a. **Unsafe Behavior:** An action or omission in traffic, which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.

   b. **Unsafe Condition:** Causing or permitting an illegal and possibly hazardous condition of a driver or pedestrian in traffic, streets or highways used by traffic, or vehicle used in traffic.

8. **SEATBELT ENFORCEMENT VIOLATIONS:** Research indicates the value of wearing a seatbelt especially when involved in a motor vehicle accident. The reduction of fatalities and severity of injuries is well documented. The wearing of a seatbelt also adds to driver control of a vehicle during evasive maneuvers, and can assist the operator in avoiding a crash. Officers should be aware of the benefits seatbelts provide as well as the laws requiring their use. Officers should take note of occupant protection when conducting a motor vehicle stop. This includes seatbelts and the proper use of child safety seats. Officers should take appropriate action when a violation is observed; this may include a written citation or education on the benefits of seatbelt usage.

J. **HANDLING LICENSE SUSPENSIONS/REVOCATIONS:** Officers shall familiarize themselves with the correct procedures for handling motorists suspected of operating vehicles after suspension or revocation of their licenses.

1. **VERIFIED:** If the officer is certain of the suspension/revocation and observes operation, they should affect a physical arrest.

   a. If the operator of the vehicle is the owner and the sole occupant in the vehicle, the vehicle will be inventoried and towed.

   b. If the operator of the vehicle is the owner and there is another licensed occupant who is fit to operate, the officer will have the

option of letting the other occupant, if properly licensed, drive the vehicle or having the vehicle towed.

2. **NOT VERIFIED:** If the officer is unsure of the actual status, a written citation for operation without license in possession should be issued to the violator, with consideration of future complaint amendment.

K. **SPECIAL ENFORCEMENT:** The primary responsibility for the enforcement of traffic laws and regulations rests with the patrol division. However, all sworn officers, while on duty, shall take appropriate enforcement action for violations of traffic laws and regulations they observe.

1. **BICYCLES:** In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience is low, officers should exercise discretion in the application of those laws regarding the safe operation of bicycles. Conversely, where congestion and the frequency of accident experience involving bicycles have been predominant, those laws pertaining to the safe operation of bicycles shall be strictly enforced. Mass. Gen. Law, Chap. 85, Sec. 11B regulates the use of bicycles, and Mass. Gen. Law, Chap. 90, Sec. 1B and 1C regulates the use of mopeds.

2. **PEDESTRIANS:** The Town of Brookline Traffic Rules and Regulations, Article VII (A), Sec. 1 thru 9, provides Pedestrian Control Regulations in accordance with the provisions of Mass. Gen. Law, Chap. 90, Sec. 18A. All officers shall enforce these pedestrian control regulations.

3. **RECREATIONAL AND SNOW VEHICLES:** Officers shall take appropriate enforcement action against operators of off-road recreational vehicles (e.g., snowmobiles, dirt bikes, minibikes) committing violations that are either observed by them or reported to them. All rules pertaining to Recreational and Snow Vehicles can be found in Mass. Gen. Law, Chap. 90B, Sec. 20-34 inclusive.

L. **ENFORCEMENT ACTION/ACCIDENTS:**

1. **GENERAL ACTION:** Officers are expected to take enforcement action whenever their traffic accident investigation or reporting activities produce probable cause to believe that a violation of law or by-law has occurred.

2. **SPECIFIC ACTION:** Enforcement action arising from traffic accident investigation or reporting (e.g., physical arrest, citation, written warning, etc.) will be consistent with the nature of the alleged violation and with all of this department's written directives concerning traffic law enforcement.

3. **VIOLATIONS NOT WITNESSED BY AN OFFICER:** Violations that the officer has not personally witnessed must be established through investigation, which may include but not be limited to:

   a. Statements or admissions made by the alleged violator.

   b. Statements of witnesses.

   c. Accident scene measurements.

   d. Physical evidence.

4. **ACCIDENTS OCCURRING ON PRIVATE PROPERTY - NO RIGHT OF ACCESS:** Accidents occurring on private property which is not normally open to the public, such as a private residence, involving injury or excessive property damage will require a complete report of the incident.

5. **ACCIDENTS OCCURRING ON PRIVATE PROPERTY - PUBLIC HAS RIGHT OF ACCESS:** Accidents occurring on private property where the public has a right of access and meeting the reporting requirements of Chap. 90-26 will be processed as if they had occurred on a public street and the necessary forms completed.

6. **GENERATED REVENUES:** Traffic law enforcement will not be used as a means to generate revenue for the department or the Town of Brookline.

7. **EVALUATION OF TRAFFIC ENFORCEMENT EFFORTS:** The number of citations issued by an officer shall not be the sole basis of determining an officer's traffic enforcement efforts. The quality of the citations, i.e., accidents and injury-causing types of violations and other elements, will also be considered in an overall evaluation. The number of citations issued will only be one part of the total picture that goes to the overall evaluation.

M. **RADAR/LIDAR:** Officers using speed measuring devices (Radar) shall be fully trained and certified before being authorized to use such devices for traffic law enforcement. This training shall be coordinated through the department training officer, or their designee. The Traffic Sergeant shall keep maintenance and calibration records of Radar units.

1. **PLACEMENT:** The placement of Radar equipment at fixed posts shall be determined through both selective enforcement data and prior knowledge.

2. In cases where conventional traffic enforcement (marked visible cruisers) is unsuccessful, low profile units should be utilized. Low profile vehicles may be used where specific violations must be addressed, such as passing school buses, speeding vehicles, stop sign violations, etc. Covert enforcement should be utilized where overt enforcement has failed and as determined by the Commanding Officer - Platoon on Duty, the Captain of the Patrol Division, or the Captain of the Traffic Division.

N. **USE OF SPEED MEASURING DEVICES IN TRAFFIC LAW ENFORCEMENT:** All members of this department shall adhere to the following guidelines, which govern the use of speed measuring devices in traffic law enforcement:

1. **EQUIPMENT SPECIFICATIONS:** Members of this department shall use mobile traffic Radar units. Specific information on these units may be found in the operator's manual, which is kept in the traffic division.

2. **OPERATIONAL PROCEDURES:** The operational procedures for these units concerning (if applicable) stationary mode, moving mode, range control, interference, audio and squelch, tracking, and locking display readings shall be adhered to as provided in the operator's manual for this unit.

3. **PROPER CARE AND UPKEEP:** All officers using the Radar units of this department are responsible for the proper care and upkeep of the unit(s) they use. Such care and upkeep shall be done in accordance with the directions given them during their original training in the use of the equipment.

4. **PROGRAMMED MAINTENANCE:** The Traffic Sergeant shall schedule maintenance inspections of each Radar unit at least as often as the units are calibrated. The Traffic Division shall maintain a record of all maintenance on each Radar unit.

5. **MAINTENANCE AND CALIBRATION RECORDS:** Each Radar/LIDAR unit shall be calibrated as needed, and at least once a year. Each officer shall check the calibration of the particular unit, both prior to, and after using the unit, each time it is used during their tour of duty. Any unit that appears to be calibrating improperly shall be returned to the Traffic Supervisor.

6. **OPERATOR TRAINING AND CERTIFICATION:** All members of the department wishing to use speed measuring devices such as Radar or Lidar, shall be fully trained and certified as outlined by the Municipal Police Training Committee, before using such devices for traffic law enforcement. The training will be coordinated through the Training

Division, and shall be equivalent to the model standards promulgated by the National Highway Traffic Safety Administration

O. **REPORTS:** Accurate, timely, and complete reports are fundamental to the department's efficient and effective operation, as this forms the basis for prosecution and ultimate adjunction of traffic offenses. Officers shall therefore complete all traffic citations and reports (when necessary), as well as arrest reports, to the best of their ability, and submit them through the proper channels as quickly as possible.

P. **ACCOUNTABILITY OF CITATIONS:** Traffic citations are received from the Registry of Motor Vehicles, and each book number is recorded in the Traffic Division before issuance to individual officers. These citations are accounted for from the point of issuance to the time they are recorded and sent to the Registry or court for disposition.

1. **CITATIONS:** Motor vehicle citation books are kept in the guardroom and are issued to officers as needed.

2. **CITATION INDEX LOG:** A motor vehicle citation index log is also kept in the Detail Office where the officer shall record their name, LC number, date of issue, and number of the citation book issued.

3. **AUDIT SHEET:** An audit sheet is prepared in the Traffic Division, which corresponds with each citation issued. It shall contain the citation number, date issued, defendant's name and address, the violation, and the officer's name. This audit sheet when filled is sent to the Registry of Motor Vehicles.

4. **LOST CITATIONS:** Officers shall write a report concerning lost citations or when requesting that a citation be voided. In the case of voiding citations, the violator should be given the corrected copy. The original citation shall be signed and turned in to the Traffic Division with the report for correct administrative disposal by Traffic Division personnel.

5. **AMENDMENTS TO CITATIONS: T**he court prosecutor shall process amendments to citations or dismissal of charges.

6. **SUBMITTING CITATIONS:** All citations shall be submitted to the Traffic Division upon the completion of the officer's shift. Officers shall submit citations in the secured citation box located in the guard room.

Q. **INTERFERING WITH THE CITATION PROCESS:** The State Ethics Commission has ruled that requests by police officers for "consideration" or

"dismissal" of traffic citations based on the violator's personal connection with a police officer violate the conflict of interest law.

The Commission has addressed what they believe is a widespread practice of police departments' arranging for the dismissal of traffic citations as an accommodation to fellow police officers.

The State Ethics Commission has ruled that ticket fixing is an unwarranted privilege that violates Mass. Gen. Law, Chap. 268A, Sec. 23, the Conflict Law. They have stated "The ability of a police officer to seek special treatment for somebody because of that person's relationship to a police officer is the kind of conduct that offends and troubles people. It demonstrates that there is one standard for the public, but a different standard for those with private connections to the police. In the area of law enforcement, the standards must be clear and be administered in an evenhanded way."

Section 23 of the conflict law prohibits public employees from using their official position to secure substantial privileges for themselves or anyone else, and also prohibits employees from acting in a manner that would cause an objective observer to conclude they would act biased in their official capacity.

Members of this department are hereby informed that this activity is unlawful.

2. TRAFFIC ACCIDENT INVESTIGATIONS:

A. ACCIDENTS REQUIRING POLICE RESPONSE, INVESTIGATION, AND REPORTS: Some reports will require more detailed investigation. The following types of accidents shall require investigative police response and reporting measures to be completed:

1. All those involving death or personal injury.

2. All hit and run accidents which involve personal injury, and those hit and run property damage accidents where investigative techniques can be applied.

3. Those involving operator impairment due to alcohol or drugs.

4. Those involving any vehicle carrying materials, which could ordinarily be considered hazardous or dangerous (i.e., vehicles carrying toxic liquid or gaseous material, gasoline, or other combustible products).

5. Those which appear to have been caused by a flagrant moving violation on the part of one or more of the operators, or by defective equipment on or in a vehicle, or by any other circumstances which impeded the safe operation of a vehicle.

6. Those that appear to have been caused by the incompetence of an operator.

7. Those involving Town property or Town owned vehicles.

B. DUTIES OF THE FIRST OFFICER ON THE SCENE - MOTOR VEHICLE ACCIDENTS:

1. **ON ARRIVAL:** The first officer arriving on the scene shall be attentive to the following:

a. Determine the extent of injuries, if any, and treat the most serious until assistance arrives.

b. If necessary, request assistance of other patrol units, emergency medical personnel, and the fire department.

c. In the event of hazardous material incidents, officers shall isolate the hazard area and evacuate nonessential personnel. The officers shall then be responsible for preliminary hazard identification (spill, leak, fire) and identification of vehicle and container placards, until the arrival of the fire department

d. Officers will arrange for the removal of damaged vehicles from the roadway, when it will not impede or interfere with the investigation (such as cases when the Accident Reconstruction Officer is assigned). When officers are required to handle accident victims' personal property (such as for identification purposes), they shall do so, whenever possible, in the presence of witnesses, who shall be identified in the officers' report. If property is to be held, it shall be turned into the property officer with a full report.

e. The assigned investigating officer shall be in charge of the scene unless relieved, and shall conduct a thorough investigation of the accident by interviewing operators, passengers, and/or any witnesses. When appropriate, they shall contact a Traffic Investigator. **The Traffic Supervisor shall be called in all cases involving: fatalities; serious personal injury which may result in death; or, if in the opinion of the officer on scene, the expertise of a Traffic Supervisor is necessary.** The patrol supervisor on the scene shall make this decision.

In all cases of serious accidents, a patrol supervisor shall be assigned to the scene and shall take charge until the Traffic Supervisor arrives on site.

f. In cases where the ambulance service has transported an injured person to the hospital, or to a facility other than the hospital, the officer will respond to the hospital when a statement is needed from an injured party.

g.. Take measurements, photographs, etc., in an attempt to determine cause or fault.

h. File a complete report upon completion of the investigation. In addition to above-mentioned situations, this department shall also assign officers to respond to traffic accidents involving any of the following circumstances:

C. OTHER ACCIDENT CIRCUMSTANCES REQUIRING A RESPONSE: In addition to above-mentioned situations, this department shall also assign officers to respond to traffic accidents involving any of the following circumstances:

1. Damage to Town owned vehicles or property.

2. Disturbances between principals.

3. Major traffic congestion because of the accident.

4. Damage to any vehicle that requires it to be towed.

5. When any person advises the station via telephone or other means that an accident has occurred at a certain location.

D. ACCIDENT REPORTING: DATA AND ACCIDENT FORM USE:

1. ACCIDENT DATA: Provides information to both the Traffic Division and Patrol Division Commanders, which will allow them to utilize enforcement procedures for the purpose of reducing accidents within the community. The information should be based on accident data by:

a. Location;
b. Time and violation factors;
c. Fluctuations caused by seasonal variations that result in increases or decreases in traffic volume;
d. Injuries.

2. ACCIDENT INVESTIGATION FORM: Whenever an officer investigates an accident in which there is personal injury and/or property damage in excess of one thousand dollars to any one vehicle, or any other property damage in excess of one thousand dollars, the officer shall be

required to complete a "Commonwealth of Massachusetts Motor Vehicle Crash Report."

When an officer is in doubt as to the extent of property damage or the possibility of injury, the Commonwealth form shall also be used. If an accident is minor in nature and no further information will be needed at a later date, officers may so advise the Dispatcher in lieu of a written report.

3. **SUPPLEMENTAL REPORT FORM:** A supplemental report form shall be attached when appropriate (when the officer feels it is necessary to further explain actions taken).

4. **STATE ROADS, MBTA PROPERTY:** When an officer is assigned to an accident on a state road or MBTA property and the State or MBTA Police have begun an investigation, the officer shall assist them as needed. A supplemental report shall be submitted if any action is taken stating the extent of assistance rendered and the following information:

a. Location of accident.

b. Name of State Police or other agency officer investigating.

c. Registration of vehicles involved.

If no Brookline Police action is taken and the State or MBTA Police investigated, the dispatcher shall record this information in the CAD System:

a. Location of accident.

b. Registration of vehicles involved.

E. **RECORDING AT-SCENE INFORMATION:** As soon as reasonably possible under the circumstances, a preliminary investigation shall be conducted and the following actions taken:

1. Interview principals and witnesses.

2. Examine and Record Vehicle damage.

3. Examine and Record effects of accident on the roadway.

4. Take Measurements, as appropriate.

5. Take Photographs, as appropriate.

6. Collect and preserve evidence.

7. Collect and record operator and vehicle information for report and exchange among principals.

8. Complete a Brookline Police Incident Report and a Registry of Motor Vehicles Crash Report.

F. **FOLLOW-UP ACCIDENT INVESTIGATION:** The department shall perform follow-up traffic accident investigation services in support of on-going or anticipated criminal prosecution whenever necessary. The discretionary authority of a patrol supervisor generally activates the use of this type of investigation.

1. When warranted, this follow-up information should include, but be not limited to:

a. Collecting off-scene data.

b. Obtaining/recording formal statements from witnesses and suspects.

c. Reconstructing accidents.

d. Preparing formal reports to support criminal charges arising from the accident.

2. Expert and Technical Assistance:

a. The department maintains a number of officers who receive special training in follow-up accident investigation techniques. Members of the unit shall be assigned to carry out follow-up investigations when necessary and appropriate.

b. **ACCIDENT RECONSTRUCTION:** The Traffic Accident Investigator shall:

1. Be able to compute speed from skid marks and vehicle crash damage.

2. Establish positions of vehicles and pedestrians.

3. Determine which occupant was driving.

4. Determine how road, driver, and vehicle conditions contributed to the accident.

5. Compute energy losses and momentum exchanges in stopping vehicles.

6. Analyze movements of vehicles and bodies in collisions.

c. From time to time, follow-up accident investigations may require special skills and technical assistance beyond that available from department personnel. When necessary, the department shall utilize outside expert and technical assistance (i.e., photographers, surveyors, mechanics, physicians, and accident team specialists). The Captain of the Traffic Division shall make the decision when to call in an outside crime scene specialist.

G. HIT AND RUN INVESTIGATION: The objective of a hit and run investigation is to determine responsibility for the collision and to identify both the offender and the vehicle involved. This is often a difficult task because the very elements of the crime include flight from the scene. Hit and run accidents may involve property, persons, or both. As the circumstances are more serious when a human life is involved, these procedures are primarily directed at hit and run investigations involving persons.

DEFINITION: Hit and Run - Elements: The defendant goes away having operated a motor vehicle upon any way, or in any place to which the public has a right of access, or any place to which members of the public have access as invitee or licensee, after knowingly colliding with, or otherwise causing, injury to any person, or injury to any other vehicle or property, without stopping and making known his or her name, residence, and the registration number of his or her motor vehicle.

1. ON-SCENE DUTIES: Shall be in accordance with Section 2B of this Chapter, "Duties of first officer on scene of motor vehicle accidents." In addition to this, officers shall also:

a. Obtain the best possible description of the operator and the vehicle from the victim and available witnesses. The following information about the vehicle is important:

1. Make.
2. Model.
3. Year.
4. Color.
5. Extent and location of damage.
6. License plates (including partial numbers or letters).

7. Unusual markings or equipment (including school, fraternal, or organizational signs or stickers).
8. Direction of travel before and after collision.
9. Number of passengers, if any, and their descriptions.

b. Descriptive information shall immediately be communicated to the dispatcher.

c. Officers shall search the area around the scene of the crash, the automobile or other property which was struck, and the clothing of any victim for physical evidence including:

1. Personal property left behind by the offender.
2. Glass fragments or paint chips; in the event a pedestrian is struck and injured, officers should meet the ambulance at the hospital, if possible, to secure any such evidence which may have dislodged from the victim's clothing during transport. Also, hospital personnel should be requested to give the victim's clothing and any associated paint chips or glass fragments to the officer.
3. Pieces of chrome or grillwork.
4. Hub caps.
5. Tire marks.
6. Oil, gas, or water marks leading away from the scene.
7. Mud or dirt dislodged on impact.

d. Photographs and measurements shall be taken at the scene when required.

e. Officers shall examine the person and clothing of the victim. particularly important are traces of paint or parts of the vehicle. If necessary, any officer may take and preserve articles of clothing or other samples of evidence, such as hair, blood, etc. Outer clothing should be examined for indentations left by impact points of the suspect auto, as these may serve to identify the vehicle. If such indentations exist, the clothing should be carefully preserved to prevent their obliteration.

f. Officers should be observant for persons at the scene who are behaving in a suspicious manner.

g. Where appropriate, officers should conduct a door-to-door canvas of residences and businesses in the vicinity of the hit and run scene. Often persons who did witness some aspect of the incident are reluctant to come forward and must be sought.

h. A preliminary search for the suspect car and driver shall be conducted as soon a possible. Because of the great distance a fleeing vehicle can travel even in a short time, all police on patrol, the State Police, and neighboring police departments should be notified and given as complete a description as is available, also utilizing the BAPERN NETWORK. If an investigating officer feels this accident could result in a motor vehicle homicide charge, or if the victim is in critical condition, the Commanding Officer – Platoon on Duty shall be notified, and they shall notify the Commanding Officer – Traffic Division, who will make the decision if a Traffic Investigator should be called. A decision will also be made to possibly contact the District Attorney's office and enlist their aid in locating the suspect vehicle and operator.

2. HIT AND RUN-FOLLOW UP INVESTIGATION:

a. In-depth or follow-up investigation shall be conducted upon the direction of proper authority, either by the investigating officer, Traffic Division, or other individual assigned.

b. The follow-up investigation, if any, shall include the following types of activity:

1. Checks and records of stolen cars
2. Communication of information relative to the description of the offender and vehicle to other members of the department, to police departments in surrounding communities, and the State Police
3. A second search of the accident scene covering a wider area
4. Repeated visits to and surveillance of the scene at the same time of day that the accident occurred
5. Visits to garages, auto parts dealers, auto glass dealers, car dealers, auto body repair shops, car wash facilities, etc.

c. If the vehicle involved is located, it shall be impounded and carefully examined.

1. Dents and body damage should be measured as to width, depth, and pattern, taking photographs if possible.

2. Obtain samples of paint chips, broken glass, pieces of clothing, dirt, evidence of blood, hair, flesh, etc.

3. Inspect the interior for personal articles, which may identify the offender.

4. Observe and note any signs of recent repair or any broken or missing parts.

NOTE: The above steps must be taken in accordance with the departmental policy and procedure regarding search and seizure. In the event a search warrant is sought, the vehicle should be kept under surveillance until a warrant is obtained.

The identity of any persons attempting to enter the vehicle or to destroy evidence should be established.

d. If the operator of the suspect vehicle is located, they should be questioned promptly. If applicable, the Miranda procedures must be followed. Prompt interrogation of the suspect driver is important. For example, if they cannot provide an alibi or if they provides an alibi that is later discredited, these will be critical factors contributing to a successful prosecution.

e. In conducting a hit and run investigation, it should be noted that a hit and run driver is not necessarily the operator responsible for the accident, but they may be fleeing from the scene of a crime, there may be a warrant for their arrest, they may be intoxicated, they may not have a valid driver's license, or their license may be revoked. It is also not unusual for a hit and run driver to abandon his or her vehicle as soon as possible and then report it to the police station as stolen in order to escape their responsibility for the accident.

f. A full and complete report shall be made of the accident and the particulars of any follow-up investigation in accordance with departmental procedures.

3. SUSPECTED DRIVER INCOMPETENCE: Routine enforcement, accident reporting, and investigation activities frequently lead to the discovery of drivers who have suspected incompetencies. These incompetencies might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In addition to reports concerning the original incident, it is incumbent upon the officer to notify the Registry of Motor Vehicles regarding the removal of that person from the roadway. The officer through the Traffic Division shall achieve this in report form.

4. DRIVERS THAT POSE AN IMMEDIATE THREAT TO THE PUBLIC: The Registry of Motor Vehicles stands ready to quickly suspend and revoke the license of bad drivers for bad driving behavior that constitutes an immediate threat to the driving public.

Aggressive driving constitutes bad driving behavior. It is defined as operating a motor vehicle in an offensive manner, which is likely to endanger, threaten or otherwise intimidate other operators by engaging in any series of violations. These violations include:

A. Chapter 85-2 State D.P.W. Rules (Regulations & By-Laws):

1. Chapter 85-2 Weaving (from lane to lane).
2. Chapter 85-2 Following Too Close (tailgating).
3. Chapter 85-2 Failing to use caution in stopping turning, starting (e.g.; cutting someone off).
4. Chapter 85-2 Failing to obey traffic markings & signs (lane markings & regulatory signs).
5. Chapter 85-2 Failure to yield at intersections.

B. Chapter 89 Rules of the Road

1. Chapter 89-2 Improper Passing (passing on right).
2. Chapter 89-4A Lane violation (failing to be in marked land).
3. Chapter 89-4B Operating in breakdown lane.
4. Chapter 89-8 Right of Way at intersection and turns at red lights.
5. Chapter 89-9 Failure to stop & yield at intersection and designated throughways.

C. Chapter 90 Motor Vehicle Laws:

1. Chapter 90-14B Failure to give signal.
2. Chapter 90-16 Offensive or illegal operation (unnecessary use of a warning device, e.g.; horn).
3. Chapter 90-18 Speed (above posted speed limits).

D. Documenting "Aggressive Driving:" Officers should note the violations and any other pertinent characteristics associated with aggressive driving behavior so as to better fully substantiate the charge. A report should be submitted to the Traffic Division outlining the incident. After review, the Captain of the Traffic division or their designee will determine if the incident as outlined constitutes an immediate threat. The Captain or their designee will then submit the immediate threat request to the Registry of Motor Vehicles for action.

All officers are encouraged to fully assess each situation when deciding to file an Immediate Threat Form so as not to indiscriminately penalize the motoring public. This procedure is simply an additional tool designed to correct poor driving behavior before leading to more potentially serious incidents.

To facilitate this process, when officers determine that circumstances warrant immediate action, a "Request for Immediate Threat License Suspension Form"

(Commonwealth of Massachusetts Form) will be filled out and submitted to the Captain of the Traffic Division for their signature.

The Traffic Division will then forward the "Request Form" to the Registry of Motor Vehicles.

In all cases, a copy of the officer's report shall be attached to the "Request Form."

5. HAZARDOUS ROADWAY OR ENVIRONMENTAL CONDITION: Upon discovery of a hazardous highway or environmental condition, which sometimes are related, the officer shall notify the station and request that the appropriate agency be contacted.

A. HAZARD IDENTIFICATION: When a hazard is identified and, in the officer's opinion, such hazard requires immediate correction (such as a fallen tree or electrical wires across any part of the traveled portion of the highway), they shall inform the Dispatcher of the situation. They will identify assistance or special equipment needed, if possible, or describe the situation if not able to do so. The officer will protect bystanders, the scene, direct traffic, and/or take any action necessary to correct the situation.

B. HAZARD DETECTION: When a hazard is detected that represents a potential accident situation but the threat of such is not immediate, the officer shall submit an interdepartmental noting the hazard prior to the end of their shift. (This report shall be made available to the proper agency responsible).

6. TRAFFIC CONTROL: The department shall perform traffic direction and control functions to ensure the safe and efficient movement of vehicles and pedestrians when necessary, which will include accident scenes.

A. HIGH VISIBILITY CLOTHING:

1. Officers are to have high-visibility outerwear in accordance with the Brookline Police Department Uniform policy when assigned to perform manual traffic direction and control functions. All officers shall wear such high-visibility outerwear, in addition to the full prescribed uniform, whenever conducting manual traffic direction and control.

2. Personnel conducting unscheduled manual traffic direction and control in response to unforeseen contingencies, such as foul weather, will wear high-visibility outerwear, provided that conditions make it practical to wear the high-visibility outerwear before initiating manual traffic direction and control.

B. POINT TRAFFIC CONTROL DEFINITION: The control of vehicular and pedestrian movement in a particular place on a roadway, such as an intersection.

C. MANUAL DIRECTION OF TRAFFIC – TRAFFIC POSTS:

1. Times and locations identified as requiring point traffic control will be analyzed to determine whether manual direction of traffic is necessary.

2. Factors to be considered in the analysis will include, but not necessarily be limited to:

a. Traffic volume and speed.

b. Number of pedestrians present.

c. Duration of congestion period.

d. Presence and types of traffic control devices.

e. Special circumstances of the location (e.g., handicapped pedestrians) and other pertinent factors.

3. The decision to assign personnel to carry out traffic direction and control will be made only if the analysis indicates that unmanned signals/devices cannot adequately ensure the safe and efficient movement of traffic.

D. MANUAL OPERATION OF TRAFFIC CONTROL DEVICES:

1. On occasion, officers must manually operate traffic control signal lights, normally to direct traffic flow, attempt to recycle a signal light, or to place the signal lights on flash or blink. Some intersections in the Town have manual control devices located in the service box, and if an officer can gain entrance, they shall manually control traffic control devices only in the following situations:

a. When traffic light malfunctions.

b. To facilitate movement at traffic accident or other emergencies.

c. To provide a thoroughfare for a motorcade, funeral procession, etc.

d. To alleviate congestion resulting from use of automatic controls, particularly during planned special events.

2. Any officer who is not familiar with the manual operation of traffic controls shall be trained by a responsible officer regarding their use before using manual traffic controls.

E. TEMPORARY TRAFFIC CONTROL DEVICES:

1. The department will have use of temporary traffic control devices, including movable barriers, portable signs, and other apparatus intended for temporary deployment, to assist the safe and efficient movement and control of vehicular and pedestrian traffic.

2. These temporary control devices shall be deployed in support of traffic direction and control activities only with specific prior approval of supervisory personnel. As soon as practical following termination of the need for the temporary traffic control device, the supervisor authorizing deployment of the device will see to its removal. The department shall not use portable or part-time stop signs as temporary traffic control devices except in an emergency.

F. TRAFFIC CONTROL AT FIRE SCENES: The department shall continue to work closely with the fire department and other emergency services organizations in order to maintain access and egress at fire scenes by emergency vehicles. Officers responding to fire scenes will adhere to the following procedures:

1. Officers are to be certain not to park cruisers in a manner that will hamper fire department operations.

2. No vehicles will be allowed to drive into the block where fire apparatus is parked and operating.

3. No vehicle will be allowed to cross fire hoses without the approval of the fire department's officer in charge.

4. Vehicles, which are parked, which interfere with fire operations may be towed as needed.

5. Applicable laws which may apply include, but are not limited to:

a. Mass. Gen. Law, Chap. 89, Sec. 7A, 7B.

b. Mass. Gen. Law, Chap. 268, Sec. 32, 32A.

G. TRAFFIC CONTROL DURING ADVERSE ROAD AND WEATHER CONDITIONS:

1. Adverse weather or road conditions include, but are not limited to:

a. Accidental hazards, such as debris that has fallen onto the roadway. Examples: debris from another motor vehicle, power lines, trees, etc.

b. Acts of nature, such as fog, ice, snow, etc.

c. Engineering hazards, such as exposed guardrail end, potholes, drain covers missing, or other objects that may cause unnecessary additional damage or injury should a vehicle, for any reason, impact upon the object.

2. The Dispatcher shall notify the public works, and fire department of the adverse road condition(s) that will affect the response of emergency vehicles and/or the motoring public, as appropriate.

3. The Patrol Supervisor may close a street if, in their opinion, the surface conditions and terrain creates an unusually hazardous condition. They shall also request assistance from the Department of Public Works.

4. The Patrol Supervisor shall ensure the proper utility company or construction company is also notified, and assigns officers as needed to direct traffic and safeguard the public.

H. MANUAL TRAFFIC DIRECTION: Officers while carrying out manual traffic direction and control shall at all times give due consideration to their own safety and the safety of the public. Personnel shall employ uniform procedures (signals, gestures, etc.) to enhance driver and pedestrian recognition and response to their direction as follows:

1. When an officer is directing traffic, it is necessary that the people using the roadway know that the officer is there for that purpose, and that the officer knows and utilizes standardized, appropriate gestures and audible signals to stop, start, and turn traffic.

2. To indicate that the officer is present for the purpose of directing traffic, they should:

a. Turn the signal light (if there is one) to blinking or flashing.

b. Position themselves so that they can be seen clearly by all, usually in the center of the intersection or street.

c. Allow their hands and arms to hang easily at their sides except when gesturing.

d. Stand facing or with their back to traffic, which they have stopped, and with their sides to traffic they have directed to move.

3. HOW TO STOP ONCOMING TRAFFIC:

a. To stop traffic, the officer should first extend his or her arm and index finger toward and look directly at the person to be stopped until that person is aware, or it can be reasonably assumed that they are aware, of the officer's gesture.

b. The pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both ways on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

4. HOW TO START TRAFFIC:

a. The officer should first stand with shoulder and side toward the traffic to be started, extend their arm and index finger toward and look directly at the person to be started until that person is aware, or it can be reasonably assumed that they are aware, of the officer's gesture.

b. With the palm up, the pointing arm is swung from the elbow only through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until the traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

5. RIGHT TURN MOVEMENT:

a. If the driver is approaching from the officer's right side, their extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.

b. If the driver is approaching from the officer's left side, either the same procedure may be followed utilizing the left arm extended, or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

6. LEFT TURN MOVEMENT:

a. Left turning drivers should not be directed to effect their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his or her turn. The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt position, then the extended left arm and index finger and officer's gaze is directed toward the driver who intends to effect a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swinging to point in the direction the driver intends to go.

b. Street width permitting, in order to clear the lane occupied by a driver who intends to make a left turn but cannot because of oncoming traffic, they can be directed into the intersection and stopped adjacent to the officer's position until the left turn can be safely completed. The driver should be directed into the intersection by pointing toward them with the extended arm and index finger, which is then swung to point at the position at which the officer wishes the driver to stop and wait for clearing traffic. In the alternative, the driver may be directed to move with one arm and hand gesture while the other arm and hand are utilized to point to the position at which the driver is to stop. After the driver is positioned within the intersection, the officer may either halt oncoming traffic and direct the completion of the turn or permit the driver to effect the turn during a natural break in the oncoming traffic.

7. SIGNALING AIDS:

a. The whistle is used to get the attention of the drivers and pedestrians. It is used as follows:

1. One long blast with a STOP signal.

2. Two short blasts with the GO signal.

3. Several short blasts to get the attention of a driver or pedestrian who does not respond to given signal.

4. The whistle should be used judiciously. It should not be used to indicate frustration, and the volume should be just sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention, and when its purpose had been achieved, the officer should cease sounding the whistle. If the whistle is utilized continuously, it ceases to hold meaning for drivers and pedestrians.

b. The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understand and often lead to misinterpretations, which are dangerous. An order, which is shouted, can antagonize the motorist. Occasionally a driver or pedestrian will not understand the officer's directions. When this happens, the officer should move reasonably close to the person and politely and briefly explain his or her directions. No officer should exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the officer's direction

7. PARKING CONTROL: Parking regulations shall be enforced with reasonableness and impartiality in all areas of the town.

A. Parking control activities are essential to the safe and efficient movement of vehicles.

B. The Brookline Transportation Board is responsible for implementing the parking control regulations.

8. PARKING ENFORCEMENT:

A. ENFORCEMENT : Officers must be aware of the parking problems within the Town of Brookline . All during the year, enforcement efforts are directed at educating the public where overnight parking is not permitted, this allows ample room for snow plowing, necessary to ensure safe passage of fire, ambulance, and police vehicles. Officers should also direct their attention to violations, which are hazardous to the public welfare such as:

1. Wrong direction parking.
2. Within ten (10) feet of a hydrant.
3. Double parking.
4. Parking on crosswalk.

5. Handicap parking.

B. **ON STREET PARKING PERMISSION:** The “On Street Parking Permission” will be utilized on an "as needed" basis or of a medical emergency. If continual requests are received for the same location, the Commanding Officer – Traffic Division or designee shall investigate the request to determine if the request is justified.

9. ESCORTS:

A. The department shall recognize that there are legitimate and reasonable requests for police escort services to ensure safe, orderly, and efficient movement of special traffic or to expedite delivery of special items. The department shall make every effort to honor such requests to the extent practical and consistent with the need to ensure that the act of escorting or emergency relay itself does not create unnecessary risk to the public. The Captain of the Traffic Division or their designee shall review and approve all requests for escorts or relay.

B. Officers shall not initiate emergency escorts without first obtaining permission from the Patrol Supervisor.

C. Requests that may be obliged may include, but are not limited to, the following:

1. Funerals.

2. Motorcades.

3. Public officials and dignitaries.

4. Oversized vehicles.

5. Highway construction and maintenance vehicles.

6. Hazardous or unusual cargo.

D. Emergency vehicles, particularly ambulances, shall not be escorted by officers, except under specific circumstances. Example: Escort an emergency vehicle from the town limits to a hospital when the driver of the emergency vehicle is not familiar with the location of the hospital.

Exceptions will be approved by the Patrol Supervisor.

E. Officers shall not escort civilian vehicles except in unusual medical emergencies.

1. The driver of a civilian vehicle requesting an escort should be directed to proceed to the emergency medical facility at normal speed in compliance with all traffic regulations.

2. If, in the officer's opinion, delay or transfer would jeopardize the patient's life, the officer may, with the approval of the Patrol Supervisor, escort to the nearest medical facility. During this escort, all emergency equipment (lights and siren) shall be utilized. Motor vehicle laws outlined in Mass. Gen. Law, Chap. 89, Sec. 7, 7A, & 7B, shall be complied with.

F. Officers shall not escort funerals without permission of the Captain of the Traffic Division. Directing traffic at funeral processions at strategic locations is of greater assistance and will be performed by officers when necessary, and shall be done in accordance with current motor vehicle laws.

10. REQUEST FOR SERVICE VEHICLES: The public, when utilizing public highways, may encounter mechanical or other difficulties requiring assistance from the police. When police request assistance, notify dispatcher of:

A. TYPE OF SERVICE NEEDED:

1. Tow trucks.

2. Traffic conditions.

3. Road repair/service.

B. GIVE LOCATION THAT SERVICE IS TO BE DISPATCHED TO: Officers shall give street name and number.

C. REASON FOR REQUEST:

EXAMPLE:

1. TOW - Type of car, problem, whether hook or flatbed is needed.

2. AMBULANCE - Medical problem requiring attention so that proper life support units can be assigned.

3. ROAD REPAIR/SERVICE - Whether it is a flat tire, out of gas, fan belt, etc.

D. STRANDED MOTORISTS: The overall danger to the stranded motorist can also be a potentially dangerous condition. The department shall offer reasonable assistance at all hours of the day.

E. OBTAINING ASSISTANCE ON HIGHWAYS/ROADS/ETC:

1. FIRE SERVICE ASSISTANCE: When a call for a fire is received, the dispatcher will notify the Fire Department immediately. Officers

dispatched shall notify the dispatcher immediately upon arrival at the scene of the fire of:

a. Location, including street and number.

b. Type of vehicle involved; for example, car, bus, truck, van, etc.

c. Status of fire; for example, fully involved, passenger compartment fire, engine fire, etc.

11. ABANDONED MOTOR VEHICLE:

DEFINITIONS:

ABANDONMENT - A vehicle left parked and unattended for 72 hours or more.

JUNK CAR - Has no salvage value. Before disposal it must be stripped of tires and batteries; oil, gas, transmission fluid, and radiator fluids must be drained; stuffing or fill-in seats must be removed, as well as papers or foreign debris; the gas tank must also be removed.

A. ABANDONED MOTOR VEHICLES NOT CLASSIFIED AS JUNK CARS LEFT UNATTENDED FOR OVER 24 HOURS:

In all circumstances, towing will be in compliance with the Town of Brookline Traffic Rules and Regulations.

1. When an officer has initially noticed a vehicle that may be in violation of above, officer shall monitor vehicle for 24 hours or more, affix a parking violation tag to vehicle indicating offense (two hour violation, overnight parking). At the conclusion of the 24 hours, vehicle may be towed for storage.

2. Although circumstances may at times dictate that a particular motor vehicle be towed under the guise of being left unattended for over 24 hours, whenever possible, it is preferred that the vehicle be treated as an abandoned motor vehicle. The advantage is the owner may respond upon seeing the parking violation tag.

B. PUBLIC PROPERTY ABANDONMENT: A motor vehicle shall be deemed "abandoned" by its owner if it is left parked and unattended for 72 hours or more on public/private property (Mass. Gen. Law, Chap. 90, Sec. 22C).

C. PRIVATE PROPERTY ABANDONMENT:

1. CONDITIONS ALLOWING TOWING ON PRIVATE PROPERTY: In order to have an abandoned motor vehicle removed from private property under Mass. Gen. Law, Chap. 266, Sec. 120D, it is necessary to show that the owner of the vehicle has been forbidden to park on the property either directly or by a posted notice (i.e., No Parking - No Trespassing sign). There is no 72-hour requirement on private property.

2. OWNER'S RESPONSIBILITY: In order to have the abandoned motor vehicle removed, the owner or the person having lawful control must provide the Chief of Police or their designee with the following information:

- **a.** The address from which the motor vehicle is being removed.
- **b.** The address to which the motor vehicle will be moved.
- **c.** The registration number (plate).
- **d.** The name of the owner or person in lawful control of the property.
- **e.** The name of the person or tow company that will be towing the motor vehicle.
- **f.** The towed vehicle shall be stored in a convenient place and the owner of the vehicle shall be liable for the tow and storage charges.

3. Abandoning a motor vehicle on private property does not prevent police from charging the owner of the motor vehicle with "Abandonment" (Mass. Gen. Law, Chap. 90, Sec. 22C).

TRAFFIC MANAGEMENT SYSTEM

General Order Number: **27.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department to reduce the number of motor vehicle accidents by gathering valid accident and enforcement data, and making this data available to the Public Works Department, Transportation Board, Traffic Engineering Department, and other Public Safety groups. Useful, adequate, and timely information can form a basis on which to base accident prevention efforts and preventive programs. The traffic record system shall contain information on all accidents and traffic enforcement measures taken within the town.

PROCEDURES:

1. **TRAFFIC RECORDS SYSTEM:** The traffic records system shall include the following:

A. **TRAFFIC ACCIDENT DATA:** Computerized information system and manual files of all accident reports, reflecting the results of accident investigations, locations, etc.

B. **TRAFFIC ENFORCEMENT DATA:** Computerized information system and manual files of all citations issued for traffic violations.

C. **ROADWAY HAZARD REPORTS:** Officers noting hazards or defects will call in these defects to the police dispatcher, who shall make a computer entry and shall contact the appropriate maintenance services.

2. **TRAFFIC ACCIDENT DATA:**

A. The "Commonwealth of Massachusetts Motor Vehicle Crash Police Report " shall serve as the primary source for the collection of data concerning motor vehicle accidents within the Town of Brookline.

B. Each officer who, in the course of their duties, investigates an accident in which any person is injured or in which there is damage in excess of one thousand dollars to any one vehicle or other property shall, complete an accident form.

C. When the Motor Vehicle Crash Police Report is properly completed the original and a copy shall be forwarded to the Traffic Division, along with any other applicable reports. A Traffic Division Supervisor will review the report, and determine if follow up investigation is required.

D. When the Traffic Division receives a Motor Vehicle Crash Police Report, the information shall be entered into the computer and the report shall be filed. Such record shall be retained in accordance with public records law (Mass. Gen. Law, Chap. 66, Sec. 10, and Chap. 4, Sec. 7, clause 26).

E. The Traffic Division may provide on request a copy of the Motor Vehicle Crash Police Report to individuals, insurance companies, etc., in accordance with the CORI Law, the Public Records Law and the Driver Privacy Protection Act.

F. One copy of the original motor vehicle crash report shall be sent to the Registry of Motor Vehicles within a reasonable period of time.

3. TRAFFIC ENFORCEMENT DATA:

A. The motor vehicle citation serves as the primary source for data collection for traffic enforcement. Each officer who, in the course of his or her duties, charges a motorist with a violation shall complete a citation.

B. The citation will be turned into the Traffic Division, who will review the citation and ensure that it is properly completed. When the citation is properly completed and reviewed, it shall be forwarded to the Registry of Motor Vehicles.

C. The Traffic Division will file the copy by citation log number.

4. DATA ANALYSIS:

A. The responsibility of compiling traffic data shall be that of the Traffic Division. The Traffic Division shall analyze the data prior to distribution to the Patrol Division for enforcement action.

B. A monthly report will be submitted to the Chief of Police that shows the total number of motor vehicle citations issued during the previous month.

5. PERSONNEL DEPLOYMENT: Directed/preventive patrol assignments by the Captain - Traffic Division shall be made based on the selective enforcement accident information, provided by Traffic Division. The Captain - Traffic Division shall concentrate enforcement efforts in the areas where accidents occur most frequently. The purpose of the directed/preventive patrol activity is to reduce the probability of accidents. Resources should be directed toward specific violations, in specific locations, based primarily on traffic accident experience.

6. **SPECIAL REPORTS:** Special traffic accident/enforcement reports may be developed and made available as needed by the Traffic Division.

TRAINING DIVISION

***General Order Number:* 28.2** ***Effective Date:* June 18, 2013**

POLICY:

The Brookline Police Department recognizes that training is one of its most important responsibilities. The department realizes that a process of continual training and updating is necessary in order to maintain a high level of professionalism. All aspects of training, whether recruit training, specialized training, in-service training or roll call training, are designed to enhance an employee's ability to perform the functions demanded in police work in today's society.

A comprehensive training program will help provide the department with employees who are better prepared to act decisively and correctly in any given situation. It will also increase the effectiveness and productivity of individual employees, and foster greater cooperation between employees and units within the department. All of these benefits enhance the department's ability to achieve its goals and objectives.

The training program will aid individuals in achieving their career goals and objectives by developing greater job and study skills. The additional exposure to training should also increase an employee's desire to further their personal education.

PROCEDURES:

1. TRAINING DIVISION:

A. PROGRAM DEVELOPMENT: The Training Division will use the following resources in program development:

1. Inspection reports.

2. Staff reports and or meetings.

3. Consultation with field personnel and field observations.

4. Officer Surveys.

5. Training evaluations.

6. Training deficiencies discovered through internal affairs investigations.

7. Suggestions and recommendations by the Chief of Police and Division Captains.

B. THE TRAINING DIVISION WILL:

1. Offer or make available, training in areas of policing that will benefit both the department and its employees.

2. Will on an annual basis, distribute a survey form to all officers of the department, requesting information relative to desired training.

3. Encourage employees, when appropriate, to attend training courses in areas of interest to them.

4. Keep all employees informed of changes in statute law, Town By-Laws, case law, the criminal justice system, training bulletins, trends and department policies, and procedures.

5. It will be the responsibility of all officers to remain current and informed of changes in all of the above-mentioned areas. This will be in accordance with Brookline Police Department Rules and Regulations.

2. OBJECTIVES OF THE TRAINING DIVISION: The objectives of the Training Division of the Brookline Police Department are to provide or make available the best possible training programs to all employees within the department. This will be accomplished through a program of mandatory and voluntary training conducted through the department, other criminal justice agencies, outside private or public agencies, and civilian educational institutes in conjunction with a continuous program of roll call, and annual training.

3. GOALS OF THE TRAINING DIVISION:

A. To meet all state and department mandated training requirements.

B. To develop and enhance the skills that an employee needs to perform his/her job a in a professional manner.

C. To assist the department to more efficiently and effectively accomplish its objectives.

D. To provide career development opportunities within the department.

E. To provide information to all employees on training opportunities nationwide.

4. MANDATORY TRAINING FOR POLICE OFFICERS: Certain areas of police work require continuous training. The department, or its paid consultants, will conduct mandatory training in each of these areas and administer written, oral or practical tests to ensure that all

officers meet or exceed the minimum acceptable standards. The Training Division will set the level of proficiency required to achieve minimum acceptable standards, unless superseded by law or other authoritative body.

THE FOLLOWING TRAINING IS MANDATORY AND WILL BE ATTENDED BY ALL OFFICERS AS NOTED:

A. **FIREARMS TRAINING:** All officers must attend and successfully complete firearms training no less than twice each year. The training will include a qualification course, which must be successfully completed with all authorized weapons.

B. All officers will be trained biannually by certified Municipal Police Training Committee instructors in the use of less than lethal weapons and weaponless control techniques.

1. Each officer must qualify each year with any firearm that the officer is authorized to use. All firearms training shall be in accordance with Municipal Police Training Committee standards.

2. All qualifications shall be under the direction of the department training division and certified Municipal Police Training Committee firearms instructors.

3. All firearms qualification records and officer scores shall be documented and maintained by the Training Division.

4. Prior to the issuance of any weapons to members of the police department, the department armorer shall review, inspect and approve each individual weapon. If any malfunctions or defects are found or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified or the weapon shall be returned to the manufacturer for a replacement weapon.

5. **OFFICER'S WHO DO NOT QUALIFY**: Since an unqualified officer is possibly unable to safely defend his or her life or the life of another, the following procedures are established:

a. In the event an officer fails to achieve qualification with their duty weapon, the officer shall be reassigned from their regular duties and assigned to the range.

b. There they will undergo remedial training with the department firearms staff until qualification is achieved.

c. At the completion of the day or night shoot at the range, where an officer fails to qualify, the duty weapon shall be secured by the range staff. The staff will be responsible for providing it each future date the officer comes to the range to receive remedial training.

d. Any officer who does not qualify with their duty weapon, shall not carry that weapon to perform any police function until they are qualified, this includes scheduled details. It is the responsibility of the Training Division to see that the duty weapon is turned in to the property officer

e. The Training Division shall insure that the Chief of Police and the officer's Commanding Officer, Division Captain, and Detail Officer are notified and updated on the officer's status.

f. If the officer is unable to be immediately reassigned to the range, they will be temporarily reassigned to work inside the station.

g. Any officer who fails to qualify after such intensive training shall have the circumstances reviewed by the Chief of Police for further action.

C. **FIRST RESPONDER TRAINING:** First Responder refresher training will be held annually.

D. **C.P.R. TRAINING:** All members will be trained and certified annually.

E. **LEGAL UPDATE TRAINING:** All members will receive legal update training annually.

F. **BIAS-BASED PROFILING TRAINING:** All officers will receive training in bias-based profiling issues, including the legal aspects of bias-based profiling.

G. **IN-SERVICE TRAINING:** All members will be scheduled for in-service training on a yearly basis in accordance with department policy, contract, MPTC training requirements and state laws.

H. Critical training as determined by the Chief of Police, or his or her designee.

5. **REMEDIAL TRAINING:** Remedial training will be required for all mandatory training. The department, to assist an employee having a problem meeting the required minimum standard of performance, acceptable in that specific area, will provide a reasonable period of remedial training.

6. **VOLUNTARY TRAINING FOR SWORN PERSONNEL:** Schedules of training programs offered by other approved agencies, such as the Municipal Police Training Committee, Massachusetts State Police, etc., shall be promptly posted in the guard room and available to all officers upon approval by their division captain.

7. **SPECIALIZED TRAINING:** Any officer joining a special unit shall at the first opportunity, attend and successfully complete a training program designed for that particular unit or function. This program will include enhancement of necessary skills, knowledge and abilities needed as a member of the unit; information on the function and objectives of the unit; performance standards expected from the unit members and any special policies, rules or procedures assigned to the unit.

8. **SUPERVISORY AND MANAGEMENT TRAINING:** All newly appointed supervisors will be sent for Command Training at the first available opportunity. All supervisors will receive training in suicide prevention and in various aspects of supervision and management during in-service training, and/or when offered by outside agencies. All other supervisory or management training opportunities shall be at the discretion of the appropriate division captains.

9. **RECRUIT TRAINING:** All newly appointed Student Officers of the Brookline Police Department will successfully complete a Recruit Training course, as mandated by Mass. Gen. Law, Chap. 41, Sec. 96B. This will be done prior to the employee performing the duties of a police officer. The training academy will be one approved by the Municipal Police Training Committee. In the event that training occurs outside the Brookline Police Department, The Lieutenant in charge of Training, or designee, will maintain liaison with that Academy.

   A. While attending the recruit training academy, all student officers from the Brookline Police Department, will be bound by the rules, regulations and procedures of the academy, as well as the regulations and procedures of the Brookline Police Department.

10. **RECRUIT INTEGRATION:** It is the policy of the Brookline Police Department to provide to its community a fully educated, trained and capable police officer to service the needs of its citizens in a professional and effective manner. To achieve this goal, the police recruit will begin their indoctrination into police work by completing a certified police academy. After being sworn in by Board of Selectman, the police officer will be put on a twelve-month probationary period involving on the job training coupled with close supervision. To assist each recruit with their proper development and allow the department to carry out its function of retaining qualified police officers, the following procedures are to be followed:

   A. Each Police Recruit shall successfully complete a Massachusetts Police Training Committee approved Police Recruit Training Academy.

   B. After successful completion each recruit shall be assigned to the Training Division of the Brookline Police Department for a period of up to two weeks. During this

period he/she will receive instruction and be tested on the following; Policies, Procedures, Rules and Regulations of the Brookline Police Department, Town of Brookline by-laws, Use of Force, Traffic Enforcement, Medical Emergency Response & AED's, CORI Law, Communications, Introduction to Report Writing and any other instruction that is deemed necessary.

C. At the completion of this training period the Lieutenant in charge of Training will submit a written report to the Patrol and Community Service Captains, as to the success or failure of this training period for each recruit and any other pertinent information. This report will then be reviewed by the Community Service and Patrol Division Captains, and then submitted to the Superintendent for review.

D. After successful completion of the introductory period each officer will be assigned to a Patrol Platoon, for a period of four weeks. During this four week period the Sergeant assigned to the Recruit Officers day off group shall complete a Daily Observation Report. The Sergeant shall meet with the recruit officer each day and review the report with him/her. The Recruit Officer will be given the opportunity to sign the report and make written comments on the report. At his or her request, the Recruit Officer will be provided with a copy of the report. The report will be reviewed and signed by the Commanding Officer – Platoon on Duty.

Commanding Officer -During the last week of the four week period, the recruit and sergeant shall meet with the Platoon Commander and review all of the reports. After the meeting, the Platoon Commander will submit the reports and make a recommendation whether the officer should move on to the next phase of the recruit program or be referred for remedial training. This report is due before the end of this recruit training cycle and shall be forwarded to, and reviewed by the Patrol Division and Community Service Division Captains. After consultation they shall submit the reports to the Superintendent for review and recommendation.

E. If recommendation is continuation in the program, the recruit will then be transferred to another patrol platoon. If remedial help is recommended a training program with input from all supervisors involved will be set up to assist the recruit in his/her development. This training program shall be set up within a week of the recommendation for remedial help. The supervisor tasked with overseeing this remedial training program is responsible for recommending any changes in the status of the recruit officer.

F. After successful completion of each four-week assignment as well as the successful completion of any remedial training program, the recruit officers shall be transferred to a patrol platoon for continued observation and training.

G. Upon completion of the platoon rotation, a recommendation shall be made by the Platoon Commanders and the Patrol and Community Service Captains, as to whether the recruits will be assigned to a regular platoon or are still in need of training.

H. Once a recruit officer assumes a regular assignment to a Patrol Platoon, his/her regular assigned Patrol Supervisor will submit a monthly report as to the progress he/she is making towards becoming a more independent officer. The Recruit Officer will be given the opportunity to sign the report and make written comments on the report. At his or her request, a copy of the report will be provided to the Recruit Officer. The report will be reviewed and signed by the Commanding Officer – Platoon on Duty. Within the first week of the following month, these reports must be reviewed by platoon commanders and submitted to Patrol and Community Service Captains for review and consultation, and then submitted to the Superintendent for review. This procedure will continue thru the eleventh month of the recruits' probationary period.

I. During the first week of the tenth month of the probationary period, a meeting will take place between the Superintendent, Patrol Captain, Community Service Captain, and Platoon Commanders to make a determination on retention of each probationary officer. At the beginning of the second week of the tenth month of probationary period a written report shall be submitted by the Superintendent to the Chief of Police as to their recommendations.

J. In the interest of public safety, if a supervisor feels that a recruit officer may pose a risk to themselves or others during the training program then the supervisor shall immediately remove the recruit officer from the training program and submit a complete report on the matter to the Platoon Commander and the Patrol and Community Service Captain. An assessment as to the need of remedial training or other actions will be determined by the Chief of Police.

K. Recruit Officers have a right to discuss evaluations with the Commanding Officer-Patrol Division and to appeal to the Chief of Police for a review of the evaluations.

L. Police Recruit Performance Evaluations shall be retained for a minimum of a year after the completion of their twelve month probationary period.

11. ATTENDANCE: All employees assigned to a training program must report at the time and location specified, with the proper material and equipment necessary to complete the course. Attendance at in-service training is mandatory. Only with the approval by the Chief of Police may a ranking officer not attend an in-service training program. In accordance with the labor agreement between the police union and the Town of Brookline (Article XXVIII) ranking officers must elect in writing whether they will participate before the program begins, and, once elected, participation shall be mandatory.

A. An officer reporting late will be carried as late for a tour of duty. An officer not reporting to a scheduled training session will be considered missing a tour of duty and the officer will be required to submit a special report.

B. Attendance of in-house training sessions will be taken at the start of the training.

C. Attendance at training sessions conducted by outside agencies will be monitored by the Lieutenant in charge of Training. It will be the responsibility of the most senior superior officer present to submit a report of the officers present to the Lieutenant in charge of Training. If no superior officer is present, then the most senior officer shall submit a report of the officers present to the Lieutenant in charge of Training.

12. INSTRUCTORS: All department instructors will submit copies of their lesson plans, tests and other related materials to the Lieutenant in charge of Training for approval. The Lieutenant in charge of Training will prepare the necessary guidelines and format, for lesson plan development. Lesson plans must include expected performance objectives and set qualification standards for the course instruction. Lesson plans should establish the purpose of the instruction. All lesson plans used by course instructors will be maintained on file. All instructors must also submit a resume qualifying their expertise in the subject matter to be presented.

The Lieutenant in charge of Training will be responsible for reviewing all lesson plans to assure they meet the necessary criteria for instructional training. Also, any tests being used for instructional training will be submitted by the instructor to the Lieutenant in charge of Training for review.

Instructors enlisted from agencies outside the department will also be required to submit copies of their lesson plans, a resume, and will be subject to review by the Lieutenant in charge of Training. The instructor must meet all requirements of department instructors.

13. TRAINING RECORDS: The Lieutenant in charge of Training will record all training by department personnel. The records will include the name of the training course, dates and total hours attended. Records will also reflect mandatory training requirement certification date. Employee training records will be updated on a continuing education basis.

When an officer attends a training program at an outside agency, they shall supply the Lieutenant in charge of Training with a copy of the programs syllabus or outline as well as any certifications received. The officer may keep the original copy of the certification.

14. FIELD TRAINING OFFICERS[2]: All department supervisory personnel assigned to patrol, and officers designated as Field Training Officers, will act in accordance with the "Brookline Police Department Field Training Officers Manual."

A. The Captain of the Patrol Division, the Lieutenant in charge of Training plus the Platoon Commanding Officer, will coordinate the assignment and scheduling of Recruit Officers to Field Training Officers, as they rotate through the various shifts during the program. Field Training Officers will evaluate each Recruit Officer's performance in the various activities that they will meet as police officers.

B. During the training period, Field Training Officer's will submit a written report, on

2 This section subject to negotiations with BPPA (9-1-00)

a daily basis, to the Field Training Supervisor on each officer assigned to them. A performance evaluation form will be completed on a monthly basis during the remainder of each recruit's probationary period by their supervisor.

15. **CIVILIAN EMPLOYEES:** As a part of orientation, the Brookline Police Department will provide every new civilian employee with information regarding employee benefits. The Town of Brookline Human Resources Division will give every new employee a written New Employee Packet. This packet will detail employee rights, benefits, and Town Policies. New employees are given a verbal summary of employee rights, benefits and Town Policies and afforded the opportunity to ask clarifying questions.
Civilian employees in the police department shall have access to the Brookline Police Department Manual/rules and regulations. They shall be made aware of the specific areas that affect their positions prior to assuming job responsibility.

All civilian employees will receive pre-service and in-service training. All civilian employees of the department will receive on the job training to acquaint them with any particular procedures in their new assignments.

16. **TRAINING FOR CIVILIAN PERSONNEL:** Schedules of upcoming training programs will be forwarded to affected personnel. Approval of the course will be based on the needs of the department as well as the employee's goals, objectives, abilities and field of expertise. Remedial training will be required as needed.

17. **RELEASE OF TRAINING RECORDS:** No training record, or any information held in a training record of any member of the department, will be released to any outside agency without the permission of the Chief of Police.

UNIFORMS AND EQUIPMENT

General Order Number: **29.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department that officers shall wear uniforms that will be designated by the Chief of Police. Officers should present a good physical appearance at all times and reflect a positive image as police officers and representatives of the police department. The police uniform identifies the officer and makes him/her readily accessible to the public. Therefore, it is important that the officers of the Brookline Police Department maintain a neat and clean appearance, and that the department uniform serve as an appropriate introduction to the members of the community.

This policy and the following procedures pertain to all sworn members of the Brookline Police Department. If a department member does not fall under any category, the Chief of Police shall designate the clothing to be worn by said employee.

PROCEDURES:

1. UNIFORM OF THE DAY SCHEDULE:

A. WINTER UNIFORM: The winter uniform will consist of the long-sleeve shirt and tie, 8 point cloth hat, uniform pants, and either the uniform crew or V- neck sweater and turtleneck, or cruiser jacket, winter coat, Blauer Super shell jacket with Hi-Vis Crosstech fabric (No Substitution) or raincoat.

B. SUMMER UNIFORM: The summer uniform will consist of the short-sleeve shirt with open collar, 8 point cloth hat, uniform pants, three season jacket or raincoat. Long sleeve shirt and tie may be substituted due to weather conditions or by Special Order.

2. UNIFORM SPECIFICATIONS:

A. SHIRTS: Uniform shirts will be a permanent press, LAPD blue in color with permanent military creased front and back, and pleated pockets. Patrolmen will wear LAPD blue shirts, with silver BPD collar brass (SEE APPENDEX) on the shirt collars. Sergeants will wear LAPD blue shirts with gold BPD collar brass (SEE APPENDIX) on the shirt collars and gold chevrons, US Army style on both sleeves. Lieutenants and Captains will wear LAPD blue shirts; Chief will wear white, both with gold BPD collar brass on the shirt collars and gold rank insignia on the epaulets. The Department patch will be worn on the left sleeve one inch below the shoulder seam. Tee shirts worn underneath uniform shirts will be white.

1. **FLYING CROSS - MILITARY TROPICAL**

Long sleeve – LAPD blue - Men and Women
Short sleeve - LAPD blue - Men and Women

B. **PANTS:** Department uniform pants shall be police navy blue and will have ten pockets, 1 watch, 2 standard side, 2 small front (twister), 2 standard rear, 2 small rear (one club, one flashlight), and 1 book pocket on right leg. Listed below are the style of uniform pants for each rank and the approved manufacturers.

RANK:

1. **PATROL OFFICER** -vertical inlaid ¾ inch copenblue strip on outside of both legs.
2. **SERGEANTS** - vertical 1 inch black braid on outside of both legs.
3. **LIEUTENANTS** - vertical 1 inch black braid on outside of both legs.
4. **CAPTAINS** - vertical 1 inch black braid on outside of both legs.

MANUFACTURERS:

Flying Cross by Fechheimer 75/25 Poly/Wool, serge weave

C. **SWEATERS:** The department sweater style will be a police navy blue, V-neck or crew neck sweater, with department shoulder patch on left sleeve one inch below the shoulder seams, with epaulets, and a cloth badge holder. Patrolmen sweaters will have silver buttons; Sergeants and ranks above will have gold buttons. Sergeants will wear rank designations on the sleeves of the sweater. The sweater may be lined with Gortex. The uniform shirt, tie and collar brass must be worn under the V-neck sweater at all times and the sweater shall be worn under the gun belt and tucked in to permit access to equipment.

1. **BLAUER LIGHTWEIGHT** – V-Neck, Commando style, side epaulets, badge holder outside, dark navy blue.

2. **BLAUER LIGHTWEIGHT** – Crew Neck, Commando style, side epaulets, badge holder outside, dark navy blue.

3. **BLAUER HEAVYWEIGHT** – V-Neck, 100% Wool, epaulets with brass buttons, badge tab, dark navy blue.

4. **BLAUER HEAVYWEIGHT** - Crew Neck, 100% Wool, epaulets with brass buttons, badge tab, dark navy blue.

D. **JACKETS AND COATS:** All jackets and coats, with the exception of the

dress coat, will have the department patch on the left sleeve one inch below the shoulder seam. Patrolmen jackets and coats will have silver buttons; supervisory personnel will have gold buttons. Sergeants and ranks above will wear gold chevrons on both sleeves. Patrolmen will wear medium blue service bars; Sergeants and ranks above will wear gold service bars. The service bar will be centered on the outside of the sleeve, directly above the seam on the top of the cuff. Lieutenants and Captains will wear gold rank insignia on the epaulets, one-inch from the shoulder seam and parallel to the shoulder seam of the jacket or coat.

E. **SUPER SHELL JACKET BY BLAUER #9970-2 with Hi-Vis Crosstech Fabric, Navy blue** (NO SUBSTITUTION)

F. **WINTER COATS:** The coats listed below are a mid-length coat and are authorized for all personnel.

1. **BLAUER -** "Storm Coat", dark navy blue, full length- brass buttons, Scotchlite reflector package. Scotchlite reflector package.

2. **BLAUER** – Hood, to match storm coat.

G. **RAINCOATS:** Raincoats will be of the following manufacturers:

1. **FLYING CROSS** - full-length, reversible, black/hi-viz yellow

2. **FLYING CROSS** - hip length, reversible, black/hi-viz yellow.

All raincoats shall include 2½ inch lettering “Brookline Police” in semi-circle Design on the reflective side only.

H. **ALL WEATHER DRESS COAT:** with removable liner, police blue **(**Lieutenants, Captains, and Chief only)

I. **DRESS BLOUSE (DRESS UNIFORM):** Each officer is required to have a dress blouse. This dress blouse will be a four button, single-breasted coat, with notch lapels, two pleated patch flap pockets, two lower dummy flaps, matching shoulder straps and inside breast pockets. The dress coat will meet the following specifications:

1. Fechheimer Bros. Patrol Dress Coat –
2. Color: - Navy Blue.
3. Material: 14 – 14 ½ oz. weight, serge weave.

A. PATROL OFFICER: shall include the above, have brass buttons and 1/2 inch black braid stripes on each cuff

B. SERGEANTS: shall include the above, have brass buttons, 1/2 inch black braid stripes on each cuff and gold chevrons on the arms.

C. LIEUTENANTS: shall include the above, have brass buttons, add shoulder border with one gold star and one ½ inch gold braid stripe on each cuff.

D. CAPTAINS: shall include the above, have brass buttons, add shoulder border with two gold stars and two ½ inch gold braids on sleeve.

J. SHOES/BOOTS: All black, with no other colored markings. Shoes and boots will be of a laced style, with a plain toe (no holes). Shoes and boots must be capable of being polished and will be polished to a shine. When wearing low cut shoes, socks that are visible will be all black in color.

1. Rocky Eliminator – Black 8" lightweight winter boot – leather and cordura

K. TIE: black clip type ties, 3 ½" wide at the widest part, shall be worn by all officers when ties are required as part of the uniform of the day. Tie clasps, if worn, will be aligned with the buttons of the breast pockets of the uniform shirt. Sergeants and ranks above shall wear gold tie clasps.

M. GLOVES: May be worn when weather or work conditions dictate.

1. White gloves – cotton dress – snap fastener or plain pull on.

2. Black gloves –leather – deerskin with fur liner.

3. BERLIN # 0650-BIC - gloves – leather – unlined – form fitting.

4. BLAUER # GTX-9100 – waterproof – gortex with liner.

5. White mittens – 100% wool.

N. BADGES: Department badges issued after the effective date of this policy, Will be a Blackinton, Model # B-41 and will be worn on the left breast of the outermost garment. The issued department badge will have the Town of Brookline seal. Department hat badges will be a Blackington, Model # B-565. Patrolmen hat badges will be with cut out numbers on an open panel and Sergeants and ranks

above will be lettered with the designated rank on an open panel. Patrolmen will wear a silver badge and Sergeants and ranks above will wear a gold badge. All future purchases by officers will comply with the above specifications.

O. **HAT:** Uniform hats will have a 2-inch shiny visor; patrolmen will have a silver band and department issued silver hat badge. Sergeants will have a gold band and department issued gold hat badge. Lieutenants and above will have a ½ gold bullion band in front and velvet band on serge band. Captains and Chief will also include U.S. Army style gold leaf on visor.

1. Modern Uniform Cap – Model # 65 Visor – 8 point Police regulation, broadcloth or serge with band.

2. Blauer – Model # 9111 -Fur winter hat, to be worn with winter storm coat only.

P. **RAIN GEAR:** May be worn when weather conditions dictate.

1. **RAINPANTS:** SUPERSHELL RAIN PANTS, BLAUER #9972 With Hi-Vis Crosstech Fabric (NO SUBSTITUTION)

2. **RAIN CAP:** Flying Cross - Gortex reversible, black to hi-viz yellow.

Flying Cross - One piece hat cover/cape - reversible black to hi-viz yellow.

3. **RAIN BOOTS:** TINGLEY # 1500 black rubber, over the shoe, knee length with knee strap.

TINGLEY # 1300 black rubber – heavy duty with storm front.

R. **LEATHER GEAR:** Leather gear will include the issued Safariland 6360-219-061 holster as well as appropriate leather gear including but not limited to; handcuff case, double magazine holder opposite the officer's gun side, OC5 canister holder, radio holder, baton holder. When a duty belt is leather all accessories will be leather and when a duty belt is nylon all accessories will be nylon. Patrolmen will have a silver buckle. Supervisory personnel will have a gold buckle.

1. Don Hume – Model #B106 - Sam Browne style 2 1/4" leather duty belt with buckle.

2. Don Hume – Model #B111 - Garrison style belt 1 1/2" with buckle.

3. Nylon Style 2 "duty belt.

4. Nylon Pro 3 - Triple Retention Holster Michaels of Oregon - Model # 9521.

5. **BELT KEEPERS:** double snap – plain black –¾ wide – nickel or brass.

S. MOTORCYCLE UNIFORMS: Officers assigned to operate department motorcycles will wear the following uniform, which will include a white traffic belt or a three-season jacket.

1. **JACKET:** Supershell Jacket – BLAUER #9970-2 with Hi Vis Crosstech Fabric, navy blue**, (NO SUBSTITUTION)**

2. **BOOTS:** Black, custom made, calf-style, riding boot.

3. **HELMET:** Half-style, two tone blue, with visor – Super Seer # S-1602.

4. **PANTS:** Motorcycle pants will be a breech style pant, with one inch blue piping custom made to fit the individual officer and will be made to specifications and materials consistent with uniform pants listed in section 2-B of this policy.

5. **LEATHER GEAR:** Will be consistent with approved leather gear as described in Section R of this policy, and may be worn with a Sam Browne style shoulder strap.

6. **RAIN GEAR:** Same as Section Q of this policy.

7. **TRAFFIC BELT:** Reflective Hi-Vis Yellow (Traffic Officers Only)

T. COMMUNITY POLICING UNIFORMS: Officers assigned to Community Policing will wear the following:

1. **JACKET:** J. MARCEL, MODEL # ONY673 LILT, Olympic Bikewear, New York style two tone blue jacket, badge holder on left breast, white scotchlite "police" lettering on back of jacket.

2. **PANTS:** J. MARCEL, MODEL # OCP588 SUP, Olympic Bikewear, New York Style, navy blue pants.

3. **SHORTS:** ALLIT, MODEL # A100NV, navy blue, lined super shorts. MARCEL, MODEL # OHS147SUP, navy blue, Olympic hollywood shorts.

4. **SHOES:** Thorogood Roughriders black cycling shoe.

5. **SHIRTS: SUMMER:** Short-sleeve polo shirt, navy blue, with department badge embroidered on left breast, and white "police" lettering on back of shirt.

   WINTER: Long-sleeve polo shirt, navy blue, with department badge embroidered on left breast, and white "police" lettering on back of shirt.

6. **HELMET:** Snell Alpha Bicycle helmet with "POLICE" lettering on sides.

7. **HAT:** Baseball style, navy blue, with “POLICE” lettering on front.

8. **DUTY GEAR:** Duty Gear will include the issued triple retention holster, Michaels of Oregon, Nylon Pro 3, Model #9518 as well as appropriate nylon gear including but not limited to; handcuff case, double magazine holder, radio holder, ASP holder.

   a. Michaels of Oregon – Model # 877(6)(7)(8)-1, Ultra Duty Belt, 2 inch wide nylon web.

   b. Michaels of Oregon – Model # 878(1)(2)(3)-1, Ultra Inner Duty Belt, 11/2 inch wide double layer nylon web.

   c. Michaels of Oregon – Model # 8865-2, Nylon web belt keepers.

   d. Michaels of Oregon – Model # 8883-1, Nylon ASP holder.

   e. Michaels of Oregon – Model # 8836-1, Nylon Magazine holder.

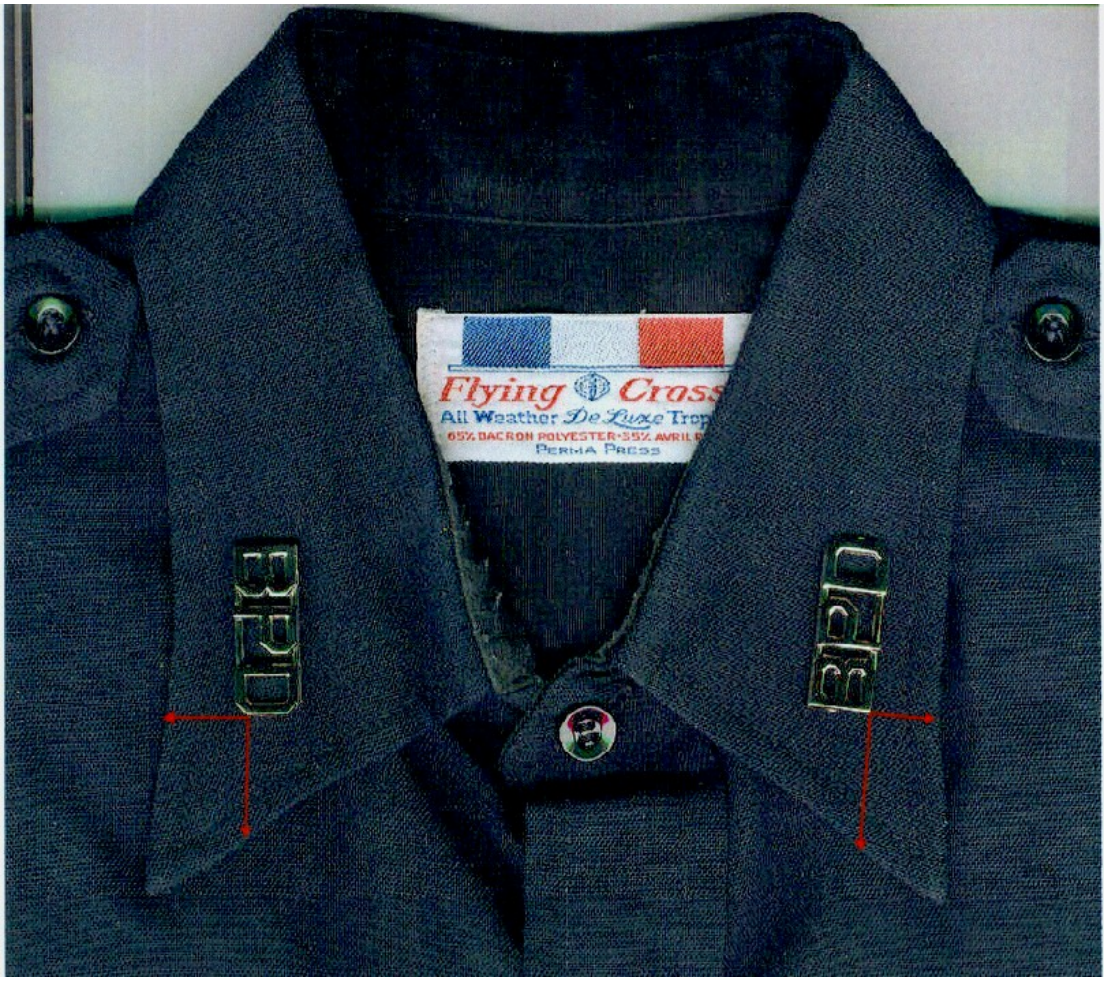
   f. Michaels of Oregon – Model # 8880-4, Universal radio case.

   g. Michaels of Oregon – Model # 8878-1, Nylon handcuff case.

DEPARTMENT ISSUED EQUIPMENT AUTHORIZED BY THE CHIEF OF POLICE:

A. Smith & Wesson Model M&P 40, .40 Cal.
B. Smith & Wesson Model M&P compact 40,. 40Cal.
C. Ammunition, 40.Cal, 180 grain, gold dot
D. Smith & Wesson Handcuffs, Model 100 Buff Nickel
E. Handcuff Case, Safariland SF-90
F. Oleoresin capsicum (SABRE Red-10%) peppermace w/case
G. Motorola Portable Radio
H. Duty holster, Safariland 6360-219-61
I. Administrative holster, Safariland # 6377
J. Administrative Single Magazine/Cuff holder, Safariland # 573-83-21
K. Double Magazine Holder, Safariland #77 –83-2HS
K. Monadnock 22” Baton # 9030 / 26” Baton # 9021
L. Department hat badge - Blackinton Model # B- 565 w/ Town seal
M. Department breast badge - Blackinton Model # B-41 w/ Town seal
N. Bullet Proof Vest – Level II or IIIA

APPENDIX



*All uniformed personnel shall wear the “BPD” collar emblems. BPD collar emblems are only to be worn on both collars of the shirt parallel to the bottom edge of the collar, one-half inch up from the bottom line and one inch in from the front edge of the collar.

Special insignias such as pins, flags, clover leafs and other ornaments are not to be worn on the hat or other uniform clothing, except those specifically authorized by the Chief of Police.

* General Order # 78-1, eff. 3/6/78.

USE OF FORCE

General Order Number: **30.2** ***Effective Date:*** **June 18, 2013**

POLICY:

The Brookline Police Department places the highest value on the life and safety of its officers and on the safety of the public. The department's regulations, policies and procedures are designed to ensure that this value guides officers in the use of force.

Officers are confronted daily with situations requiring the use of force to affect an arrest or ensure public safety. How much force is used, whether maximum or minimum is dependent upon the facts and circumstances surrounding the situation the officer faces.

Firearms are but one type of force that police officers are authorized to use in carrying out their responsibilities. In addition to firearms, Police Officers are provided with Expandable Batons and Oleo Resin Capsicum/Pepper Spray, Pepper Ball Launcher, Less Lethal Shotgun and Less Lethal Projectiles, which are issued and authorized by the Chief of Police.

All Officers of the Brookline Police Department shall use only force that is proper, reasonable and necessary on any particular occasion.

Members of the Department shall carry only those weapons assigned to them and authorized by the Chief of Police (M.G.L. c. 41, s.98) while on duty. These include paid police details, and appearances in courts. When an off duty officer activates him or herself, he or she shall behave in the same manner as when on duty.

No policy or procedure for deadly or less-than-deadly force can possibly cover every situation. Officers of the Brookline Police Department are expected to respond to all emergencies decisively, using the highest level of good judgment, restraint, and professional competence, and whatever level of **force may be necessary.**

Before an officer is authorized to carry any type of weapon, they will receive instructions in the department regulations, policies and procedures concerning the use of force. Officers receiving this instruction must satisfactorily show a working knowledge of the subject matter by way of practical and written testing. They shall use only those techniques and skills approved by the Brookline Police Department and the Massachusetts Police Training Committee. A bi-annual review and testing process will be conducted and documented by certified firearms instructors according to the approved training policy.

Prior to the issuance of any weapon to members of the Brookline Police Department, the Department armorer shall review, inspect and approve each individual weapon. If any malfunctions or defects are found or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified or the weapon shall be returned to the manufacturer for a replacement weapon.

DEFINITIONS: For these procedures the following definitions will apply:

DEADLY FORCE: Is that degree of force likely to result in death or serious physical injury. The discharge of a firearm toward a person is an example of the use of deadly force.

LESS LETHAL FORCE: Is the force that is neither likely nor intended to cause serious physical harm or death. This includes the use of approved defensive/physical tactics, less lethal shotguns, approved chemical substances, the K-9, the authorized baton or other less lethal weapons approved by the Chief of Police.

MINIMUM AMOUNT OF FORCE: The minimum amount of force is the least amount of force that is proper, reasonable, and necessary to achieve a lawful objective.

REASONABLE BELIEF: Are known facts and circumstances that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS BODILY INJURY: This is a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any body member or organ.

DEFENSIVE FORCE: The necessary infliction of physical battery to overcome violent resistance or to protect others from assault or injury.

RISK ASSESSMENT AND USE OF FORCE

Perceived Circumstances: The officers perception of the circumstances, based on the information available; including the severity of any crime, the existence of an immediate safety threat to the officer or others and the degree of compliance/non compliance from the subject.

Perceived Subject Action (s): The subject action (s) as perceived by a reasonable officer that designates the subject as either compliant or non-compliant.

Reasonable Officer Response: The balanced response (s) appropriate for the reasonable officer as selected from the Use of Force Continuum, in order to gain subject compliance and control.

PROCEDURES:

1. **AMOUNT AND DEGREE OF FORCE:** The amount of force used shall be no greater than is proper, reasonable, and necessary in a given situation. The amount and degree of force, which may be employed, will be determined by the facts and the surrounding circumstances, including but not limited to those listed here.

   A. The nature of the offense;

   B. The behavior of the subject(s);

   C. Actions by third parties who may be present;

   D. Physical odds against the officer;

   E. Safety of the general public;

   F. The feasibility or availability of alternative actions.

   Other factors to consider when using force include but are not limited to the following:

Age	Subjects actions	Training
Sex	Experience	Exhaustion
Size	Perceptions	Skill level
Disability	Prior knowledge	Environment
Special circumstances	Injury	Physical - Conditions

2. **CALL FOR ASSISTANCE WHEN POSSIBLE:** An officer acting alone may be required to resort to a much greater degree of force than would be necessary if another officer or officers had been present. Therefore, unless immediate action is required, an officer should call and wait for assistance whenever possible and appropriate.

3. **USE OF FORCE IN ASCENDING ORDER:** The use of force continuum is described below in ascending order from the least severe to the most severe measures. Whenever possible, an officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe level of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish his or her lawful objective or to protect himself or another from serious physical injury or death. Conversely, officers must never overlook the possibility of force de-escalation when appropriate.

   A. FORCE CONTINUUM:

   <u>Level One /Cooperative Controls</u>:

1. **Command Presence (Appearance & Communication):** The image that an officer conveys can in many cases influence the outcome of the situation. The officer should be neat and well groomed. He/She should be mindful of body language, always maintaining the highest level of vigilance. He/She should exude an aura of authority and ability.

2. **Dialogue / Persuasion:** Effective verbal communication can many times reduce or manage anxious, aggressive, or violent behavior. The appropriate uses of verbal persuasion can in some cases prevent and or minimize the need for physical force.

<u>Level Two /Contact Controls /</u> Passively Resistant Subject(s)
Escort/Compliance

1. **Initial (Light) Physical Tactics:** This application is appropriate when the subject's physical resistance is minor, not hazardous, and can be easily controlled. Examples of this are guiding an uncooperative subject into a handcuffing position, out of a vehicle, or into another room. Peaceful demonstrators refusing to comply with verbal commands would fall into this category.

<u>Level Three: – Compliance Techniques</u> / Actively Resistant Subject (s)
Chemical / Kinetic Force Compliance

1. **Chemical Substance (OC Spray, Pepperball Projectile Launcher):** Chemical substances should **not** be used if resistance is minor and not hazardous, or if **light physical tactics would achieve the same end.** Chemical substances may be used in self defense or defense of another. They may also be used to subdue a person who physically resists arrest or to discourage persons engaged in violent conduct. They may be utilized with the subject who resists initial physical contact, shows signs of imminent physical resistance, or when a physical confrontation would be necessary in self defense or in defense of another. **(Pepperball is an encapsulated projectile containing powdered cayenne pepper that is fired via a dedicated launcher.** The utilization of chemical substances may not be appropriate if such use could affect innocent bystanders particularly children.

<u>Level Four: – Compliance / Mechanical</u> / Assaultive/Threatening Subject(s)

1. **Baton:** The baton may be used by an officer in self-defense or defense of another. It may be used when necessary to subdue a person who physically resists arrest or to stop a person(s) engaged in violent conduct. It may also be considered when lesser methods have failed or would be obviously futile.

2. **Supersock/Less Lethal Flexible Projectile:** fired through a dedicated shotgun. It may be used when deemed necessary to subdue a person who

actively resists arrest or to stop persons engage in violent conduct. Its use may also be considered when lesser methods have failed or would expose an officer or other person to unnecessary danger. Examples of its use would be in the prevention of suicide by an armed individual (not armed with a firearm), or in the controlling of a violent or potentially violent EDP (emotionally disturbed person).

3. **Canine:** The Brookline Police Department recognizes that the use of a trained canine is a real or implied use of force. As such, K-9 officers may only use that **level** of force that is reasonable and necessary to achieve a lawful objective. The use of canines shall be consistent with the use of force guidelines as set forth in this policy.

Level Five:/ Deadly Force

B. **FIREARMS/DEADLY FORCE:** This is the use of issued and approved firearms and ammunition using approved training techniques. This will be done in compliance with criteria established by statute and case law. This may be used in self- defense or the defense of another.

4. PROHIBITIONS:

A. Force must not be continued after the purpose for which it was applied has been accomplished.

B. Under no circumstances shall an officer use or permit the use of force as a method of punishment or revenge.

C. Under no circumstances shall an officer use or permit the use of excessive force.

5. PROPER TRAINING: Officers shall not carry or use any weapon while on duty unless they have received proper training and authorization.

6. AUTHORITY TO CARRY AND / OR USE DEPARTMENT FIREARMS: Only those officers who have received specific training and demonstrated proficiency are authorized to use department-approved firearms, this shall include lethal as well as less then lethal weapons. They must have demonstrated proficiency by achieving minimum scores on a prescribed course, demonstrating knowledge of the laws concerning the use of firearms, and being familiar with safe-handling procedures. The necessary training shall be coordinated with the Training Division. All firearms training shall be in accordance with Massachusetts Police Training Committee standards.

A. No member of this Department will be authorized to carry any type of weapon until he or she has been issued a copy of and received instruction on the Department's Use of Force Policy. Each member shall sign a receipt indicating

that he/she has received a copy of this Brookline Police Department Use of Force Policy, which shall be maintained by the Training Division.

7. SAFE HANDLING / SECURITY- STORAGE OF FIREARMS: All officers shall be responsible for the safe handling of their firearms at all times. They shall ensure the security of their firearms at all times, both on-and off-duty. Weapons must be locked and secured as mandated by Mass. General Law so as to prevent theft and unauthorized access/accidental use. Issued firearms when not either on their person or secured properly in the police station must be stored by employing the department issued locking device. In the event the locking device is missing or malfunctioning, the officer will immediately notify the shift commander. The shift commander will then take appropriate action to secure the weapon and file a special report on the matter. Approved, off duty firearms, shall be stored in compliance with Mass General Law mandates. Officers may employ commercial locking devices on the firearm or secure the firearm in a locked container, while maintaining exclusive control over the same. If officers are unable to comply with this action they must immediately notify the shift commander. The shift commander shall take appropriate action to secure the weapon and submit a special report on the matter.

A. Administrative Unloading Procedure:

1. Officers shall remove the magazine from their weapon, while the firearm remains holstered..

2. Officers shall remove the weapon from it's holster, keeping their finger off the trigger and outside the trigger guard.

3. Officers will then secure the firearm.

B. Administrative Reloading Procedure:

1. Officers should holster the weapon, without the magazine.

2. Officer shall, while the weapon is holstered:

a. Insert the magazine into the magazine well;

b. Ensure that the magazine clicks into place;

c. Tug on the magazine to ensure that the magazine has seated properly

Each less lethal shotgun, not deployed, shall be stored in a designated gun locker in the Patrol Supervisor's room in a safe condition (i.e. safety on, action open, chamber and magazine empty). Flexible projectile rounds shall be stored and secured along with the weapon in the gun locker. These white translucent projectile rounds shall be marked on

the side with the words "Super Sock". They shall be marked on the tip in orange. The less lethal shotgun will have an orange colored stock to identify that the less lethal shotgun is used strictly for the orange tipped flexible projectile rounds.

8. **INSPECTION/RECORDS:** A certified firearms instructor or the department armorer shall inspect and approve all authorized firearms. A complete record of all approved firearms shall be maintained by the department armorer. All department issued firearms that require service shall be handled by the department armorer. Any unsafe firearms shall be removed from service and reviewed, inspected and approved by the department armorer prior to being placed back into use. The records shall be maintained on a computer program, "Department Equipment Inventory System" in the CAD system.

Every Thursday, the Third Platoon north side Patrol Supervisor shall conduct an inspection to verify that all shotguns, both deployed and secured, are stored in safe condition, as well as assure that the requisite numbers of marked flexible projectile rounds are accounted for. This inspectional information shall be recorded in the Department Equipment Inventory System in the CAD system using code 9082 – Weapons Inspection.

On the first Tuesday of every month, the Department Armorer or his or her second, shall inspect, clean and lubricate each weapon as needed. He/she shall maintain an inspection record in the "Department Equipment Inventory System" in the CAD system and note any and all actions taken. He/she shall have the record available for review by his/her supervisor at all times.

The Lieutenant assigned to the Office of Professional Responsibility will verify that the above inspections and records are maintained.

9. **FIREARMS TO BE CARRIED WHEN ON DUTY**: Members of the department shall carry **only** their assigned and authorized department issued weapon and **authorized** ammunition issued by the department whenever they are on-duty or in a compensated status (detail) in a manner consistent with the rules and regulations of the department. The Smith & Wesson M&P Pistol .40 shall be carried with 14 rounds in each magazine and 1 in the chamber (15 total). Spare magazines shall be loaded with 14 rounds of ammunition. The Smith & Wesson M & P .40 shall be carried with 10 rounds in each magazine and 1 in the chamber. Spare magazines shall be loaded with 10 rounds of ammunition. Other weapons authorized by the Department for Special Operations may be selectively issued to qualified personnel by a Superior Officer, if they are deemed necessary to ensure the safety and effectiveness of police operations. Officers armed with such weapons, shall use such weapons in accordance with the Rules and Regulations of the Brookline Police Department.

The Standard service firearms issued by the Brookline Police Department are:

A. Smith & Wesson Model M&P / 40 caliber semi-automatic pistol, using 40 caliber 180 grain semi-jacketed hollow point ammunition.

B. Smith & Wesson Model M&P Compact / 40 caliber semi-automatic pistol, using 40 caliber 180 grain semi-jacketed hollow point ammunition.

OTHER DEPARTMENT WEAPONS AVAILABLE ARE:

A. Colt AR-15 A3 Tactical Carbine Patrol Rifle / 223 caliber, using 223 cal-55 grain Tactical Load and 223 cal – 55 grain Ballistic Tip ammunition.

B. Remington 870 / 12 gauge Shotgun, using 12 gauge "SuperSock" / Bean Bag / Less Lethal Shotgun Shells.

C. Jaycor SA200 PepperBall Launcher, using red OC Projectiles, carrying OC Powder and green Dye Marker Projectiles carrying green dye marker and purple Training Projectiles carrying inert scented powder.

D. Springfield .410 / 22 "Varmint Gun", using 22caliber short hollow point ammunition and 410, 2 1/2in. 1/2grain shells. For use by the department Animal Control Officer.

E. S & W AR-15 Tactical Carbine Patrol Rifle / 223 and 5.56 caliper, using 223 cal-55 grain Tactical Load and 223 cal-55 grain ballistic tip ammunition

10. **AUTHORIZATION TO CARRY FIREARMS OFF DUTY:** Unless prohibited to do so by the Chief of Police, members of the department are authorized to carry the department-issued weapon with department-issued ammunition while off duty. Due to the high level of on-going training with the department issued firearm all members are authorized to carry the department issued weapon carried in the authorized holster, while off duty. This policy shall not be interpreted as restricting any member, who possesses a valid "License To Carry A Firearm" from carrying any firearm under conditions of law while off duty."

The use of a personal firearm by an off duty officer for any lawful and appropriate purpose shall not in and of itself be considered to be a grossly negligent act, and shall not in and of itself be cause for loss of personal indemnification by such officer.

11. **USE OF ALL FIREARMS OFF DUTY USE:** The policies and procedures contained in this chapter shall apply to the use of firearms regardless of the officer's duty status. It is the policy of the Brookline Police Department to authorize Brookline Police Officers to carry and possess issued or approved firearms, and other such weapons authorized by the Chief of Police, whether on or off duty. This authority, granted by the Chief of Police under G.L. c. 41s 98, is strictly limited to the following conditions and with the following restrictions.

A. If an officer becomes legally disqualified from possessing a firearm or license to carry, by virtue of an abuse prevention order or any other means, he or she shall immediately notify the on-duty commanding officer. He or She shall comply with any lawful request from another law enforcement agency, relating to the surrender of any department issued firearm.

B. Should any situation, event, or condition arise which affects an officer's ability, fitness, or suitability including to safely carry or possess a firearm, the officer must immediately report such situation to the on duty commanding officer. When necessary, the commanding officer will make arrangements to have department – issued firearm(s) secured. Additionally, the officer will be required to surrender any License to Carry firearms they possess and or personal firearms they possess at the request of the Chief or his or her representative.

C. Officer's must comply with the safe storage requirements of G.L. c. 140 s. 131L. When not under the officer's immediate control, all firearms must be secured and safely stored.

D. Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse, or theft.

12. **OFF-DUTY WEAPONS:** If an officer wishes to be indemnified by the Department for the potential use of a non-Department issued firearm while off duty, the officer must:

A. File an Off Duty Firearm Authorization Request seeking the Chief of Police's authorization to carry the firearm while off duty.

B. Submit the firearm to a Department armorer for inspection and function checking. The armorer shall ensure the weapon is clean and functioning properly by doing the following:

1. Observe the owner field strip his/her weapon and inspect all observable parts for cleanliness and lubrication.

2. Observe the owner reconfigure the weapon for use.

C. Demonstrate annual proficiency with the firearm to the satisfaction of a Department firearms instructor, who shall make a written record of the event. Any weapon found to be unsuitable by the Firearms Instructor/Armorer shall be excluded for approval.

D. Carry only Department approved ammunition in the authorized off duty weapon. A firearms instructor must approve such ammunition in writing.

E. Follow all the provisions of this policy when carrying the authorized weapon off Duty.

F. Notify the Training Supervisor in writing of any loss or sale of the weapon.

G. If the authorization is granted, the Training Supervisor shall record the make, Model and serial number of the weapon and place this information with other firearms records.

H. The officer must qualify with the weapon at the range **on an annual basis.**

I. Any officer who has not qualified with his/her approved off-duty weapon **may** not be indemnified by the department for any use of such weapon until such time as the officer has qualified.

J. The authority to carry or possess issued or authorized weapons by the Brookline Police Department may be immediately revoked upon an officer's suspension, discharge, or termination. Any department issued firearms and personal weapons, License to Carry (LTC) and Firearm Identification Card (FID) must be surrendered to a supervisor upon request. If their LTC or FID card is not from the Brookline Police Department, the Police Department where it was issued from will be notified.

K. Unless authorized by the department otherwise, when carrying issued or approved firearms, officers must carry a badge and police identification card.

L. Except for demonstration purposes at the Police Department's firearms range, officers shall not allow any non-police personnel to carry, shoot, or possess any department issued firearms.

M. Officers shall carry issued or approved handguns only in a suitable retention holster approved by the department armorer, of safe construction, and in good repair, so as to maintain control over the handgun and prevent its loss or accidental discharge.

N. Personnel assigned to the Firearms Training Unit and Department armorers may possess weapons in addition to the duty firearm, so long as such carrying, transportation, use, and possession is related to official duty and otherwise complies with all other department policies, procedures, rules, and regulations.

O. All other department policies, procedures, rules, and regulations apply to the off-duty carrying, possession, use, and storage of issued or approved firearms. This includes provisions relating to use of force and modifications to firearms.

13. USE OF UNAUTHORIZED OFF-DUTY FIREARMS:

A. This policy does not prohibit an officer who is off duty from carrying a firearm as authorized by the issuance of a License to Carry Firearms under M.G.L. c. 140 s. 131.

B. The use of a firearm that has not been authorized by the Department is done without the indemnification of the Department and the officer assumes all liability for such use.

14. **CARRYING WEAPONS WHILE IN PLAIN CLOTHES:** No member of the department dressed in civilian clothing shall carry his or her firearm in such a manner that will attract attention or will be in open view **unless** they are displaying their badge of office in close proximity to the firearm.

15. **DRAWING / DISPLAY OF FIREARMS:** Officers may draw or display their firearms at any time there is justification for its use to accomplish a proper police purpose. Any officer who unnecessarily draws or displays their weapon shall report their actions in compliance with Section 19 of this chapter.

16. **USE OF FIREARMS/DEADLY FORCE:** This section sets forth guidelines for Brookline Police Officers' making decisions regarding the use of deadly force. These procedures have been developed with serious consideration for the safety of both police officers and the public, and with the knowledge that officers must sometimes make split-second decisions in life and death situations.

A. Officers ***may not*** use deadly force, except to protect himself or herself or another person from imminent death or serious bodily injury.

B. Officers may discharge their firearms only when so doing will not unreasonably endanger innocent persons.

C. Officers ***may*** use deadly force to apprehend a fleeing felon when the following is met:

1. The felony involved the use or threatened use of deadly force,

AND

2. The escape would result in imminent death or serious bodily injury to the officer or another if apprehension is delayed.

D. Officers **shall not** discharge their firearms to threaten or subdue persons whose actions are destructive of property, or harmful only to themselves, unless such actions constitute an imminent threat of death or serious bodily injury to the officer or others.

E. Officers ***shall not*** discharge their firearms at a moving or fleeing vehicle unless there is an imminent threat of death or serious injury to the officer or others. The moving vehicle itself shall not constitute the threatened use of deadly force. This prohibition exists for these reasons:

1. Bullets fired at moving motor vehicles are extremely unlikely to stop or disable the motor vehicle.

2. Bullets fired may miss the intended target or ricochet and cause injury to officers or others, and

3. The vehicle may crash and cause injury to officers or other innocent persons if bullets disable the operator.

4. For these and other reasons, officers shall make all reasonable efforts to get out of the way of a moving motor vehicle.

5. As much as possible, officers should avoid placing themselves in proximity to the front or rear of a vehicle with an engine that is running.

6. Under no circumstances should officers intentionally place themselves directly in front of or behind of a motor vehicle with a noncompliant or irrational or "condition unknown person" at the wheel.

7. Officers should use any reasonable barrier for protection from a moving motor vehicle. Whenever possible, an officer should attempt to place substantial physical barriers between him/herself and the vehicle of suspected risk. Trees of substantive size, utility poles, concrete structures and other vehicles are often available to serve this purpose.

8. Firing to disable a vehicle is prohibited.

9. Firing at a fleeing vehicle, or a one that is leaving the scene and is no longer an imminent threat to the officer or others is prohibited.

10. An officer ***may use*** deadly force at a moving or fleeing vehicle if and when there is no other avenue of escape for the officer or other person in the path of the motor vehicle when they are being threatened with death or serious bodily injury. An officer **may also use** deadly force at a moving vehicle when the officer or others are currently being threatened with death or serious bodily injury other than the motor vehicle.

F. Officers **shall not** discharge their firearms from a moving vehicle.

G. Officers encountering a situation where the use of deadly force is necessary shall, if circumstances and safety considerations allow, issue a verbal warning first. The preferred verbal warning is **"POLICE - DON'T MOVE!"**

H. Officers approaching situations where they can anticipate a hostile, armed individual should attempt to first call for assistance, and then take a position of cover before encountering the individual.

17. WARNING SHOTS: Officers **shall not** fire warning shots or shoot to signal for help.

18. **FIRST AID/MEDICAL TREATMENT:** In an effort to minimize pain and suffering and further injuries, officers shall as soon as possible render first aid to individuals injured as a result of any and all use of force. Appropriate emergency medical transportation and treatment shall be obtained as appropriate and necessary.

19. **DUTY TO REPORT USE OF WEAPONS OR THE APPLICATION OF PHYSICAL FORCE:** A Special Report shall be submitted by an officer forthwith, subject to any constitutional rights the officer may have, to the Chief of Police and his/her immediate supervisor whenever:

A. An officer has used any lethal or non-lethal weapon or less lethal force as defined by the Department.

B. An officer has taken action that results in or is alleged to have resulted in an injury or death to another person.

C. An officer has drawn and brandished a firearm when dealing with a member of the public.

D. An officer discharges a firearm, for other than training or proper use at an authorized pistol range.

E. The officer's report should include, but is not limited to, the following:

1. State your perception at the time of the incident based upon your training and experience.
2. Be specific with regard to the force you employed, areas to which it was directed and why it was employed in place of other force options
3. Indicate the causes for your actions including all reasonable suspicions and probable cause.
4. Describe the subject's actions leading up to the use of force and quote the subject statements, directly if possible.
5. Quote your statements / commands as accurately as possible.
6. Be chronological
7. Describe the totality of the circumstances.
8. Include all witness statements.
9. Describe all actions after control was achieved.
10. Describe all post incident medical attention provided to the subject.
11. List any and all battery / injury inflicted upon you.
12. Describe any post incident medical attention provided to you.

20. **SUPERVISOR REPORT:** Supervisors shall submit a completed report on any incident involving the use of force by an officer. This report shall be completed by the end of his/her tour of duty and shall indicate if the use of force was consistent with department policies and department training.

21. **REVIEW BY COMMANDING OFFICER:** All reports referred to in Section 16 and 17 shall be forwarded to the officer's Commanding Officer, who shall review the matter.

22. **ALL REPORTS ARE TO BE FOWARDED TO THE CHIEF OF POLICE.** The Chief of Police will review the information and forward the report to the Internal Affairs Officer. Review by Internal Affairs should include, but not be limited to, determining whether or not the use of force was consistent with the Department Policy, Department Training, and officer and public safety. Annually a review of all submitted Use of Force - Special Reports, will be conducted by the Internal Affairs Officer, in order to determine if any; training needs, policy changes, trends, or patterns are revealed.

No reports shall be given to the media except as authorized by Department Policy.

23. **INVESTIGATION WHEN USE OF FORCE RESULTS IN A DEATH:** Whenever an employee uses force that results in a death or an injury that may result in a death, the Commanding Officer on Duty shall immediately notify the following:

A. Chief of Police

B. Superintendent

C. Captain of Detectives

D. Internal Affairs

E. Captain of Patrol

F. Norfolk County District Attorney's Office

G. Department Information Officer

The incident shall be investigated by the Detective Division, and the Norfolk County District Attorney's Office with oversight by the Office of Professional Responsibility. The weapon or weapons used shall be secured for examination.

24. **RE-ASSIGNMENT AFTER FORCE RESULTING IN DEATH OR SERIOUS INJURY:** When an employee has used force that has resulted in a death or serious injury, or when the discharge of his or her firearm has resulted in any injury, they will be immediately re-assigned to temporary administrative duty. This assignment shall remain in effect pending a review of the circumstances surrounding the incident. Such re-assignment shall not be considered punishment or any indication of wrongdoing. During this time of administrative re-assignment, post-incident debriefing and mandatory counseling for those involved will be administered.

USE OF INFORMANTS

General Order Number: **31.0** ***Effective Date:*** **November 25, 2008**

POLICY:

The Brookline Police Department recognizes the importance of confidential sources of information. Such sources are often a prerequisite to the successful solution of many crimes, as well as being important in other areas of investigation. They may provide information that results in the prevention of violence or disruption of public order.

The courts have long upheld the use of confidential sources as legitimate and necessary tools for law enforcement to solve crimes and prevent criminal activity. Each police officer should be cognizant of the role of the confidential source and the need to use the source properly.

The use of confidential informants requires detailed documentation and administrative control. All actions by the confidential informant must be carefully supervised to provide uniformity, accountability, and protection to personnel and the department in official actions with confidential informants, and will serve to enhance the effective use of confidential informants.

These procedures attempt a proper balance among several factors: law enforcement's dual needs to utilize information from sources within the criminal community and to protect the confidentiality of these sources, the justice system's requirement that police and prosecutors establish the credibility of informants, and the Police Chief's duty to ensure a system of accountability in the handling of informants.

GENERAL CONSIDERATIONS AND GUIDELINES:

1. Definitions:

A. Source of Information: Any person who provides information about criminal activity to the police department. This includes, but is not limited to, witnesses, other police officers, anonymous tips, and persons who may reveal information through casual conversation. These persons will not go through the accountability process listed in this procedure unless the officer or their supervisor involved with the source of information needs a record of credibility.

B. Informant: A confidential source who:

1. Provides information in exchange for monetary or other lawful consideration;

2. Provides information that's directed by the contact officer to perform certain lawful acts;

3. By their position or knowledge is solicited by the police department to provide information to which they have access;

4. Provides information about criminal activity in exchange for consideration in any criminal matters, which are or may be pending against them.

C. **Active Informant/Source of Information**: One who is currently supplying information. Any informant/source of information who has not supplied information for a one year-period shall be considered inactive.

D. **Contact Officer:** A police officer who maintains the ongoing professional relationship with a confidential informant. Any Patrol/other officer using an informant shall contact and be directed by the Captain of the Detective Division regarding proper procedure in using informants.

E. **Entrapment:** Activity on the part of a police officer on behalf of the police department that induces or lures an otherwise innocent person to commit a crime that they did not contemplate committing. It is the implanting of criminal intent in the mind of the person. Acts of persuasion, coercion, trickery, or fraud carried out by law enforcement officers or their agents to induce a person to commit a crime, which they would not otherwise commit.

PROCEDURES:

1. ACCOUNTABILITY PROCEDURES FOR SOURCES OF INFORMATION AND INFORMANTS:

A. When a member of the Brookline Police Department has developed a confidential source of information that they intend to use again as an informant, wants to document the use of a source of information, or wants to activate an inactive informant/source of information, the officer shall:

1. Complete a Special Report.

2. Submit the completed Special Report to the Chief of Police or designee and the Captain of the Detective Division.

a. The completed Special Report should contain:

1. Background information and necessary biographical data;

2. Criminal history and record, if any;

b. If the informant is to work solely for monetary gain, then the Special Report must also contain:

1. Recent photograph, and;

2. Fingerprints.

B. After receiving approval from the Chief of Police or designee for the use of the informant, the contact officer shall:

1. File the contact officer's copy of the Special Report in the informant file, which shall be kept in a locked file cabinet, located in the Brookline Police Detective Division.

2. Initiate instructions to informant. They shall explain the terms of the instructions to informant. Special attention should be given to entrapment and its definition.

The contact officer shall have the informant or source of information initial instructions and sign at the bottom, using his or her code name.

3. Each informant or source of information shall be advised of the warnings in the instruction on the following situations:

a. If they agree to do a controlled buy/introduction;

b. Whenever there is reason to believe that they are engaged in serious criminal activity.

The officer shall place his or her signature and the date on the rear of the instructions.

4. Each time an informant supplies information concerning an investigation to the contact officer, the officer will complete a report, containing a summary of the information received from the informant, whether or not the information is used at the time received, and a summary of any corroboration of the informant's information.

a. The original shall be retained by the contact officer in the informant file.

b. The copy will be forwarded to the Chief of Police or designee to be placed in the File.

5. Introduce the informant or source of information to a second officer, if possible**.** The informant or source of information should be given the name of the second officer to contact during the times that the control officer is unavailable. This is strongly advised and should be noted on the report.

6. Officers shall keep the Chief of Police or designee informed of relations and activities involving informants.

C. The Chief of Police or designee shall:

1. Determine the suitability of the informant or source of information and indicate approval or disapproval on the Special Report. If the Special Report is incomplete for any reason, the Chief of Police or designee shall weigh the importance to the investigation of the information the informant possesses against the value of the information missing from the Special Report in making their decision regarding the suitability of the informant.

2. If the Chief of Police or designee disapproves the use of the person as an informant, they shall list the reasons for disapproval in the Special Report.

3. If approved, file a copy of the report in the file; return the contact officer's copy to the contact officer. The file copy shall not contain the name, address, or other personal information that could reveal the informant's identity.

4. Ensure the security of the informant's file.

D. The Contact Officer shall assign an Informant Number and place it on the Special Report.

E. Exceptions to the above accountability process: A person offering information on a one-time basis in exchange for money may be reluctant to sign the instructions, and there may not be sufficient time for a Special Report to be signed and approved. In this case the Chief of Police or designee may approve the payment. The contact officer will obtain a receipt signed by the informant and will cause a Special Report to be completed with as much information as possible. An Informant Number will be assigned.

F. Dismissing Informants:

1. When behavior of an informant reduces their credibility or does not meet performance criteria, the contact officer will notify the Chief of Police or designee.

2. If the Chief of Police or designee determines that the informant should no longer be used, a memorandum indicating why the informant was deactivated will be placed in the informant's file.

3. The informant shall not be used again without the approval of the Chief of Police or designee.

G. The Chief of Police or designee shall maintain a secure Master File of all active informants or sources of information, and this information shall be located in a locked file in the offices of the Detective Division.

1. Each file in Master File shall contain the following:

a. The Master File Copy of the Special Report;

b. A copy of the instructions to informant;

c. Copies of all informant contact reports;

d. All confidential fund expenditure requests and receipts.

2. The informant's file shall be maintained for a minimum of ten years after the informant is inactive or disapproved.

3. PRECAUTIONS WITH INFORMANTS:

A. Officers are to seek and accept only that information which furthers investigative activities and law enforcement responsibilities.

B. The informant should be treated considerately, regardless of their character, education, or occupation.

C. The investigator should be scrupulous in the fulfillment of all ethical promises, which they have made.

D. The informant should never be permitted to take charge of any phase of the investigation.

E. Meetings with the informant should not be held at the police station, if possible.

F. The circumstances surrounding a meeting should not be repeated to the extent that a recognizable pattern is created.

G. The proper name of the informant should not be used during telephone conversations.

H. In correspondence with the informant, the police department should never be identified.

I. The contact officer should, whenever possible**,** meet personally with an informant of the opposite sex only in the presence of another officer.

J. The contact officer should attempt to determine whether or not the informant is being used by another law enforcement agency and/or officer, to prevent duplication of effort or conflicts.

K. In order to avoid the risk that the confidential informant's identity might have to be disclosed in court, or the prosecution dropped if it isn't, officers:

1. Should not permit the informant to participate in the criminal offense, unless absolutely necessary;

2. Should not permit the informant to be a witness of the criminal activity, which will result in charges being brought against the suspect.

L. The contact officer should attempt to establish the credibility and reliability of information supplied by the informant. Methods include, but are not limited to, assessing any information previously provided, checking with other law enforcement agencies for whom the informant provided information, corroboration of details by other informant or by police investigation, surveillance or the use of controlled test situations. All pertinent information supplied by an informant should be independently investigated. This is particularly important in the early stages of a relationship with an informant to assist in evaluating his or her credibility and reliability.

4. JUVENILE INFORMANTS:

A. A juvenile informant may only be used if:

1. Officers have met and discussed the involvement with at least one parent or guardian.

2. Officers have obtained written permission from at least one parent or legal guardian. In the case of a juvenile whose parents are separated or divorced, permission shall be obtained from the parent having legal custody.

B. When meeting with juvenile informants, two officers should be present.

5. CRIMINAL ACTIVITY BY AN INFORMANT:

A. Informants sometimes gain authority from police officers for participation in activity, which would otherwise be criminal. Such authorization must be carefully considered. Authorization for such activity shall be as follows:

1. The Chief of Police or designee only must approve, the use of an informant for activities, which would otherwise be criminal. The approval should only cover activities in which there is little danger of violence, or corrupt action by a public official is not involved.

2. When authorizing activity, which would otherwise be criminal, the Chief of Police or designee shall attempt to ensure the following:

a. There is minimal effect on innocent people.

b. The informant is not the primary source of technical expertise or financial support.

c. The informant's activity is closely monitored.

d. The informant does not directly profit from his or her participation beyond the plea agreement, or compensation provided by the department.

B. Unauthorized Criminal Activity by an informant shall be dealt with as follows:

1. Any officer learning of unauthorized criminal activity by an informant shall notify their Division Captain, who will in turn notify the Chief of Police.

2. The Chief of Police shall:

a. Decide whether or not to delay notification of appropriate law enforcement personnel.

b. Decide whether or not to request appropriate authorities to delay or forego enforcement action.

c. Decide whether or not to continue the use of the informant.

d. Decide whether or not to initiate criminal prosecution?

3. The Chief of Police or designee must contact the District Attorney's Office if they want to delay notification of law enforcement authorities, or request authorities not take action. Only after contacting the District Attorney shall the Chief of Police make the decision to delay such notification, or make such request and continue the use of the informant.

4. In determining whether or not to delay notification of authorities, the Chief of Police shall consider:

a. Whether the crime is completed, imminent or just beginning.

b. The seriousness of the crime in terms of danger to life and property.

c. Whether the crime is a violation of federal, state or local law, and whether a felony, misdemeanor or lesser offense.

d. The degree of certainty of the information regarding the criminal activity.

e. Whether the appropriate authorities already know of the criminal activity and the informant's identity.

5. Under no circumstances shall any officer take any action to conceal a crime by an informant.

6. CONFIDENTIAL FUNDING:

A. The police department will maintain a Confidential Investigations Fund, for the purposes of purchasing contraband and otherwise supporting intelligence operations.

1. Monies received from the Confidential Investigation Fund may be used only in the following manner:

a. Payment for information from informants for probable cause to acquire a search warrant or to make an arrest.

b. Purchase of contraband.

c. Expenses developing from an investigation where receipt of money from normal channels is not possible.

B. The accounting system, which documents confidential funding activities will be controlled and operated by the Chief of Police or designee.

C. All requests for expenditures from the confidential funding activities will be controlled and operated by the Chief of Police or designee.

D. Confidential funds will be paid to an informant only after the Chief of Police or designee has reviewed the amount to be paid the informant and the results of the informant's work.

E. An informant may be compensated for information given, services rendered, or expenses incurred. Compensation and accountability shall be as follows:

1. All plea-bargaining will be conducted by a representative from the District Attorney's Office. All agreements will be placed in writing and entered into the informant's file.

2. Cash payments will be made as follows:

a. All informant payments should require two officers present. The informant will fill in his or her code name and the amount of the payment on the Confidential Fund Expenditure Report. He or She will also sign his/her code name. This receipt shall then be signed by the witnessing officers. The original shall be placed in the Master File; one copy shall be retained by the contact officer in the informant file.

b. All informants must sign the Confidential Fund Expenditure Receipt when receiving confidential funds. The informants can sign their code name to the receipt.

c. The receipt must be completed in full, listing the reasons the informant is being paid, by whom, and a brief summary of the investigation.

d. Security of Confidential Funds Records. All completed Confidential Fund Expenditure Forms shall be treated as security-sensitive information, and shall not be disclosed to unauthorized personnel.

e. Any payment over five dollars requires a receipt signed by an informant. All cash payments, and any other items purchased for

an informant's personal benefit, must be recorded in the informant's file.

f. If practical, money will not be paid until the case is completed or the informant is checked.

g. All transactions in which an informant receives funds for the purpose of purchasing goods or contraband will be witnessed by two officers, and:

1. The informant will be thoroughly searched preceding the buy. If the informant's vehicle or residence is utilized in the investigation, a thorough search will also be conducted of those areas to which the informant has access.

2. The informant will be given funds, which have been recorded by serial number, for the purchase of any contraband. The informant shall not purchase any contraband with his or her personal funds. To avoid error, all personal funds should be taken from the informant prior to contact with the suspect. The personal funds shall be returned to the informant immediately after the purchase.

3. When possible, constant surveillance will be conducted of the informant after the search and until they meet with observing officers.

.**4.** After the purchase, the informant shall then be thoroughly searched again. All evidence and narcotic funds will be retrieved from the informant. When possible, the entire process should be accomplished by the contact officer

5. The informant shall be thoroughly debriefed, and information recorded regarding a complete description of the suspect and a detailed account of all circumstances and conversations involved in the transaction, and any other facts that may be of importance.

7. ACCOUNTING PROCEDURE:

A. The Chief of Police may establish an accounting system for Confidential Funds Account. This shall consist of a bound ledger book with sequentially numbered pages and the following entries in it:

1. The informant's number only (no names);

2. Date of transaction;

3. Reason for the transaction;

4. The debit or credit made; and,

5. The balance of the account.

B. The account ledger book should run from January 1st. to December 31st. and should be balanced monthly. Further, an annual audit should be performed by the Division Commander of the Detective Division, who will review all receipts to ensure their accurate documentation and transfer of information to the account ledger book. A report of the audit will be submitted to the Chief of Police.

C. Departmental funds will not be used for personal use, nor will they be mixed with personal funds.

D. All department funds will be produced upon demand.

Brookline Police Department

Instructions to Confidential Sources of Information

Control Number:_____ **DOB:** _____

Assumed Name: _____ **POB:** _____

INSTRUCTIONS: The contributor named above will read each statement. The contributor will be told the purpose and the content of each statement as it relates to the role of the information contributed or to the Brookline Police Department. The contributor will acknowledge the understanding of each by affixing his/her initials at the end of each question. Should there be **any** question by any person witnessing the reading and initialing of each statement regarding the contributor's understanding, the process will be halted and the statement will be further explained.

1. I understand that I am not privileged to violate the law while providing services for the Brookline Police Department. _____

2. I understand that I am not to disclose to anyone that I provide services for the Brookline Police Department. _____

3. I understand that I am not to carry documents or equipment that may cause another person to believe that I am a police officer. _____

4. I understand that I am not to affect an arrest for any violation of the law as part of my services to the Brookline Police Department. _____

5. I understand the law regarding entrapment and I understand that I am not to participate in any activity that involves the entrapment of another. _____

6. I understand that I am not a police officer, nor am I an agent of the Brookline Police Department. _____

7. I understand that I am not to use my services to the Brookline Police Department to resolve personal matters. _____

8. I understand that I am to stay in close and frequent contact with the Brookline Police Department's assigned investigator while assisting that agency. _____

9. I will immediately report to the investigator any contact I may have of any nature and in any capacity, with any other law enforcement officers. _____

10. I understand I may request that a representative of the Norfolk County District Attorney's office be advised of my cooperation. _____

CI's Assumed Name Signature: _____ Date: _____

Contact Officer's Signature: _____ Date: _____

Alternate Contact Officer's Signature: _____ Date: _____

VICTIM/WITNESS ASSISTANCE

General Order Number: **32.0** ***Effective Date:*** **November 25, 2008**

POLICY:

It is the policy of the Brookline Police Department to show appropriate concern for victims and witnesses of crimes. Often in the past, police departments have devoted most of their attention to apprehending and prosecuting offenders and thus overlooked the victim or witness until they are needed to testify at trial. If victims and other witnesses are subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement agencies. The effect of halfhearted cooperation on investigations and subsequent prosecutions can be devastating.

By increasing awareness of this situation, our goal is to foster a better relationship between the police and the victims/witnesses. Proper maintenance of this relationship will help the victim or witness cope better with the crime and further the notion of the police department as a community-oriented agency, while at the same time greatly increase victim/witness cooperation in matters being investigated and prosecuted.

DEFINITIONS:

VICTIM: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property. Also regarded as victims are (1) a spouse, child, parent, or legal guardian of a minor victim and (2) a spouse, child, sibling, parent, or legal guardian of a homicide victim. (The definition excludes any person involved in a crime as a perpetrator or accomplice.)

VICTIM ADVOCATE: A person authorized by the agency to assist victims in specified ways. Such advocates may be agency members (sworn or nonsworn) or volunteers (unpaid citizens).

WITNESS: A person who--as determined by the law enforcement agency--has information or evidence relevant to the investigation of a specified crime (all felonies, all misdemeanor crimes against persons, and, upon the recommendation of the responding officer, other crimes). When the witness is a minor, the term "witness" includes an appropriate family member. "Witness" includes neither defense witnesses nor anyone involved in the crime as a perpetrator or accomplice. All victims are witnesses.

PROCEDURES:

1. **RIGHTS OF VICTIMS AND WITNESSES-GENERAL GUIDELINES:** Victims and witnesses of crimes they reported have the following statutory rights:

   A. Timely notification of:

      1. Court appearances;

      2. Continuances; and

      3. Final disposition of case.

   B. Prompt disposition of the case.

   C. Information and assistance regarding:

      1. Witness fee;

      2. Restitution;

      3. Victim of Violent Crime Compensation (Mass. Gen. Law, Chap. 258A);

      4. Employer & Creditor's Assistance;

      5. Level of Protection available;

      6. Social Services;

      7. Inmate Status;

      8. Transportation and Child Care;

      9. Prompt return of property; and

      10. A secure waiting room.

   D. In felony cases and cases involving vehicular homicide, these additional rights apply:

      1. Timely notification of time and place of sentencing; and

      2. The opportunity to inform the court, orally or in writing, of the impact of the crime (Mass. Gen. Law, Chap. 279, Sec.4).

In general, all officers of the police department shall treat any victim or witness of a crime with fairness, compassion, and dignity. The police department is committed to fully cooperating with the District Attorney's office and their victim/witness assistance program.

2. **ROLE OF DOMESTIC VIOLENCE OFFICER(S) - VICTIM/WITNESS:** It shall be the responsibility of the Domestic Violence Officer(s) to act as liaison between victims and witnesses of crime and the Victim/Witness Service Bureau of the Norfolk County District Attorney's office to ensure that all victims and witnesses are notified of their rights.

A. The Domestic Violence Officer(s)) shall have the authority and responsibility necessary to administer and coordinate the role of the police department in victim and witness assistance services. They shall work in conjunction with the department Training Division, to coordinate dissemination of new information or policies.

B. As liaison between other victim/witness assistance resources, they shall ensure that referrals of victims and witnesses to other criminal justice agencies and governmental and non-governmental agencies are based upon an accurate and up-to-date knowledge of the services being offered by these agencies. They shall also maintain an ongoing channel of communication by which to offer and receive suggestions about how the police department and outside sources can work together to better serve victims and witnesses. This liaison may be initiated by letter, by phone, or in person.

C. To keep the information on the various service agencies current, they shall contact the Victim/Witness Services Bureau at least once a year to check on any changes in the lists of any agencies providing service. Should changes be necessary, they shall contact the Department Training Division, who shall inform personnel regarding these changes.

D. The Domestic Violence Officer(s) shall ensure that these procedures are also followed:

1. Monitor the implementation and delivery of victim/witness assistance services by department personnel;

2. Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law; and

3. Inform periodically the public and the media about the victim/witness assistance services offered.

3. TRAINING OF NON-SWORN PERSONNEL:

A. The designee shall inform all newly-hired non-sworn employees, through the Department Training Division, of those programs available inside and outside the police department that provide victim/witness assistance. Further, at least once every two years the designee shall conduct a review of departmental policy and the listing of resources available with each non-sworn employee.

B. When changes occur in police procedure or in the resources available, the designee shall coordinate with the Department Training Division to issue a training bulletin to all non-sworn personnel updating these changes.

C. Any non-sworn communication center personnel, and any other non-sworn employees directly involved in agency victim/witness assistance efforts, shall receive training in victim/witness rights commensurate with their roles in this process. It shall be the responsibility of the Department Training Supervisor and the designee to provide said training in accordance with standards set forth by the Massachusetts Criminal Justice Training Council.

4. TRAINING OF SWORN PERSONNEL:

A. All full-time sworn employees of the police department will receive training in victim/witness rights during their initial police academy training. Periodically training will be conducted by the Training Division, to update employees regarding new information or policy change.

B. Sworn personnel directly involved in agency victim/witness assistance efforts shall receive training in victim/witness rights commensurate with their roles in the process.

5. PATROL OFFICER/DEPARTMENT PROCEDURE-24-HOUR REFERRALS:

A. Whenever a patrol officer encounters during the course of duty a victim/witness of a crime, the patrol officer shall, if requested, provide the victim/witness with the phone number of the Brookline Police Department for 24-hour information/referral purposes. This number may also be used by the victim/witness if he or she requires an emergency police response or additional police assistance.

B. If the Brookline Police Department is subsequently contacted by the victim/witness for information regarding services such as medical attention, counseling, and emergency financial assistance, beyond the scope of those the police provide, the department will provide the name and telephone number of agencies within Brookline that can provide the needed service.

6. **ABUSE CASES:** The above procedure will apply for all cases with the exception of domestic disputes under Mass. Gen. Law, Chap. 209A. See department policy and procedure on DOMESTIC VIOLENCE.

7. **RESPONSE TO INTIMIDATION OF VICTIMS/WITNESSES:**

A. Whenever an officer becomes aware of victim/witness intimidation, the officer shall:

1. Immediately notify the Patrol Supervisor, who shall provide appropriate assistance to arrange for the safety and protection of the victim or witness. Such assistance will be dictated by the nature of the case and the resources available, and is commensurate with the danger faced by the victim/witness. The officer and their supervisor will ensure the safety of the victim/witness, using whatever means necessary.

2. Officer shall conduct an investigation and seek to arrest the person for the intimidation of the victim/witness.

B. When the victim/witness is located outside the jurisdiction of this police department, and personnel of this department become aware of danger to a victim/witness, the officer shall immediately contact the police agency servicing that area and advise them of the situation and request that the necessary precautions be taken. The officer shall promptly attempt to alert the victim/witness to the possible threat, and indicate as well that the local police have been notified. They shall also notify the department prosecutor of the situation so that appropriate action can be initiated in the courts.

8. **PRELIMINARY INVESTIGATIONS:** The nature of the contact between police officers and a victim/witness during the preliminary investigation may be critical in determining the victim/witness' cooperation, or lack thereof, in the course of an investigation and prosecution. For this reason, officers conducting preliminary investigations shall provide the following services:

A. Give the victim/witness information regarding applicable services such as counseling, medical attention, compensation programs, emergency financial assistance, and victim advocacy.

B. Advise the victim/witness on what to do if the suspect or the suspect's companions or family threaten or otherwise intimidate him or her.

C. Inform the victim/witness about the case number and subsequent steps in the processing of the case.

D. Provide the victim/witness with a telephone number to call in order to report additional information about the case or to receive information about the status of the case.

E. Officers assigned to abused person's cases shall give the victim notice of applicable rights by handing the victim a copy of those rights in English and Spanish as they appear in Mass. Gen. Law, Chap. 209A, Sec. 6, **AND READING** the victim those rights in English. If the victim does not speak English but another language, the officer shall make every reasonable effort to obtain an interpreter, at the earliest opportunity.

9. FOLLOW-UP INVESTIGATIONS: Those patrol officers or investigators assigned to conduct the follow-up investigation shall provide the following services:

A. If, in the opinion of the follow-up investigators, the impact of a crime on a victim/witness has been unusually severe and has therefore necessitated above-average victim/witness assistance, the officer(s) assigned the investigation shall recontact the victim/witness within 24 hours of initial contact, and periodically thereafter, to determine whether the needs of the victim/witness are being met.

B. If not an endangerment to the successful prosecution of the case, the investigator(s) shall explain to the victim/witness the procedures involved in the prosecution of the case and their role in those procedures.

C. If possible, investigators shall schedule all line-ups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the department, provide transportation as well.

D. If feasible, the investigator(s) shall return promptly victim/witness property taken as evidence (except for contraband, disputed property, or weapons used in the course of the crime), where permitted by law or rules of evidence.

E. Inform the designee of the need to have a victim/witness advocate from the Victim/Witness Service Bureau of Court/County District Attorney's office assigned to assist the victim/witness in the course of the investigation. The investigator(s) shall also maintain contact with the court advocate during the investigation to remain informed as to the state of the victim/witness.

10. PROCEDURE AFTER ARREST/PROCESSING OF SUSPECT:

A. Upon the arrest of a suspect, the investigator or their designee shall notify the victim/witness of the arrest that has been made, the charges being brought against the arrestee, and the arrestee's status, whether they are out on bail or incarcerated.

B. Should the status of the arrestee change, the investigating officer or their designee involved shall notify the victim/witness of the change.

11. DEATH OR SERIOUS INJURIES IN THE DEPARTMENT: Police work is inherently dangerous. Therefore, while each officer hopes that neither death nor serious injury will occur while on duty, it is still a possibility. Should any officer of this department be killed or seriously injured on duty, the Chief of Police shall be notified immediately. It shall be the duty of the Chief of Police, or their designee in the absence of the Chief, to do the following:

- **A.** Notify family members in a timely and personal manner.
- **B.** Assist the family at the hospital.
- **C**. Offer support for the family at the funeral and burial.
- **D.** Help the family with legal and benefits matters.
- **E.** Arrange/provide counseling for the family on financial or other matters.
- **F.** Support the family during criminal proceedings, if any.
- **G.** Keep in long-term contact with the family to see that their needs are being met.

12. DEATH OCCURRING TO DEPARTMENTAL EMPLOYEE'S OTHER THAN A POLICE OFFICER: Should someone other than a police officer be killed, the Chief of Police or his or her designee shall be notified immediately. The Chief of Police or their designee shall notify the Commanding Officer - Platoon on Duty to take charge and have the following procedures followed:

- **A.** Notify family member(s) in a timely and personal manner.
- **B.** Assist the family at the hospital.
- **C.** Whenever possible, assistance should be obtained from the clergy or a relative.
- **D.** These procedures should also be followed when notification requests are initiated by other agencies.
- **E.** Deaths resulting from accidents or non-accident situations will be treated in the same manner.

13. REVIEW OF STATUTORY PROVISIONS ON VICTIMS/WITNESSES: All officers should read Mass. Gen. Law, Chap. 258A, Compensation of Victims of Violent Crimes, and Chap. 258B, Rights of Victims and Witnesses of Crimes, for a detailed review of statutory provisions. If changes occur in these statutes, the Domestic Violence officer(s) shall coordinate with the Department Training Division to familiarize all members with these changes.

DOMESTIC VIOLENCE

General Order Number: **33.1** ***Effective Date:*** **March 9, 2010**

PURPOSE: The purpose of this policy is to establish guidelines for police intervention in acts of domestic violence and abuse.

POLICY: Among the most difficult and sensitive calls for police assistance are those involving domestic violence. A pro-active approach must focus on victim safety. The touchstone must be a policy of "zero tolerance" on all incidents of domestic violence. When responding to a domestic disturbance, officers must be both alert and impartial, and must be concerned with the needs of victims where domestic violence is apparent or alleged. At the same time, officers must always anticipate the unexpected. What appears to be a dispute of a minor nature may quickly escalate into a conflict of dangerous proportions because of the potentially violent nature of such incidents. Domestic violence situations are often characterized by anger, frustration, intense emotion and a batterer's attempt to control household members. These feelings can easily be directed against the responding officers who can suddenly become the focus and target of ensuing violence. It is not unusual for aggressive outbursts within families to lead to serious bodily injury or even death. For this reason, whenever possible, at least two police officers should be assigned to a domestic violence situation.

M.G.L. Chapter 209A Section 6: **ABUSE PREVENTION LAW**: Whenever any law enforcement officer has reason to believe that a family or household member has been abused or is in danger of being abused, such officer shall use all reasonable means to prevent further abuse. The officer shall take, but not be limited to, the following action:

A. Remain on the scene where the abuse occurred or was (or is) in danger of occurring, as long as the officer has reason to believe that at least one of the parties involved would be in immediate physical danger without the presence of a law enforcement officer. This shall include, but not be limited to remaining in the dwelling for a reasonable period of time;

B. Assist the abused person in obtaining medical treatment necessitated by an assault, which may include driving the victim to the emergency room of the nearest hospital, or arranging for appropriate transportation to a health care facility, notwithstanding any law to the contrary;

C. Assist the abused person and dependent children in locating and getting to a safe place, including but not limited to a designated meeting place for a shelter or a family member's or friend's residence (or a similar place of safety). The officer shall consider the victim's preference in this regard and what is reasonable under all the circumstances;

D. Give abuse victims immediate and adequate notice of their rights by handing them and reading a form detailing their rights (see attached); where said person's native language is not English, the statement shall be then provided in said person's native language whenever possible.

E. Assist the abused person by activating the emergency judicial system (unless some other procedure has been established) when the court is closed for business;

F. Inform the victim that the abuser will be eligible for bail and may be promptly released;

G. Arrest any person the officer witnesses or has probable cause to believe has violated a temporary or permanent vacate, restraining, or no-contact order or judgment;

H. Where there are no vacate, restraining or no-contact orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person:

1. Has committed a felony; or

2. Has committed an assault and battery in violation of M.G.L. c. 265, s. 13A; or

3. Has committed a misdemeanor involving abuse.

NOTE: Arrest for a misdemeanor not committed in an officer's presence is a statutory exception to the long-standing rule, which limits misdemeanor arrests to those committed in the officer's presence. Officers are authorized to arrest for past misdemeanors not committed in their presence, so long as the officers have probable cause to believe that a misdemeanor involving "abuse" has occurred.

For the purposes of this law, "abuse" is defined as the occurrence of one or more of the following acts between family or household members:

a. attempting to cause or causing physical harm;
b. placing another in fear of imminent physical harm;
c. causing another to engage involuntarily in sexual relations by force, threat, or duress.

The safety of the victim and any involved children shall be paramount in any decision to arrest. Any officer arresting both parties is required by law to submit a detailed written report in addition to an incident report, setting forth the grounds for dual arrest. (Dual arrests, like the issuance of mutual restraining orders, trivialize the seriousness of domestic abuse and increase the danger to its victims.)

Officers investigating an incident of domestic violence shall not threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

Regardless of arrest, whenever an officer investigates an incidence of domestic violence, the officer shall immediately file a written incident report. The victim shall be provided a copy of the full incident report at no cost, upon request to the police department.

Family or household members (this includes same sex relationships) are persons who:

1. are or were married to one another;

2. are or were residing together in the same household;

3. are related by blood or are or were related by marriage;

4. have a child in common regardless of whether they have ever been married or lived together; or

5. are or have been in a substantial dating relationship as determined by a court. (See "Procedures" below regarding criteria courts use and officer's role in assisting court in making such determination.)

Chapter 209A specifically provides that police shall make a warrantless arrest of a person whom the officer has probable cause to believe has committed a misdemeanor by violating a temporary or permanent vacate, restraining or no contact order or judgment. (M.G.L. c. 276, s. 28.) **Even if the victim is unwilling to bring a complaint against the alleged abuser, officers are directed to arrest where probable cause exists.** (Note: while M.G.L. c. 276, s. 28 concerning arrests without a warrant for a violation of certain statutes, among which are listed Chapter 209 A, uses the word "may", this is superseded by the provisions of Chapter 209 A which specify that officers "shall" make such a warrantless arrest.)

Additionally, the trespass law - M.G.L. c. 266, s. 120 has been amended by including within its scope a violation of a vacate order issued pursuant to M.G.L. Chapter 208, s. 34B, or M.G.L. c. 209A.

An officer may arrest and detain a person charged with a misdemeanor, without having a warrant for such arrest in his possession, if the officer has actual knowledge that a warrant then in full force and effect for the arrest of such person has, in fact, issued. (M.G.L. c. 276, s. 28.)

According to Chapter 403 of the Acts of 1990: "No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide policy

as established by the Secretary of Public Safety".

PROCEDURES

1. **RESPONSE**: The unique nature of domestic violence situations requires that an officer immediately proceed to the place of the dispute. The dispatcher shall check the department CAD system and the WMS / BOP / Firearms Database system for previous incidents, existing orders, and the possibility of a resident possessing a License to Carry firearms and/or Firearms Identification Cards at the location that the officer is responding to. If possible, a second officer should also be dispatched to the scene.

A. The initial contact by the responding officers must convey a professionally calm and helpful attitude.

1. The officers shall state their reason for being present.

2. They must be considerate and attentive toward all parties and their problems regardless of the officers' own view or personal reactions toward the matter.

3. Upon entering, they shall prevent the physical movement of the parties as much as possible and control their access to any potential weapons.

B. Officers are authorized by Chapter 209A to transport victims of domestic violence to the emergency room of the nearest hospital with approval of a supervisor. However, the preferred method of transportation is via ambulance and the officer shall activate EMS, or if the victim is not seriously injured, in their own vehicle or that of a friend.

C. The responding officers must take immediate control of the situation and should separate the parties to prevent any violent action. However, if there are two officers present at the scene, they should remain within view of each other to avoid any subsequent allegations of mistreatment.

D. The use of alcohol and drugs, or a condition of mental illness, can aggravate a domestic violence situation, requiring far greater patience on the part of the responding officers.

E. The provisions of Chapter 209A impose specific responsibilities upon the police in regards to a domestic abuse situation. All officers are expected to be thoroughly familiar with the contents of this statute (as amended from time to time) and to act in accordance with this Brookline Police Department Policy.

F. M.G.L 209A Section 6 (7) makes reference to situations where there are no vacate, restraining orders, no contact orders, or judgments in effect and states that arrest shall be the preferred response whenever an officer has probable cause to

believe that a person has committed a felony; assault & battery in violation of M.G.L. 265 Section 13A; or has committed a misdemeanor involving abuse.

2. **DEPARTMENT POLICY:** The policy of the Brookline Police Department in regards to the situations outlined in Section II, Response, is that an arrest **shall be made** when the officer has probable cause to believe that a person has committed a felony or a misdemeanor involving abuse and whether or not a restraining order, no contact order or judgments have been issued by the court. When after developing probable cause and the suspect is no longer at the scene, the officer shall make every effort to affect an arrest. This shall include:

A. Activating the Emergency Response Judicial System;

NOTE: If a victim is unable to appear in court because of severe hardship due to the victim's physical condition, officers can seek an order by contacting the court. A representative may appear in court on behalf of the victim to seek an emergency or temporary order. Officers shall advise these victims that a representative may appear on their behalf.

B. If the suspect cannot be located, an application for an arrest warrant shall be made as soon as is practical;

C. If appropriate, Officers may make an application for an oral warrant from the On-Call Judge.

D. When probable cause to arrest exists, and the suspect has fled the scene:

1. The officer will have the dispatcher advise area patrols, including other jurisdictions where the suspect is believed to be going, in order for those patrols to attempt to locate and arrest the suspect.

2. One police department's statement that probable cause to arrest exists shall be honored by another police department. The second department shall immediately attempt to affect the arrest as requested by the investigating department.

3. When probable cause exists to believe a crime involving abuse occurred, it is **not** proper procedure to advise the victim to seek complaint applications on his or her own.

4. The Commanding Officer – Platoon on Duty shall see that this information is included in the shift briefing report until such time as the subject is formally charged.

5. All warrant information is to be passed on to the Detective Division and/or Domestic Violence Unit, who shall coordinate the follow up investigation and service of the arrest warrant.

3. INVESTIGATION: Officers responding to domestic violence calls should conduct an investigation, including interviewing children, neighbors and other potential witnesses. Keep in mind that the same standards for probable cause apply to domestic violence offenses as for any other crimes.

A. When investigating a report of domestic violence, officers should observe the following guidelines:

1. Officers may enter private premises at the request of someone in lawful control of the premises, or to enforce the provisions of a protective court order or to take reasonable measures to prevent any further abuse under the authority of M.G.L. Chapter 209A.

2. Officers may enter private premises where there is probable cause to believe that a felony has been or is being committed or that there is imminent danger of violence, which could result in death or serious physical injury or where a breach of the peace has been committed in the officers' presence.

3. Officers must leave if both parties request that they do so unless there is probable cause to believe that a felony has been committed or that their continued presence is necessary to prevent physical harm or to carry out the provisions of M.G.L. Chapter 209A.

4. "Private premises" includes a house, an apartment, a condominium, a hotel room, a mobile home, a dormitory room or a house trailer.

B. In attempting to ascertain the facts in the dispute, the officers should allow each party to present his or her story individually, avoiding any unnecessary interruptions or undue interference by either party. While keeping all parties and officers in view, separate the parties sufficiently to allow each to relate matters to an officer without being overheard by the other party.

C. To deal with the situation, the officers must ask pertinent questions, and certain fundamentals must be followed:

1. Obtain information regarding relationships, including names of children and their dates of birth. Obtain the phone number of the residence and include said number in the incident report for use by the bail bonds man in informing victim of the abuser's release on bail. Inform the victim that if he/she intends to leave the residence, and wishes to be informed of such release, the victim must inform the police department of a number where the victim can be reached, or where a message of such release can be safely relayed to the victim.

NOTE: If the victim will be seeking to hide from the abuser, **KEEP A SEPARATE RECORD** of the address and phone number.

2. Obtain information about the ownership or presence of firearms. If the listed owner is present and unable to produce a valid permit the officer must submit a special report with all the information to the Identification Unit for a follow up investigation.

3. Unless necessary, avoid emphasis or in depth questioning on personal matters if there is an indication that the person would rather not discuss them more fully.

4. Ascertain if there is a history of such disputes and whether there are any vacate, restraining, no contact or other protective orders currently in effect, including those held against the suspect by someone other than this victim.

a. Document allegations of prior abuse, including expired protective orders.
b. Document past use of weapons in prior domestic abuse incidents.
c. Seek appropriate criminal action for prior incidents.

5. Determine, when appropriate, who has lawful custody of any minors involved and whether court approved visitation rights are being violated. Since official court orders and other court papers are the best source for much of this information, police should ask the parties to produce copies of court orders or other court papers to verify their claims.

6. As a standard precaution, police should check for outstanding arrest warrants on persons encountered during a domestic dispute.

7. When circumstances dictate, at least three photographs should be taken of the victim's injuries. One photo should be "full body", the second should be of the "intermediate area" and the third should be a "close up".

8. Properly document important information, i.e., spontaneous utterances (direct quotes) by the victim, the suspect, children, and other witnesses.

9. Gather information, where applicable, which will assist the Court in determining whether a "substantive dating relationship" exists. This is especially helpful if the officer anticipates activating the Emergency Response Judicial System. Chapter 209A specifies that such courts will take-into consideration the following factors:

a. the length of time of the relationship;
b. the type of relationship;
c. the frequency of interaction between the parties; and
d. if the relationship has been terminated by either person, the length of time lapsed since the termination of the relationship.

Even in cases where there is no substantive dating relationship, a crime, such as stalking or criminal harassment, may have been committed.

10. Officers will investigate to determine if any of the following **High Risk Indicators** are associated with the offender now or in the past. Officers should confer with the dispatcher to determine what was said initially, utilizing call playback if necessary, to determine if any high risk behaviors were mentioned in the initial call. Officers will provide this information in their written report as detailed in Chapter 11. The information provided regarding a defendant's dangerousness will be used when determining bail and by the prosecutor at arraignment. Therefore, gather information regarding the defendant's background:

a. Criminal History
b. Perpetrator threatens homicide/suicide
c. Perpetrator threatens/harms victim's children
d. Strangulation/attempted strangulation
e. Access to/ownership of weapons
f. Extreme violence to victim
g. Victim believes perpetrator will kill him/her
h. Increase in severity or frequency of violence
i. Hostage taking
j. Drug/alcohol abuse
k. Perpetrator is unemployed
l. Violence to animals
m. Stalking behaviors

11. Give abuse victims immediate and adequate notice of rights by handing to them and reading a form stating their rights (see attached). Where said person's native language is not English, the statement shall be provided in said person's native language whenever possible.

a. Confidentiality of Abuse Prevention Order Provisions: a plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant unless the plaintiff specifically requests that this information be withheld from the order. See M.G.L. c. 209A, § 8, as amended by Section 24 of Chapter 236 of the Acts of 2000. Police officers helping to issue emergency abuse prevention orders must be cognizant of victims' confidentiality rights and requests.

12. Provide the addresses and telephone numbers of available crisis centers or emergency shelters and, where appropriate, advise any victims or witnesses of the Victim-Witness Assistance Program administered by the District Attorney's Office, at Brookline District Court.

4. **CONFIDENTIALITY OF ABUSE PREVENTION ORDER PROVISIONS:** A plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant unless the plaintiff specifically requests that this information be withheld from the order. See M.G.L. c. 209A, § 8, as amended by Section 24 of Chapter 236 of the Acts of 2000. Police officers helping to issue emergency abuse prevention orders must be cognizant of victims' confidentiality rights and requests.

5. **CHILDREN**: Where children are present at a domestic dispute, their welfare and safety must be a major consideration. Any evidence of neglect or emotional, physical or sexual abuse of children under eighteen shall be carefully noted. Whenever a police officer, in his or her professional capacity, has reasonable cause to believe that a child under eighteen is suffering serious physical or emotional injury resulting from abuse, including sexual abuse, or from neglect, including malnutrition, or if a child is determined to be physically dependent upon an addictive drug at birth, the officer shall make an oral and written report to the Department of Children and Families as required by M.G.L. Chapter 119, Section 51A.

A child **does not** have to be physically injured to activate a report. If the child is seeing inappropriate behavior (e.g. yelling, throwing objects, etc.) a report should be filed.

If the child cannot be left alone, the respective protective agency must be contacted, in order to arrange for the temporary care of the child. Any mandated reports of abuse or neglect will also be filed in this instance.

A. Officers should be aware that in serious cases of child neglect or abuse "any person" may apply to an appropriate juvenile court to custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred, on an emergency basis, to the Department of Children and Families or a licensed child care agency or individual. (Refer to MGL Chapter 119, section 124)

6. **STATE MANDATED REPORTS :**

A. A report will be filed with the Department of Children and Families whenever the police officer has reasonable cause to believe that a child under the age of 18 has been abused or neglected, in accordance with M.G.L. c. 119 s51A. During office hours, contact the local D.C.F. office. After hours, call the D.C.F. hotline.

B. A report will be filed with the Disabled Persons Protection Commission whenever the officer has reasonable cause to believe that a caretaker has abused / neglected a disabled person, between the ages of 18 – 59, in accordance with M.G.L. c. 19 s10.

C. A report will be filed with the Executive Office of Elder Affairs whenever the officer has reasonable cause to believe that someone age 60 or older has been abused/neglected, in accordance with M.G.L. c. 19A s14-26.

7. **ARREST OF A CARETAKER:** In cases involving abuse of an elder or a person with a disability, officers must address the issue of whether or not the victim can be left alone safely, if the abuser is arrested. If a suspect is the caretaker of a child, the officer needs to determine whether or not the child can be left alone.

If the child, elder or person with a disability cannot be left alone, the respective protective agency must be contacted, in order to arrange for the temporary care of the child, disabled or elder person. Any mandated reports of abuse or neglect will be filed in these instances.

8. **PROPERTY:** The relationship of the parties and their property interests complicate domestic violence situations.

A. **REMOVING OR DESTROYING PROPERTY:** When a party to a domestic dispute is accused of removing or attempting to remove property from the dwelling or is accused of damaging or destroying property, the officer should investigate to determine the civil or criminal consequences, and if criminal, take appropriate action (For example: malicious destruction of property.)

B. **VACATE ORDERS AND COURT ORDERS TO RETRIEVE BELONGINGS:**

1. Once a vacate, no contact, stay away or refrain from abuse order is issued, officers should not accompany a defendant to the property for any reason without specific judicial authorization.

2. A vacate order includes the following requirement:
The defendant shall not damage any of the plaintiff's belongings or those of another occupant and shall not interfere with any utilities or mail delivery to the plaintiff.

3. The defendant in the vacate order is allowed to retrieve his or her belongings under the following conditions:

a. The defendant must have a court order allowing for the retrieval.

b. The police must accompany the defendant. Officers shall remain with the defendant throughout the process.

c. The victim must have prior notice by the department, and must agree to the timing of the retrieval.

d. The defendant must not be allowed to use this as a means of harassing the victim.

NOTE: Officers need to keep in mind that certain behaviors by the defendant, while at the residence, may constitute a violation of the protective order. Repeated visits may also constitute a violation. The purpose of the restraining order is to keep the defendant away from the plaintiff. If the defendant repeatedly returns to collect his or her belongings, it is defeating the purpose of the protective order.

C. When a court order exists allowing for a victim to return to the defendant's residence in order to retrieve his or her belongings, two officers shall accompany the victim to ensure the order is executed, and that the victim is able to follow the order free from harassment or abuse by the defendant.

9. **FIREARMS / WITHOUT A 209A ORDER BEING IN EFFECT:** Question the victim to ascertain if the defendant has firearms or permits. When a firearm or other weapon is present at the scene of a domestic violence situation or the responding officers are informed that a firearm or weapon has been or may be involved in the dispute, the officers shall:

A. Search for and take temporary custody of firearms or weapons, to alleviate the threat of serious violence that it poses;

B. Search for and take custody of the firearms or weapon if one of the parties requests that they do so;

C. When a firearm is confiscated, the officer will also confiscate any and all licenses to carry and/or firearms identification cards issued to the interested parties.

D. Officers are directed to be guided by current practice and law regarding the necessity of obtaining a search warrant prior to searching for and seizing any weapons.

10. **SURRENDER/ CONFISCATION OF FIREARMS:** When a firearm or other weapon is present at the scene of a domestic violence situation the officers shall:

A. Seize the weapon as evidence of the crime, if the responding officers are informed that a firearm or weapon has been involved in the dispute.

B. If the weapon is not reported to have been involved in the dispute:

1. Request that the firearm or weapon be placed in their custody temporarily;

2. Search for and take custody of the firearms or weapon if a party who lawfully resides there requests that they do so. A consent search is allowed in areas except those areas where the suspect has a reasonable expectation of privacy;

3. Take temporary custody of the firearm or weapon to alleviate the threat of serious violence.

C. Determine whether a firearm is lawfully possessed before returning the same.

D. If the officer determines that the weapon cannot be seized, the following actions can take place:

1. A judge can order the defendant to surrender guns, a license to carry and an F.I.D. card; and

2. The chief who issued the license to carry may revoke or suspend such license issued by him or her.

E. In all domestic violence cases, the investigating department shall advise the licensing authority that the subject of the license is suspected of abuse.

F. ABUSE PREVENTION ORDER

1. Abuse Prevention Orders:

Upon issuance of any order, under M.G.L. c. 209A Abuse Prevention Orders, police shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership or possession of said defendant. Such weapons and permits may not be returned until the order has been completely vacated or the firearms provision modified by order of the court.

2. Violations of Orders:

In the interest of immediacy and the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an order including a violation, which stems from the possession of weapons.

3. Seizure and Storage of Firearms:

The Brookline Police Department shall honor another police department's request for assistance in seizing the above listed items, regardless of which department is named within the order. The department named within the order shall be responsible for the storage of the seized items or the delegation of storage to an authorized facility.

4. Orders Against Law Enforcement Officers:

In cases involving police officers that are defendants in Abuse Prevention Orders**,** the defendant must relinquish all firearms, including departmental weapons, to the department serving the order.

G. FEDERAL FIREARMS PROVISIONS:

Although officers cannot enforce the following Federal provisions, the chief should be notified whenever an officer identifies a case involving the following circumstances, because there may be Federal action that can be taken.

1. Persons Named in Protective Orders:
Under the Federal Crime Control and Law Enforcement Act of 1994, it is unlawful for an individual subject to a "permanent" restraining order involving "intimate partners" to receive, ship, transport, or possess guns (including handguns, rifles, and shotguns) or ammunition that traveled in interstate commerce.

2. Misdemeanors Involving Domestic Violence:
Under 18 U.S.C. § 922(g)(9), it is unlawful for any person convicted of certain misdemeanor crimes involving domestic violence to ship, transport, possess, sell or otherwise dispose of, or receive firearms or ammunition.

3. Federal Felon in Possession of a Firearm:
Under 18 U.S.C. § 922(g)(1), "Felon in possession of a firearm," it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess any gun or ammunition.

NOTE: Misdemeanors are excluded from consideration if they are punishable by a term of two years or less. Therefore, misdemeanors that are punishable by a term of imprisonment of more than two years fall within that provision.

A. POLICE ACTION:

1. Upon serving the order, with the notice of suspension and surrender order attached, officers shall immediately take possession of all guns, ammunition, and gun permits in the defendant's control, ownership, or possession. Failure of the defendant to comply with the Surrender Order is a misdemeanor, punishable by imprisonment for up to 2 1/2 years and/or fine of up to $5000.

2. If an officer has probable cause to believe a defendant is failing to surrender a permit and guns in violation of a Surrender Order, they are mandated to make an arrest. (effective 11-7-96)

11. INCIDENT REPORTS: The reporting procedures of any other crime scene should be applied to domestic violence incidents. Incident reports will be filed whether or not an arrest is made. Officers that are assigned to the incident are to submit a complete report prior to the end of the officer's tour of duty with copies forwarded to the Domestic Violence Unit, the Court Prosecutor, and the Domestic Violence Advocate

Incident reports will be made available to the victim at no cost, upon his or her request to the department. (Since the initial investigation should determine the existence of any history of abuse, that information must be included within the report.).

A. Prosecution and subsequent legal action can be greatly aided by documentation and description of physical injuries, photographs of the injuries, and/or noting the presence of children in household, and other information gained through the investigation.

B. The Brookline Police Department shall ensure the confidentiality of domestic violence records including information regarding the identity of a victim or children and any medical information or statement by witnesses. Victims of domestic violence have a strong privacy interest in this type of information whether contained in the initial incident report or supplemental reports. With the exception of the complete report's release to the victim, reports shall be reviewed and redacted accordingly in response to other requests.

C. Every officer submitting an incident or arrest report for an incident of domestic violence shall include narrative information supporting the presence of each high-risk indicator. The officer shall at the conclusion of his/her report include a line that specifies **HIGH RISK INDICATORS.** Officers should indicate following this heading each and every high-risk

indicator involving the incident and offender. If there are no high-risk indicators present, the reporting officer should specify NONE following the HIGH RISK INDICATOR line. Approving supervisors shall review all domestic violence reports for compliance with this policy. The Commanding Officer will be responsible for adherence to this policy by reporting officers.

Identifying and documenting specific high risk behavior will get responding officers to develop an idea of what the victim has been living through and how it has affected them and their family. It will also allow us to pinpoint cases that need further or continued intervention and resources. It will allow for coordination and safety planning between the victim, police, probation and the District Attorney's Office.

12. SERVICE OF ORDERS: The following procedures are to be followed when dealing with orders issued by any court involving any person living or working in the Town of Brookline, whether such person is named as either the plaintiff or defendant. This also applies to emergency, temporary, or permanent orders.

A. When a plaintiff brings an order to the department for service, officers shall ensure that the department's responsibilities under M.G.L. c. 209A and the following guidelines are met.

B. All restraining orders are to be logged in by the Commanding Officer on the departmental restraining order tracking form.

C. All efforts to serve the restraining order shall commence immediately, manpower permitting, regardless of the time of day or night. Attempts shall continue without unreasonable delay until service has been completed. Commanding Officers are responsible for orders during their tour of duty. Such orders, if not served, are to be passed onto the next C.O. for service.

D. Dispatchers will enter all attempts in the computer, code 1440, until service has been made. Code 63 will be used as the disposition code for unsuccessful attempts.

E. Officers shall make a conscientious and reasonable effort to provide in-hand service to the defendant.

F. Prior to service, Officers shall check the CAD, BOP, and Firearms Database System for previous orders or incidents and the possibility of a resident possessing a License to Carry firearms and/or Firearms Identification Cards.

G. All orders are to be placed in a restraining order envelope after service has been completed. The envelope must contain: Restraining order, BOP, Defendant information sheet, and if any, Warrant information.

H. If the defendant has any outstanding warrants (NCIC / WMS) this should be noted in the remarks section on the envelope.

I. It shall be noted on the restraining order envelope the officer's name and the date and time that the order was served.

J. Copies of all restraining orders received or issued by this Department must be forwarded to the Domestic Violence Unit. This unit will be responsible for entering all restraining orders in the departmental CAD system.

K. Orders that must be forwarded to another jurisdiction for service must forwarded without unreasonable delay. The Commanding Officer may authorize the service of orders by Brookline Police Officers on defendants in other jurisdictions. When service of a restraining order is made by Brookline Officers at the request of another department, said department is to be notified of such service as soon as possible.

13. JURISDICTIONAL / OUT OF STATE RESTRAINING ORDERS:

A. Violations of out of state orders or Massachusetts orders violated in another state may be charged criminally as contempt, in the Commonwealth of Massachusetts.

B. A protective order issued in another jurisdiction (as defined in M.G.L. c. 209A, § 1) shall be given full faith and credit in the Commonwealth. Therefore, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an emergency, temporary or permanent vacate, refrain from abuse, stay away, or no-contact order or judgment issued by another jurisdiction.

C. In assessing probable cause, an officer may presume the validity of the protection order issued by another jurisdiction when the officer has been provided with:

1. A copy of the order, by any source; and
2. A statement by the victim that such order remains in effect.

D. All out of state orders will be handled in the same manner and procedure as orders issued by the Brookline District Court.

14. DEPARTMENTAL ACCESS TO ON CALL JUDGES:

A. On call judges will be posted in the Commanding Officer – Platoon on Duty's office. **This information is strictly confidential.**

B. A BOP of the defendant must be checked prior to calling the on-call judge. This information must be available to the judge.

C. Only the Patrol Supervisor or another ranking officer may call/page the on-call judge and seek 209A orders and oral warrants.

D. If the judge has not returned the call after thirty minutes, the Patrol Supervisor or Commanding Officer will call State Police - Danvers at (508) 538-6020.

15. EVIDENCE / PROPERTY:

A. All guns, ammunition, and firearm permits along with any other property requested (keys) in the order are to be submitted to the Evidence/Property clerk along with a copy of the officer's report.

B. A case number will be assigned to the property submitted and the officer will note all property surrendered in their report. A copy of the restraining order is to be submitted along with the property.

C. All guns, ammunition, and firearm permits that are surrendered as requested by an order issued outside our jurisdiction will be submitted to the Evidence/Property clerk. A case number will be assigned to the property and the officer will submit a special report.

D. Once a vacate, no contact or restraining order is issued, officers are not to accompany defendants to the property for any reason without specific judicial authorization. The victim's safety should be considered in the timing of the service of the orders.

16. THE ROLE OF THE SUPERVISOR:

A. Supervisors will ensure that the provisions of the statute and these guidelines are met. Specifically supervisors will assure that:

1. Dispatch logs will be reviewed to ensure that an incident report has been filed, even in cases where no arrest was made. Calls, which are received as allegations of domestic violence or a domestic disturbance, will not be reclassified because no probable cause to arrest existed. Incident reports **will be filed** in those cases.

2. The Commanding Officer - Detective Division or his or her designee within the department who is specially trained to review domestic violence

cases, in order to ensure that the provisions of M.G.L. c. 209A and these guidelines are met will carefully review incident and arrest reports. If upon review of an incident report it is believed that probable cause exists, the Commanding Officer - Detective Division will ensure that criminal charges are initiated according to the statute and these guidelines.

3. Whenever the department identifies a particular case as posing significant danger, that case will be discussed at roll call and printed in the shift briefing report.

B. **Referrals:** Supervisors will ascertain that appropriate referrals were provided to the victim.

C. **Follow-up investigations:** Regarding follow-up investigations, supervisors shall:

1. Determine whether a follow-up investigation is needed. For instance, if the report indicates a history of abuse, it is likely that additional criminal charges should be pursued.

2. If so indicated, the supervisor shall ensure that a follow-up investigation is conducted.

3. Upon review of the follow-up investigation, the supervisor will ensure that additional charges are initiated whenever appropriate.

III.

DOMESTIC VIOLENCE BY POLICE OFFICERS

As part of our commitment to earning the trust of the citizenry so essential to community policing, it is essential that police professionals hold themselves to an exemplary standard in the area of domestic violence. A pro-active approach must focus on victim safety. The touchstone must be a policy of "zero tolerance of acts of domestic violence by members of this department.

1. It is the policy of this department:

A. Not to hire individuals that have a history or a documented propensity for domestic violence, elder abuse, child abuse, sexual assault or stalking;

B. Not to retain employees that engage in domestic violence, elder abuse, sexual assault, or stalking;

C. To provide on-going training to every member on all forms of domestic violence and the departments zero tolerance policy;

D. To thoroughly investigate all complaints of domestic violence allegedly committed by members of this department; and

E. To take disciplinary and criminal action against department members where appropriate.

RESPONSE TO DOMESTIC VIOLENCE SITUATIONS INVOLVING A SWORN LAW ENFORCEMENT OFFICER: In accordance with the Governor's Domestic Violence Commission, the following procedures **SHALL** be adhered to when responding to a domestic violence situation involving a sworn law enforcement officer.

1. RESPONSIBILITIES OF THE DISPATCHER: The dispatcher shall document a call or report of domestic violence involving a police officer and immediately notify both the Commanding Officer - Platoon on duty, the Chief of Police and Superintendent. This directive ensures that key command personnel receive the information and prevents the call from being handled informally.

2. RESPONSIBILITIES OF OFFICER(S) RESPONDING TO INCIDENT:

A. Immediate action shall be taken to ensure the safety of the victim;

B. The responding officer shall proceed with the investigation in accordance with M.G.L. Chapter 208, 209, 209A, 209C and Chapter 140 Section 129B, Court Orders, Policy and Procedures, Rules and Regulations.

C. When a Brookline Police officer is involved, a supervisor, who is of higher rank than the involved officer, is to be called to the scene;

1. If the accused officer is the Chief of Police, document and report the incident to the Town Administrator.

2. When the officer involved is from an outside police agency, the Patrol Supervisor will be called to the scene.

D. The responding officer will remain on the scene until arrival of the Patrol Supervisor. The officer will await further instruction from the supervisor, which may include remaining at the scene, conducting a further investigation, and submitting a completed report;

E. Officers that are assigned to the incident are to submit a completed report prior to the end of the officer's tour of duty with copies forwarded to the Domestic Violence Unit, the Court Prosecutor, and the Domestic Violence Advocate.

F. Regardless of whether or not an arrest is made a Patrol Supervisor shall be called to the scene and a report shall be submitted by the assigned officer on any domestic incident involving a law enforcement officer.

3. RESPONSIBILITIES OF THE RESPONDING SUPERVISOR:

A. Proceed to the scene of the incident.

B. Assess the actual and potential harm to the victim.

C. Ensure the enforcement of M.G.L. Chapter 208, 209, 209A, 209C and Chapter 140 Section 129B, Court Orders, Policy and Procedure, Rules and Regulations.

D. The Supervisor will ensure a check of LEAPS database to determine if there are outstanding Restraining Orders and/or warrants in effect against the officer.

E. The Supervisor will confiscate all department-issued firearms and privately owned weapons and permits to carry firearms, pending a follow-up investigation.

F. The Supervisor shall submit before the end of his/her tour of duty, a report detailing his/her assessment of the incident and action taken.

4. RESPONSIBILITIES OF THE COMMANDING OFFICER: The Commanding Officer, upon being notified of a domestic violence incident involving a sworn officer shall:

A. Ensure that the supervisor has responded to the scene and initiated an investigation;

B. Ensure enforcement of all provisions of M.G.L. Chapter 208, 209, 209A, 209C and Chapter 140 Section 129B, Court Orders, Policy and Procedures, and Rules and Regulations.

C. Ensure reports and proper documentation of the facts and circumstances of the incident and the action taken are submitted through proper channels in accordance with department procedures.

D. When the officer involved is a Brookline Police Officer, the Commanding Officer-Platoon on Duty shall ensure that appropriate notifications are made in accordance with department procedure and chain of command, up to and including the Chief of Police.

E. When the officer involved is from an outside police agency, the Commanding Officer - Platoon on Duty shall notify the Commanding Officer in the jurisdiction in which the officer is employed.

5. THE RESPONSIBILITIES OF THE INVOLVED OFFICER: A sworn officer who has been served with a Restraining Order; or learns that he/she is a defendant named in any such order/complaint involving abuse; or is arrested for any crime involving domestic abuse shall:

A. Immediately provide oral notification to his or her Division Commanding Officer, of any of the above incidents, naming the investigating police department (e.g. police officer lives in town other than where he/she is employed.)

B. Within 24 hours provide written notification to his or her Division Commanding Officer, of any of the above incidents. A copy of the Restraining Order (if applicable) shall be attached.

6. UPON BEING SERVED WITH A RESTRAINING ORDER, THE OFFICER SHALL: Immediately surrender his/her License to Carry, FID card department issued firearm, Personal firearms, and ammunition in compliance with M.G.L. Chapter 140 Section 129B. The officer may file an affidavit with the issuing Court that a firearm is necessary for employment and request an expedited hearing on the suspension and surrender order.

A. The Chief of Police will have ultimate discretion as to whether an officer will be allowed to work and carry a firearm, regardless of a Court granting a request to allow an officer to carry a firearm for employment purposes as a condition of a restraining order. In those instances when the Chief allows an officer to carry a firearm the firearm shall be secured at the police station when the officer is not on a working status.

7. THE RESPONSIBILITIES OF THE COMMANDING OFFICER OF THE OFFICER INVOLVED: A commanding officer upon being notified that an employee under his/her command has been served a Restraining Order and/or has been involved in a domestic violence incident, shall take the following actions:

A. Ensure the safety of the victim;

B. Order that all appropriate notifications be made and that required documentation be completed and review all documents and reports;

C. All department-issued firearms and privately owned weapons should be surrendered pursuant to the terms of the order.

D. Determine in accordance with departmental procedure, the employee's work status. No officer should be returned to full duty with a firearm until the circumstances of the 209A order have been fully investigated.

E. Notify the Chief of Police.

8. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS:

A. When possible, the department shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance. Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.

B. The department will adhere to and observe all necessary protocols to ensure an accused officer's rights are upheld during the administrative and criminal proceedings.

ABUSED PERSON'S NOTICE OF RIGHTS

Directions to Police Officer:

> *Give a victim of domestic violence immediate and adequate notice of his or her rights. The notice shall consist of handing said person a copy of the statement, which follows below, and reading the same to the victim. Where the victim's native language is not English, the statement shall be then provided in the victim's native language whenever possible.*

You have the right to appear at the Superior, Probate and Family' District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a complaint requesting any of the following applicable orders:

(a) an order restraining your attacker from abusing you;

(b) an order directing your attacker to leave your household, building or workplace;

(c) an order awarding you custody of a minor child;

(d) an order directing your attacker to pay support for you or any minor child in your custody, if the attacker has a legal obligation of support; and

(e) an order directing your attacker to pay you for losses suffered as a result of abuse, including medical and moving expenses, loss of earnings or support, costs for restoring utilities and replacing locks, reasonable attorney's fees and other out-of-pocket losses for injuries and property damage sustained. For an emergency on weekends, holidays, or weeknights the police will refer you to a justice of the superior, probate and family, district, or Boston municipal court departments.

You have the right to go to the appropriate district court or the Boston municipal court and seek a criminal complaint for threats, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses. If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment. If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and your children can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place, including but not limited to a designated meeting place for a shelter or a family member's or a friend's residence, or a similar place of safety. You may request a copy of the police incident report at no cost from the police department.

Massachusetts General Laws, Chapter 164 of the Acts of 2000

An Act Relative to the Crime of Criminal Harassment

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

Chapter 265 of the General Laws is hereby amended by inserting after section 43 the following section:

Section 43A. (a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than two and one-half years or by a fine of not more than $1,000, or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device including, but not limited to, electronic mail, internet communications or facsimile communications.

(b) Whoever, after having been convicted of the crime of criminal harassment, commits a second or subsequent such crime, or whoever commits the crime of criminal harassment having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years.

Approved August 1, 2000.

Massachusetts General Laws, Chapter 265, Section 43

Stalking; punishment

Chapter 265: Section 43. Stalking; punishment.

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand dollars, or imprisonment in the house of correction for not more than two and one-half years or both. Such conduct, acts or threats described in this paragraph shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device including, but not limited to, electronic mail, internet communications and facsimile communications.

(b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this subsection.

(c) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years.
A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or

other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section.

Massachusetts General Laws, Chapter 277

Stalking; jurisdiction

Chapter 277: Section 62B. Stalking; jurisdiction.

Section 62B. The crime of stalking, as set forth in section forty-three of chapter two hundred and sixty-five, may be prosecuted and punished in any territorial jurisdiction of the commonwealth wherein an act constituting an element of the crime was committed.

Chapter 23 of the Acts of 2010

AN ACT RELATIVE TO HARASSMENT PREVENTION ORDERS.

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

The General Laws are hereby amended by inserting after chapter 258D the following chapter:-

CHAPTER 258E
HARASSMENT PREVENTION ORDERS

SECTION 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Abuse", attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.

"Harassment", (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

"Court", the district or Boston municipal court, the superior court or the juvenile court departments of the trial court.

"Law officer", any officer authorized to serve criminal process.

"Malicious", characterized by cruelty, hostility or revenge.

"Protection order issued by another jurisdiction", an injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or a tribal court that is issued for the purpose of preventing violent or threatening acts, abuse or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

SECTION 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the Boston municipal court department or the respective divisions of the juvenile or district court departments having venue over the plaintiff's residence. The juvenile court shall have jurisdiction over all proceedings under this chapter in which both the plaintiff and the defendant are under the age of 17.

SECTION 3. (a) A person suffering from harassment may file a complaint in the appropriate court requesting protection from such harassment. A person may petition the court under this chapter for an order that the defendant:

(i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult or minor;
(ii) refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;
(iii) remain away from the plaintiff's household or workplace, whether the defendant is an adult or minor; and
(iv) pay the plaintiff monetary compensation for the losses suffered as a direct result of the harassment; provided, however, that compensatory damages shall include, but shall not be limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and reasonable attorney's fees.

(b) The court may order that information in the case record be impounded in accordance with court rule.

(c) No filing fee shall be charged for the filing of the complaint. The plaintiff shall not be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

(d) Any relief granted by the court shall not extend for a period exceeding 1 year. Every order shall, on its face, state the time and date the order is to expire and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from harassment. The fact that harassment has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, or allowing an order to expire or be vacated or for refusing to issue a new order.

(e) The court may modify its order at any subsequent time upon motion by either party; provided, however, that the non-moving party shall receive sufficient notice and opportunity to be heard on said modification. When the plaintiff's address is inaccessible to the defendant as provided in section 10 and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

(f) The court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of harassment.

(g) An action commenced under this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties.

SECTION 4. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 and 43A of chapter 265 or section 3 of chapter 272. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

SECTION 5. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from harassment, including relief as provided in section 3.

If the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from harassment and shall immediately thereafter notify the defendant that the temporary orders have been issued. The court shall give the defendant an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the plaintiff not later than 10 court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided in section 9.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

SECTION 6. When the court is closed for business or the plaintiff is unable to appear in court because of severe hardship due to the plaintiff's physical condition, the court may grant relief to the plaintiff as provided under section 5 if the plaintiff demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a complaint pursuant to this section, the plaintiff shall appear in court on the next available business day to file a complaint. If the plaintiff in such a case is unable to appear in court without severe hardship due to the plaintiff's physical condition, a representative may appear in court, on the plaintiff's behalf and file the requisite complaint with an affidavit setting forth the circumstances preventing the plaintiff from appearing personally. Notice to the plaintiff and defendant and an opportunity for the defendant to be heard shall be given as provided in said section 5.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk or clerk-magistrate of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter

but shall not be deemed necessary for an emergency order issued under this section to take effect.

SECTION 7. Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order with the appropriate court by filing with the court a certified copy of such order. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk or clerk-magistrate of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

A law officer may presume the validity of, and enforce in accordance with section 8, a copy of a protection order issued by another jurisdiction which has been provided to the law officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law officers may rely on such statement by the person protected by such order.

SECTION 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

(i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
(ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
(iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
(iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
(v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

SECTION 9. When considering a complaint filed under this chapter, the court shall order a review of the records contained within the court activity record information system and the statewide domestic violence recordkeeping system, as provided in chapter 188 of the acts of 1992 and maintained by the commissioner of probation, and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving violent crimes or abuse. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a

finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff under section 3, 5 or 6, the clerk or clerk-magistrate shall transmit: (i) to the office of the commissioner of probation information for filing in the court activity record information system or the statewide domestic violence recordkeeping system as provided in said chapter 188 of the acts of 1992 or in a recordkeeping system created by the commissioner of probation to record the issuance of, or violation of, prevention orders issued pursuant to this chapter; and (ii) 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court. The commissioner of probation may develop and implement a statewide harassment prevention order recordkeeping system.

Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each harassment prevention order issued shall contain the following statement:

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than 2½ years in a house of correction, or both. In addition to, but not in lieu of, the foregoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a violation of such an order to pay a fine of $25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court may order the defendant to complete an appropriate treatment program based on the offense.

In each instance in which there is a violation of a harassment prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement locks, medical expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

Any such violation may be enforced by the court. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The court may

enforce by civil contempt procedure a violation of its own court order.

Section 8 of chapter 136 shall not apply to any order, complaint or summons issued pursuant to this section.

SECTION 10. The records of cases arising out of an action brought under this chapter in which the plaintiff or defendant is a minor shall be withheld from public inspection except by order of the court; provided, however, that such records shall be open, at all reasonable times, to the inspection of the minor, such minor's parent, guardian and attorney and to the plaintiff and the plaintiff's attorney.

The plaintiff's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a plaintiff under this chapter, shall be confidential and withheld from public inspection, except by order of the court; provided, however, that the plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant and the defendant's attorney unless the plaintiff specifically requests that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the plaintiff and plaintiff's attorney, to others specifically authorized by the plaintiff to obtain such information and to prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as defined in section 20J of chapter 233 and law officers, if such access is necessary in the performance of their duties. This paragraph shall apply to any protection order issued by another jurisdiction filed with a court of the commonwealth pursuant to section 7. Such confidential portions of the court records shall not be deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

SECTION 11. The chief justice for administration and management shall adopt a form of complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

SECTION 12. The court shall impose an assessment of $350 against any person who has been referred to a treatment program as a condition of probation. Such assessment shall be in addition to the cost of the treatment program. In the discretion of the court, such assessment may be reduced or waived if the court finds that such person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship. Assessments made pursuant to this section shall be in addition to any other fines, assessments or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit such funds into the General Fund.

Approved, February 9, 2010.

PROCESS FOR POLICE DEPARTMENT DISCIPLINE AND SELECTMEN'S REVIEW

General Order Number: **34.1** ***Effective Date:*** **June 18, 2013**

I. PURPOSE:

The purpose of this policy is to encourage and enhance accountability and public confidence in, and cooperation with, the Police Department through the establishment of formal procedures for acting upon allegations of misconduct by officers or of inappropriate policies.

All allegations of misconduct shall be construed as "complaints" and shall be processed as hereinafter described.

All complaints of misconduct of employees or against the department shall be investigated in an efficient, fair, thorough, and timely manner, showing equal concern for the rights of both citizens and employees. All investigations of complaints shall strictly follow the guidelines in this policy unless there is a good reason to deviate from these guidelines and such deviation does not compromise the fairness, completeness, and reliability of the investigation. If there is a deviation from these guidelines, the reason for such deviation shall be stated in the investigation report.

II. OBJECTIVES:

1. PROTECTION OF THE PUBLIC:

The public has the right to expect efficient, fair, and impartial law enforcement. Therefore, any misconduct by Department personnel must be detected, thoroughly investigated, and properly adjudicated to assure the maintenance of these qualities.

2. PROTECTION OF THE DEPARTMENT:

The Department is often evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subjected to public censure because of the misconduct by a few of its personnel. When an informed public knows that its police department honestly and fairly investigates and adjudicates all allegations of police misconduct against its members, this public will be less likely to feel any need to raise a cry of indignation over alleged incidents of misconduct.

3. PROTECTION OF THE EMPLOYEE:

Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigation process.

4. REMOVAL OF UNFIT PERSONNEL:

Personnel who engage in serious acts of misconduct or who have demonstrated that they are unfit for law enforcement service must be removed for the protection of the public, the Department and other police officers.

5. CORRECTION OF PROCEDURAL PROBLEMS:

The Department is continually seeking to improve its efficiency and the efficiency of its personnel. Occasionally, personnel investigations uncover or disclose faulty procedures that would otherwise have gone undetected. These procedures can then be improved upon or corrected.

III. PROCEDURES:

1. RECEIVING COMPLAINTS

A. Any person having a complaint against an officer or policy of the Police Department may register such complaint in person, in writing on a Citizen Complaint Form or otherwise, or by telephone, as follows*:*

1. To the Office of Professional Responsibility (hereinafter referred to as the "IAO") or, if the IAO is unavailable, to the highest-ranking superior officer available at the Police Station exclusive of the Chief ("Officer in Charge"), who shall forward the complaint to the IAO as soon as possible.

2. To the Selectmen's Office at Town Hall. The Selectmen's Office shall forward the complaint as soon as possible to the IAO. If the complainant reports to the Selectmen's Office, the complainant shall be informed of the following:

a. The IAO, or another ranking officer designated by the Chief, is available to be present at the complainant's interview.

b. The complainant shall also be given the option of recording his/her statement.

c. The complainant may decline both A and B and give a statement to a representative of the Selectmen's Office only.

3. Submit complaints in writing and on-line via the Town's web site, which complaints shall be forwarded as soon as possible to the IAO.

B. In some cases a complaint may be resolved to the complainant's satisfaction immediately by the IAO/Officer in Charge taking such complaint. In such a case, this type of resolution shall be reported in writing by the IAO/Officer in Charge

and submitted to the Chief of Police (and to the IAO, if the person taking the complaint is the Officer in Charge), and if possible, acknowledged in writing by the complainant. Some situations where a complaint may be immediately resolved are the following:

1. The incident is clearly not of a serious nature, or arises from a misunderstanding or lack of knowledge of the law or of limitations in a police officer's authority.

2. The complainant declines to participate in the formal complaint process. Under no circumstances shall a complaint be delayed, rejected or refused if the complainant wishes to initiate a formal complaint.

C. All Town employees shall render prompt, courteous assistance to any person wishing to register a complaint. Any employee who is informed by a citizen of information that could be construed as a complaint shall immediately refer the complainant to the IAO or, if the IAO is unavailable, to the Officer in Charge, who shall forward the complaint as soon as possible to the IAO.

D. The IAO or, if the IAO is unavailable, the Officer in Charge shall observe the following procedures and take the following actions relative to receiving a complaint:

1. If the complaint is made in person, provide a private area in which to receive the complaint. If necessary, the employee shall offer the complainant transportation so that he/she may make the complaint in person.

2. The complaint may be taken over the telephone.

3. Ascertain the nature of the complaint.

4. If the complainant is in person, advise him/her of the procedures to be followed in processing his/her complaint, including the complainant's option of registering such complaint with the Selectmen's Office, anonymously, and to be accompanied by a representative of his/her choosing during the interview, and provide the complainant (if in person, but in any event no later than five business days after the filing of the complaint) with a copy of the Citizen Complaint Form and a brochure explaining the steps that will be followed in the complaint process.

5. If the complaint unquestionably alleges only Class C issues (see III(3)(C) below), the IAO/Officer in Charge shall briefly explain the Town policies in question, and offer to initiate an investigation pursuant to this policy only if the complainant, after such explanation, chooses to proceed with the complaint in accordance with this policy.

6. If it is the Officer in Charge who receives the complaint, the Officer in Charge shall forward the complaint to the IAO as soon as possible for investigation and processing pursuant to this policy.

E. All complaints, including anonymous or third party complaints, shall be processed in the same manner so long as there is sufficient information to warrant an investigation.

F. Any officer who has information or evidence of another officer's misconduct shall convey it to the Chief or to the IAO.

G. Although the complaint shall be received, it shall not be further processed if received more than six months after an alleged incident, unless either the Chief or a majority of the Board of Selectmen finds extraordinary or compelling circumstances, such as Class A complaints that appear conducive to a productive investigation notwithstanding the passage of time or newly available evidence.

H. The IAO, as soon as practicable, shall notify the Chief of Police verbally or in writing of all complaints in the nature of Class A and Class B complaints against departmental employee(s).

2. CITIZEN COMPLAINT FORMS

A. To the extent possible, all complaints shall be taken on an official Citizen Complaint Form.

B. The IAO or, in the event the IAO is not available, the Officer in Charge who takes the complaint shall:

1. Attempt to obtain all information sought on the form, to the extent available to the complainant, along with any other information which could potentially assist in a subsequent investigation.

2. Ask the complainant to specify any information included in the complaint that the complainant considers private and wishes the Department to maintain confidentially, to the extent doing so is permissible under the law.

3. If the identity of the accused officer is not certain, facilitate a fair identification procedure. If a description, together with intradepartmental investigation, does not identify an officer, the complainant shall be given a prompt opportunity by the IAO to view up-to-date photographs of any officers who had an opportunity to participate in the alleged incident, said photographs to be inserted in a reasonable array.

4. If the complainant alleges a physical injury caused by misconduct of an officer, attempt to document and verify such injury. The complainant shall

be encouraged to seek further documental verification of such injury. Any such verification or encouragement shall be noted on the Citizen Complaint Form.

C. Complainants who are interviewed are entitled to have a representative of their choosing present with them during their interview.

D. The complainant shall be given an opportunity to read, and then amend, the Citizen Complaint Form. The complainant shall then be asked to sign the Citizen Complaint Form. If he/she is unwilling to sign it, the unwillingness shall be noted on the form and the complaint shall be processed in conformity with this policy.

E. The complainant shall immediately be given a copy of the completed Citizen Complaint Form and a brochure explaining the steps that will be followed in the complaint process.

F. If the complaint is made by telephone or otherwise in a manner other than in person, a copy of the completed Citizen Complaint Form and the brochure shall be mailed by the IAO to the complainant along with a request that the complainant make any necessary corrections to the statements contained on the form and sign and return one copy of the latter in an enclosed, addressed, stamped envelope.

G. Any such completed and returned Forms shall be given directly to the IAO.

H. The IAO/Officer in Charge taking the complaint shall ascertain that the complainant understands the subsequent procedures as summarized in the brochure.

3. CLASSES OF COMPLAINTS & CONFIDENTIALITY

A. **Class A:** allegations against an officer which, if true, could be construed as "serious", including excessive use of force; malicious and illegal arrest; unreasonable deprivation of individual rights; biased conduct or behavior based on a person's disability, ethnic origin, gender, race, religion, sexual orientation, age, economic status, cultural group, gender identity or any other identifiable group; corruption; untruthfulness; criminal activity which could be construed as a felony; or violation of Department rules which might warrant more than a five day suspension.

B. **Class B:** any other allegations against an officer which, if true, could be construed as a violation of any laws, rules, regulations, or policies of the department, the Town, or the Commonwealth; or alleged discourteous conduct or language which would reflect negatively on the Department or the Town.

C. **Class C:** allegations which do not question the conduct of any officer, but rather raise issues relating to the appropriateness of Department procedures or policies.

D. **Class D:** Allegations that are clearly frivolous or for other reasons do not merit disciplinary action.

E. The IAO or Officer in Charge shall make a preliminary designation on the Form of Class A, B, C, or D, resolving any doubt in favor of a higher classification. A complaint may be designated “C" in addition to “A” or "B".

F. A copy of any Citizen Complaint Form which has been designated Class A shall, along with a copy of the police incident reports, be immediately provided to the Chief, who shall immediately provide such unredacted materials, marked “Confidential,” to the Board of Selectmen.

G. Prior to the conclusion of the departmental investigation (*i.e.*, through such time as the Chief sends his or her report to the Board of Selectmen), information concerning an investigation, other than the fact that an investigation is underway, shall remain confidential.

4. INTERNAL AFFAIRS/STAFF INSPECTION OFFICER AND PROCEDURES

A. A Captain or Lieutenant shall hold the position of Internal Affairs/Staff Inspection Officer (IAO). This officer shall be answerable only to the Chief and the Board of Selectmen. The IAO shall have responsibility for the investigation and processing of complaints under this policy unless the Chief, in extraordinary circumstances, designates another superior officer to do so, in which case such superior officer shall fulfill the responsibilities of the IAO set forth in this policy.

B. The IAO shall conduct periodic staff inspections and shall reduce to writing to the Chief any alleged violations of departmental rules and regulations or any other allegations which, if true, could merit corrective or disciplinary action.

C. All investigations of complaints shall strictly follow the guidelines in this policy unless there is a good reason to deviate from these guidelines and such deviation would not compromise the fairness, completeness, and reliability of the investigation. If there is a deviation from these guidelines, the reason for such deviation shall be stated in the investigation report.

D. All complaints received by the Chief shall be immediately forwarded from the Chief to the IAO for investigation, unless the Chief, in extraordinary circumstances, designates another superior officer to investigate a complaint.

E. In the case of a Class A complaint, the IAO shall exercise all due diligence to attempt to schedule a personal interview with the complainant within 72 hours, offering to meet the complainant at any reasonable location. If the complainant insists, he/she may be interviewed over the telephone and this shall be noted in the report.

F. In the case of a Class B or C complaint, the IAO shall attempt to reach the complainant by telephone within one week. The complainant shall be invited to the station to meet with the IAO, but may be interviewed on the telephone if he/she prefers.

G. For Class D complaints, the IAO shall review the complaint and return it to the Chief with a report recommending either reclassification, or a finding of either "exonerated" or "unfounded".

H. The IAO shall use any and all lawful investigative techniques including prompt and private interviews of witnesses and officers, maintaining thorough records of all conversations and investigative occurrences, and assisting both complainants and officers in identifying and locating evidence to corroborate their factual assertions.

I. The IAO shall make reasonable attempts to interview all witnesses identified by the complainant or subject officer, or reasonably identifiable from information obtained from either of them or from any officer on the scene of the incident or otherwise, who reasonably appear to possess information relevant to the investigation.

J. Witnesses who are interviewed by the investigator are entitled to have a representative of their choosing present with them during their interview.

K. Witnesses shall be asked to specify any information they supplied that they wish the Department to maintain confidentially, to the extent doing so is permissible under the law.

L. Witnesses shall be requested to sign their statements or the summary of their statements created by the IAO, if they did not supply a statement on their own.

M. Summaries of witness interviews shall reflect whether the interview was conducted in person or by telephone, and whether it was conducted as a joint witness interview with any other witness(es) and if so whom. As a general rule, joint witness interviews shall be avoided when possible.

N. Inability to interview, or lack of cooperation by the complainant, the officer, or any person, shall not foreclose further investigation.

O. An investigation shall go forward regardless of any potential civil or criminal liability, investigation, or charges. Should a critical witness claim a Fifth Amendment privilege because of a pending or potential criminal proceeding, the Board of Selectmen, after receiving a recommendation from the Chief, may defer the conclusion of the investigation or hearing, until the conclusion of the criminal proceeding, or until the witness is willing to testify, whichever is earlier.

P. Subject Officer:

1. After diligent efforts to interview the complainant, the IAO shall issue to the subject officer a written statement of the allegations and the employee's rights and responsibilities relative to the investigation and shall subsequently interview the officer, unless either step would interfere with the investigation.

2. A subject officer shall not initiate contact with the complainant or any witness. If unavoidable contact occurs, he/she shall not discuss or indirectly allude to the complaint or its allegations.

3. A subject officer may have counsel or a union representative present at any interview unless an unreasonable delay would be necessitated.

4. In interviewing or attempting to interview the subject officer, the IAO or other investigating officer shall be mindful of the provisions of state and federal law that are applicable to the questioning of public employees.

Q. The IAO shall respond to all reasonable inquiries by the complainant as to the status of the investigation. Any delays shall be explained to the complainant.

R. In the case of a Class A or B complaint, and subject to approval by the Chief and after an investigation has been completed, the IAO may attempt to act as a mediator and seek a proposed disposition, such as an apology or promise of future efforts(s) (*e.g.*., the Early Intervention System, see Section III(18) below), which is mutually agreeable to the complainant and the accused officer. Any such agreement by the officer shall not be considered an admission of fault and shall only be considered in mitigation of the severity of the disposition, if any. Neither party shall be pressured to accept such an agreement. Any such agreement shall be subject to the approval of the Chief and Board of Selectmen as hereinafter described.

S. If, during an investigation, the IAO learns of any allegation (including a Class C-type allegation) beyond the scope of the complaint under investigation, he/she shall execute a new Citizen Complaint Form and initiate the procedures herein described.

T. Unless the Chief certifies that good cause requires an extension of no more than 30 days, the IAO shall submit to the Chief a report containing his/her findings and conclusions within 30 days of commencing an investigation of a complaint. Any extensions beyond the foregoing shall be submitted for approval by a majority of the Board of Selectmen. The findings and conclusions shall include:

1. All pertinent reports and documents, including any witness statements that were submitted in writing or reduced to writing.

2. A detailed account of all pertinent factual assertions of everyone interviewed noting times and persons present at interviews, highlighting areas of agreement and disagreement, etc.

3. Proposed factual conclusions, including the relative credibility of any conflicting factual allegations, and objective reason(s) for such conclusions, with regard to each original allegation and any others that have become apparent during the investigation. The lack, existence, quantity, or quality of corroborating evidence shall be pertinent to the weight of any evidence, but shall not be determinative.

4. On each such allegation, a proposed finding based upon a preponderance of the evidence shall be made using the following categories and definitions:

a. "Unfounded" - investigation revealed that the alleged conduct did not occur.

b. "Exonerated" - alleged action occurred but was reasonable and proper.

c. "Not Sustained" - allegation cannot be either proven or disproved.

d. "Sustained" - investigation indicates sufficient evidence to support the allegation.

e. "Mediated" - both parties agree to a proposed and described disposition (Classes A and B only).

f. "Filed" – no action necessary or possible at this time.

5. Any mitigating or aggravating circumstances which have come to the attention of the IAO.

6. Relative to any allegations that are sustained or not sustained, a chronological list of any similar complaints against the said officer, along with the dispositions.

7. Witness statements shall be appended to the IAO report.

U. INVESTIGATIVE TECHNIQUES:

1. All investigations under this policy shall be conducted in accordance with the normal and legal Department investigative procedures with regards to:

a. The use of detection equipment

b. Medical or laboratory examinations

c. Covert photographing, and photo identification
d. Lineups
e. Financial disclosure information

2. **INVESTIGATIVE TECHNIQUES GENERALLY:** In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods shall be employed, consistent with legal requirements and all necessary concern for the individual rights of the accused employee. An internal administrative investigation shall be conducted with the same degree of professional competence as is devoted to a criminal investigation. Employees or officers will have the same rights on these matters as any individual under investigation by this Department.

The accuracy of the investigative report shall be assured by requiring the investigator to take all reasonable efforts to obtain witness statements by one or more of the following methods:

a. Taped (audio or video) statements with consent of witness;
b. Witness's own signed statement;
c. Witness's verbal statement given to the IAO and reduced to writing by the investigator and reviewed for accuracy and signed by the witness, affirming that the statement is accurate.

Witnesses who do not wish to sign statements they submit or statements reduced to writing by the investigator shall not be required to do so. If the witness disagrees with the investigator's version of the witness's statement and the investigator declines to change the statement in conformity with the witness's wishes, the witness shall be asked to submit his/her separate version of what he/she said and asked to sign it.

3. **MEDICAL/LABORATORY EXAMINATION:** Upon orders of the Chief of Police or his/her designee, an employee may be required to submit to a medical or laboratory examination, at the Department's expense. This examination must be specifically directed and narrowly related to a particular internal affairs investigation being conducted by the Department.

4. **IDENTIFICATION:** A police officer may be required to be photographed and can be compelled to stand in a lineup for identification in connection with an administrative investigation when such action is material to an investigation, and a refusal can be the basis for an additional disciplinary charge of refusal to obey a lawful order. Such a lineup shall be fairly constructed and not be unfairly suggestive and shall not be used for an administrative investigation where criminal charges are contemplated.

5. **SEARCHES:**

a. A police officer's personal property, including his/her home, car and other property, is protected from unreasonable search and seizure under the Massachusetts Constitution, and it is possible that any evidence illegally obtained may not be used as evidence in an administrative proceeding.

b. Department property furnished to the officer, such as desks, lockers, or vehicles, in which it is clearly understood in advance that an officer has "no expectation of privacy," may be searched without a warrant.

6. **FINANCIAL DISCLOSURE:** A police officer may be compelled to submit a financial disclosure statement as part of an internal affairs investigation provided such statement is material to the investigation being conducted. Such submissions shall only be conducted in a manner that is consistent with federal and state statutory and case law and past administrative decisions.

7. **LIE DETECTOR/POLYGRAPH TESTS:** Under the provisions of G.L. c. 149, § 19B, police officers may be required to submit to a polygraph or lie detector test in connection with an internal administrative investigation if such test is conducted by a law enforcement agency in the course of a departmental investigation of criminal activity, and under such circumstances, officers may face disciplinary action for refusal. Such tests shall be administered by trained and certified individuals in accordance with federal and state statutory and case law and past administrative decisions.

V. On a monthly basis, the IAO shall prepare a report enumerating all complaints (including Class C and D complaints) against departmental employees and complaints against the Police Department generally that had been brought to the attention of the IAO during that month. Included in the report will be the outcome(s) of the investigation(s) that have been completed and the status of investigations not yet completed. On an annual basis, the IAO shall compile statistical summaries of IAO investigations for the preceding year, such information to be presented to the Board within the Chief's annual departmental report to the Board of Selectmen.

W. TRAINING:

The IAO and other Department personnel shall be trained concerning requirements of this policy. IAO training shall include training on the weighing and evaluating of evidence, including the credibility of witnesses.

5. DISPOSITION AND NOTIFICATION BY THE CHIEF:

A. The complainant and the subject officer shall be furnished with a copy of the IAO report within seven days of its completion, provided that the Chief shall redact 1) from any copy of the IAO report the Department furnishes to a person other than the person the information concerns (*i.e.*, the subject officer, in the case of (a) below, and the complainant, in the case of (b) below), information relating to similar prior complaints that date in excess of two years prior to the incident that were a) made against the police officer, or b) filed by the complainant as a citizen complaint; 2) the name and other identifying information of any private citizen who requests that his/her identity not be disclosed; and 3) any information in the report that comes within an exemption to the Massachusetts Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7(26). Such IAO report shall be accompanied by any witness statements that were submitted in writing or reduced to writing pursuant to this policy, which shall be redacted upon distribution to the complainant and subject officer as set forth in items 1, 2, and 3 of this Paragraph. The complainant and the police officer shall be notified that any comments concerning the IAO report, including additional statements by witnesses, may be submitted to the Police Chief within 10 days of receipt of such materials. Any such comments and statements shall be appended to the IAO report. Should any such comments and statements be received, the Chief shall take any action he/she deems appropriate, however, the Chief is not expected to negotiate with anyone concerning the content of the final report he or she submits to the Board of Selectmen.

B. Upon receipt of the IAO's report containing its findings and conclusions and the passage of the allowed time for the complainant and police officer to submit comments regarding the IAO report, the Chief shall either:

1. Request a further investigation; or

2. Promptly prepare his/her own report setting forth the Department's final disposition with regard to the classification of the complaint, and of each allegation along with a summary of the reasons therefore. The Chief's report shall also indicate what, if any, disciplinary action or remedial measures were taken or are recommended to be taken. Such actions or measures may include the assignment of the officer to the "Early Intervention System," see Section III(18) below.

C. After completion of his/her report, the Chief shall promptly send:

1. To the Selectmen via the Town Administrator, a copy of his/her complete report along with the IAO report and investigative file, in unredacted form and marked "Confidential," which the Board of Selectmen shall maintain confidentially in a secure environment.

2. To the complainant and to the police officer who is the subject of the complaint,

a. a Notice of Complaint Disposition Form indicating the disposition of each allegation and an Internal Investigation Appeal Form and a return, addressed envelope. Said notice shall clearly explain the right to and process for appeal for review by the Board of Selectmen; and

b. a copy of the Chief's report, including any comments by the complainant and subject officer and additional statements by witnesses, provided that the Chief's report and accompanying materials shall be redacted in the same manner set forth in Section III(5)(A) with regard to the IAO report and accompanying materials.

6. MAINTENANCE/RELEASE OF DOCUMENTS

Documents relative to internal investigations shall be maintained confidentially in a secure environment, separate from personnel records or centralized Department or Board of Selectmen's Office records. Such records shall be maintained and disseminated in accordance with those provisions of state and federal law applicable to the retention, maintenance, disclosure, dissemination, inspection and copying of public records and in conformity with this policy otherwise.

7. APPEAL TO BOARD OF SELECTMEN

A. Unless otherwise specified by the civil service laws, any member of the Police Department aggrieved by the Chief's Report may appeal for review by the Board of Selectmen within twenty-one days. Said appeal shall be reviewed by Town Counsel and shall proceed as hereinafter described unless civil service laws mandate alternative procedures.

B. Any citizen aggrieved by the Chief's Report may, within twenty-one (21) days, appeal for review by the Board of Selectmen by submitting to the Town Administrator a completed Internal Investigation Appeal Form. The classification of the complaint may be the reason for such an appeal.

C. Upon receipt of any appeal received in a manner other than through a completed Internal Investigation Appeal Form, , the Town Administrator shall send to the aggrieved person an Internal Investigation Appeal Form and a return, addressed envelope.

8. REVIEW BY THE TOWN ADMINISTRATOR (*All references to the Town Administrator shall also connote and include the Deputy Town Administrator)*

A. Upon his/her receipt of a completed Internal Investigation Appeal Form, the Town Administrator shall:

1. Review the class designation, and amend the designation if necessary in his/her opinion, which designation shall subsequently be reviewed and either approved or changed by the vote of the Board of Selectmen (including any change that adds a Class C designation).

2. Immediately forward an unredacted copy of the complaint, the Chief's report, the IAO report, and all supporting documents (including all witness statements and any comments of the complainant, the subject officer and witnesses with regard to the IAO report) to the Board of Selectmen, which shall be marked "Confidential" and which the Selectmen shall maintain confidentially in a secure environment.

3. Review the reports for completeness, and send the matter back to the Chief for any further investigation that he/she or any Selectman deems helpful.

4. Submit to the Board of Selectmen at least one interim report more than one week before the conclusion of the Town Administrator's review.

5. Complete his/her review within 30 days with regard to Class A complaints and 15 days with regard to Class B and C complaints, unless such period is extended for good cause by the Board of Selectmen.

B. All documents and reports subsequent to the Chief's findings shall remain confidential to the extent permitted under the Massachusetts Public Record Law, G.L. c. 66, §§ 10 and G.L. c. 4, § 7(26), except that such documents shall be disseminated to the complainant and the police officer as specified in this policy.

C. If a majority of the Board of Selectmen considers a Class A or Class C complaint particularly complicated or to require additional effort or expertise, special counsel may be retained to conduct an investigation.

D. If, at any time, the Town Administrator or any Selectman believes that allegations beyond the scope of the Department investigation, such as possible misconduct by a different officer, have been raised, a new Complaint Form shall be executed and referred to the Department for immediate and expedited investigation and processing.

9. CIVILIAN APPEAL HEARINGS, ACTION BY THE BOARD OF SELECTMEN, AND DISCIPLINARY HEARINGS

A. Within 30 days after completion of the Town Administrator's review, all appeals from dispositions of citizen complaints, except as set forth below, shall be docketed for the Board of Selectmen to hear at a Civilian Appeal Hearing at a

regularly scheduled Board of Selectmen's meeting in conformity with the Massachusetts Open Meeting Law, G.L. c. 39, § 23B.

All matters involving 1) a recommendation by the Chief, thereafter approved by the vote of the Board of Selectmen and reflected in any written notice the Board issued to the officer pursuant to G.L. c. 31, § 41, for discharge, removal, suspension for a period of more than five days, layoff, transfer from a position without written consent, lowering in rank or compensation without written consent, or abolishing of a position within the meaning of G.L. c. 31, § 41, or 2) any appeal by a police officer from other forms of disciplinary actions, shall be docketed for the Board of Selectmen to hear as a Disciplinary Hearing (*see* Section III(9)(E)), which shall be scheduled and held in conformity with the Massachusetts Civil Service Laws, G.L. c. 31, the rules and regulations promulgated thereunder, the Massachusetts Open Meeting Law, G.L. c. 39, §§ 23A and 23B, and/or this policy, Section III(9)(E), as applicable. The matters set forth in this Paragraph shall proceed directly to a Disciplinary Hearing, without being heard at a Civilian Appeal Hearing and without further vote of the Selectmen.

Civilian Appeal Hearings that are held in connection with appeals from dispositions of citizen complaints shall be postponed beyond 30 days as follows:

1. no more than two weeks for further investigation at the request of any Selectmen or;

2. by vote of the Board, until the completion of the investigation of any new Complaint issued under Sections III(4)(S) and III(8)(D) above.

B. The procedural protections of G.L. c. 31, § 41 shall be limited to Disciplinary Hearings held pursuant to Section III(9)(E) of this policy.

C. CIVILIAN APPEAL HEARINGS:

1. At least two weeks notice of the Civilian Appeal Hearing to be held in connection with an appeal from the disposition of a citizen complaint shall be given to the Chief, the complainant, and, in a Class A, B or D Complaint, the accused officer.

2. Where the appellant is a civilian who has filed a Class A, B or D Complaint, the Chief and the appellant, or their representatives, shall each be entitled to make an informal presentation before the Selectmen at such Civilian Appeal Hearing. The subject officer and/or his/her representative shall be entitled, but shall not be required, to make an informal presentation at such Civilian Appeal Hearing. In addition, the appellant and the subject officer shall each have the right, but shall not be required, to present up to three eyewitnesses to make informal presentations, each of

whom shall have the right to address the Board for no more than five minutes. By a majority vote, the Selectmen may permit additional eyewitnesses to make informal presentations at such Civilian Appeal Hearing or may extend the time for such presentations.

D. ACTION BY THE BOARD OF SELECTMEN:

1. By majority vote, the Selectmen shall do one of the following with regard to appeals from citizen complaints after hearing informal presentations at the Civilian Appeal Hearing in the case of Class A, B or D Complaints:

a. After deliberation in conformity with the Massachusetts Open Meeting Law, G.L. c. 39, §§ 23B(1), take steps regarding potential disciplinary action in conformity with such law, with the Massachusetts Civil Service Law, G.L. c. 31, and with Section III(9)(E) below, as applicable (including, if and as applicable, (a) the issuance of written notice to the subject officer stating the action contemplated and the specific reason(s) for such action, and (b) the docketing and convening of a two-phase Disciplinary Hearing as described in Section III(9)(E)(2) and otherwise below); or

b. Refer the matter back to the Police Chief for further action; or

c.. Appoint one or more independent persons to conduct an investigation and write a report for the Selectmen concerning the facts relating to the complainant's allegations. The person(s) selected to conduct the investigation should, depending on the nature of the complaint, be experienced in working with persons of diverse backgrounds, including racial, ethnic and cultural groups, and people of different genders, sexual orientation, and mental and physical abilities. After receipt of that report, the Selectmen may take any of the steps set forth in Sections III(9)(D)(1)(a), (b), or (d); or

d. Dismiss the complaint and notify all parties of such.

2.. For Class C complaints, the Chief shall, more than one week before the Civilian Appeal Hearing, provide an explanation of the current policy, possible alternatives, factual or legal background material, and any other information requested by the Town Administrator or any Selectman.

3. For Class C complaints, any individual and/or organization may submit a written or brief oral presentation regarding the appropriateness of the Department policy or procedure, and the Selectmen may invite any community group (such as the Human Relations/Youth Resources

Commission) known to have interest or expertise to participate in the Civilian Appeal Hearing regarding such appropriateness. Where a complaint, in addition to Class C allegations, contains allegations that could subject an officer to discipline, the allegations specific to the officer shall be governed by Section III(9)(C)(2) above and any Civilian Appeal Hearing regarding the Class C allegations may be bifurcated from any Civilian Appeal Hearing regarding Class A, B or D allegations specific to the officer.

E. DISCIPLINARY HEARINGS:

1.. The Selectmen may choose to make the convening of a Disciplinary Hearing of a Class B or D complaint contingent on the appearance by the person who filed the complaint of misconduct to appear and give testimony in accordance with these procedures.

2. The Disciplinary Hearing shall be separated into two phases, the first phase to determine a finding (*see* Section III(4)(T)(4) supra) on each allegation and, if an allegation against an officer is sustained, a second phase to determine the disciplinary disposition, both by vote of a majority of the Board of Selectmen.

3. Disciplinary Hearings shall proceed in accordance with the civil service law, G.L. c. 31, the regulations thereunder, and the following provisions:

a. The parties to a Disciplinary Hearing shall consist of the Subject Officer and the Chief or his or her designee as the employer-complainant. In the event that the Chief is not pursuing the matter, the Town shall be a party to such hearing as the employer-complainant.

b. Pursuant to G.L. c. 31, § 41, the Chief or the Town shall file a written request and notify the parties that the hearing shall be public unless:

i. The accused officer does not file a written request for a public Disciplinary Hearing, and

ii. The accused officer or the employer-complainant requests a closed Disciplinary Hearing, the requirements of G.L. c. 31, § 41 are met, and the Board votes for a closed session.

c. A Disciplinary Hearing shall be docketed for hearing by the Board of Selectmen promptly and in any event within any applicable timeframes established by the Civil Service Law.

d. Either party to a Disciplinary Hearing may bring witnesses to testify. A subpoena shall be issued at the request of the Town Administrator or Selectmen, or at the request of any party unless a majority of the Selectmen deem such a subpoena unreasonable and unfair.

e. Either party may be represented by an attorney or other designated spokesperson. A witness may be represented by counsel.

f. The Disciplinary Hearing is administrative and need not be conducted according to technical rules of procedure, evidence or witnesses. The purpose of the Disciplinary Hearing is to determine the facts and situations surrounding a case. The Board of Selectmen, especially when counsel is not present, shall protect the rights of all parties whenever through the lack of ability, inexperience, or oversight, either side's case may seem to be improperly prejudiced.

g. The Chairperson will conduct the Disciplinary Hearing subject to being overruled by a majority of the Board members. Members of the Board shall be finally responsible for obtaining complete and accurate facts.

h. The first phase of the Disciplinary Hearing will proceed as follows: The employer-complainant will present the Complaint, and introduce witnesses, if any. In the case of a Class A complaint for which the person who filed the complaint of misconduct does not appear to testify, Town Counsel will perform the role of that person. The Subject Officer shall then respond to the complaint and introduce witnesses, if any. Each person testifying, and each party to the complaint, may be questioned by the Board and by the parties or their attorneys. After the Board has taken all relevant evidence, each party will be given an opportunity to make a closing statement. At the conclusion of the first phase, the Board shall take a vote to determine the finding(s) on each allegation and proceed, if appropriate, to the second phase.

i. Oral evidence shall be taken only under oath or affirmation.

j. Upon the request of either party or a Selectman, witnesses other than the accused officer shall be excluded from the hearing until they are called to testify.

k. Each party to the Disciplinary Hearing shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to

impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. If the Subject Officer does not testify in his/her own behalf he/she may be called and examined as if under cross-examination.

l. Any evidence which is relevant to the allegations in question shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Unduly repetitious evidence shall be excluded. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

"Hearsay evidence" shall have that definition afforded the term under Massachusetts law, and generally refers to a statement that was made other than by a witness while testifying at the Disciplinary Hearing and that is offered to prove the truth of the matter stated.

m. If the Board of Selectmen decides that additional information is necessary to reach its findings, it will continue the hearing to a future date unless the parties agree to allow the Board to receive such material in writing without reconvening.

n. The standard of proof for the Board of Selectmen findings of fault shall be preponderance of evidence.

o. Evidence of unrelated allegations, incidents, or personnel records may be received only in the second phase of the Disciplinary Hearing.

5. In addition to its deliberations and votes(s) at the Disciplinary Hearing, the Board of Selectmen shall provide a written notice of its decision and disposition to the accused officer in accordance with G.L. c. 31, § 41, to the Chief, and to Town Counsel.

6. All documents relating to the Town Administrator's and the Board of Selectmen’s investigations may be released in accordance with Section III(6), supra, only.

7. The officer shall retain his or her right to further review under G.L. c. 31, § 43.

10. RELIEVING EMPLOYEE FROM DUTY:

No Officer shall be relieved from duty as a result of an Office of Professional Responsibility investigation unless such action is in accordance with G.L. c. 31, §§ 41 and 62.

11. RELIEF FROM DUTY – RIGHTS OF COMMANDERS:

The Commanding Officer of any shift or Division within the organization of the Brookline Police Department may relieve, with pay, any officer or employee under his/her command for the balance of the assigned shift only if said Commanding Officer has determined that the officer or employee is unfit or unable to perform or carry out his/her assigned duties or responsibilities. This action may or may not occur as a result of a need for disciplinary investigation or action.

Examples of relieving for non-disciplinary reasons would be as follows:

A. If the officer or employee is suffering from an illness and appears too sick to work effectively or safely.

B. If the officer or employee reports to work injured, is injured during the performance of duties and a physician advises that he/she be relieved, or is injured on duty and refuses to acknowledge the apparent danger the injury may place himself/herself in if remaining on duty.

C. The officer's or employee's mental state as the result of an unusual or traumatic situation presents a danger that duties and responsibilities may not be performed safely and properly.

D. Any action by an officer or employee that results in death or serious injury, but not limited to the use of force.

12. Commanders may also relieve any officer or employee from duty, with pay, for the balance of the assigned shift only, for any infraction or violation of the Rules, Regulations, Policies, Procedures, or Orders of the Department which would be conducive to holding the Department up to public ridicule or scorn, or would jeopardize the Department's mission to effectively provides police services to the community. Specific examples include, but may not be limited to, the following;

A. Reporting to duty while under the influence of alcohol or controlled substances.

B. Insubordination.

C. Committing a criminal offense while on or off duty.

D. Improper use or operation of Department vehicles or equipment.

E. Falsifying a statement or record.

F. Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others.

13. Any Commanding Officer who relieves an officer or employee from duty for disciplinary reasons shall immediately notify the Chief of Police or his or her designee and file a written Special Report, to the Chief of Police, containing all the details of the matter. Further investigation into the matter will be conducted in accordance with the procedures outlined previously in this directive.

14. Any Commanding Officer who relieves an officer or employee from duty for non-disciplinary reasons, except sickness on duty, shall file a complete written Special Report on the details to his/her immediate superior, with copies going to the Chief of Police.

15. LIAISON WITH DISTRICT ATTORNEY:

Any Office of Professional Responsibility investigation which may, or does, result in criminal charges being brought against an officer shall require the District Attorney's Office be apprised of the case for the purpose of advising on legal issues, and ultimate prosecution if necessary.

16. PUBLIC EDUCATION:

The Department shall maintain a brochure that it shall make available to complainants and other members of the public explaining the steps that will be followed in the complaint process. The brochure and any other informational materials about the citizen complaint process shall be subject to prior approval by the Board of Selectmen.

The Board of Selectmen shall ensure the creation of a plan, subject to biennial review, for educating the public about the complaint process, including on the Town Website.

17. PERIODIC ASSESSMENT:

The Police Chief assisted by two civilian citizens, one appointed by the Board of Selectmen and one appointed by the Moderator of the Town Meeting, shall biennially provide the Board of Selectmen, Town Meeting, and the public with a report on the functioning of the police complaint procedures. To the extent practicable, the civilian citizens should be individuals with experience in the issues raised by civilian complaints against police officers, including, but not limited to, experience working with persons of diverse backgrounds and viewpoints. The report shall include an assessment of the investigations of citizen complaints, an assessment of the Board of Selectmen's role in the complaint process, relevant statistics, comparisons with comparable communities, citizen survey results, and recommendations for any changes.

18. THE EARLY INTERVENTION SYSTEM

This Early Intervention System is designed to assist a potentially troubled police officer, improve accountability and enhance the quality of policing in Brookline.

A. STATEMENT OF PURPOSE AND POLICY

The Brookline Police Department is aware of the complexities of policing in today's society. In an effort to improve the quality of policing, the Department has instituted an early intervention system. This system is a progressive program that involves training, counseling and discipline. It will be used to identify officers who may be having difficulties in performing police work. By identifying these officers at an early stage, intervention can take place to correct behavior patterns thereby making it less likely they will re-occur in the future. This system will also identify problem areas, training needs and issues that must be addressed in order to provide professional and effective policing.

B. When a complaint is received regarding the actions of an officer, the Internal Affairs Officer will conduct an investigation into the complaint. In most cases, the IAO will meet with the officer complained against at some point in this investigation. During the meeting, the officer is to be made aware of the nature of the complaint alleged. At the earliest possible time, the supervisor of the officer will also be made aware of the nature of the complaint. Upon completion of this investigation, the final determination is to be made known to the officer and his/her supervisor. At the discretion of the Chief, Superintendent and/or the IAO, a meeting may take place between the IAO, the subject officer and the officer's supervisors. If further action is deemed necessary, input is to be received from all present regarding the necessary steps to be taken to insure actions of this type do not re-occur in the future.

C. Any member of the Department who receives three complaints against him/her within a two-year period will be subject to review. This review will include the cases that prompted the complaints to be filed against the officer. Present at this review will be the IAO, the Commander of the Division to which the officer is assigned and the officer's immediate supervisor(s). All present will be expected to provide input into the complaints, the particular officer's actions and his/her history. During this review, participants have the opportunity to support the officer's actions, identify any particular problems the officer is having, identify potential problems areas within the Department and, if necessary, recommend possible remedies.

D. RECOMMENDATIONS:

If a problem is identified, possible remedies include:

1. Counseling with Supervisors and/or Commander;

2. Additional training;

3. Referral for medical or psychological fitness examination;

4. A combination of additional training and supervision.

In these cases a program will be developed by the supervisor of the officer, subject to the approval of the Division Captain, The supervisor is to explain the program, outline steps in detail and the officer and supervisor are to sign off on the plan indicating their understanding of it. Furthermore, complete status reports are to be filed by the supervisor weekly for the first four weeks and monthly thereafter until the problem is solved. This program will include, but not limited to, ride along with a supervisor, one on one supervision, increased training and will cover a period of time not less than six months. A report is to be prepared and submitted regarding the actions recommended or taken under this system. This report is to be submitted to the Chief of Police and Superintendent.

E. REVIEW PROCESS:

1. This process of review will be ongoing. Reviews such as those set out under this system may be initiated based on a specific incident.

2. This review will not be limited to the individual police officer, This review includes potential changes and policies, procedures, and methods of operation.

3. The IAO is to conduct an on-going analysis of the type of complaints alleged against all Brookline Police Officers. Once the IAO has determined the nature of the complaints, the Department will have identified a training need.

BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

DANIEL C. O'LEARY
CHIEF OF POLICE

LT. STEPHEN J. BURKE
Office of Professional Responsibility

WAIVER OF ARTICLE 12 PRIVILEGE AGAINST SELF INCRIMINATION

To:

From:

Subject:

Date:

I _____, having previously asserted my privilege against self – incrimination under the *Fifth Amendment to the United States Constitution* and *Article 12 of the Massachusetts Declaration of Rights* with respect to the allegations contained in the Office of Professional Responsibility case # _____, now wish to voluntarily waive my Article 12 privilege and submit to an order to report my knowledge of these allegations.

However, I still assert my Fifth Amendment privilege against self-incrimination and understand that neither the contents of my report and/or interview, nor evidence derived there from can be used against me in a State or Federal criminal proceeding.

I also understand that State or Federal criminal proceedings may be instituted against me based upon evidence obtained from other sources.

I have read the above statement

Employees Signature _____ Date _____

Signed in the presence of: _____ Date _____

Public Safety Headquarters 350 Washington Street, Brookline, Massachusetts 02445
Telephone (617) 730-2255 ❖ Facsimile (617) 730-8454

MOTOR VEHICLE PURSUIT

General Order Number: **35.1** ***Effective Date:*** **June 18, 2013**

PURPOSE: The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

POLICY: Vehicular pursuit of fleeing subjects may present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of the Brookline Police Department to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of this department to assist officers in the safe performance of their duties. To effect these obligations, it shall be the policy of the Brookline Police Department to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

M.G.L. Chapter 89 Section 7B: The driver of a vehicle of a fire, police, or recognized protective department and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, <u>may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property,</u> unless otherwise directed by a police officer regulating traffic at such intersection. The driver of any such approaching emergency vehicle shall comply with the provisions of section fourteen of chapter ninety when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing.

Vehicular pursuit is the motorized pursuit of another vehicle at speeds above the legal speed limit. Ours is a highly mobile society and this fact, coupled with the natural desire of a law violator to avoid arrest, may often result in situations that suggest the necessity of pursuit contrary to traffic laws and regulative signals.

A "high speed" pursuit is not recommended or favored. This is because the potential danger to the officer and the general public may outweigh the potential advantage of apprehending a fleeing vehicle by such means. Stated simply, pursuit is clearly inappropriate when the pursuit itself endangers life more than the escape of the person pursued. Delay, while distasteful, may be the wiser choice when the person is known and he or she poses no immediate threat to the community. This department recognizes that it is sometimes better to allow a suspect to

temporarily escape than to jeopardize the safety of citizens and the officer in a high-speed pursuit.

Under certain circumstances, however, continuous high-speed pursuit may be authorized. When such pursuit is undertaken, the purpose should be to apprehend quickly and safely. Caution, nonetheless, is of utmost importance and an officer in a police vehicle does not thereby gain a license to endanger the lives of others simply for the sake of more rapid apprehension.

When the pursuit would be authorized each officer must use his/her discretion in determining whether or not to commence a pursuit. Many factors should have a bearing on his/her choice, but some of the major ones may be listed:

1. SAFETY OF OFFICER AND THE PUBLIC
2. ROAD CONDITIONS; (WEATHER AND LOCATION)
3. TRAFFIC CONDITIONS;
4. TIME OF DAY;
5. TYPE OF VEHICLE INVOLVED
6. NATURE OF THE OFFENSE.

FOR PURPOSES OF THIS POLICY, A MOTORIST SIMPLY FAILING TO STOP BUT NOT DRIVING AT EXCESSIVE SPEED DOES NOT CONSTITUTE A PURSUIT DRIVING SITUATION.

Procedures:

1. **INITIATION OF PURSUIT:** The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

A. Any officer in a marked police vehicle may initiate a vehicular pursuit when **ALL** of the following criteria are met.

1. The suspect(s) exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor that would normally require a full custody arrest;

2. The suspect operating the vehicle refuses to stop at the direction of the officer and;

3. The suspect, if allowed to flee, may present a danger to human life or cause serious injury.

B. Only conspicuously marked police cars, fully equipped with emergency equipment shall be used for continuous pursuit at high speeds. If the <u>initial</u> pursuit must be undertaken by an unmarked police car then the unmarked vehicle must

immediately abandon pursuit when a marked police car has intercepted and undertaken to continue the pursuit.

MOTORCYCLES SHALL NOT ENGAGE IN CONTINUOUS MOTOR VEHICLE PURSUIT.

C. No police officer shall use a personal or private motor vehicle to engage in a vehicular pursuit. An officer who witnesses a felony while in a personal or private motor vehicle shall notify the dispatch of :

1. description of the vehicle involved;
2. direction of travel;
3. the crime involved;
4. any description he/she can of the occupants and/or driver.

The officer may then, with the permission of the patrol sergeant, follow the fleeing vehicle only if it is possible to do so in conformance to all traffic laws.

D. Only one vehicle shall be involved in a vehicular pursuit unless a patrol sergeant orders otherwise. In those instances in which a vehicular pursuit has been initiated and is being controlled by another law enforcement agency, and that pursuit has entered the Town of Brookline, Brookline Police vehicles shall not join directly in the pursuit. Brookline Police vehicles shall monitor radio communications and shall be deployed and assist in the same manner as if a Brookline Police vehicle was directly involved.

2. **Pursuit Officer Responsibilities:** The pursuing officer shall immediately activate his or her emergency lights and siren and when safe to do so, shall notify dispatch that a pursuit is underway. The officer shall provide dispatch with the following information:

A. Vehicle Identification;
B. location, speed and direction of travel of the fleeing vehicle;
C. description and license plate number;
D. number of occupants in the vehicle and descriptions, if possible;
E. reason for the pursuit.

1. Failure to provide this information to the dispatch personnel may result in an immediate decision by a patrol sergeant to order its termination.

2. The primary pursuit vehicle shall reduce the level of pursuit to that of support or backup where another vehicle has been assigned primary pursuit responsibility.

3. Any police vehicle sustaining substantial damage, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in

the pursuit. The unit shall notify dispatch so that another unit may be assigned to the pursuit.

D. **Intentional contact between a police vehicle and the vehicle pursued is strictly forbidden**.

E. Secondary response units shall yield the right of way to the pursued and pursuing vehicles and will not attempt to become involved in the pursuit. Such units shall maintain a reasonable distance between themselves and the vehicles involved in the pursuit and shall be available to assist in apprehension.

F. If the officer receives a communication from the Patrol Supervisor or Commanding Officer that the pursuit be terminated, he/she shall do so immediately. The officer shall report to the dispatcher the final location and direction of travel of the pursued vehicle at the time of termination. The officer in pursuit shall voluntarily terminate pursuit when he/she determines that the safety of the public, conditions of the road, weather, traffic or other factors so necessitate. The officer shall notify the dispatcher of his/her decision and relay the final location and direction of travel of the pursued vehicle at the time of termination.

G. Firearms shall not be discharged by any officer while driving or occupying a vehicle engaged in pursuit.

H. Vehicular pursuit is strictly forbidden when the police vehicle is occupied by any non-police personnel.

3. **Dispatcher Responsibilities:** Upon notification that a pursuit is in progress, the dispatcher shall immediately notify the Commanding Officer, who shall assume overall responsibility and monitor pursuit.

A. Advise all patrol cars to clear the communication airwaves. The dispatcher shall advise the patrol supervisor of all essential information regarding the pursuit.

B. Dispatchers shall carry out the following activities and responsibilities during the pursuit:

1. Receive and record all incoming information on the pursuit and the pursued vehicle;
2. Control all radio communications;
3. Obtain criminal record and vehicle checks of the suspects;
4. Notify neighboring jurisdictions via BAPERN- 3 radio channel when pursuit may extend into their locality;
5. Coordinate and dispatch backup assistance under the supervision of the Commanding Officer and the patrol supervisor;
6. Replace any unmarked police cars or police motorcycles with a marked police

car as the lead pursuit vehicle as soon as possible.

4. **Patrol Supervisors' Responsibilities:** Upon notification that a vehicular pursuit is in progress, the patrol supervisor shall assume responsibility for the monitoring and control of the pursuit in progress**.**

A. The patrol supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.

B. In controlling the pursuit incident, the patrol supervisor shall be responsible for coordination of the pursuit as follows:

1. Directing pursuit vehicles into or out of the pursuit;
2. Designation of primary support or other backup vehicle responsibilities;
3. Approval or disapproval, and coordination of pursuit tactics;
4. Approval or disapproval to leave jurisdiction to continue pursuit

C. The patrol supervisor may approve or assign additional backup vehicles or to assist the primary and backup pursuit vehicles based on an analysis of the following:

1. The nature of the offense for which the pursuit was initiated;
2. The number of suspects and any known propensity for violence;
3. The number of officers in the pursuit vehicles;
4. Any damages to police vehicles or officers;
5. The number of officers necessary to make an arrest at the conclusion of the pursuit;
6. Any other clear and articulate facts that would warrant the increase hazards caused by numerous pursuit vehicles.

5. **Commanding Officer:** The Commanding Officer –Platoon on Duty is in charge of the police officers on duty for any given shift. Because of this, the Commanding Officer is responsible for the work of the officer. During any vehicular pursuit, the Commanding Officer-Platoon on Duty is to be notified and will assume overall responsibilities.

6. **Pursuit Tactics:** Unless expressly authorized by a patrol supervisor, pursuit shall be limited to the assigned and primary backup vehicles. Other officers are to monitor the pursuit, take up strategic positions, use good judgment, and assist as needed.

A. Officers may not use their vehicle to intentionally bump or ram the suspect's vehicle in order to force the vehicle to a stop off the road or in a ditch.

B. Officers shall not pursue suspects the wrong way on highways. In such an event, officers should attempt to parallel the pursued vehicle on the proper side of the highway. Other police vehicles should be directed to observe and intercept the pursued vehicle at the various intersecting streets.

C. A tire-deflating device may only be used if the officer is trained in its use.

D. A tire-deflating device may not be used to stop a motorcycle, tractor-trailer, or a bus carrying passengers.

E. The tire-deflating device shall not be used at intersections or in locations where geographic configurations such as curves and steep embankments increase the risk of injury to the suspect or other traffic.

F. A tire-deflating device may only be deployed after the pursuing officer has been informed of the location of deployment and has acknowledged the information.

G. Officers deploying a tire-deflating device shall select a safe location from which to deploy, standby as the fleeing vehicle passes by, and **remove the device**.

H. There are situations where it is prudent to disable a vehicle with a tire deflating device before making a suspect aware of police presence and before a pursuit begins. The tire-deflating device may be utilized in the following situations to stop vehicles without first signaling or otherwise ordering the suspect to stop. They are for example:

1. Incidents of known stolen motor vehicles;

2. Suspects wanted on serious felony arrest warrants/charges such as murder and armed robbery;

3. Incident where it is best to get a suspect out of a disabled vehicle such as a hostage or kidnapping situation.

7. Roadblocks: Department policy prohibits officers from engaging in or setting up any type of roadblock during a motor vehicle pursuit.

8. Incident Reporting:

A. Any officer who participates in a vehicle pursuit shall submit, no later than the end of tour of duty, the appropriate reports to the Chief of Police giving a full account of the pursuit and the reason(s) for his/her participation.

B. Patrol Supervisors shall submit a completed report on each motor vehicle pursuit by the end of his/her tour of duty. This report shall indicate if the pursuit was conducted in compliance with department policies.

9. Annual Analysis

A. The Office of Professional Responsibility shall conduct an annual review of all reports involving motor vehicle pursuits for the previous year. A review of incidents may reveal patterns or trends that indicate training needs and/or policy modifications. A report will be submitted to the Chief of Police.

These policies and procedures are to be followed in conjunction with all relevant existing statutes, Town by-laws, departmental policies and procedures, and regulations.

NEWS MEDIA RELATIONS / RELEASE OF OFFICIAL INFORMATION

General Order Number: **36.1** ***Effective Date:*** **June 18, 2013**

This policy is issued to describe the method in which official information shall be released to the news media or to other persons outside the Brookline Police Department while recognizing the rights of news personnel at the scene of emergencies or other police activities.

The Brookline Police Department will establish and maintain a cooperative climate in which information on matters of public interest may be obtained in a manner that does not hamper police operations or violate the rights of the accused. The Captain of the Community Service Division acts as the Public Information Officer for the Department.

In a democratic society, the relationship between the police and the news media is characterized as complimentary rather than conflicting. This relationship provides an excellent channel for fulfilling the legitimate needs of the press and informing the public about the nature of police tasks and problems.

Crimes, and police efforts to prevent it, are matters of public concern. The Brookline Police Department is regularly involved in events in which the news media needs information and / or photographs. Under such circumstances, the Brookline Police Department has three responsibilities:

1. **To bring the police operation at hand to a successful conclusion.**
2. **To protect the constitutional rights of persons accused or involved.**
3. **To cooperate with media efforts to obtain and disseminate factual information.**

This policy does not pertain to the sharing of information with other law enforcement agencies for law enforcement purposes. Such sharing of relevant information is an important investigatory and crime prevention tool.

1. The Chief of Police has the ultimate responsibility for public comments, oral or written, concerning the Department, and serves as the primary spokesperson. However, to properly satisfy the need for release of

information to the public, others within the Department are authorized to release information to the media as noted in this policy.

2. **Custodian of Records / Holder of Records:** Under MGL c.66 s2 and 950 CMR 32.00, the custodian of records is the employee designated to be in charge of maintaining, storing and keeping the public records of the Department. The Commanding Officer – Traffic Division is the Department Custodian of records, as well as the holder of records.

3. **Public Information Officer:** The department's Public Information Officer (PIO) holds primary responsibility for handling the public information function, and acts as the official spokesperson for the department. By maintaining an active liaison with the news media, the PIO serves as a central source of information for release by the department, and responds to requests for information by the media and the community.

   The Chief of Police may exercise the authority to act as, or may designate other personnel to act as the PIO.

   The PIO shall be the Commanding Officer – Community Service Division, serving at the direction of the Chief, except as otherwise noted within this policy.

4. **Delegation of PIO Duties:** The Chief of Police may temporarily designate another member of the Department to serve as the PIO in the absence of the Commanding Officer – Community Service Division; or to serve as the PIO for a specific event or activity.

5. **PIO Duties: Off Hours:**

   A. **Supervisory Officers:** When major events of interest to the media or public occur outside of normal business hours, the Commanding Officer – Platoon on Duty shall be responsible for alerting the Chief of Police, the PIO or other designated on-call Department staff, so they are prepared to respond to media inquiries.

   B. **Police Officers and Others:** If a Patrol Supervisor or other ranking officer is present and available, it is preferable that they disseminate any information on the event or ongoing shift activity after it is approved/coordinated through the Public Information Officer.

6. **Copies of Reports:** Media requests for copies of arrest, incident and accident reports; with the exception of those afforded by law to domestic violence victims, and arrested criminal defendants; shall be processed through the Community Service Division.

7. Duties of the Public Information Officer: The Public Information Officer (PIO) is responsible for the coordination and timely completion of the following:

A. Oversee and/or coordinate Department personnel as needed to accomplish these tasks.

B. Prepare and distribute information and news releases on routine activity, such as the Daily Activity Log.

C. Prepare and distribute information regarding special events, unusual occurrences, and newsworthy investigations.

D. Be alert for positive news stories involving the Department and personnel, and distribute same.

E. Review and coordinate information provided to the public via interviews, media releases, internet electronic mail (email) and the Department website and blog as well as the social networks.

F. Coordinate with the Crime Analyst to ensure that the Department website content is continuously reviewed and updated.

G. Authorize and coordinate the release of information to the media regarding victims, witnesses and suspects.

H. Coordinate and authorize the release of information concerning confidential Department investigations and operations after review with the Chief of Police.

I. Assist or oversee the preparation and distribution of all required reports, such as NIBRS crime statistics related material; public relations brochures, pamphlets; and such other informational reports as required by the Chief.

J. Assist the news media on an on-call basis; and assist in crisis situations within the agency.

8. Policy Sharing and Revision: The PIO may make this policy available to any person or agency, and may consult with the Office of Town Counsel, as well as media representatives, when formulating changes to this policy, or information release procedures.

9. Cooperation with the Media:

A. Authorized news media representatives shall have reasonable access to the PIO and the Chief of Police.

B. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.

C. Public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.

D. Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.

E. When more than one law enforcement agency or public service agency is involved in a mutual effort, the agency with primary jurisdiction will attempt to coordinate with the other agencies involved for the release, or coordinating the release, of information, unless otherwise specifically arranged.

10. PUBLIC RECORDS:

M.G.L. c. 4 s& and M. G. L. c. 66 s 10 define "**Public Records"**
These statutes give the public access, including the right to inspect and copy, all records made or received by any public agency, except those exempted from public disclosure by any other statutes.

There are a number of exemptions under the public records law and personnel must take care not to disclose non-public record information. Personnel should direct questions to the Department's record custodian, the Commanding Officer-Traffic Division.

Examples of exemptions include an exemption for an identifiable individual's private information, the disclosure of which may pose an unwarranted invasion of privacy. This could include information concerning a person's medical or psychiatric condition, and under this policy will include information such as a person's social security number, date of birth, driver's license number or state-issued identification number, financial account number, or credit card or debit card number.

Also, there are a number of statutory exemptions, such as those protecting Criminal Offender Registry Information, or sexual assault victim information, and personal information protected by the Driver Privacy Protection Act (see below).

The home address and telephone number of law enforcement personnel and their family members are not public records under the Public Records Law and shall not be disclosed.

Also exempt under the **Public Record Law** is records that are "investigatory materials necessarily compiled out of the public view by law enforcement or other investigative officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." Investigative materials that may qualify as such should be brought to the attention of the division commander who shall notify the Chief of Police, who shall make the final determination as to the release of information. Once determination is made, the Community Service Division shall be notified to hold back all media request for such materials. Information to be held may include original investigative report, public record of arrest data, and the arrest booking sheet. All three are separate and should be considered on a case by case situation. It is the policy of the Brookline Police Department to release investigatory materials to news media personnel contemporaneous with such incidents and as may be consistent with the Public Record Law, the CORI Law and the Sexual Assault exemption and the Juvenile Identification exemptions. Information released to the news media in accordance with the provisions of the foregoing laws shall thereafter be available to members of the public in accordance with the provisions of such laws. Information that would interfere with active police investigations need not be released.

11. CORI LAW:

Specifically exempted from disclosure are all records that come under the "**Criminal Offenders Record Information Law."** This law prohibits disclosure of criminal offender record information ("CORI"), which the law defines as records and data compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, arrest, a pre-trial proceeding, or other judicial proceedings, sentencing, incarceration, rehabilitation, or release. CORI only includes information that is recorded as the result of the initiation of criminal proceedings or any consequent proceedings and only concerning offense that are punishable by incarceration. It does not include evaluative information, statistical and analytical reports and files in which individuals are nor directly or indirectly identifiable, or intelligence information. Criminal offender record information does not include information on persons who are not at least 17 years of age unless the person is adjudicated as an adult. An example of CORI is Board of Probation Records.

12. SEXUAL ASSAULT VICTIM IDENTIFICATION / JUVENILE IDENTIFICATION:

The disclosure of names of victims in sexual assault cases, as well as details of sexual assaults is prohibited by law. The disclosure of

identification of juveniles is prohibited by departmental policy. Juveniles are considered to be those persons less than seventeen (17) years of age. Exception to this rule may only be made by the Chief of Police or the Commanding Officer of the Community Service Division.

13. DRIVER PRIVACY PROTECTION ACT (18 USC s2721): The Driver Privacy Protection Act prohibits the disclosure of "Personal information" in connection with "Motor Vehicle Records" , to unauthorized recipients. Authorized recipients include law enforcement and other governmental agencies, for the purpose of carrying out their functions, insurance companies in connection with claims investigation activities, antifraud activities, rating, or underwriting, and rating boards.

Motor Vehicle Record means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles.

Personal Information identifies an individual, including an individual's:

A. Photograph
B. Social Security number
C. Driver identification number
D. Name
E. Address (but not 5-digit zip code)
F. Telephone number, and
G. Medical or disability information

But does not include information on:

A. Vehicular accidents,
B. Driving violations, and
C. Driving status

FINAL DECISIONS ON RELEASE OF SUCH INFORMATION WILL BE MADE BY THE CHIEF OF POLICE.

14. Information that may be withheld from public dissemination:

A. The existence or contents of a prior criminal record of the accused. (C.O.R.I.);

B. The character or reputation of the accused;

C. The existence or contents of any statement, admission or confession of the accused;

D. The accused participation in or refusal to submit to any examination or test and or the results thereof;

E. Possibility of a guilty plea;

F. Opinions as to guilt, innocence, character, or reputation of the suspect;

G. Opinions as to the quality of evidence of the case;

H. Identity of possible or known witnesses if the information is exempt under (f) of the public records law;

I. Statements of testimony of witnesses except as part of the record of a public court proceeding;

J. Names or addresses of victims of sexual assaults or of persons on whom attempts to commit such offenses has been made;

K. Confidential medical or psychiatric information or confidential information regarding a person's physical or mental condition

L. Specific causes of death, until officially determined by the Medical Examiner;

M. Per MGL c.41 s98F; the identity of any handicapped individuals being physically or mentally incapacitated, and requiring mobility assistance devices, or is bedridden;

N. Information about ongoing litigation;

O. Information contained in an officers Internal Affairs file; (exceptions listed in following section)

P. Photographs of police personnel unless provided with permission of the individual involved, by the individual's immediate family, or in special circumstances, by the Chief of Police;

Q. Specific addresses, family data, or other personal data regarding police personnel unless the individual involved gives permission;

R. Police pictures of persons arrested or pictures that have been made part of a criminal record, unless published to aid in the capture of a wanted suspect. Exceptions may be made only with

the authorization from the Chief of Police, Superintendent of Police or the Captain of the Community Service Division.

15. Information that may be released in relation to an incident or with the approval of the Commanding Officer of the Community Service Division:

A. Nature of charges;

B. Basic facts and circumstances of an arrest;

C. Identity of investigating and arresting officers;

D. Length of the investigation leading to the arrest;

E. Description of physical evidence seized, unless release of such information would jeopardize a case;

F. Identity of the arrested, if 17 years of age or older; if under the age of 17, approval must be made by the Chief of Police, Superintendent of Police or Commanding Officer of the Community Service Division.

G. The age, sex and hometown (but not the name) of the accused if under the age of seventeen;

H. Schedule of and results from any stages of the judicial process. (Including any quotations from public records of the court);

I. An officer's awards or commendations date of appointment and date of retirement;

J. Any criminal charges pending against an officer;

K. Nature of charges against an officer in an on-going IAD investigation if the release would not jeopardize an on-going investigation;

L. Results of a completed Internal Affairs investigation only with the approval of the Chief of Police;

M. Identities of persons seriously injured or killed only after obtaining confirmation that the next of kin have been properly notified.

16. Photographing Prisoners: News media have the right to photograph persons in police custody. Brookline Police officers or any person employed by the Brookline Police Department will not pose

prisoners for news photographs nor will they allow prisoners to be photographed by news media personnel inside police buildings.

17. **News Media Access:** A news media person's primary responsibility is to report the news by gathering information and/ or taking photographs. Since the opportunity (especially at an emergency scene) is often momentary or transitory in nature, an officer should not unnecessarily obstruct a newsperson in the performance of his or her duties.

To preserve the integrity of a crime scene until all necessary evidence can be collected; News persons shall not be permitted within fifty (50) feet of an active crime scene.

Newspersons may photograph or report anything they observe when at an emergency scene. When publication or broadcast of such coverage may interfere with an investigation or place a victim, suspect, witness or other person in jeopardy, withholding publication is dependent upon willingness of the press.

Under such circumstances, officers shall immediately advise their supervisor to notify the Community Service Division (or the Commanding Officer – Platoon on Duty when Community Service Division is not available.) Theses persons will relay departmental concerns to the media supervisor involved. Officers shall not, however, interfere with or obstruct news media personnel as long as their activities remain within the confines of the law.

News media / photographers and their equipment have the right to protection from assaults and unnecessary interference or obstruction while engaged in the performance of their duties at the scene of a crime or other major events. An officer observing any such activity directed at a member of the media shall immediately take the appropriate action necessary to resolve the situation. A report of the incident shall be submitted to the officer's immediate supervisor who shall send a copy of the report to the Community Service Division as soon as possible. Members of the media are not exempt from any municipal, state or federal statute.

It is the responsibility of all news media personnel to clearly display their media credentials at emergency scenes or special events. Failure to do so can cause the police to request that person to leave the restricted area immediately.

18. **News Media Access and Crowd Control:** In order to ensure public safety, police personnel will establish police lines where necessary at all major events. The ranking officer at the scene of the event may allow duly accredited representatives of any news service, newspaper, television or radio stations to enter areas normally closed to the public by police line. This policy shall be dependent upon the tactical situation at hand and the

likelihood that the success of the police response will not be jeopardized. In certain situations there may be a separate area set aside for news media representatives in order for them to cover an event.

It is the responsibility of the police to check media persons for the approved media credentials and to require the display of these credentials on their outermost garment. (Questions relative to credentials should be directed to the ranking officer at the scene.)

The Brookline Police Department shall not assume the responsibility of providing safety for those members of the media who choose to subject themselves to danger while covering an event.

19. Request for Information:

1. When the Community Service officer is available:

More media outlets are web based, generating an increase for media release that may be requested on a daily basis. All such request shall be forwarded to the Community Service Division. All requests for information or interviews should be directed to the Commanding Officer of the Community Service Division. During the day to day operation of the Brookline Police Department, Commanding officers, and Patrol Supervisors and On-Scene Supervisors shall make every effort to get pertinent information on any newsworthy incident/arrest to the Commanding Officer of the Community Service Division as soon as possible. This will allow the timely dissemination of facts to the media and relieve all other police personnel of this responsibility.

2. In the event of a major incident and the Community Service Division is not open:

The Commanding Officer of the Community Service Division or his or her designee shall be contacted by the Commanding Officer – Platoon on Duty (determination as to whether or not a situation will be classified as “major” shall be determined by the Commanding Officer.) If the incident is not classified as major, basic information (as listed in section 15) may be given to members of the media by the Commanding Officer.

3. POLICE OFFICERS SHALL NOT GRANT INTERVIEWS AT THE SCENE OF ANY POLICE ACTION, ALL MEDIA INQUIRIES SHALL BE DIRECTED TO THE POLICE SUPERVISOR ON SCENE WHO MAY CHOOSE TO SPEAK WITH THE MEDIA ABOUT THE EVENT.

20. **Requests for Interviews:** The news media and members of the general public frequently direct inquiries to the Police Department seeking interviews on a variety of general police matters or requesting police officers to appear as guests. The decision to grant such interviews or to allow guest appearances by Brookline Police Personnel shall be made by the Chief of Police, Superintendent of Police or the Commanding Officer of the Community Service Division.

21. **Request to hear dispatch recording:** If a media outlet places a request to hear radio or phone call playbacks, regarding a recent press release or incident, all requests shall be forwarded to the Community Service Division. If the incident in question is not recent then an FOIA (Freedom of Information Act) may be needed and submitted to the Commanding Officer of the Service Division.

22. **Tours of Police Facilities:** Requests for tours of police facilities are a common occurrence and should be directed to the attention of the Community Service Division for approval and scheduling.

23. **Endorsement of Commercial Products:** The Brookline Police Department does not endorse commercial products or allow its facilities to be used for such purposes. Department personnel shall not make any endorsements of commercial products in their capacity as members of the Brookline Police Department without the expressed permission of the Chief of Police.

24. **Participation in Movies, Commercials, Etc.:** All requests for the use of Brookline Police Department personnel and / or equipment for use in movies, documentaries, docudramas, commercials, advertisements, television or radio shows, or any similar projects must be cleared through the Captain of the Community Service Division or his/her representative.

    The Brookline Police Department will not normally allow its personnel, equipment and facilities to be used by the media production industry. It may however allow the news media to operate cameras and recording equipment inside of the police facility with the expressed permission of the Commanding Officer of the Community Service Division or his/her representative.

    News media representatives have the right to be present outside of the police station at any time as long as they are not interfering with officers in the performance of their duties.

25. **Maintaining Social Networking Sites:** In an effort to maintain a climate of cooperation and transparency regarding public information, the Brookline Police Department will utilize the channels of information offered by Social Networking Sites such as Facebook, Twitter, the Brookline

Police News Website, Community/Business Listserv and the Brookline Police Website. The use of these sites will augment the Brookline Police Department's ability to provide timely, accurate and up-to-date information to the community. These sites will be used to broadcast breaking news to the community should an emergency occur. They will also be used to provide the public with information about The Brookline Police Department as well as recent crimes. This information will be provided in such a manner so that it does not violate the rights of any victims or suspects. These sites will also provide a forum for members of the community to share their opinions and insight to the police department.

The Community Service Division is responsible for utilizing and monitoring these Social Networking Sites. A designee of the Chief of Police may also be granted access to the sites for the purpose of updating relative police information.

The Brookline Police News Website will be compromised of crime reports and any other information or press releases that important for the community to be aware of. These will be taken from the report writing system. Brief narratives will be written by the Community Service Division. These will be reviewed by the Commanding Officer of the Community Service Division or his/her designee. All web pages will be linked to one another.

Individual employees should familiarize themselves with Special Order #2011-4. This order establishes a policy concerning personal web pages or internet sites maintained by individual employees and their use when referencing The Brookline Police Department. It is also intended to ensure that any information released on those sites does not violate department policies and procedures or state law. These personal sites and web pages are not official Brookline Police websites nor are they endorsed or supported by The Brookline Police Department.

The same description of the information that may or may not be released discussed in sections 14 and 15 shall apply to the above section with the addition of the following:

1. The names of the suspects shall not be placed on the web pages without the approval of the Chief of Police or his/her designee.

2. Medical information shall not be released.

TRANSPORTATION AND HANDLING OF PRISONERS

General Order Number: **37.1** ***Effective Date:*** **June 18, 2013**

PREFACE:

The proper transporting and handling of prisoners is essential to ensure the safety of officers and prisoners. Officers are reminded that the arrest, safe handling and processing of persons arrested by members of the Brookline Police Department require that officers be alert at all times. Policy and Procedures require examination at the beginning of each shift of all vehicles used for transporting prisoners and also the search of any transport vehicles prior to and after transporting prisoners. This is to ensure that no weapons or contraband are present. Some latitude may be allowed wherein an officer has been in constant control of the vehicle following the pre-shift examination and the introduction of the prisoner to the vehicle; however, most vehicles will not have been under constant supervision and officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or other items.

Once a prisoner has been removed from the vehicle, a thorough search should be conducted as soon as practical, but in all cases, before the vehicle is reused. This will not only ensure that the prisoner has left nothing in the vehicle, but if items are found, it will be possible to link them in a timely manner to the prisoner.

All persons arrested by this department shall be fingerprinted and photographed in accordance with M.G.L. c.263 s.1A and with current department policy and procedures.

Persons being held in custody are being held against their will and as such they present a potential danger to police officers who must deal with them. With this in mind, the following procedures are to be followed when persons are in the custody of the Brookline Police Department.

1. HOLDING FACILITY TRAINING:

A. All members of the Department shall receive training in departmental policies and procedures on the operation of the holding facility at least once every three years.

1. Methods of physical restraint, so that when necessary, control of violent or disorderly prisoners can be obtained with the minimum of discomfort and danger to both the officer and the prisoner.

2. CPR, First Responder, and Automated External Defibrillator (AED).

B. Additional training shall be consistent with the officer's duties and responsibilities.

1. All Superior Officers, all officers assigned to the position of house officer, shall be fully trained in:

a. Detention procedures including suicide prevention in accordance with M.G.L. c. 40, s.36.

b. The use of fire suppression equipment.

2. HANDLING OF PRISONERS AT THE ARREST SCENE:

A. The arresting officer will call ahead to the station and notify them of an arrest. For safety reasons, the prisoner should be under observation at all times.

B. Officers who are involved in the arrest of a person shall perform a thorough search of the prisoner prior to transporting the prisoner. Whenever an officer takes custody of a prisoner that he/she is to transport, they should never assume that the prisoner has already been searched. The officer shall conduct a thorough search of the prisoner himself. Prisoners will be searched at the scene of the arrest by:

1. An officer of the same sex, or

2. An officer of the opposite sex if there is reason to believe that the prisoner possesses an item which could cause harm to the prisoner or the officer; or if there is probable cause that the prisoner is in the possession of evidence which can readily be disposed of and circumstances do not permit the time to await the arrival of a same sex officer. The officer should conduct this search in the presence of a supervisor or another officer to minimize any accusation of misconduct.

C. All prisoners are to be searched and handcuffed prior to being placed into the transport vehicle, except when transporting juvenile, pregnant, elderly, handicapped, sick or injured persons where the use of restraining devices shall be within the discretion of the transporting officers. The transporting officer(s) is legally responsible for the safety and custody of the prisoner(s) being transported.

D. Prisoners shall be handcuffed with their hands behind there back, palms facing outward, unless there are exigent circumstances (such as injury). Handcuffs shall be double locked.

E. If the number of persons arrested exceeds the number of pairs of handcuffs on hand, flex cuffs may be used if available.

F. At no time will prisoners be handcuffed to any part of the transport vehicle during transport.

3. PRISONER TRANSPORT:

IMPORTANT – The department is in a vulnerable position if a male escort officer is used to transport a female prisoner and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

A. TRANSPORT VEHICLE

1. All vehicles normally used for transporting prisoners shall be checked for operational suitability prior to each shift.

2. All Department vehicles normally used to transport prisoners shall have a safety barrier installed.

3. All vehicles used for transporting prisoners shall be modified to minimize opportunities for the prisoner to exit from the rear compartment of the vehicle without the aid of a transporting officer;

4. Before placing a prisoner in a police vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. This will also ensure that items (e.g., contraband, evidence, etc.) subsequently found can more easily be attributed to the prisoner.

5. Blue emergency lights should be activated during a prisoner transport.

6. At the completion of all prisoner transports, the officers assigned to the vehicle will conduct a search of the area within the vehicle where the prisoner was located for evidence and/or contraband that may have been discarded by the prisoner.

B. Under normal circumstances officers will transport prisoners in the following manner; listed in order of preference:

1. Caged, two person cruiser (When Possible):

a. Prisoners will be seated in the rear seat area.
b. Both officers will be seated in the front seat.

c. The officer in the passenger position shall maintain visual contact with the prisoners.

d. No more than three prisoners will be transported in a single cruiser

2. Uncaged, two-person cruiser:

a. Only 1 prisoner may be transported in a cruiser without a security barrier.

b. The prisoner will be seated in the rear passenger's side seat.

c. The second officer will be seated in the left rear seat behind the driver.

3. Caged, one-person cruiser (officer to be assisted at station by a second officer):

a. Prisoners will be seated in the rear seat

b. If there is only one prisoner, he or she will be seated in the rear passenger's side seat.

c. No more than 3 prisoners will be transported in a single cruiser.

4. Patrol Wagon – 2 Officers:

a. Prisoners will be seated in the rear compartment.

b. Both officers will be seated in the front seat.

c. The camera and vent, rear compartment, shall be kept on during the transport of all prisoners in order for the transporting officers to maintain visual observation of the prisoners.

d. The officer in the passenger position will maintain visual contact with the prisoners via the monitor.

e. The Patrol Wagon rear compartment outer door shall be secured and locked at all times.

NOTE: An un-caged vehicle will only be used if a caged cruiser is unavailable or if officers operating an uncaged vehicle make the arrest out of town.

C. All persons under arrest and being transported in Department vehicles are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer. If an officer encounters an unruly prisoner or if the application of the safety belt would jeopardize the safety of the officer, prisoners may be transported without the the use of a safety belt.

4. SPECIAL TRANSPORT SITUATIONS

A. Transporting Prisoners by an Officer of the Opposite Sex:

1. Whenever one or two officers transport a prisoner of the opposite sex, the following procedures will apply.

a. The transporting officers will call in the mileage on their patrol vehicle and their location. The dispatcher will make an entry into the CAD System.

b. The transporting officers will proceed directly to their destination using the shortest practical route.

c. Upon arrival at the destination of the transport, the transporting officers will call in the ending mileage on their patrol vehicle. This information will be noted by the dispatcher in the CAD System.

B. Injured, or Handicapped Prisoners:

1. Handcuffing of Injured, or Handicapped Prisoners

a. Officers should apply handcuffs to such prisoners only if there is threat of attack or injury to himself or herself or the prisoner. If handcuffs are required, they should be used in a manner so as not to further aggravate the handicap or injury. If E.M.T.'s are present, handcuffs should be applied as suggested by them.

b. The decision whether or not to use handcuffs should be based on the officer's observations of the individual's handicap, illness, or injury, his or her mental state at the time of arrest, the charge, and any pertinent information acquired at the scene.

2. Transporting Sick, Injured, or Handicapped Prisoners:

a. Officers will take every possible precaution to ensure the safe transportation of all prisoners. If a prisoner is sick, injured, or handicapped, the officers shall, whenever reasonable and practical, summon an ambulance to arrange for transportation. If possible, the prisoner should be transported in the ambulance accompanied by at least one police officer.

b. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.

c. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. If required, handcuffs should be used until a more appropriate restraining device can be applied.

d. Leg restraints shall only be used on a prisoner who violently resists arrest and poses a threat to themselves or to the transporting officers.

C. Juvenile Prisoners:

Juvenile prisoners present a special concern when they are transported after arrest.

M.G.L. Chapter 119: Section 34 states: A child involved in any proceeding shall not be transported in a Patrol Wagon from his home or from any other place to any court or institution, but if a conveyance is necessary shall convey him in such other suitable vehicle as shall be provided or designated by the department.

1. Juvenile prisoners shall not be transported in the Patrol Wagon.

2. When transporting Juvenile prisoners the procedures in sections 3-A, B-2, 3, 4 and C-4 should be followed.

4. COMMUNICATION

A. Unless a situation exists that makes a verbal exchange necessary, transporting officers shall not allow prisoners to communicate with other persons while being transported.

B. Any persons requesting to speak with a prisoner shall be advised of the destination of the prisoner transport by the transporting officers so that they can make arrangement to see the prisoner.

5. INTERRUPTION OF TRANSPORT:

The primary duty of the transporting officers is the safe delivery of prisoners in their care to the proper destination. While transporting a prisoner, the transporting officers will stop to provide police services only in the following circumstances, and only if this activity can be accomplished without serious risk of injury to, or escape of, the prisoner.

A. Where immediate response is required to prevent severe bodily injury or death to an individual.

B. Where serious injury has occurred requiring immediate attention.

C. Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety.

D. Use of toilet facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.

E. Food: If transporting officers must provide food for detainee during transport:

1. Fast food may be provided and consumed in the transportation vehicle.

2. The officer may contact a police facility to make arrangements for the detainee to be placed in a cell and fed.

7. TRANSPORTATION TO OTHER FACILITIES:

A. When a prisoner is to be transported from the station to another facility to be held in custody or to court, the officers involved will comply with the following:

1. Ensure that all the necessary paperwork accompanies the prisoner to the custody facility or the court house (i.e., booking sheet, arrest report, etc.); and advise the receiving personnel of any potential medical or security hazards.

2. Transfer the prisoner's property to the custody facility or court.

3. The officer or official who is taking custody of the prisoner shall sign the booking sheet, and the property shall be turned over to him or her and becomes his or her responsibility.

B. Upon arrival at the custody facility or court, the officers will:

1. Escort the prisoner into the facility with all necessary papers and personal property;

2. Secure firearms in accordance with the procedures of the receiving agency; and

3. Maintain control of the prisoner until relieved by the receiving agency.

4. Remove restraining devices only when directed to do so by the receiving agency.

5. Obtain the signature of the receiving agency.

C. When transporting a prisoner from another facility to the Department's holding facility (e.g., picking up a prisoner arrested on a warrant by another agency), the transporting officers will:

1. Ensure that all required paper work is properly signed and executed and accompany the prisoner;

2. Prepare the prisoner for transport according to proper procedure;

3. Transport the prisoner directly to the Department's holding facility.

8. HANDLING PRISONERS AT THE POLICE STATION:

Note: No weapons are allowed in the cellblock area. All officers, at all times when entering the cellblock area, shall secure their weapons in the gun lockers located in the hallway opposite the entrance to the cellblock area (this includes officers exchanging their O.C. Aerosol Spray by placing it in the gun locker and taking out the distinctively marked O.C. Foam Spray and placing it in the holder on their gun belt, for use if necessary). This rule of no weapons includes law enforcement personnel from other departments including local, state, and federal agencies. **See section 7, #B, for the securing of transport-officer(s) weapons.**

Departmental firearms should be handled in the following manner:

Administrative Unloading Procedure:

1. Officers shall remove the magazine from their weapon, while the firearm remains holstered, and put the magazine into the gun locker.

2. Officers shall remove the weapon from it's holster, keeping their finger off the trigger and outside the trigger guard.

3. Officers will then secure the firearm in the gun locker, by locking the locker and removing the key.

Administrative Reloading Procedure:

1. Upon unlocking the locker, officers should holster the weapon, without the magazine.

2. Officer shall, while the weapon is holstered:

a. Insert the magazine into the magazine well;

b. Ensure that the magazine clicks into place;

c. Tug on the magazine to ensure that the magazine has seated properly

A. Prisoners should be supervised by department staff of the same sex as the prisoner. When this is not possible, there should be at least two officers present during all contact with male and female prisoners of the opposite sex. Employees monitoring prisoners of the opposite sex shall respect the prisoner's privacy rights within the limits of facility security.

9. MALE PRISONERS:

A. When officers transporting prisoners arrive at the station, they are to drive wagon or cruiser into sallyport area and then shut the sallyport overhead doors.

B. The Department is in a vulnerable position if a female escort officer is used to transport a male prisoner. At times, however, it may not be possible to assign a male officer as the transporting officer for a male prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information shall be documented.

C. Both officers will lock the transport vehicle and secure their gun(s) and keys to the transport vehicle in the gun locker within the sallyport area (this includes officers exchanging their O.C. Aerosol Spray by placing it in the gun locker and taking out the distinctively marked O.C. Foam Spray and placing it in the holder on their gun belt, for use if necessary). The officer who is to do the fingerprinting shall also place his/her baton in the gun locker; however, the other officer will keep his or her baton on their person.

D. Only after these steps have been completed, may a prisoner be removed from the transport vehicle and taken into the booking area.

E. Prior to the booking process, prisoner(s) are to be secured in the holding area or the holding cell. While there, prisoner(s) are to be handcuffed to the bar that is within each location. The prisoner should be searched in accordance with the procedure that follows in subsequent sections.

F. A prisoner who violently resists arrest and/or poses a threat to himself or to the transporting officers should be placed in his/her cell or the holding cell handcuffed behind his/her back. The cell door is closed and the handcuffs are to be removed by utilizing the food access portion of the cell door. The prisoner should be removed from the cell only after being re-handcuffed utilizing the food access portion of the cell door.

G. Male prisoners are to be brought into the cellblock and subjected to a thorough search. This search includes the removal of outer garments such as; hats, jackets,

sweaters, vests and the like. **It does not include the removal of normal inside-wear such as trousers, shirts, shorts, and other similar clothing**.

H. Protective gloves shall be worn at all times during the search of a prisoner.

I. A hand-held metal detector will be used **prior** to the inventory search. This search should be conducted by two officers in the holding area. When using the wand the sensitivity button should be depressed to avoid false readings from floor girders and other metal building materials.

J. The metal detector will be kept at the booking desk.

NOTE: *All officers should be aware that use of the metal detecting device does not constitute a proper inventory search. It should be used as a preliminary step in the inventory process. An inventory search must be conducted after the use of the metal detector wand.*

K. After being thoroughly searched, the prisoner is to be secured either at the handrail in the holding area, the holding cell, or at the handrail at the booking desk utilizing handcuffs.

L. When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. See **Section 16,** for **Prisoner Booking.**

M. Leg restraints may be used in addition to handcuffs when the officer believes the prisoner has a potential for violent behavior or flight; leg restraints may be used in lieu of handcuffs due to injury or disability.

N. Whenever there is a prisoner in the holding area he or she shall be monitored on camera. Additionally, there shall be at least one officer within the cellblock area to oversee the prisoner(s) at these times.

O. Once the prisoner is booked, transporting officers shall advise the dispatcher and the House Officer to activate the cellblock cameras. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

10. MULTIPLE PRISONERS:

The department is in a vulnerable position if a male escort officer is used to transport a female prisoner and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female prisoner. In such situations, procedures should provide for recording time of

departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

A. Multiple prisoners shall be handled in the same manner as Section 3, subsection 3a. Male Prisoners.

B. In the case of multiple prisoners, one prisoner is to be searched at a time while the other(s) are secured in the holding area or in the holding cell.

1. **See Section 13: Juvenile Prisoners,** on the handling of **Multiple Juveniles**

C. When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. **See Section 16,** for **Prisoner Booking**.

D. Once the prisoner is booked, transporting officers shall advise the dispatcher and the House Officer to activate the cellblock cameras. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

11. FEMALE PRISONERS:

The department is in a vulnerable position if a male escort officer is used to transport a female prisoner and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

A. If males, females, and/or juveniles are required to be detained at the same time, their holding areas shall be separated from each other by sight and sound. This is to ensure the segregation of these three types of detainees. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees. Females should be separated from areas where males are detained.

1. Sound, for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming shall be controlled by persons supervising detainees.

B. Except for the below listed additional requirements and procedures, all of the rules for the handling of male prisoners also apply to female prisoners.

1. Female in car w/female prisoner

2. Female to do all female searches
3. Female w/female prisoner at booking area

C. When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. **See Section 16** for **Prisoner Booking.**

D. The booking officer should make an attempt to prioritize the booking by making an effort to book the female prisoners first, thereby removing these prisoners from the common booking area. When there are females and males to be booked, first the males shall be searched, their property will be removed, and they will be placed in a cell(s) until the female(s) have been booked. At the completion of the female booking they will be placed in a female cell(s). Only when this is completed shall males then be booked.

E. During booking, the purpose of screening is to determine whether medical attention is required. Female detainee screening should take into account the special needs of women.

F. Once the prisoner is booked, transporting officers shall advise the dispatcher and the House Officer to activate the cellblock cameras. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

12. JUVENILE LOCKUP LAWS & PROCEDURES

A. No status offender can be placed in secure lockup for any amount of time.

***Status Offender* = CRA,** runaway, truant, stubborn child and habitual school offender. A minor in possession of alcohol under age 17 is considered a status offender under federal regulations. A child in protective custody, a non-offense, shall be accorded the same treatment as a status offender.

***Securely Detained* =** Securely detained is defined as physically detained or confined in a locked room **(the booking area is a Securely Detained area under this definition)**, set of rooms, or a cell that is designated, set aside, or used for the purpose of securely detaining persons who are in law enforcement custody. Secure detention can result either from being placed in such a room or enclosure and/or being physically secured to a stationary object such as a cuffing rail. **Note: under this rule juveniles under 13 years of age and Status Offenders can be booked in our booking area; however, these juveniles cannot be kept inside this area while waiting to be booked nor, can they be kept inside this area after they have been booked.**

Non-Secure Custody = A condition under which a juvenile's freedom of movement is controlled by members of the Brookline Police Department and, during such time, the juvenile:

1. Status offenders are held in an unlocked, multi-purpose room that is in no way designed for residential use: Guardroom, Main Lobby, Interview Room. Monitored and under the supervision of a patrol officer.

2. Is not handcuffed to any stationary object:

3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility or the court; and

4. Is under continuous supervision until released.

B. **No Juvenile under the age of 14 may be held in a police lockup**.

NOTE: When it is time to book a juvenile under 14, the juvenile can be brought into the booking area to be booked and if necessary, fingerprinted and photographed, and then must immediately be removed from the area. They **CANNOT** be held inside the area waiting to be booked; this would constitute a violation of the Laws & Procedures.

C. Youth charged with delinquency offenses shall not be held in a police lockup or otherwise securely detained for any longer than six (6) hours.

These juveniles can be booked and held in cells only for the purposes related to identification, processing, and/or holding until the offender is released to his/her parent(s)/guardian(s) or transported to court or an appropriate alternative lockup program.

NOTE: **M.G.L.c.119 s34 states that children will not be transported in a patrol wagon. You must use a suitable vehicle.**

13. JUVENILE PRISONERS

A. Juvenile prisoners shall be processed in the same manner as adult prisoners with regard to searches. However, officers shall take into account the age and sensitivity of the juvenile prisoner. **See section 9: handling of male prisoners** and **see section 16 on prisoner booking.**

B. If juvenile males or females are required to be detained at the same time, their holding areas shall be separated from each other by sight and sound. The booking officer should make an attempt to prioritize the booking by making an effort to book the female prisoners first, thereby removing these prisoners from the common booking area. When there are females

and males to be booked, first the males shall be searched, their property will be removed, and they will be placed in a cell(s) until the female(s) have been booked. At the completion of the female booking they will be placed in a female cell(s). Only when this is completed shall males then be booked. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees.

NOTE: Sound, for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming shall be controlled by persons supervising detainees.

14. MULTIPLE ARRESTS OF JUVENILE OFFENDERS PRESENTS SERIOUS PROBLEMS

1. Any juveniles under the age of 14 can only be brought into the booking area for the time necessary to book, fingerprint, and photograph and then they must immediately be removed. They **CANNOT** be held in the lockup area waiting to be booked; this is violation of the law.

2. Youths charged with delinquency offenses shall not be held in a police lockup or otherwise securely detained for any longer than six (6) hours.

3. The Six-Hour clock begins when the juvenile is placed in Secure Detention (a juvenile cell, locked room, or cuffed to a stationary object). If a juvenile is held longer than six (6) hours, it is a violation of the law and it can bring with it serious repercussions. **NO ONE HAS THE AUTHORITY TO SUPERSEDE** the six-hour jail removal mandate.

We are required to report all violations of Juvenile Lockup Laws and Procedures to the Massachusetts Executive Office of Public Safety.

A. When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. **See Section 16** for **Prisoner Booking.**

B. Once the prisoner is booked, transporting officers shall advise the dispatcher to activate the cellblock camera. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

C. After making any juvenile arrest the Commanding Officer shall contact the District Court's Probation Office.

D. Probation will recommend a release to a parent or guardian or hold for court.

E. If the probation recommends holding for court and the arrest was either for:

1. CRA warrant;
2. Runaway/Missing Person;
3. Other status offense.

F. The Commanding Officer – Platoon on Duty will contact the juvenile facilities, posted in the C.O.'s office by the juvenile officer, for an alternative lock up facility. Transportation to the alternate lockup facility will be provided by this Police Department. The alternate facility will arrange for transportation to court for arraignment.

G. Juveniles charged with violent criminal offenses may be held in a Department of Youth Services facility.

15. STRIP SEARCHES:

In cases where the officer has probable cause that weapons, contraband or other evidence are concealed under the prisoners clothing, and the items cannot be retrieved through normal procedures, then a strip search may be conducted. The strip search is a procedure where the prisoner is required to remove all clothing and the clothing is searched while a **VISUAL** inspection of the prisoner's body is conducted. A search warrant is not required for a strip/visual body cavity search.

STRIP SEARCH.
Defined: Generally refers to an inspection of a naked individual, without any scrutiny of his/her body cavities.
Standard of conduct: Probable cause.

VISUAL BODY CAVITY SEARCH.
Defined: Visual inspection of anal and genital areas.
Standard of conduct: Probable cause.

MANUAL BODY CAVITY SEARCH.
Defined: Involves touching and probing of body cavities.
Standard of conduct: Something more than probable cause. **Must obtain a search warrant signed by a judge.** A "strong showing particularized need supported by a high degree of probable cause." Id. At 408, citing Rodrigues v. Furtado, 410 Mass.878 (1991).

THE MERE FACT THAT A PERSON IS UNDER ARREST DOES NOT BY ITSELF PERMIT ANY OFFICER TO CONDUCT A STRIP SEARCH.

A. Strip searches must be authorized by a superior officer with the rank of sergeant or above and conducted under supervised conditions. Only officers of the same sex as the sex of the prisoner shall be utilized.

B. Strip searches shall only be conducted in the booking area. The video camera shall be turned on in order to record the entire procedure.

C. Strip searches will be conducted with a minimum of two (2) officers present during the procedure.

D. Prisoners, prior to being instructed to remove all clothing, will be searched with the electronic metal detector wand.

E. All clothing shall be carefully inspected and returned to the prisoner after a visual search of the prisoner is conducted.

F. The results of the strip search as well as the knowledge that led to the search being conducted shall be reflected in the report submitted by the superior officer authorizing the strip search. This information shall also be included in the arrest report.

G. **BODY CAVITY** searches will not be permitted without authorization of the Commanding Officer – Platoon on Duty. Manual body cavity searches shall not be conducted without a search warrant signed by a judge. A Commanding Officer shall approve the application for the search warrant. The following procedures apply to manual body cavity searches.

1. Medical personnel, in a private and hygienic setting and in a medically approved manner, shall conduct manual body cavity searches; and

2. The investigating Police Officer shall document the probable cause and the results of the search in the arrest report.

16. PRISONER BOOKING:

Note: "Receiving-Screening" Information must be obtained and recorded when prisoners are admitted to the facility. Receiving-Screening should include an inquiry into:

- **Current health of detainee;**
- **Medications taken by detainee;**
- **Behavior including state of consciousness and mental status; and**
- **Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.**

NOTE: The purpose of the screening is to determine whether medical attention is required. Female detainee screening should take into account the special needs of women.

A. In addition, a record should be kept of all treatment and medication administered to a detainee, including circumstances or events necessitating such treatment.

Prisoners are permitted to take any prescription or over the counter medications necessary, provided that the administration of the drug is requested by the prisoner, and consistent with the prescription (if any).

1. Any medications brought in by a prisoner, or given to him or her in the course of any treatment he or she may require while in department custody, shall be retained with the prisoner's property.

2. If there is any question concerning the administration of medications, the officer-in-charge may either confer by telephone with a qualified medical physician before administering the medication, or the prisoner may be transported to the hospital and the medication administered there.

3. A written record of any medications administered to a prisoner shall be maintained.

B. The Police Department has a recording system to record the audio and visual procedures of all persons brought to the station for formal booking.

C. Prior to the prisoners being handcuffed to the rail at the booking desk, the officer in charge will turn on the recording device.

D. An officer must establish what hand the prisoner writes with and handcuff the other hand to the bar in front of the booking desk.

E. The prisoner shall be informed at the time of booking that he or she is being visually recorded and voice recorded

F. The booking officer shall state, for the recording, his or her name, the date, and time and then give the person his/her Miranda Warnings from the form and inform them of their right to use the telephone and the charges against them.

G. All property shall be removed from the prisoner, inventoried and recorded by the booking officer. All items and containers in possession of the prisoner shall be opened, inventoried and recorded by the booking officer. Any locked container for which the arrested has a key among their other personal belongings shall be opened and its contents inventoried. Any locked container for which the arrestee does not have a key among their other personal belongings shall be opened only if the police have reasonable suspicion to believe that the container contains any

item posing a threat to the safety and security of the station or its personnel. The rule set forth in this paragraph applies equally to any container within any other container searched. No matches or smoking material are allowed to be kept by the prisoner nor are they to be given to them while they are under our custody. The property removed includes belts, strings, ropes or other items used to secure clothing that a prisoner may use to harm himself. Shoes and/or shoelaces are to be removed from the prisoner prior to their being placed in the cell. All property removed from the prisoner is to be placed in the appropriate property locker coinciding with their cell placement. The key to the property locker shall be secured in the Commanding Officer – Platoon on Duty office with the booking paperwork until the prisoner is released from custody.

H. At the completion of the booking, the handcuff should be removed and the prisoner taken to be fingerprinted, photographed, including tattoos and body art, and placed in the appropriate cell.

I. When the prisoner leaves the booking area, the booking officer shall shut off the video machine.

NOTE: If the arrest is for operating under the influence the following should be done:

- Inform the prisoner of his or her right to the intoxilyzer test.
- At the conclusion of all tests, if the prisoner is to be held, take the prisoner for fingerprinting and photographing and then place in an appropriate cell.
- When the prisoner leaves the booking area, the Booking Officer shall shut off the video recorder.

NOTE: The previous section does not limit the discretion of the Commanding Officer to utilize restraining devices when dealing with assaultive, combative, or unstable prisoners when it is apparent that the physical safety of the officers and/or prisoners is at risk.

17. USE OF THE TELEPHONE/COURT/BAIL:

A. The prisoner shall be allowed to make his or her telephone call from the booking desk within one (1) hour from the time of arrest. Two officers shall be present at this time.

B. When a prisoner is being held for a crime involving **domestic violence** the Commanding Officer – Platoon on Duty is to determine whether or not to allow the prisoner to have a telephone call beyond the one he or she is entitled to by law. This telephone call will be in the presence of two officers who shall monitor the conversation.

C. If the Court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the Commanding Officer – Platoon on Duty to ensure that the prisoner is transported to the Court without delay.

D. If the court is not in session when the booking process and all related reports are completed, the arrestee shall be confined in the holding facility until bail can be arranged, or if the bail cannot be arranged, until the next session of the court.

E. It shall be the responsibility of the Shift Commander to ensure that an arrestee's opportunity to make bail is not impeded.

18. PLACEMENT INTO CELLS:

A. At the completion of the booking process the prisoner is to be placed in the appropriate cell. At least two officers are to accompany the prisoner until he/she is secured in a cell. A security check, including a check for weapons and contraband should be made by those officers who secure the prisoner in a cell. The cell door should be tested for vulnerability after the prisoner is secured. Any unusual conditions found or observed should be reported immediately in writing to the Commanding Officer – Platoon on Duty.

B. All important prisoner information such as medical and or medication use, suicide watch, universal precautions or telephone use shall be written on the cellblock data board.

C. The dispatcher, House Officer and the Commanding Officer – Platoon on Duty shall be notified of the cell number that the prisoner has been placed into and then activate the camera for that cell.

NOTE: *At no time will any officer of this Department leave a detainee unattended outside the confines of the holding facility. Whenever a detainee is held in any room, space or area outside the confines of the holding facility, he/she is to be under the continual, direct, personal supervision of an officer who can immediately intervene on behalf of the agency or detainee.*

19. KEY SECURITY AND DOOR CONTROL:

A. The spare/manual key to the holding facility cells is to be kept in the Commanding Officer – Platoon on Duty's office. The key may only be taken with the Commanding Officer's knowledge and permission. The key may be removed from the Commanding Officer – Platoon on Duty's office only when the automated door system is inoperable and an officer needs to gain entry to a locked cell to release a prisoner or some other essential reason.

B. Emergency keys which will fit the interior doors to the facility are located in the Watch Box. The electronic panel that controls the doors and cell locks is located at the booking desk

C. The key to the food pass through door is to be kept at the booking desk in the booking room. Prisoners shall be served all meals through the food door.

D. All doors to unoccupied cells should be left locked when not in use.

E. In the interest or proper security, when a prisoner is being processed, the entry doors from the main building, the entry door from the garage/sallyport area, will be closed during the entire process. In addition, no one will be allowed into the booking area who is not needed to assist in the process.

F. The storage room in the cell block hallway, male corridor, shall be kept locked at all times.

G. All doors should be checked for vulnerability after they have been secured.

20. PRISONER CHECKS:

Chapter 40: Section 36B; Cells and electronic security devices.
The law states the following on physical or visible checks: Each occupied cell within such a lockup facility should be physically or visibly checked by a law enforcement officer or other lockup personnel as often as is required by a reasonable standard of care of detainees.

It further states the following regarding the use of an electronic security device (Proximity Card) to record these checks: Every lockup facility shall have installed within the cell area an electronic security device which will record the date and time of day of each cell check made by a law enforcement officer or other lockup personnel. All checks made shall be recorded on such electronic security device.

1. The Commanding Officer – Platoon on Duty is responsible for ensuring these checks are carried out in compliance with Police Department Policy. The use of electronic security checks will be monitored by the Office of Professional Responsibility.

2. Each cellblock will be equipped with a two-way intercom system for communication between detainee and dispatch. This communication will be video and voice recorded. The Commanding Officer – Platoon on Duty has the ability to monitor this communication. The Technology Division shall be responsible for checking the tapes twice a week and saving for 90 days at which time they will be burnt to a DVD and stored in the Technology Division.

A. Prisoner Checks By Any Officer

The Commanding Officer – Platoon on Duty, when necessary, shall use street officers to make physical checks of prisoners. When an officer makes a physical check of any prisoner, the check shall be recorded by the use of a proximity card. Placing a prisoner in a cell, giving a prisoner food or water, or allowing use of the telephone, constitutes a physical check and requires the use of a proximity card to record it. Anytime an officer can physically see a prisoner unaided by television, this is a physical check and it must be recorded by the use of a proximity card. All three proximity card readers P-1, P-2, and P-3 need to be swiped to constitute a physical check. The swipe readers are clearly marked. An officer may only enter an occupied cell when accompanied by at least one other officer, or when releasing a prisoner from custody.

B. Prisoner Checks by the House Officer

The House Officer shall conduct all designated duties relating to the control of persons held in the holding facility in accordance with department policies and procedures, including monitoring prisoners. When the House Officer makes a physical check of a prisoner(s), the check shall be recorded by the use of a proximity card. At the beginning of his/her shift, the House Officer shall make a security check of the cellblock and holding area as well as a face to face count of the detainee population.

C. Visual Monitoring of Prisoners and How Often Physical Checks Must be Made:

Prisoners in cells shall be constantly monitored visually through the use of the television monitors located in the three areas: the Dispatch Office, the Commanding Officer – Platoon on Duty's office and the House Officer's Desk. In addition to the constant monitoring of each cell through the use of the cell video cameras, direct physical checks of all occupied cells should be made at least every thirty minutes and depending on the prisoner's demeanor, behavior, and history; these factors may require more frequent and constant physical checks. Physical checks require direct visual observation in the cell block area. Video equipment may be used to supplement observation, but may not be used in place of direct physical checks. The television video monitors installed in the cell block areas shall be turned on whenever a person is placed into one of the cells, holding cell, or holding area of the booking room/holding facility and shall be left on as long any one is being detained there.

1. It is the responsibility of the Dispatcher's, Commanding Officer – Platoon on Duty, and House Officer to monitor, at all times, all persons held in the Booking Room/Holding Facility.

2. There is no attempt in this procedure to violate the personal privacy rights of individuals held in our facility. Therefore:

a. When a prisoner is using the toilet facility, the video monitor will be turned off.

3. The surveillance devices are never to be used for covert purposes, unless such action is essential to the safety or well being of the general public or individual.

4. The halls of the cellblock and booking area are equipped with motion sensors. If a sensor detects motion, a visual alert highlight will frame the viewing window of the camera dedicated to that area. If any unauthorized individuals are observed, the Commanding Officer-Platoon on Duty, Dispatch, and the House Officer should be notified immediately.

5. Officers will not enter a holding cell of a prisoner of the opposite sex without another officer present. This shall not apply in emergencies.

6. An officer, when accompanied by another officer, may only enter the cell of a prisoner to provide emergency care or to extract the prisoner from the cell.

21. PRISONER FOOD:

A. The Police Department shall be the sole provider of food for prisoners while in the custody of the Brookline Police Department. Three meals will be served on a daily basis to prisoners detained over twelve hours. No more than fourteen hours shall elapse between any meal, including evening meal and breakfast.

B. When the prisoner is to be fed, the food access portions of the cell doors are to be utilized.

C. No glass or metal containers, including beverage containers, will be allowed in a cell.

F. TOOLS / CULINARY EQUIPMENT:

A. No tools or culinary equipment will be allowed in the cell block area, except with the specific authorization of the Commanding Officer – Platoon on Duty.

B. Any tools brought in for use in routine maintenance by personnel shall be checked in and out by the Commanding Officer – Platoon on Duty, who shall indicate in the department's computer system, the names of all persons bringing tools into the cell block area, the company they work for, the nature of the work being performed, the types of tools being used and who authorized the work to be done.

C. At the completion of the work, the Commanding Officer – Platoon on Duty shall inspect the cell block area to ensure that no tools have been left in the cell block, and shall enter the time the work was completed in the department's computer system.

D. No metal or glass culinary equipment, cans, or bottles shall be allowed in the cell block area. Prisoners may use only plastic and/or paper plates, cups, utensils.

23. PRISONER VISITORS:

A. Holding facilities are not equipped to handle visitors. Visits should be denied until detainees arrive at the appropriate correctional institution where visitations can be appropriately managed. Holding facility security is paramount.

B. If the request for visitation is made by an attorney in order to meet with a prisoner/client, unless the prisoner is to be questioned then the attorney's request shall be denied. Fifth Amendment rights only apply to the questioning of prisoners. Further, Sixth Amendment rights also are not applicable since they do not attach until a prisoner/defendant is actually arraigned.

C. If a prisoner is to be questioned and he/she has requested counsel, then this privilege is sacrosanct and in this situation every effort shall be made to allow the attorney to meet with his or her client in a confidential setting.

D. Non-essential persons shall not be granted access to the cellblock area.

24. RECEIVING OF MAIL OR PACKAGES

A. Prisoners shall not receive packages or mail while held in custody in the Brookline Police Department holding facility.

B. If cash is brought in for a prisoners bail it should be inspected and recorded in the property or notes section of the booking system and stored with the prisoners other property.

25. PRISONER RELEASE:

A. Commanding Officer –Platoon on Duty must check the message log on the Live Scan fingerprint machine to determine if the subject's response has come back prior to releasing any prisoner. Positive identification should be confirmed before a detainee is released from custody.

B. When a prisoner is to be released from custody, two officers are to enter the cellblock area to facilitate this release.

C. Property that was removed from the prisoner at booking is to be returned to him/her, or their representative, and they are to sign the form indicating that they have received their property.

D. Prisoners that are being transported to the Court House cell block shall not be escorted over until the Court House security has been notified prior to leaving the police cell block. Prisoner property bags will be turned over to the Court Officer or official taking custody of the prisoner after an audit of the property in the presence of the prisoner. The Officer or Official who is taking custody of the prisoner shall sign the booking sheet, and the property shall be turned over to him or her and becomes his/her responsibility.

E. A security check, including a check for weapons and contraband should be made by those officers who release a prisoner from a cell. Any unusual conditions found or observed should be reported immediately in writing to the commanding officer.

26. PRISONERS UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS OR SICK OR INJURED:

A. Any officer who encounters a subject either incidental to an arrest or at the police department holding facility, who is believed to be under the influence of an intoxicating liquor or drugs or sick or injured, is to make a determination as to whether or not the EMS system should be activated. In making this determination, the officer shall inquire from the subject if they have any past medical history.

27. HANDLING VIOLENT, INTOXICATED, ETC. PERSONS:

1. Any detainee who is uncontrollable due to the influence of alcohol or narcotic drugs, or is violent or otherwise self-destructive, shall, if transportation or removal to a detoxification or other mental health facility is not feasible, be isolated as deemed appropriate by the Commanding Officer – Platoon on Duty.

2. Under no circumstances shall this type of detainee be placed in a cell occupied by another person. If segregation of the detainee into a single occupancy cell is not deemed or found to be sufficient for protection of the detainee or the facility, the Commanding Officer – Platoon on Duty shall take such action as is legal, safe, and effective to restrain any actions by the detainee that would be detrimental to himself/herself, other occupants, the police officers on duty, and/or the facility. In cases where the detainee's actions pose a definite threat to the security of the holding facility, the Commanding Officer – Platoon on Duty shall attempt to make arrangements with corrections officials for immediate transfer to their custody.

3. Segregation shall not involve any other penalty other than the segregation itself. There shall be no abridgement of rights or privileges that would normally be granted to any other detainee.

4. All actions of segregation shall be reported to current department procedures.

5. There shall be continuous monitoring of this type of individual through video and/or monitors or continuous personal observation.

28. PRISONERS AT HOSPITALS AND INSTITUTIONS:

A. When a person in custody is in need of medical attention due to sickness or injury, the EMS system is to be activated. EMT's will decide whether or not transportation to a hospital is necessary. If transported, the dispatcher or another officer will call the Emergency Health Care Contact Person by contacting the hospital security department. In some instances a pre-designated location will be utilized to meet with security.

B. In the event that a prisoner transported to a hospital or other medical facility is to be held in the emergency room or admitted, the Commanding Officer shall determine the number of police personnel to be used. This decision should be made after consultation with the patrol supervisor in attendance and based upon the nature of the crime and the prisoner's disposition.

1. If two officers are to be used, they are to remain in close proximity to the prisoner at all times.

2. The prisoner shall be restrained by using handcuffs, or, if necessary, restraints provided by the hospitals, unless either would be inappropriate for medical reasons and the foregoing of restraints is approved of by the sergeant or the Commanding Officer – Platoon on Duty. Whenever one officer leaves the area, the patient must be restrained until the second officer returns.

3. If there is only one officer and he/she is in need of a relief, they should notify the Commanding Officer of the Police Station or the patrol supervisor of need for a relief.

4. At no time, when an officer is assigned to guard a prisoner, shall said prisoner be left unguarded.

C. When a prisoner is transported to the hospital prior to booking, this prisoner's property shall be inventoried and held by the hospital. If transported after booking, the prisoner's property will remain with the Police Department. Officers shall retain custody of any evidence removed from the prisoner.

1. Contraband and evidence shall be handled in accordance with existing departmental rules and regulations.

D. Visitors will be designated as non-essential personnel and will not be allowed. Authorized persons will be designated as essential personnel and a list will be provided by the nursing staff/security. If a prisoner has retained counsel they shall be allowed to consult with their attorney in a secure area within the sight of, but if possible, not within the hearing distance of the police officer.

E. In the event a patient is disruptive, uncooperative, or escapes, no attempt to hold the patient will be made by nursing staff or security. However, the police department and the health care contact person shall be notified immediately. If the prisoner escapes under any circumstances, the Commanding Officer – Platoon on Duty is to be notified immediately and the appropriate measures taken to search for and locate the prisoner.

F. In the event that a prisoner is brought to a hospital or medical facility and the Commanding Officer – Platoon on Duty decides to leave the prisoner without supervision, the health care contact person will notify the police department of the discharge date and time. The Commanding Officer will send the two officer transport vehicle to return the prisoner to the police station.

G. In certain circumstances as determined by the officer -in- charge and /or court, a prisoner may be booked, arraigned, or released on bail at the hospital. Bookings at a hospital shall include the pertinent booking forms (Miranda warnings, phone rights).

29. PROCEDURE FOR PRE-ARRIGNMENT PSYCHIATRIC EVALUATIONS:

Where a person arrested and thereafter detained in police lock-up prior to arraignment, but is in need of inpatient psychiatric hospitalization, the following procedures shall be followed:

There should be a probable cause determination.

A. The prisoner should be taken to an emergency room for evaluation by a Department of Mental Health emergency team.

B. If the DMH emergency team does not recommend inpatient psychiatric evaluation, the prisoner should be returned to police custody until time of arraignment.

C. If the DMH emergency team recommends inpatient psychiatric evaluation, the emergency team will locate an appropriate locked inpatient placement and have an inpatient bed held for the prisoner.

D. Once an inpatient bed has been located, the judicial response system judge on call should be contacted by the Commanding Officer. The C.O. will provide the judge with the following information:

1. The current charges on which the prisoner is being held;

2. The current condition of the prisoner, including the recommendations and findings of the DMH emergency team (the evaluating clinician should be available to speak with the judge if requested);

3. A listing of any defaults, warrants, or other pertinent information regarding the prisoner.

E. The on call judge, after conferring with police and with the evaluating clinician, may issue a order committing the prisoner to a specified locked inpatient facility pursuant to M.G.L. c. 123 s12(e). The order shall include the following provision:

1. On (DATE), the Superintendent of the facility shall return custody of the prisoner to the police department that made the arrest, and said police shall appear at the facility at (time) on said date to receive the prisoner into their custody. Release at any time of the prisoner from the inpatient psychiatric facility on the above date, or any other date, shall be made only to the custody of the police.

F. On the designated court day, the prisoner will be returned to court by the police, at which time they will be arraigned and the court will address any outstanding warrants.

30. PRISONERS AT RISK:

Any prisoner who attempts, threatens or is a positive Q5 through the CJIS computer, will be handled in the following manner:

A. Booking officers shall make certain that the proper computer queries (Q5) are made through the LEAPS/CJIS terminal to determine if the person being booked has previously attempted or threatened suicide while being held in a lockup facility within Massachusetts. If a query indicates a previous attempted or threatened suicide, the Emergency Telecommunications Dispatcher who ran the query shall stamp the cover of the arrest/booking packet in red indicating that the prisoner is a suicide risk.

B. Upon receipt of an arrest/ booking packet indicating that a prisoner has previously attempted or threatened suicide the Commanding Officer shall make certain that appropriate actions are initiated to ensure the safety of the prisoner. Such actions may include an evaluation by EMS personnel, transport to a medical facility, or heightened supervision while in custody.

C. The Commanding Officer shall fill out a suicide evaluation form. This form is to be attached to the booking sheet.

D. The Commanding Officer or designee shall physically check the prisoner as often as is required by a reasonable standard of care.

E. The Commanding Officer may also include in the suicide watch the following but are not limited to:

1. Remove **ALL** clothing from the prisoners and any blanket from the cell. A hospital johnny will be provided.

2. Assigning an officer to the cellblock area.

3. The final decision on what action to take during the suicide watch of a prisoner will rest with the Commanding Officer – Platoon on Duty.

F. The Commanding Officer – Platoon on Duty is responsible for informing the Commanding Officer – Platoon on Duty of the following shift of any prisoners in custody who are a suicide risk and of what actions have been taken to ensure their safety.

31. REPORTING OF THREATENED OR ATTEMPTED SUICIDES:

The Commanding Officer – Platoon on Duty shall ensure that attempted and threatened suicides by prisoners are reported to the Executive Office of Public Safety, pursuant to M.G.L.c. 40 s36A. The following reporting procedure will be followed when a prisoner attempts or threatens to commit suicide or shows indication that he/she may attempt to commit suicide (e.g. extreme depression, anxiety, etc.)

A. The Commanding Officer – Platoon on Duty shall fill out a suicide evaluation form if a threat of suicide or in the opinion of the officer, the prisoner is exhibiting symptoms of possibility committing suicide if placed in a cell. This form is to be attached to the booking sheet.

B. The Commanding Officer – Platoon on Duty shall request appropriate medical personnel to the scene to make an evaluation as to whether medical treatment is required or whether the prisoner should be hospitalized. If the prisoner is transported to the hospital a police officer will accompany the ambulance to the hospital where a determination can be made as to whether the prisoner is suicidal.

C. The Commanding Officer – Platoon on Duty shall initiate a suicide watch (**see Prisoners At Risk**) if the person is not hospitalized and is returned to the cellblock.

D. The Commanding Officer– Platoon on Duty shall submit a report to the Captain of the Patrol Division, listing the name, address, date of birth of such person, the charge or reason of detention and the nature, date and time of said attempt or threat.

E. The Commanding Officer– Platoon on Duty shall cause the subjects name and related information to be entered into LEAPS/CJIS under the suicide system.

F. Whenever a prisoner is transferred to another lockup facility, the Commanding Officer– Platoon on Duty shall notify in writing the receiving lockup facility of the exact nature of the attempt or threat. The Commanding Officer is to comply with this procedure when a prisoner who has attempted or threatened suicide is turned over to another police department, taken to the court lockup, or any other lockup facility. The Commanding Officer shall fill out the notification form along with the suicide evaluation form and will give a copy to the person receiving the prisoner with the originals being attached to the booking sheet.

32. NOTIFICATION TO RELIEVING SHIFT:

A. The Commanding Officer– Platoon on Duty are to fully inform the relieving shift commanders of threatened or attempted suicides. If a transfer is made the Commanding Officer at the time of the transfer shall be responsible for making notification as noted in the above section.

33. DEATH OF A PRISONER:

A. Immediately activate the EMS system.

B. The Commanding Officer – Platoon on Duty is to be notified and will complete an incident report as required by M.G.L. c.40 s36A.

C. The scene is to be secured and treated as a homicide.

D. The Chief of Police, Captain of Patrol, Captain of Detectives and the Office of Professional Responsibility shall be notified.

E. The Medical Examiner must be contacted.

F. Norfolk County District Attorneys office is to be notified.

NOTE: M.G.L. c.40 s36A states: Whenever a person in police custody commits suicide, dies or inflicts self-injury while in custody which subsequently results in his/her death, a report of such incident, identify of the deceased and describing the circumstances of such death, shall be sent within seven (7) days of such death together with a copy of any incident reports pertaining thereto, to the Medical Examiner's office.

34. INCIDENTS/CONDITIONS THREATENING THE HOLDING FACILITY OR OCCUPANTS: All members of the department shall report all incidents or conditions that pose a threat to the safety and/or security of the holding facility, prisoners, or staff.

A. VERBAL NOTIFICATION: An officer who has knowledge of such threatening condition or situation shall immediately report this information to the Commanding Officer - Platoon on Duty.

B. WRITTEN REPORT: After notifying the Commanding Officer - Platoon on Duty, the officer shall submit a written report regarding the matter.

C. INVESTIGATION BY COMMANDING OFFICER - PLATOON ON DUTY: The Commanding Officer - Platoon on Duty shall immediately investigate all such reports made to him or her and take corrective action at once if necessary. He or She shall report his or her actions and/or recommendations in writing to the Commanding Officer - Patrol Division.

D. ADMINISTRATIVE REVIEW: The Commanding Officer - Patrol Division shall review all reports of this nature and take appropriate action.

35. PRISONER ESCAPE:

1. If a prisoner escapes during arrest, transportation, or booking, the officers will notify the Dispatch Center (via radio if not at the station) giving as much information as possible, including the following:

A. Prisoner's name, if known;

B. Description, including clothing;

C. Area where escape occurred;

D. Direction of flight;

E. Probable destination, if known; and

F. Any other pertinent information available.

2. The officers will begin an area search and attempt to regain custody of the prisoner.

3. The Dispatch Center will immediately notify the Commanding Officer – Platoon on Duty of the prisoner escape and they will deploy additional officers as necessary. Dispatch personnel will notify all patrol units and provide with a complete description and direction of flight. A CAD entry shall be created and filled in its entirety.

4. Submitting Reports – All officers shall promptly and accurately complete and submit all reports and forms as required by departmental procedures.

5. The officer responsible for the prisoner who escaped shall, before the end of the shift, submit a written report detailing the events leading to the escape to the Commanding Officer – Platoon on Duty.

6. The Commanding Officer – Platoon on Duty will submit a written report concerning the events leading to the escape, the actions taken to regain custody, and any recommendation concerning possible corrective measures or department disciplinary proceedings.

7. Upon the Commanding Officer – Platoon on Duty's direction, Dispatch personnel will notify surrounding police departments of the escape and provide them with a complete detail of information available.

8. Notification should be made to any victims, family members, witnesses, or others who may be at the risk of danger from a prisoner escape.

36. RECEIVING PRISONERS FROM AN OUTSIDE AGENCY:

A. It shall be the policy of the Brookline Police Department that before a prisoner is accepted for detention in the Department's holding facility, by a person unknown to the personnel on duty at the station, such person shall be required to show a badge and appropriate credentials, preferably an identification card with a picture, that certify his or her authority to make the arrest and commitment.

B. If they deem it necessary, the Commanding Officer – Platoon on Duty may call the agency that the person represents to confirm his or her identity and authority.

C. Only when the Commanding Officer – Platoon on Duty is satisfied that the arrest and confinement are legitimate shall the prisoner be received into the Brookline Police holding facility.

37. GROUP ARRESTS AND OVERFLOW SITUATIONS:

1. In the event of a group arrest, prisoners arriving at the station will be placed in the holding cell or secured to the wall-mounted bar adjacent to the holding cell at the direction of the booking officer.

2. Prisoners will be brought to the booking desk one at a time, as directed by the booking officer, to be booked and processed.

3. If, as the result of a group arrest, or at any other time, the Commanding Officer – Platoon on Duty determines that the number of persons to be detained in the Holding Facility will exceed the number for which the facility was designed:

A. The temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can be relieved by either the transfer or release of persons being held.

B. In order to accomplish this, the Commanding Officer – Platoon on Duty shall examine the list of prisoners and attempt to expedite the bail of the less serious offenders.

C. If release of a sufficient number of prisoners to relieve the overcrowding of the Holding Facility is not possible, the Commanding Officer – Platoon on Duty may request the aid of neighboring police departments in detaining prisoners in their holding facilities, with the use of Brookline Police Department personnel to maintain security and control.

D. The Commanding Officer – Platoon on Duty is authorized to call in such additional personnel as may be necessary to satisfy the additional requirements of the overflow situation.

E. If male, female, and juvenile prisoners are to be held at the same time, their holding areas shall be separated from each other by sight and sound.

F. All prisoners shall have access to restrooms, water and food.

38. The Commanding Officer – Platoon on Duty shall fill out a booking sheet on every person taken into custody by this Department. All booking records shall be kept in a secure file located in the Service Division with access limited to authorized persons. All files are password protected by computer access. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained.

FISCAL MANAGEMENT POLICY

General Order Number: **38.1** ***Effective Date:*** **June 18, 2013**

POLICY:

It is the policy of the Brookline Police Department to maintain a system of fiscal management that is compatible with the accounting and purchasing procedures of the governing agencies within the Town of Brookline, and laws of the Commonwealth of Massachusetts.

These formal fiscal control procedures will enable the department to establish accountability, to ensure that disbursements are for designated and approved recipients, and more importantly, to alert department management to possible problems requiring remedial action. This system shall clearly outline proper budgeting, accounting, purchasing, and fiscal control procedures within this department.

Although the Chief of Police is designated by regulations as having the authority and responsibility for the fiscal management of the department, he or she may designate one or more persons within the department to perform those duties under his or her direction.

All phases of the fiscal management of this department shall be in compliance with the procedures outlines by the Town of Brookline and the By-Laws of the Town of Brookline.

PROCEDURES:

1. BUDGET PREPARATION:

A. The Chief of Police shall:

1. Coordinate the preparation of the department's budget;

2. Prepare and submit written recommendations based on an operational and activity analysis of the department;

B. The completed and recommended budget shall be submitted in a timely manner to the Town Administrator.

2. ACCOUNTING: The Chief of Police, or his or her designee, shall

A. Maintain a system that provides monthly reports showing, at a minimum, the following:

1. Initial appropriations for each account or program;

2. Balance at the commencement of the monthly period;

3. Expenditures and encumbrances made during the period;

4. Unencumbered balances.

B. Ensure that sufficient appropriations have been received through the budget process to legally fill the personnel positions within the department.

C. If a designee is appointed, he/she shall report any discrepancies in proper procedure to the Chief of Police immediately.

3. **HANDLING OF FUNDS:** There shall be no appropriation, or allotment of cash to any departmental division, unit or person within the police department, with the exception of the use of money in investigations, in accordance with the law. All payments for debts shall be through the office of the Chief of Police. Checks received by the department shall be handled in the following manner

A. All payments for licenses, reports or other services and/or items the police department offers should be paid by check or money order. The Business Manager collects these fees from report copies, alarm fees, etc. and submits them weekly to the Treasurer's office.

B. All monies associated with investigations shall be maintained in a safe located in the Evidence room. Monies and accounting sheet(s) shall be produced and maintained by the Chief of Police *and* Captain of the Detective Division. Receipts and other documentation shall be maintained, and authorization for such expenditures shall be made under the direction of the Chief.

C. **ALARMS:** The Technology Division is responsible for handling the income generated by false alarms as outlined in town by-laws articles 5.1.9 and 5.1.10. After three false alarms per calendar year, each additional false alarm carries a fine of $100.00. False alarms are checked weekly by the Technology Division using the Larimore System. The Technology Division mails notices of false alarms charged to residents at the end of every month.

Violators are also entitled to a hearing, which is conducted by the Technology Division, who may authorize a fine to be waived or mitigated to a lesser amount. The alarm hearing officers maintain documentation of all hearings, including letters, mitigation agreements, and alarm company work orders on file. Payments are accepted only by check. When checks are received, the Public Safety Business

Office processes the payments into the MUNIS System. A copy of all payments is submitted to the Technology Division which will post the payment in the Larimore System. The Public Safety Business Office will submit the funds to the Treasurer's Office for deposit.

D. **HACKNEY LICENSE:** Hackney license fees are received on the 1st and 3rd Wednesday of the month and daily during the annual license renewal period. Receipts are given for all payments made. The Traffic Sergeant and/or his or her designee will keep a handwritten receipt ledger. The ledger contains a list of names, payment amounts received, the service rendered, the date(s) of service and the corresponding license number. These fees are submitted to the Public Safety Business Office with a reconciliation form which will summarize the license issues for that day. The Public Safety Business Office will enter these transactions into the MUNIS System and then submit the funds to the Treasurer's Office for deposit.

E. **DETECTIVE DIVISION:** The Identification Unit of the Detective Division receives payments for various services rendered to the public. Checks and money orders are the only methods of payment accepted for these services. The fees for those services are as follows:

License to Carry Firearms	$100.00/Application
Firearms Identification Card	$100.00/Application
License to Sell Ammunition	$100.00/Application
Chemical Propellant Identification	$ 25.00/Application
Range Test Fee	$ 50.00/ Per Test
Fingerprint Impressions	$ 15.00/Per Card
Permit to Solicit Door to Door	$ 10.00/Per Month
Digital Photograph Prints	$ 5.00/Per Photo
Digital Video Recordings	$ 50.00/Per Video

Receipts are given for all payments made. The Identification Sergeant and/or his or her designee shall keep a handwritten receipt ledger. The ledger contains a list of names, payment amounts received, the services rendered and the date(s) of service. The checks and money orders are kept in a locked drawer in the Identification Unit. Checks for all payments are submitted to the Public Safety Business Office weekly. The Public Safety Business Office will enter these transactions into the MUNIS System and then submit the funds to the Treasurer's Office for deposit.

Of the $100.00 received for each license to carry firearms, and firearms identification card application, $75.00 is paid to the State Criminal History Systems Board. The remaining $25.00 goes into the Town's General Fund. The Business Manager handles these transactions.

Of the $25.00 received for each license to possess chemical propellant application, $12.50 is paid to the State Criminal History Systems Board. The remaining $12.50 goes into the Town's General Fund. The Business Manager handles these transactions.

F. **TOWN BY-LAW VIOLATIONS:** The fees for violation of town by-laws are collected by the Town Counsel Liaison. These fees are entered into the GEO TMS System where a receipt is generated and payment is then forwarded to the Public Safety Business Office for submission to the Treasurer's Office for deposit. These payments will be submitted to the Public Safety Business Office within seven days of receipt by the Town Counsel Liaison. If after 21 days a fine is not paid, a second notice is sent by the Town Counsel Liaison and if still not paid in response to the sent letter, court action is taken. Cash is not accepted for payment of by-law violations.

The Animal Control Officer is responsible for collecting the animal by-law violation fees. These violations are entered into GEO TMS System by the Animal Control Officer and then forwarded to the Public Safety Business Office for submission to the Treasurer's Office for deposit. These payments will be submitted to the Public Safety Business Office within seven days of receipt by the Animal Control Officer. If after 21 days, a fine is not paid, a second notice is sent by the Animal Control Officer and if still not paid, court action is taken. Cash is not accepted for payment of by-law violations.

G. **COURT FEES AND REIMBURSEMENTS:** Any reimbursements from the court, particularly restitution is processed by the Court Clerk's Office and a check given to the Court Lieutenant who then turns it over to the Court Liaison officer who records it, keeps a copy and gives it to the Chief. The Chief then turns over the monies to the Business Manager who deposits it to replenish the Patrol Overtime Account.

4. DETAIL FISCAL MANAGEMENT:

1. **Police Officers:** Officers shall not receive cash payments for paid details. Officers shall fill out the detail slip and submit slip to the Detail Sergeant as outlined in the Detail special order.

2. **Detail Sergeant:** The Detail Sergeant shall keep physical and computer records of officers hired for paid details and compare the daily log of officers to the detail slips submitted by the assigned officers. The Detail Sergeant shall compute all billing information needed for payroll purposes and log such information on Sunday of every week. This information will then be processed by the Department's Information Technology Division (IT) for payroll processing. Payroll information will be forwarded every Monday morning to the PSBO and Town payroll for their processing.

3. **Public Safety Business Office:** The Public Safety Business Office (PSBO) will reconcile the MUNIS report with submitted detail slips. All detail slips will be scanned into a computer storage file. Any missing detail slips will be followed up by the PSBO and Detail Sergeant. Once the slips and the MUNIS report are reconciled, the PSBO will confirm the batch warrant to payroll. The Public Safety Business Office (PSBO) is responsible for billing outside companies for the services provided by detail officers. The PSBO shall print and mail all bills to the contractors on a weekly basis. Whenever possible, electronic billing procedures should be utilized. When checks are received, the PSBO will process the payments into the MUNIS System. Copies of all payments will be submitted to the Technology Division and will be processed in the Larimore Detail System by IT. Reconciliation will occur weekly. Partial payments will deducted from the regular payments and placed in a separate computer file for eventual reconciliation. The partial payments computer file will be reviewed monthly by IT and any outstanding bills will be submitted to the PSBO for follow up.

4. **Detail Delinquent Account:** The Detail Sergeant will initiate collection proceedings, once notified by the PSBO, of delinquent accounts over 120 days and the amount owed is under $7000. Any account over 120 days and the amount owed is over $7000 will be referred to the Office of Town Counsel for collection proceedings. If the account involves a utility company, the Police Department may contact the Department of Public Utilities to address the collection of unpaid bills. Additionally, the Department of Public Works (Engineering, Building and Transportation Divisions) shall be notified by the Detail Sergeant so that this information is taken into account in future permit requests. The Detail Sergeant shall appear in court on all matters involving these delinquent accounts. The Detail Sergeant will be responsible for follow up on delinquent accounts with an outstanding balance as apportioned in the "Detail Delinquent Account" folder.

   The Public Safety Business Office will be responsible for accounts, less than 120 days, with an outstanding balance as apportioned in the "Detail Delinquent Account" folder.

   The PSBO will print the following delinquent notices on a weekly basis:

   1. Legal Action Pending Notices
   2. Demand Notices
   3. Overdue 60 days
   4. Overdue 30 days

   A point of contact (POC) will be identified with the utilities and other major contractors and added to the Larimore system by the Detail Sergeant and/or PSBO. POC information should include phone number and email information.

Any contractor, who is delinquent in paying beyond the 120 days, and has been notified by certified mail, shall not be allowed to hire a detail unless there is a public safety concern. Additionally, the Detail Sergeant shall contact other Town agencies to request that they review these companies to ensure they are in compliance with all Town of Brookline licensing procedures. Whenever there are delinquent monies from other departments within the Town the respective Department Head shall be notified by the Commanding Officer – Traffic Division.

There will be a compliance meeting on the first Wednesday of every month between the Detail office and the PSBO. The Detail office will develop a log tracking sheet that is specific for working w/ problem accounts. It shall be stored in the delinquent detail shared folder and utilized by the Detail office and PSBO so that an accurate account of efforts to recover outstanding monies is kept.

The Commanding Officer – Traffic Division will be responsible for overseeing the process involving delinquent accounts.

5. TRAFFIC AND RECORDS CASH COLLECTION AND COUNTING:

The Brookline Police Department and Department of Public Works each have shared responsibility of the collection and maintenance of the Town's parking meters. The Brookline Police Department shall be responsible for the collection and depositing of funds, along with the task of maintaining the meter software and reconciliation of the collection reports to the deposits. The Department of Public Works shall be responsible for the installation and maintenance of the meters. The collection of meter coinage is a significant responsibility for the Traffic Division; therefore, the following collection protocols shall be strictly adhered to.

1. METER COLLECTION ROUTES:

A. There are currently 43 routes for meter collections. The routes are collected based on need due to meter usage. The frequency of the collections each month are as follows:

1. 13 routes – every eight (8) days
2. 10 routes – every ten (10) days
3. 10 routes – every twelve (12) days
4. 10 routes - every fourteen (14) days

B. The frequencies are adjusted due to heavier or lighter use, weather conditions, police manpower, town construction, etc.

C. Collection routes shall be collected separately and shall be completed in their entirety.

2. METER COLLECTION SECURITY:

A. The use of a locked meter collection vessel shall be mandated. The officers collecting the funds shall not have access to the keys that open this vessel. Only supervisory staff shall have access to the keys.

B. Money shall be collected from the meters using the POM keys and removing the sealed inner canisters. The canister shall be emptied directly into the locked box assigned to that route.

C. Locked collection boxes shall be filled only to an amount that shall be easily lifted by officers. The box shall be transported by cart, and the filled locked box shall be loaded into the rack system in the 559 vehicle.

D. Once at the police station, the boxes shall be unloaded using the safety equipment. Filled boxes shall not be left unattended in the 559 vehicle except in an emergency situation.

E. The boxes shall be transferred to the counting room at the police station, and the Meter Officers shall leave the area.

F. The boxes shall be opened in the counting room under camera surveillance by a sworn officer - Traffic Supervisor. Only Traffic Supervisors shall have the keys to the boxes.

G. Filled boxes shall be emptied into marked collection bins and boxes that shall be locked by a supervisor after they have been emptied. One route shall be placed on the counting table at a time.

H. The coins shall be counted, bagged, labeled and recorded by the civilian clerks. A notebook shall be maintained within the counting room, which shall be dated and signed by the civilian clerk documenting the total amount of money counted on that date. In addition to the total amount of money, the number of sealed coin bags shall also be documented in the notebook. The money shall be turned over to the armored car service and transported to the bank. The armored car service shall issue a receipt indicating the number of sealed bags received.

I. Meter Officers shall maintain records of collection by routes and record the amounts for each route.

J. Collection receipts shall be forwarded to a Traffic Supervisor and the amount collected forwarded to the Treasurer's Office.

3. MULTI-SPACE METERS:

Multi-Space meter violation revenue shall be collected as needed, with the frequency to be determined by the amount of revenue being generated weekly. An audit slip will be printed automatically by the machine and shall be returned with the collected bills to the Traffic Division.

A. Meter officers shall have access to the Multi-Space Meter Box via two keys needed to open the vault areas that house the locked coin bag and bill cassette box. These locked money vessels shall be removed and replaced with an empty coin bag and bill cassette box. The meter officers will not have access to these two money vessels. Only the Traffic Supervisor shall have keys to access to these compartments.

B. The locked coin bag and locked bill cassette shall be transported to the police station and returned to the counting room along with all other meter money.

C. The Traffic Supervisor will be notified and he or she will open the locked coin bag and dollar bill cassette box in the counting room under camera surveillance.

D. The multi-space meters shall be inventoried and counted separately from the other meter monies (non multi-space meters).

E. The multi-space coin boxes and paper cash for each individual meter shall be counted and reconciled individually against their respective meter receipt. A receipt from the counting machine shall be printed and attached to the receipt for each multi-space meter documenting that they match. The multi-space meter totals can then be added to the money count from their respective meter collection area.

F. Once the counting is complete and the reconciling has been done, the receipts shall be submitted to the business office as part of the daily receipts. They will then be scanned into laser-fiche and submitted to the Treasurer's Office.

4. METER RECONCILIATION:

A. Receipts documenting the amount counted shall be submitted to a civilian clerk for entry into a spreadsheet. The data shall be broken down by collection area and the total shall be confirmed to be consistent with the total on the receipts.

B. A deposit slip shall be filled out and a copy will be submitted to the Public Safety Business Office. The deposit slip shall be scanned by the Business Office and sent to the Treasurer's Office, and the data from the deposit slip entered into the Munis system.

C. The Public Safety Business Office will have access to the Bank Statements Online (read-only). The Business Office will log-in the following day to the account and verify that the bank deposit made the previous day matches the amount on the deposit slip.

D. The Treasurer's Office will review the bank deposits monthly and ensure they are consistent with the receipts scanned by the Public Safety Business Office.

E. If a discrepancy is discovered, the Treasurer's Office will contact the bank and the Public Safety Business Office to initiate further investigation.

F. A civilian clerk will submit a report monthly to the Office of the Chief of Police with a breakdown of the monies collected.

5. CASH REGISTER RECONCILIATION:

A. At the end of each day, the cash register from the Traffic Division shall be balanced against the register receipt.

B. Once the register has been balanced, a bank deposit slip in the amount of the total cash and checks will be filled out for deposit the following morning.

C. The cash and checks shall be placed in a tamper-proof bank bag along with a copy of the deposit slip, which shall then be locked in a safe until it is taken to the bank for deposit.

D. A copy of the bank deposit slip, along with a copy of the matching cash register receipt, shall be submitted to the Public Safety Business Office.

E. The Public Safety Business Office shall scan the deposit slip and receipt, and send this to the Treasurer's Office. The Business Office will also enter the deposit information into the Munis system.

F. The following morning, a police officer will take the bank bag to the bank and make the deposit. He will then return the receipt to the Public Safety Business Office.

G. Once the account is updated with this deposit, the Public Safety Business Office will then verify via online account access that no errors were made

and that the amount of actual deposit matches the amount on the deposit slip. If they do not match, they will investigate the cause of the error.

6. SERVICE DIVISION RESPONSIBILITIES:

The Service Division of the Brookline Police Department maintains and manages all police records. Requests for access to this information are processed on a daily basis. These requests come from attorneys, state agencies, and private citizens. The Service Division charges a flat rate of $2.00 for basic mail requests; $.50 per page for requests in person. Freedom of Information requests are processed within the 10 day requirement, and are charged a minimum a 1 hour preparation fee for records that require research and preparation. Other record requests that are frequently processed include "subpoena duces tecum" and "letter of good conduct." Fees generated shall be forwarded to the Treasurer's office via the Public Safety Business Office. All transactions shall be recorded and receipts provided. Cash shall be forwarded on a monthly basis, and the Head Parking Clerk shall maintain the records of receipts.

7. AUDIT:

There shall be an unannounced, semi-annual audit conducted by the Office of Professional Responsibility.

4. PURCHASING PROCEDURES:

A. All Department purchases will be in accordance with Massachusetts General Laws Chapter 30B, which states the following guidelines:

>$0.00<$5000.00	Sound Business Practice
>$5,000.00<$25,000.00	Three Written Quotations
>$25,000.00 up	Competitive Bidding Process

All employees are encouraged to use State Contracted Vendors for all purchases.

B. All department purchases will be coordinated as allowed by the Town of Brookline, and shall be conducted by the Chief of Police, or his or her designee. Employees must fill out a Purchase Requisition form for all purchases. (See Special order #2005-14). The Purchase requisition must be completed in its entirety.

C. The Chief of Police, guided by all applicable laws, shall coordinate all emergency rentals or procurements.

5. FUND TRANSFERS

A. Emergency or Supplemental funding requests will be coordinated by the Chief of Police, guided by the By-Laws of the Town of Brookline and all applicable laws.

OFF - DUTY INTERVENTION / ARRESTS

General Order Number: **39.0** ***Effective Date:*** **November 25, 2008**

BACKGROUND:

Historically, police work was considered a 24 hour a day job. This was based on the fact that police officers retained their powers 24 hours a day, generally resided and shopped within the community they patrolled, and were readily available to their neighbors and local businesses if they requested assistance.

The role of today's police officer has changed dramatically and it is generally more appropriate, and preferred, that an off-duty officer witnessing a crime or incident contact the appropriate police agency, provide them with all necessary information and descriptions and make themselves available as a witness. There will be occasions, however, when additional action, in the form of direct intervention and arrest, may be appropriate particularly within the borders of Brookline.

The purpose of this policy is to provide sworn members of this department with a level of both personal safety and civil protection by providing them with guidelines regarding acceptable criteria for off duty intervention and off-duty arrest.

POLICY:

Off-duty police officers can be faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as they would if they were on duty. This can result in unnecessary injury to the off-duty officer and confusion for on-duty officers arriving at the scene who must attempt to quickly assess and evaluate the facts and initiate appropriate action. In order to enhance officer safety, the department has established the following procedures to regulate when a police officer is permitted to intervene in an incident or make an arrest while off-duty.

DEFINITION:

> **PERSONALLY INVOLVED:** Where the off-duty officer, a family member or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected to the incident. This does not apply to a situation where the police officer him/herself is the victim of a crime.

PROCEDURES:

1. The following procedures are designed to guide officers in the carrying of weapons while off-duty:

A. Officers are prohibited from carrying their issued or authorized firearm during non-duty hours when there is a likelihood that they will be consuming alcoholic beverages or using legally prescribed drugs that may impair their physical or mental ability.

B. Off-duty officers are prohibited from consuming any alcoholic beverages when they are carrying their issued or authorized weapon.

C. An officer who elects not to carry a firearm while off-duty shall not be subject to disciplinary action if an occasion should arise in which s/he could have taken police action if s/he were armed.

OFF-DUTY INTERVENTION AND ARRESTS PROCEDURES:

2. The following procedures are designed to guide officers in their rights and responsibilities relative to off-duty intervention and arrests:

A. **PERMITTED OFF-DUTY ARRESTS:** When off-duty and within the legal jurisdiction of the Brookline Police Department, an officer may make an arrest when all of the following conditions are present or exist:

1. The arresting officer is not personally involved in the incident underlying the arrest; and

2. There is an immediate need for the prevention of the crime or apprehension of the suspect; and

3. The crime is a felony or an arrestable misdemeanor that occurs in the officers presence; and

4. The arresting officer properly identifies him/her self and complies with the identification requirements of M.G.L. c41s.98d.

B. **OFF-DUTY RESPONSIBILITIES:**

1. While off-duty, it is the responsibility of a police officer to immediately report any suspected or observed criminal activities to the appropriate on-duty police agency.

2. Except as allowed by this policy, off-duty officers should not enforce minor violations such as disorderly conduct, harassment, or other quality-of-life offenses or motor vehicle violations. Appropriate on-duty personnel shall be contacted to respond to situations of this nature.

3. When an arrest is necessary, the arresting officer shall abide by all departmental policies and procedures.

C. PROHIBITED OFF-DUTY ARRESTS: Members of this department may not make an arrest off-duty when:

1. the arresting officer is personally involved in the incident underlying the arrest; or

2. When the arresting officer is engaged in off-duty employment of a non-police nature, and the officers actions are in of the interest of a private employer; or

3. When the arrest is made solely in the enforcement of a quality of life issue or minor motor vehicle violation.

D. MOTOR VEHICLE STOPS:

1. Members of the department shall not use his/her personal vehicle to conduct motor vehicle stops in any manner or to affect an arrest.

2. If an off duty officer observes a motor vehicle violation and desires to take enforcement action they should:

a. record the registration number on the violating vehicle

b. follow up and notify the registered owner.

c. issue a citation in compliance with established department procedures.

SUPERVISORY MANAGEMENT

General Order Number: **40.0** ***Effective Date:*** **November 25, 2008**

POLICY:

1. Assignment of Supervisors in the Department will be done in a manner that will ensure a reasonable span of control at all times. Because of the nature of the Department's organization, some Supervisors have responsibility for more than a single unit or functional area.

2. It is the desired goal of the Department that under normal circumstances, first-line Supervisors should not have more than eight (8) sectors or twelve (12) employees, or various combinations thereof, reporting directly to them. Exceptions may be made in emergency situations or when geographical conditions or the nature of the work requires specialized situations or units (i.e. tactical operations or investigations) where the ratio may be greater. Supervisory personnel are accountable for the activities of employees under their immediate control.

3. It is the policy of the Brookline Police Department that sufficient Supervisors will be on duty to provide assistance and guidance to Officers in the performance of their duties, as well as to maintain proper supervision and control over Department activities.

4. It is the policy of the Department that all Supervisors will immediately report all violations of law committed by Officers under their command or control through the chain of command. Furthermore, all Supervisors will immediately report, through the chain of command, violations of Department policies, rules, or procedures committed by Officers under their command or control that require further disciplinary action. Failure to do so, in either case, will be considered neglect of duty. The reports will include a recommendation concerning any further action or disposition.

5. When a reasonable span of control cannot be maintained due to unforeseen circumstances, Commanding Officers, with the approval of the Division Captain, may require sufficient Supervisors to work overtime to reduce the span of control to a reasonable number.

6. DUTIES AND RESPONSIBILITIES OF ALL SUPERVISORS: Supervisors will:

A. Ensure that all subordinates perform their duties in a professional, efficient and effective manner, and act in compliance with all Department policies, rules and procedures;

B. Investigate and report, with recommendations, any incident concerning an Officer under his/her command who is injured while on duty; or any damage to, or loss of, Department property; and

C. Provide, as necessary and appropriate, assistance and direction to the Officers he/she supervises.

7. RELIEF FROM DUTY – RIGHTS OF COMMANDERS:

The Commanding Officer of any shift or Division within the organization of the Brookline Police Department may relieve, with pay, any officer or employee under his/her command for the balance of the assigned shift only if said Commanding Officer has determined that the officer or employee is unfit or unable to perform or carry out his/her assigned duties or responsibilities. This action may or may not occur as a result of a need for disciplinary investigation or action.

Examples of relieving for non-disciplinary reasons would be as follows:

A. If the officer or employee is suffering from an illness and appears too sick to work effectively or safely.

B. If the officer or employee reports to work injured, is injured during the performance of duties and a physician advises that he/she be relieved, or is injured on duty and refuses to acknowledge the apparent danger the injury may place himself/herself in if remaining on duty.

C. The officer's or employee's mental state as the result of an unusual or traumatic situation presents a danger that duties and responsibilities may not be performed safely and properly.

8. Commanders may also relieve any officer or employee from duty, with pay, for the balance of the assigned shift only, for any infraction or violation of the Rules, Regulations, Policies, Procedures, or Orders of the Department which would be conducive to holding the Department up to public ridicule or scorn, or would jeopardize the Department's mission to effectively provides police services to the community. Specific examples, but may not be limited to, the following;

A. Reporting to duty while under the influence of alcohol or controlled substances.

B. Insubordination.

C. Committing a criminal offense while on or off duty.

D. Improper use or operation of Department vehicles or equipment.

E. Falsifying a statement or record.

F. Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others.

9. Any Commanding Officer who relieves an officer or employee from duty for disciplinary reasons shall immediately file a written Special Report, to the Chief of Police, containing all the details of the matter. Further investigation into the matter will be conducted in accordance with the procedures outlined previously in this directive.

10. Any Commanding Officer who relieves an officer or employee from duty for non-disciplinary reasons, except sickness on duty, shall file a complete written Special Report on the details to his/her immediate superior, with copies going to the Chief of Police.

CRIMINAL INTELLIGENCE

General Order Number: **41.0** ***Effective Date:*** **June 18, 2013**

DEFINITIONS:

Information; is raw data. It is knowledge derived from study, experience, or instruction. It is knowledge of a specific event or situation; news; word.

Criminal Information; is the above as it pertains to criminal conduct and or activity.

Criminal Intelligence; records and data compiled by a criminal justice agency for the purpose of criminal investigation, including reports of informants, investigators or other persons, for any type of surveillance associated with an identifiable individual or organization.

Reasonable Suspicion; is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.

Need to Know; The requirement that the information requested is both pertinent and necessary for the requesting individual or agency to initiate, further or complete an assigned law enforcement task.

Right to Know; The official capacity and statutory authority for the requesting individual or agency to receive the requested information.

Strategic Intelligence; That intelligence material that tends to support long range planning.

Tactical Intelligence; That intelligence that tends to assist immediate law enforcement needs and support short-range planning.

POLICY:

The Brookline Police Department recognizes the necessity of maintaining the delicate balance between government interests and individual rights in a free society. To simultaneously address these needs and rights requires the adherence of all members of the Department to the following guidelines. This will ensure that society and the citizens served by the Department will be legally and morally best served.

Criminal intelligence information concerning an individual or organization shall be collected and maintained by the Department only if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity and that the information is relevant to that criminal conduct or activity.

No information will be submitted to, accepted by, or maintained knowingly in the Department's files concerning political, religious, or social views, associations or activities of any individual, group association, corporation, business, partnership, or other organization unless such information directly relates to an investigation of criminal conduct or activity, and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity and the information could be pertinent.

No information which has been obtained in violation of any applicable federal, state, or local law or Town By-Law shall be included in the Department's files.

Criminal intelligence information acquired by the Department shall be disseminated only where there is a need to know and right to know the information in the performance of a law enforcement activity.

Dissemination of criminal intelligence information: Except as noted in the below paragraph, intelligence information shall be disseminated only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

The above paragraph shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

Concerning criminal intelligence information: All criminal intelligence information shall be entered into and maintained within the Department’s Larimore Intelligence System.

The Department shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage to this information.

The Department shall have a purge criteria to purge information from the files which has no relevance or importance. Material purged will be returned to the submitting agency or

confidentially destroyed by the best means available. No record of the names of individuals, organizations, etc., that are purged will be maintained by the Department.

The Department shall have sanctions to control unauthorized access, utilization, or disclosure of information from the files.

The Chief of Police shall ensure that all members of the department adhere to this policy and other Department policies, procedures, rules and regulations. The Chief of Police shall enforce this policy and act as the Department Head for all disciplinary and enforcement actions for any violations of it by department personnel.

The Department will utilize all legal means available to protect criminal intelligence and criminal intelligence information obtained from outside agencies.

The Department recognizes that individuals and/or organizations will commit crimes against society. The Department is obligated to investigate crimes against society, and bring the investigation to a successful conclusion by bringing the perpetrator(s), organization(s) before a court of competent jurisdiction and end in a conviction. Criminals are more sophisticated, cunning, and organized thus making it more difficult for law enforcement to conduct a successful investigation.

The Department recognizes that it must collect information and process that information into a product that will meet the Departments needs in its endeavors to be proactive in the process of carrying out the Department's mandate to protect society and manage and direct the Department's resources to its best advantage in combating crime.

PROCEDURE:

1. RESPONSIBILITIES:

A . The Detective Division Intelligence Unit is responsible for the proper administration in the collection of information and intelligence. The Detective Division Intelligence Supervisor will ensure all Departmental directives are adhered too.

B . The Detective Division Intelligence Detective will collect, evaluate, collate, analyze, and disseminate criminal information and intelligence as directed by the Commanding Officer – Detective Division or designee.

2. COLLECTION OF INTELLIGENCE INFORMATION DATA

A. The Commanding Officer – Detective Division or Intelligence Supervisor will make annual evaluations of intelligence operations to ensure new legislative and or judicial guidelines are being adhered to.

B. Electronic surveillance will only be conducted in accordance with appropriate federal and state regulations.

C. Photographic surveillance may be conducted only with specific authorization from an Intelligence supervisor to:

1. Identify any/all individuals engaged in illegal activities.
2. Identify any/all individuals as either members or associates of criminal groups or criminal organizations.
3. Provide evidence of any illegal activity involving individuals, members of criminal groups or criminal organizations.

D. Photographic surveillance will be conducted in a manner that is permissible by law and one that does not constitute a violation of privacy.

E. All Photographic surveillance conducted by and/or submitted to the Detective Division Intelligence Unit will be reviewed by the Intelligence supervisor for approval and placement in the Intelligence files.

1. Person(s) not deemed to be reasonably suspected of involvement in a criminal activity will not be recorded or retained in Intelligence files.

2. Photographs taken that do not meet Department policy and procedure will be immediately destroyed.

3. If approved, the investigating officer will attach a report identifying individuals in the photograph(s).

Detective Division personnel will be properly instructed in their duties and responsibilities as it pertains to this Policy and Procedure.

Officers who feel that they possess information with tactical intelligence value shall submit such information to the Detective Division in writing.

F. Members of the Detective Division will evaluate the information and make a determination as to whether it possesses value as tactical intelligence. A decision will then be made whether further investigation or action is warranted at that time.

G. In all cases, the submitting officer will be notified of the final disposition of the information received.

H. All information received by Department personnel will be properly evaluated and the source of such information noted. **(See Appendix A)**

I. The intelligence reports prepared by members of the Department will be properly maintained in the Intelligence files. Any Department investigative report(s) that may contain information that could be utilized for intelligence purposes will be properly maintained in Department files.

J. Attempts should be made to obtain investigative and intelligence reports from other federal, state, county, and municipal law enforcement agencies that may be of a benefit to the Department in its endeavors to investigate subjects or organizations suspected of being involved in criminal activity. The information will be evaluated as required by members of the Department prior to inclusion into the Department's Intelligence files.

3. REPORTING

A. Departmental personnel will submit investigative and intelligence data on electronic forms provided:

1. Department Intelligence System - General and sensitive intelligence data.

2. Department Incident Report - All complaints and allegation. Any complex information obtained during a lengthy investigation. Other information that is not considered intelligence information.

B. The contents of reports should be objective and fact finding and distinguish reliable or verified data from that of opinion, inference, or hearsay. The report should be arranged in a chronological and concise manner.

C. All names contained within the report will be fully identified to the fullest extent possible.

1. All personal identifiers.

2. All duplicate identifiers.

3. All aliases.

4. All criminal record number(s).

5. Any other information pertinent to the identification of the subject.

D. Ideally, all data contained in an intelligence report should be substantiated by other sources. If this is not possible, the officer should be reasonably assured of the validity of the data. This requirement should not be construed as a restraint, but rather as an impetus to a professional investigation.

E. Information obtained from an informant will be so indicated according to established Department policy.

F. All intelligence and investigative reports classified by Detective Division supervisors as Authorized Access Only will meet any of the following criteria:

1. The physical and economic well being of an informant or an informant's immediate family could be jeopardized if the information was released;

2. A pending investigation could be jeopardized if the information was improperly released;

3. Any information extracted from an electronic surveillance unless authorized by law.

4. The possible physical or economic extortion of an individual if the information were improperly released;

5. Any information of a restricted and/or confidential nature obtained from another agency.

6. When approving a report that meets any of the above criteria, the reviewing supervisor shall request that the report be sealed within the Department's Larimore Report Writing System.

7. This request should be sent to a supervisor from the appropriate division with access to the sealing function within the Department's Larimore Report Writing System. This supervisor

will then secure the report, thereby limiting access to designated personnel.

G. Commanding Officer – Detective Division, Detective Supervisors, and Intelligence Detective will maintain sole custody of Authorized Access Only files and dissemination of such will be with Detective Intelligence Supervisors specific authorization. Access to Authorized Access Only files is limited to Commanding Officer – Detective Division, Detective Supervisors, and Intelligence Detective.

H. Intelligence and investigative reports designated as Authorized Access Only will be submitted directly to Detective Intelligence Supervisor or designee. At no time should this type of report be submitted through normal channels.

4. RECORDING OF INTELLIGENCE INFORMATION/DATA

A. Supervisors will review any information prior to it being recorded or stored in Departmental files for the purpose of:

1. Determining if the information meets the intent and purpose of the Department.

2. Deleting information/data not in the best interest of the Department or law enforcement.

3. Deleting information not in compliance with Departmental directives.

4. Indicating a supervisor's review in the appropriate manner.

B. All names of individuals, corporations, and/or businesses contained in intelligence and investigative reports will be indexed in a separate master file. If the information is classified as Authorized Access Only, it will be contained in the sensitive information file accessible only to Commanding Officer – Detective Division, Intelligence Supervisor and Intelligence Detective. Reports contained within the Department's Larimore Report Writing System may also be sealed thereby limiting access to designated personnel.

C. All electronically indexed master files will provide the perquisite data for positive identification of the individual contained therein. Sufficient

information will be included in abstract form to eliminate the need to refer to other data bases.

1. If investigators obtain information but lack positive identifiers, the master index file will reflect the alias known. Subsequent attempts will be made by investigators to update the data.

D. All intelligence information received by Department personnel will meet any of the following criteria:

1. Arrest, indictment, or outstanding warrant(s). The reports should summarize the criminal history of the individual and reflect the State Identification Number (SID), Federal Bureau of Investigation (FBI) number, and/or the case identification number of the submitting source;

2. Any individual identified as a perpetrator of a crime by a witness or competent evidence;

3. Any individual who threatens violence towards people or property;

4. Any individual wherein reasonable suspicion exists to believe the individual has or is engaged in or conspiring to engage in criminal activity;

5. Any information that depicts the extent or scope of Organized Crime activity;

6. Any information relating to the identity of a victim, witness, or complainant of Organized Crime or a subject(s)' social, political, business, or professional associations where said information reasonably demonstrates to a supervisor that a potential for future criminal conduct exists;

7. Any information concerning an individual's or organization's criminal activity that provides tactical and/or strategic intelligence;

8. Information required by law or directives of the department.

E. Photographic surveillance images will be maintained in conjunction with the intelligence report submitted. When the intelligence report is purged, all photographic images will be destroyed.

F. The Department's intelligence files will be audited every five years, or as required. The Department's Larimore Intelligence System will automatically send a notification indicating that it contains information which is approaching this five year period. A Detective Division supervisor will review, reevaluate, and/or purge any data no longer meeting Departmental guidelines. Any information may be declassified as established by Departmental guidelines and/or as required by law.

G. The decision to purge information should be guided by the following considerations:

1. The number of requests for that file/individual;

2. Validity of the data;

3. Reliability of the data;

4. Departmental guidelines;

5. Federal/state law;

6. Time in the file;

7. Future utility.

H. Intelligence information will be purged as permitted by law when it is determined:

1. The data is no longer relevant or necessary for Departmental - purposes;

2. The data is obsolete, and updating the information is unwise;

3. The data contains no present and/or future strategic or tactical intelligence utility.

I. Legal counsel will be sought from the Office of Town Counsel, or when uncertainties arise as to the legality of intelligence information.

5. DISSEMINATION OF INTELLIGENCE DATA

A. Departmental personnel will treat as confidential the business and affairs of the Department. They will not impart information to anyone except to those for whom it is intended, authorized, directed by a supervisor, or as may be required by law or legal process. They will not

talk for publication, nor be interviewed, nor make public speeches on law enforcement business unless specifically authorized by Chief of Police.

B. All requests for intelligence data will be entered into the subject's file. The entry should reflect the requesting agency and date so as to aid in coordinating investigative efforts and for auditing purposes.

C. Prior to dissemination of any intelligence data, a supervisor should be guided by the following considerations:

1. The accuracy and reliability of the information;

2. Whether the release of the information would compromise the confidentiality of a source of information;

3. Whether the release of such information could jeopardize the informant or his/her family;

4. Whether the release of such information could jeopardize the results of an ongoing investigation;

5. Whether the information is of a confidential or restricted nature;

6. The requester's "NEED TO KNOW" and "RIGHT TO KNOW."

D. No intelligence information will be released to any Department individual or organizational entity without the specific authorization of Commanding Officer – Detective Division, or designee.

E. All Requests for intelligence information will be made known to Commanding Officer – Detective Division or designee. Verbal or written requests will:

1. State the reason for the request and nature of the investigation;

2. Be appropriately recorded in the dissemination log with the necessary entries, and maintained for a period of no less than five calendar years.

F. Any intelligence data disseminated will contain the following statement:

The attached information is produced by the Brookline Police Department and contains sensitive material concerning law enforcement activity within the Town of Brookline. Any dissemination of the attached information that is not authorized by the Brookline Police Department is strictly prohibited and may constitute a violation of Massachusetts General Laws, c. 268A, § 23 and c. 6, §172 (the CORI statute),. Any individual, agency or organization, public or private, that receives or obtains this information without specific authorization from the Brookline Police Department, shall not collect, store, disseminate, or use such information in any manner or for any purpose. Unlawful dissemination of this information may adversely impact ongoing investigations, disclose protected witness identities, and thereby compromise law enforcement officers' safety and the safety and welfare of the public.

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.

G. Departmental intelligence and investigative report information will only be disseminated as applicable under this current policy and procedure and applicable federal or state law. Any questions will be determined by Commanding Officer – Detective Division or designee.

H. All intelligence information requested by an officer conducting a criminal investigation on behalf of their agency and has a right to know and a need to know will be forwarded to that officer only.

I. In the unlikely event a request is determined to be for non-law enforcement purposes, a Detective Intelligence supervisor will be contacted and informed immediately.

J. No Authorized Access Only information will be disseminated without the specific authorization of Commanding Officer – Detective Division.

K. Information extracted from electronic surveillance will be maintained in the Intelligence File.

1. Dissemination of electronic information will be done according to applicable statute law.

2. There will be no duplicate recordings without the specific authorization of District Attorney.

3. If loaned to another agency, the requester will sign for said material and adhere to this Departmental or Court of Competent Jurisdictions guidelines.

L. Surveillance photographic images will only be disseminated with the specific authorization of Commanding Officer – Detective Division or designee and according to Departmental guidelines.

6. SOURCES OF INTELLIGENCE INFORMATION

A. Intelligence information can be garnered from but not limited to the following sources:

1. Information obtained from reliable informants;

2. Telephone tolls of an individual suspected of committing an illegal act. Such information can be subpoenaed by law enforcement personnel upon authorization of a court. Proper analysis oftentimes aids in substantiating intelligence information.

B. Covert surveillance of social gatherings and events frequented by persons engaged in organized criminal activity, or reasonably suspected of criminal activity. This oftentimes provides indicators of inter and intra criminal group associations.

1. Relationship between subjects should be identified.

2. The officer's report should reflect information obtained from secondary source(s) (motor vehicle registrations, telephone tolls, etc.), and should indicate the relationship between subjects. The officer should be reasonably certain that the secondary data on the primary subject is valid and accurate.
3. Any such covert surveillance will be subject to the approval of a supervisor.

C. All intelligence information unable to meet Departmental guidelines will be submitted for analysis by a supervisor. This intelligence data will be audited every two years, or as needed.

D. The Brookline Police Department does not employ or condone the indiscriminate use of covert surveillance of social, political, or religious functions in the furtherance of the Department. Oftentimes these

functions are attended by individuals exercising their legitimate constitutional rights. Department supervisors will ensure that the legitimate rights of individuals are not violated.

7. SECURITY OF INTELLIGENCE INFORMATION

A. Detective Intelligence supervisors will ensure that all information contained electronic files are secure.

B. Only the Detective Intelligence Unit personnel will have access to the master index file.

C. Detective Intelligence supervisor and Intelligence Detective will maintain custody of intelligence information classified as Authorized Access Only.

D. All authorized visitors, regardless of agency, are required to register with the Front Desk Officer prior to gaining admission to the intelligence file and/or records area. Those refusing, unwilling, or unable to register will be politely denied entrance.

E. All authorized, registered visitors will be escorted by Department personnel for the entire duration of the visit to the intelligence file and/or records area.

F. All Department files will be secured when not being utilized by a supervisor or designee.

APPENDIX "A"

EVALUATION OF THE INTELLIGENCE SOURCE & INTELLIGENCE INFORMATION/DATA

A. All sources of information will be evaluated as one of the following:

1. **Reliable**

a. Certain of the authenticity, trustworthiness, and competency.

b. History of complete reliability.

2. **Usually Reliable**

a. Occasional doubt of the authenticity, trustworthiness, and competency.

b. History of reliable information most of the time.

3. **Fairly Reliable**

a. Usually some doubt of the authenticity, trustworthiness, and competency.

b. History of reliable information some of the time.

4. **Not Usually Reliable**

a. Definite doubt of the authenticity, trustworthiness, and competency.

b. History of occasional reliability.

5. **Unreliable**

a. Almost certain of problems of authenticity, trustworthiness, and competency.

b. History of unreliable information.

6. **Reliability Unknown**

a. Cannot be judged.

B. All information/data will be evaluated as one of the following:

1. **Confirmed as True**

a. Confirmed by independent sources.

b. Logical in itself.

c. Agrees with other information on the subject.

2. **Probably True**

a. Not confirmed.

b. Logical in itself.

c. Agrees with other information on the subject.

3. **Possibly True**

a. Not confirmed.

b. Reasonably logical in itself.

c. Agrees somewhat with other information on the subject.

4. **Doubtfully True**

a. Not confirmed.

b. Not illogical in itself.

c. Not believed at the time of receipt of the data although possible.

5. **Improbable**

a. Feasibility questioned.

b. Is illogical in itself.

c. Contradicted by other information on the subject.

6. **Cannot be Judged**

C. Attempts should be made to substantiate the information through other sources.

BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

DANIEL C. O'LEARY
CHIEF OF POLICE

CHANGES / AMENDMENTS TO THE BROOKLINE POLICE DEPARTMENT RULES AND REGULATIONS – POLICIES AND PROCEDURES

1. Rules and Regulations – Section J – Disciplinary Actions – Page 1: New sentence added to the second paragraph regarding "just cause" standard. (BOS 3/10/10)

2. Rules and Regulations – Section F – Required Conduct – Subsection 2 – Truthfulness - Page 1: Current statement to be deleted. New statement added. (BOS 3/10/10)

3. Polices and Procedures – Absenteeism, Sick / Injured – Section 3 – Injury Leave – Page 3: Added the words "when known" to the first statement. (BOS 3/10/10)

4. Polices and Procedures – Training Division – Section 10 – Recruit Integration – Page 5: Procedure added regarding new police recruits. This procedure was originally issued as a department-wide Special Order in 2006. (BOS 3/10/10)

5. Polices and Procedures –Use of Force – Section 19 – Duty To Report Use Of Weapons or The Application Of Physical Force – Page 12: Added the words "subject to any constitutional rights the officer may have" to the first statement. (BOS 3/10/10)

6. Polices and Procedures – Evidence – Section 3 – Subsection B – Controlled Substances – Page 3: Procedure added regarding the testing and reporting of all controlled substances submitted into evidence. (BOS 3/10/10)

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DANIEL C. O'LEARY
CHIEF OF POLICE

BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

CHANGES AND ADDITIONS TO THE BROOKLINE POLICE MANUAL

The following sections of the Brookline Police Manual contain changes or additions to the current manual. All changes and additions were approved by the Board of Selectman on June 18, 2013.

Rules and Regulations:

1. ORDERS – page 1
2. POWERS OF POLICE OFFICERS – page 1
3. REQUIRED CONDUCT – pages 1 and 3

Job Descriptions:

1. COMMUNITY SERVICE OFFICER – page 1
2. CRIME ANALYSIS – page 1
3. CRIME SCENE UNIT SUPERVISOR – pages 2 and 3
4. DETECTIVE – page 3
5. HOUSE OFFICER – page 2
6. LIQUOR LICENSE OFFICER – pages 1 and 2
7. OFFICE OF PROFESSIONAL RESPONSIBILITY – pages 1 and 2
8. TRAFFIC SUPERVISOR – TRAFFIC DIVISION – pages 1 and 2

Policies:

1. BARRICADED PERSONS, HOSTAGE SITUATIONS, SPECIAL OPERATIONS – pages 1 and 3-6
2. CIVIL RIGHTS – pages 1-3
3. CRIMINAL INTELLIGENCE – new policy
4. CRIMINAL INVESTIGATIONS – pages 4-5, 8-9, and 12-13
5. EMPLOYEE INITIAL BRIEFING AND EXIT INTERVIEW - page 2
6. EVIDENCE – pages 1-9, 11-15, and 17
7. ORGANIZATION AND ADMINISTRATION page 5
8. FISCAL MANAGEMENT – pages 2-10
9. HANDLING THE MENTALLY ILL – pages 1,3, and 5-6
10. INFORMATION SYSTEMS – pages 2 and 5-6
11. MISSING PERSONS – pages 7-11

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12. MOTOR VEHICLE PURSUITS – page 6
13. NEWS MEDIA RELATIONS – RELEASE OF OFFICIAL INFORMATION – pages 1-8 and 10-13
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